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**Changes to legislation:** Protection of Freedoms Act 2012, Cross Heading: Minor amendments is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 7

#### SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

##### *Minor amendments*

- 14 (1) Omit section 90(2) of the Policing and Crime Act 2009 (which, if commenced, would insert Articles 36A to 36C into the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 in connection with the notification of proposals to include persons in barred lists).
- (2) After Article 10(8) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (regulated activity providers) insert—
- “(8A) An authority that is an authority for the purposes of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (c.6) or Article 18C of the Children Order (direct payments) does not make arrangements for another to engage in a regulated activity by virtue of anything the authority does under that section or Article.”
- (3) In Article 41 of the Order of 2007 (education and library boards and HSC bodies: duty to refer)—
- (a) in paragraph (1)—
- (i) for “must” substitute “ may ”, and
- (ii) omit “prescribed”,
- (b) in paragraph (4)—
- (i) in sub-paragraph (a), for “engaged or may engage” substitute “ or has been, or might in future be, engaged ”,
- (ii) also in sub-paragraph (a), omit “or controlled activity”, and
- (iii) in sub-paragraph (b) for “ , 2, 7 or 8” substitute “ or 7 ”,
- (c) in paragraph (5) omit “prescribed”, and
- (d) in the heading for “duty” substitute “ power ”.
- (4) In Article 52A(1) of that Order (power for ISA to provide information to the police for use for certain purposes)—
- (a) for the words “or the chief constable of a police force in England, Wales or Scotland” substitute “ , a chief officer of police or the chief constable of a police force in Scotland ”, and
- (b) after sub-paragraph (b), insert—
- “(c) the appointment of persons who are under the direction and control of the chief constable or (as the case may be) chief officer;
- (d) any prescribed purpose”.
- (5) After Article 52A(1) of that Order insert—

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“(1A) ISA must, for use for any of the purposes mentioned in paragraph (1), provide to any chief constable or chief officer mentioned in that paragraph who has requested it a barred list or information as to whether a particular person is barred.

(1B) ISA may, for use for the purposes of the protection of children or vulnerable adults, provide to a relevant authority any information which ISA reasonably believes to be relevant to that authority.

(1C) ISA must, for use for the purposes of the protection of children or vulnerable adults, provide to any relevant authority who has requested it information as to whether a particular person is barred.

(1D) In this Article “relevant authority” means—

- (a) the Department of Justice, exercising functions in relation to prisons and youth justice,
- (b) the Probation Board for Northern Ireland, or
- (c) an HSC body.”

(6) After paragraph 5 of Schedule 2 to that Order (regulated activity relating to children) insert—

*“Guidance*

5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

(2) The Secretary of State must publish guidance given under this paragraph.

(3) A regulated activity provider or a personnel supplier must, in exercising any functions under this Order, have regard to guidance for the time being given under this paragraph.”

**Commencement Information**

- I1** Sch. 7 para. 14 in force at 10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) by S.I. 2012/2234, art. 2(z)(vii)
- I2** Sch. 7 para. 14(4) in force at 10.8.2012 for specified purposes by S.I. 2012/2075, art. 2(b)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)