
STATUTORY INSTRUMENTS

2007 No. 1351

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

Barring

The Independent Barring Board

5. In this Order references to IBB are references to the Independent Barring Board established by section 1 of the Safeguarding Vulnerable Groups Act 2006 (c. 47).

Barred lists

6.—(1) IBB must establish and maintain—

- (a) the children's barred list;
- (b) the adults' barred list.

(2) Part I of Schedule 1 applies for the purpose of determining whether an individual is included in the children's barred list.

(3) Part II of that Schedule applies for the purpose of determining whether an individual is included in the adults' barred list.

(4) Part III of that Schedule contains supplementary provision.

(5) In respect of an individual who is included in a barred list, IBB must keep other information of such description as is prescribed.

Barred persons

7.—(1) A reference to a person being barred from regulated activity must be construed in accordance with this Article.

(2) A person is barred from regulated activity relating to children if he is—

- (a) included in the children's barred list; or
- (b) included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

(3) A person is barred from regulated activity relating to vulnerable adults if he is—

- (a) included in the adults' barred list; or
- (b) included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

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.