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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*

**Use of person not subject to monitoring for regulated activity**

- 14.**—(1) A regulated activity provider commits an offence if—
- (a) he permits an individual (B) to engage in regulated activity in relation to which B is not subject to monitoring,
  - (b) he knows or has reason to believe that B is not subject to monitoring in relation to that activity, and
  - (c) B engages in that activity.
- (2) A personnel supplier commits an offence if—
- (a) he supplies an individual (B) to another (P),
  - (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity in relation to which B is not subject to monitoring, and
  - (c) he knows or has reason to believe that B is not subject to monitoring in relation that activity.
- (3) For the purposes of paragraph (2)(b), Schedule 2 is modified as follows—
- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - (b) in paragraph 7(1), the words “if it is carried out frequently by the same person or the period condition is satisfied” must be disregarded;
  - (c) in paragraph 7(4), paragraph (a) must be disregarded.
- (4) A person guilty of an offence under paragraph (1) or (2) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) A person does not commit an offence under paragraph (1) or (2) if he has not attained the age of 16.
- (6) A person does not commit an offence under paragraph (1) if, in relation to any continuous period for which B is permitted to engage in the regulated activity—
- (a) the permission is first given before the commencement of this Article, and
  - (b) it continues to have effect after such commencement.
- (7) A person does not commit an offence under paragraph (1) if—
- (a) he falls within Article 21,
  - (b) the permission mentioned in paragraph (1) commences at a time when B is engaged in relevant HSS employment mentioned in Article 21(1)(b) in circumstances mentioned in paragraph (6), and
  - (c) for the duration of the permission mentioned in paragraph (1), B continues to be engaged in that relevant HSS employment.

(8) Paragraph (6) or (7) does not apply in respect of permission which continues to have effect after such date as the Secretary of State specifies by order.

(9) A person does not commit an offence under paragraph (1) or (2) if the regulated activity—

(a) is regulated activity relating to vulnerable adults, and

(b) falls within Article 20.

(10) 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.

(11) A person is not guilty of an offence by virtue of paragraph (2) in relation to any period during which B is continuously supplied to another if the period begins before the commencement of this Article.

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