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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 304**

**Safeguarding Vulnerable Groups (Regulated  
Activity, Transitional Provisions and Commencement  
No. 4) Order (Northern Ireland) 2009**

**PART 5**

**Further Transitional Provisions**

**Transitional provisions relating to the provision of information**

**17.**—(1) Article 18 applies from the coming into operation of this Order until the end of the first transitional period.

(2) Article 19 applies from the coming into operation of this Order until the end of the second transitional period or the third transitional period, whichever is the later.

(3) Articles 20 and 21 apply from the coming into operation of this Order until the end of the third transitional period.

**Information provided to IBB**

**18.** A person who holds records of convictions or cautions for the use of police forces generally must make those records available to IBB.

**Information provided by IBB**

**19.**—(1) IBB may provide to either of the persons specified in paragraph (2) any information specified in paragraph (3).

(2) The persons are—

- (a) the Department of Education for the purposes of its functions under the Teachers' Superannuation Regulations (Northern Ireland) 1998<sup>(1)</sup>;
- (b) the Secretary of State for the purposes of his functions under Part 5 of the Police Act 1997; and
- (c) the Scottish Ministers for the purposes of their functions under Part 5<sup>(2)</sup> of the Police Act 1997.

(3) The information is—

- (a) information provided to IBB under paragraph 20 of Schedule 1 to the 2007 Order;
- (b) the fact that a person is included in a barred list;

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<sup>(1)</sup> [S.R. 1998 No. 333](#).

<sup>(2)</sup> By virtue of section 53 of the Scotland Act 1998 (c. 46), the functions of the Secretary of State under Part 5 of the Police Act 1997 (c. 50) are exercised by the Scottish Ministers.

- (c) the fact that IBB is considering including a person in a barred list;
- (d) the personal details of any person referred to in sub-paragraph (b) or (c);

(4) In paragraph (3) “personal details” includes the name (including any former name or alias), address, gender and date of birth of a person together with such further details as IBB considers are necessary to identify the person in question.

(5) IBB may, at the request of a person (X) who meets the requirement specified in paragraph (6), inform that person whether a person (Y) is included in a barred list.

(6) The requirement is that X satisfies IBB that X has a legitimate interest in knowing whether Y falls within paragraph (5).

(7) If IBB—

- (a) knows or thinks that a person appears on the register of teachers maintained under Article 35 of the Education (Northern Ireland) Order 1998<sup>(3)</sup>, and
- (b) becomes aware of relevant information relating to that person,

it must provide that information to the General Teaching Council for Northern Ireland<sup>(4)</sup>.

(8) In paragraph (7) “relevant information” is information which—

- (a) relates to the protection of children or vulnerable adults in general, or
- (b) is relevant to the exercise of any function of the General Teaching Council for Northern Ireland,

and includes information specified in paragraph (3).

### **Information provided by the Department of Health, Social Services and Public Safety**

**20.**—(1) The Department of Health, Social Services and Public Safety may, at the request of a person (X) who meets the requirement specified in paragraph (2), inform that person whether a person (Y) is included in the list kept under Article 3 or 35 of the 2003 Order.

(2) The requirement is that X satisfies the Department of Health, Social Services and Public Safety that X has a legitimate interest in knowing whether Y is included in the list kept under Article 3 or 35 of the 2003 Order.

### **Information provided by the Department of Education**

**21.**—(1) The Department of Education may, at the request of a person (X) who meets the requirement specified in paragraph (2), inform that person whether a person (Y) is included in the list kept under regulation 8 of the 2007 Regulations.

(2) The requirement is that X satisfies the Department of Education that X has a legitimate interest in knowing whether Y is included in the list kept under regulation 8 of the 2007 Regulations.

### **Relevant conduct engaged in before the repeal of Article 23 and 24 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003**

**22.**—(1) In relation to conduct engaged in during the relevant period, paragraph 3(4) of Schedule 1 to the 2007 Order has effect as if the words “before the commencement of Article 6” were omitted.

(2) “Relevant period” means the period—

- (a) starting on and including the day on which this Order comes into operation; and

<sup>(3)</sup> [S.I. 1998/1759 \(N.I. 13\)](#).

<sup>(4)</sup> The General Teaching Council for Northern Ireland is established under Article 34 of the Education (Northern Ireland) Order 1998.

- (b) ending with the coming into operation of the repeal by the 2007 Order of Articles 23 and 24 of the 2003 Order.