
STATUTORY INSTRUMENTS

2003 No. 417

**The Protection of Children and Vulnerable
Adults (Northern Ireland) Order 2003**

**PART I
INTRODUCTORY**

Title and commencement

1

1.—^[F1](1) This Order may be cited as the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

(2) This Part comes into operation on the expiration of two weeks from the date on which this Order is made.

(3) The remaining provisions of this Order come into operation on such day or days as the Department may by order appoint.

(4) An order under this Article may contain such transitional provisions as the Department thinks necessary or expedient.]

Subordinate Legislation Made

P1 Art. 1(3) partly exercised: 30.11.2004 appointed by S.R. 2004/466, art. 2;
1.4.2005 by S.R. 2005/104, art. 2;
30.7.2007 by S.R. 2007/334, art. 2

F1 Arts. 1-2, 22-34 repealed (12.10.2009 for specified purposes, 7.4.2010 for specified purposes, otherwise prosp.) by Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), arts. 1(3), 60(2), Sch. 8 (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, art. 4 (with arts. 5, 6, 7 (as amended by S.R. 2010/145, arts. 6, 7, 8)); S.R. 2010/145, art. 3

Interpretation: general

2

2.—^[F2](1) The Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“adult” means a person who is not a child;

“child” means a person under the age of 18;

“the Children Order” means the Children (Northern Ireland) Order 1995 (NI 2);

“the Department” means the Department of Health, Social Services and Public Safety;

“director of [^{F3}social care]” means—

- (a) [^{F4}a person employed in a role the normal duties of which consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department that are mentioned in paragraph (2A), or]
- (b) an executive director of social work of a [^{F5}Health and Social Care trust] ;

“employment” (except in Article 31)—

- (a) means any employment, whether paid or unpaid and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract; and
 - (b) includes an office established by or by virtue of a prescribed statutory provision,
- and references to an individual being employed shall be construed accordingly;

“employment agency” and “employment business” have the same meanings as in the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20); but no business which is an employment business shall be taken to be an employment agency;

[^{F6}“nursing agency” and “nursing home” have the same meanings as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;]

“organisation” means a body corporate or unincorporate or an individual who employs others in the course of a business;

“the Pre-Employment Consultancy Service Register” means the list kept under that name by the Department;

“prescribed” means prescribed by regulations;

[^{F6}“the Regulation and Improvement Authority” means the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority;]

“regulations” means regulations made by the Department subject to negative resolution;

“residential care home” has the [^{F6} same meaning as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003];

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c.33).

[^{F7}(2A) The functions of the Department referred to in the definition of “director of social care” are those functions that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).]

- (3) For the purposes of this Order, an individual is made redundant if—
 - (a) he is dismissed; and
 - (b) for the purposes of the Employment Rights (Northern Ireland) Order 1996 (NI 16) the dismissal is by reason of redundancy.]

F2 Arts. 1-2, 22-34 repealed (12.10.2009 for specified purposes, 7.4.2010 for specified purposes, otherwise prosp.) by [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007 \(S.I. 2007/1351 \(N.I. 11\)\)](#), arts. 1(3), 60(2), **Sch. 8** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 4** (with arts. 5, 6, 7 (as amended by S.R. 2010/145, arts. 6, 7, 8)); S.R. 2010/145, **art. 3**

F3 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**

F4 Words in art. 2(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 196(2)**; S.R. 2022/102, art. 2(b)

- F5** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F6** 2003 NI 9
- F7** Art. 2A inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 196(3)**; S.R. 2022/102, art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, PART I.