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STATUTORY INSTRUMENTS

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**2007 No. 1351**

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

*Monitoring*

**Monitoring**

- 28.**—(1) An individual is subject to monitoring in relation to regulated activity if—
- (a) he is not barred from engaging in the activity,
  - (b) he makes a monitoring application,
  - (c) he satisfies the prescribed requirements, and
  - (d) he pays such fee (if any) as is prescribed.
- (2) A monitoring application must specify whether it is in respect of—
- (a) regulated activity relating to children, or
  - (b) regulated activity relating to vulnerable adults.
- (3) On a monitoring application being made the Secretary of State must—
- (a) make such enquiries as he thinks appropriate to ascertain whether any relevant information exists in relation to the individual;
  - (b) request the person who holds such information to provide it to the Secretary of State.
- (4) The Secretary of State must—
- (a) provide the individual with any disclosable information that he has, or
  - (b) notify the individual that he has no disclosable information.
- (5) Disclosable information is information provided to the Secretary of State under paragraph (3) (b) in relation to the individual, but does not include information to which paragraph (9) applies.
- (6) Paragraph (4) does not apply if the individual made an application for an enhanced criminal record certificate (under section 113B of the Police Act 1997 (c. 50)) simultaneously with his monitoring application.
- (7) The Secretary of State must also ensure that—
- (a) at such intervals as he thinks appropriate such enquiries are made as he thinks appropriate to ascertain whether any new relevant information exists in relation to the individual;
  - (b) the person who holds such new relevant information is requested to provide it to him.
- (8) Relevant information is—
- (a) the prescribed details of relevant matter (within the meaning of Article section 113A of the Police Act 1997);
  - (b) information which the chief officer of a relevant police force thinks might be relevant in relation to the regulated activity concerned;
  - (c) such other information as may be prescribed.

(9) This paragraph applies to information mentioned in paragraph (8)(b) which the chief officer of a relevant police force thinks it would not be in the interests of the prevention or detection of crime to disclose to an individual subject to monitoring.

(10) A monitoring application is an application made to the Secretary of State in the prescribed form and manner.

(11) The prescribed requirements may include requirements as to the manner in which the applicant must prove his identity (identification requirements); and if such requirements include a requirement that the applicant has his fingerprints taken at such place and in such manner as may be prescribed, the regulations may make provision requiring their destruction in specified circumstances and by specified persons.

(12) For the purpose of verifying evidence of identity supplied in pursuance of the identification requirements the Secretary of State may obtain such information as he thinks is appropriate from data held—

- (a) by the Identity and Passport Service;
- (b) by the Driver and Vehicle Agency in Northern Ireland or the Driver and Vehicle Licensing Agency;
- (c) by the Department for Social Development or the Secretary of State in connection with keeping records of national insurance numbers;
- (d) by such other persons or for such purposes as is prescribed.

(13) Relevant information is new if it was not discovered when any earlier inquiries under this Article were carried out.

(14) References to a relevant police force must be construed in accordance with section 113B of the Police Act 1997 as if an application under this Article were an application under that section.