
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 200

The Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008

Inclusion in the adults' barred list: persons considered unsuitable to work with vulnerable adults

- 5.—(1) This article applies to a person (“X”)—
- (a) who is included (otherwise than provisionally) in the list kept under Article 35 of the 2003 Order (individuals considered unsuitable to work with vulnerable adults);
 - (b) who has no appeal or review outstanding under the 2003 Order⁽¹⁾ or in whose case the time limit for appealing under that Order has expired; and
 - (c) who is referred by the Department of Health, Social Services and Public Safety to [^{F1}IBB, ISA or DBS] .
- (2) [^{F2}DBS] must—
- (a) include X in the adults' barred list⁽²⁾; and
 - (b) subject to paragraphs (5) and (7), give X the opportunity to make representations as to why he should be removed from the adults' barred list.
- (3) Regulation 3 (representations) of the Safeguarding Vulnerable Groups (Barring Procedure) Regulations (Northern Ireland) 2008 applies in relation to representations made under paragraph (2) (b) as it applies in relation to representations made under Schedule 1 to the Order.
- (4) [^{F3}DBS] must consider any representations made by X and if it appears to [^{F3}DBS] in light of those representations that it is not appropriate for X to be included in the adults' barred list, it must remove X from that list.
- (5) Part 3 of Schedule 1 to the Order in its application to the functions of [^{F4}DBS] under this Article has effect subject to the following modifications—
- (a) in paragraph 16(1)—
 - (i) for “any provision of this Schedule” substitute “Article 5 of the Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008”; and
 - (ii) for “this Schedule” substitute “that Article”;
 - (b) after paragraph 16(1) insert—

“(1A) A person to whom Article 5(2)(b) of the Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008 applies may make representations as to why he should be removed from the adults' barred list in accordance with that provision only in relation to his engaging in regulated activity relating to vulnerable adults

(1) A person included in the list kept under Article 35 of the 2003 Order may appeal to the Tribunal under Article 42 against inclusion in the list or apply to the Care Tribunal under Article 43 to be removed from the list.

(2) See Article 2(2) of the Order for the meaning of “the adults' barred list”. Although X is included in the adults' barred list, he will not be barred from engaging in regulated activity relating to vulnerable adults until Article 7(3) of the Order comes into operation. X will remain included in the list kept under Article 35 of the 2003 Order until that provision is repealed subject to any savings.

which does not constitute work in a care position within the meaning of Article 48(1)(a) and (c) of the 2003 Order.”;

- (c) in paragraph 16(2), for “Schedule” substitute “Article 5 of the Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008”;
- (d) in paragraph 18(4), for the words “he was included” to “(as the case may be)” substitute “the date of the most recent disqualification decision made in respect of him”;
- (e) after paragraph 18(4), insert—

“(4A) In sub-paragraph (4), “disqualification decision” means—

- (a) a decision of the Department of Health, Social Services and Public Safety—
 - (i) to include the person (otherwise than provisionally) in the list kept under Article 35 of the 2003 Order, or
 - (ii) not to remove him from that list; or
- (b) a decision of the Care Tribunal not to direct the person’s removal from the list referred to in sub-paragraph (4A)(a).”;

- (f) in paragraphs 19(1)(a) and (d) for “any of paragraphs 1 to 5 or 7 to 11”, substitute “Article 5(1) of the Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008”.

(6) X may appeal to the Care Tribunal against a decision under this Article not to remove him from the adults’ barred list and Article 8 of the Order applies in relation to an appeal under this paragraph as it applies to an appeal under paragraph (1) of that Article.

(7) Paragraph (2)(b) does not apply to a person if any of the criteria prescribed for the purposes of paragraph 7 of Schedule 1 to the Order as it has effect for the purposes of this paragraph is satisfied in relation to that person.

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| <p>F1 Words in art. 5(1)(c) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 10(c) (with Pt. 4)</p> <p>F2 Word in art. 5(2) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 9(e) (with Pt. 4)</p> <p>F3 Word in art. 5(4) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 9(e) (with Pt. 4)</p> <p>F4 Word in art. 5(5) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), 9(e) (with Pt. 4)</p> |
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Commencement Information

- I1** [Art. 5](#) in operation at 16.6.2008, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Safeguarding Vulnerable Groups (Transitional Provisions) Order (Northern Ireland) 2008, Section 5.