

---

STATUTORY INSTRUMENTS

---

**2007 No. 1351**

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

*Barring*

**Appeals**

- 8.**—(1) An individual who is included in a barred list may appeal to the Care Tribunal against—
- (a) a decision under paragraph 2 or 8 of Schedule 1 not to remove him from the list;
  - (b) a decision under paragraph 3, 5, 9 or 11 of that Schedule to include him in the list;
  - (c) a decision under paragraph 17 or 18 of that Schedule not to remove him from the list.
- (2) An appeal under paragraph (1) may be made only on the grounds that IBB has made a mistake—
- (a) on any point of law;
  - (b) in any finding of fact which it has made and on which the decision mentioned in that paragraph was based.
- (3) For the purposes of paragraph (2), the decision whether or not it is appropriate for an individual to be included in a barred list is not a question of law or fact.
- (4) An appeal under paragraph (1) may be made only with the leave of the Care Tribunal.
- (5) Unless the Care Tribunal finds that IBB has made a mistake of law or fact, it must confirm the decision of IBB.
- (6) If the Care Tribunal finds that IBB has made such a mistake it must—
- (a) direct IBB to remove the person from the list, or
  - (b) remit the matter to IBB for a new decision.
- (7) If the Care Tribunal remits a matter to IBB under paragraph (6)(b)—
- (a) the Care Tribunal may set out any findings of fact which it has made (on which IBB must base its new decision); and
  - (b) the person must be removed from the list until IBB makes its new decision, unless the Care Tribunal directs otherwise.
- (8) In this Article “the Care Tribunal” means the Tribunal established under Article 44 of the 2003 Order.