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STATUTORY INSTRUMENTS

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**2007 No. 1351**

**The Safeguarding Vulnerable Groups  
(Northern Ireland) Order 2007**

*Restrictions on participating in regulated activity*

**Person not to engage in regulated activity unless subject to monitoring**

- 12.—(1) An individual commits an offence if—
- (a) he engages in regulated activity with the permission of a regulated activity provider, and
  - (b) he is not subject to monitoring in relation to that activity.
- (2) An individual commits an offence if—
- (a) he engages in an activity which is a regulated activity by virtue of paragraph 1(3) of Schedule 2, and
  - (b) he is not subject to monitoring in relation to regulated activity relating to children.
- (3) An individual commits an offence if—
- (a) he acts as a member of the governing body of an educational establishment mentioned in paragraph (5), and
  - (b) he is not subject to monitoring in relation to regulated activity relating to children.
- (4) A person guilty of an offence under paragraph (1), (2) or (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) The establishments are—
- (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
  - (b) a nursery school within the meaning of the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#).
- (6) A person does not commit an offence under paragraph (1) or (2) if he has not attained the age of 16.
- (7) A person does not commit an offence under paragraph (1) if, in relation to any continuous period for which he is permitted to engage in the activity—
- (a) the permission is first given before the commencement of this Article, and
  - (b) it continues to have effect after such commencement.
- (8) Where paragraph (7) applies to a person who is engaged in regulated activity which is relevant HSS employment for the purposes of Article 21(1)(d), he does not commit an offence under paragraph (1) if he also engages in any other such regulated activity as mentioned in Article 21.
- (9) Paragraph (7) does not apply in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.
- (10) A person does not commit an offence under paragraph (1) if the regulated activity—
- (a) is regulated activity relating to vulnerable adults, and

(b) falls within Article 20.

(11) A person does not commit an offence under paragraph (3) if, in relation to any continuous period for which he acts as a governor—

(a) his appointment as a governor first took effect before the commencement of this Article, and

(b) it continues to have effect after such commencement.

(12) Paragraph (11) does not apply in respect of an appointment which continues to have effect after such date as the Secretary of State specifies by order.

(13) It is a defence for a person charged with an offence under paragraph (1), (2) or (3) to prove that he did not know, and could not reasonably be expected to know, that he was not subject to monitoring in relation to the activity.

(14) In determining what is the appropriate sentence to pass in respect of a person who is convicted of an offence under this Article in a case where the regulated activity falls within paragraph 1(1) or (2) or 7(1) or (4) of Schedule 2 the court must consider the extent to which the offender had regard to any guidance issued by the Secretary of State as to the circumstances in which an activity is carried out frequently.