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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 346**

**Safeguarding Vulnerable Groups (2007 Order)  
(Commencement No. 5, Transitional Provisions  
and Savings) Order (Northern Ireland) 2009**

**PART 2**

**Commencement**

**Provisions coming into operation on 12th October 2009**

3.—(1) 12th October 2009 is the day appointed for the coming into operation of the provisions of the Order specified in column 1 of the Schedule.

(2) Where a particular purpose is specified in column 2 of the Schedule in relation to any such provision, the provision shall come into operation on that date for that purpose only.

**Repeal of provisions of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003**

4.—(1) The repeal of the remaining provisions of POCVA by Article 60(2) and Schedule 8 to the Order shall come into operation on 12th October 2009 for the purposes specified in the following provisions of this Article.

(2) The provisions of POCVA referred to in paragraph (1) shall cease to have effect for the purposes of enabling a disqualification order to be made in relation to a person who is barred from regulated activity by virtue of Article 7(2) of the Order.

(3) Article 30 of POCVA shall cease to have effect for the purpose of making it an offence for a person knowingly to apply for, to offer to do, to accept or to do any work in a regulated position (within the meaning of Article 31 of that Order) where—

- (a) the person falls within paragraph (4); and
- (b) is disqualified from working with children only by reason of a disqualification order falling within paragraph (5).

(4) A person (“P”) falls within this paragraph if P—

- (a) is or has at any time been barred from regulated activity by virtue of Article 7(2) of the Order; or
- (b) has been included in the children’s barred list pursuant to Article 3(2)(a) of the 2008 Order, but is removed from that list by the IBB(1) in accordance with Article 3(4) of that Order.

(5) A disqualification order falls within this paragraph if—

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(1) See section 1 of the Safeguarding Vulnerable Groups Act 2006 (2006 c. 47) for the meaning of this term. It is a reference to the Independent Barring Board established under that section.

- (a) P was subject to a disqualification order immediately before IBB included P in the children's barred list; and
  - (b) at the time IBB was aware that P was subject to the disqualification order.
- (6) In paragraph (1) "the remaining provisions of POCVA" means the provisions of that Order other than those specified in the Schedule to this Order.