
STATUTORY INSTRUMENTS

2007 No. 1351

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

Professional bodies and supervisory authorities

Registers: duty to refer

43.—(1) A keeper of a relevant register must provide IBB with any prescribed information he holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the keeper thinks—

- (a) that paragraph 1, 2, 7 or 8 of Schedule 1 applies to the person,
- (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring after the commencement of this Article, or
- (c) that the harm test is satisfied.

(3) The harm test is that the person may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,
- (d) attempt to harm a child or vulnerable adult, or
- (e) incite another to harm a child or vulnerable adult.

(4) The second condition is that the keeper thinks—

- (a) that the person is engaged or may engage in regulated activity or controlled activity, and
- (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 1 applies) that IBB may consider it appropriate for the person to be included in a barred list.

(5) A keeper of a relevant register may provide IBB with any prescribed information he holds relating to a person if—

- (a) he thinks that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
- (b) the condition in paragraph (4) is satisfied.

(6) For the purposes of paragraph (2)(b) or (5)(a), conduct is inappropriate if it appears to the keeper to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

(7) In this Article—

- (a) a relevant register is a register appearing in column 1 of the following table, and
- (b) in relation a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

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<i>Relevant register</i>	<i>Keeper of the register</i>
1. The register of teachers maintained under Article 35 of the Education (Northern Ireland) Order 1998 (NI 13)	The General Teaching Council for Northern Ireland
2. The register of pharmaceutical chemists maintained under Article 6 of the Pharmacy (Northern Ireland) Order 1976 (NI 22)	The registrar appointed under Article 9(1) of that Order
3. Either of the lists of medical practitioners kept under section 2 of the Medical Act 1983 (c. 54)	The registrar of the General Medical Council
4. The dentists register kept under section 14 of the Dentists Act 1984 (c. 24) or the dental care professionals register kept under section 36B of that Act	The registrar appointed under section 14 of that Act
5. The register of optometrists or the register of dispensing opticians maintained under section 7 of the Opticians Act 1989 (c. 44) , or the register of persons undertaking training as optometrists or the register of persons undertaking training as dispensing opticians maintained under section 8A of that Act	The registrar of the General Optical Council
6. The register of osteopaths maintained under section 2 of the Osteopaths Act 1993 (c. 21)	The Registrar of Osteopaths
7. The register of chiropractors maintained under section 2 of the Chiropractors Act 1994 (c. 17)	The Registrar of Chiropractors
8. The register of social workers and social care workers maintained under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3)	The Northern Ireland Social Care Council
9. The register of qualified nurses and midwives maintained under Article 5 of the Nursing and Midwifery Order 2001 (S.I. 2002/253)	The registrar appointed under Article 4 of that Order
10. The register of members of relevant professions maintained under Article 5 of the Health Professions Order 2001 (S.I. 2002/254)	The registrar appointed under Article 4 of that Order

(8) The Secretary of State may by order amend the table in paragraph (7) by inserting an entry or amending or omitting an entry for the time being contained in the Table.

Registers: duty to provide information on request

44.—(1) This Article applies if IBB is considering—

- (a) whether to include in a barred list a person who appears on a relevant register;

- (b) whether to remove such a person from a barred list.
- (2) IBB may require the keeper of the register to provide it with any prescribed information he holds relating to the person.
- (3) The keeper of the register must comply with a requirement under paragraph (2).
- (4) References to a relevant register and the keeper of a relevant register must be construed in accordance with Article 43(7).

Registers: notice of barring and cessation of monitoring

45.—(1) Paragraph (2) applies if the Secretary of State knows or thinks that a person (A) appears on a relevant register and either—

- (a) A is newly included in a barred list or the Secretary of State becomes aware that A is subject to a relevant disqualification, or
- (b) having been subject to monitoring, A ceases to be so subject by virtue of Article 30.

(2) The Secretary of State must—

- (a) notify the keeper of the register of the circumstances mentioned in sub-paragraph (a) or (b) (as the case may be) of paragraph (1), and
- (b) in a case where A is newly included in a barred list, require IBB to provide the keeper with all the information on which IBB relied in deciding to include A in the list.

(3) If IBB—

- (a) knows or thinks that a person appears on a relevant register; and
- (b) becomes aware of relevant information relating to that person,

it must provide the keeper of the register with that information.

(4) In paragraph (3), relevant information is information which—

- (a) relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and
- (b) is relevant to the exercise of any function of the keeper of the register.

(5) But, in that paragraph, relevant information does not include—

- (a) information that any of the events mentioned in paragraph (1)(a) and (b) has occurred in relation to the person;
- (b) the information mentioned in paragraph (2)(b);
- (c) information falling within paragraph 19(5) of Schedule 1.

(6) In this Article—

- (a) a relevant register is a register appearing in column 1 of entry 1 or 8 of the table in Article 43(7), and
- (b) in relation a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the Table.

(7) A person is subject to a relevant disqualification if he is 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 a barred list.

Registers: power to apply for vetting information

46.—(1) If the keeper of a relevant register applies to the Secretary of State for information within paragraph (2) in relation to a person (B), the Secretary of State must provide the keeper of the register with that information.

(2) The information within this paragraph is—

- (a) whether B is barred from regulated activity relating to children or vulnerable adults,
- (b) whether IBB is considering whether to include B in a barred list in pursuance of paragraph 3 or 5 or 9 or 11 of Schedule 1,
- (c) whether B is subject to monitoring in relation to regulated activity relating to children or vulnerable adults,
- (d) if B is subject to such monitoring and the Secretary of State is required to notify B as mentioned in Article 28(4), whether the Secretary of State has yet done so, and
- (e) if B is subject to such monitoring and has made a simultaneous application under section 113B of the Police Act 1997, whether the Secretary of State has yet issued an enhanced criminal record certificate under that section.

(3) The keeper of a relevant register may apply for information under this Article in relation to a person only if—

- (a) the person appears in the register, or
- (b) the person is being considered for inclusion in the register.

(4) In this Article—

- (a) a relevant register is a register appearing in column 1 of entry 1 or 8 of the table in Article 43(7), and
- (b) in relation to a relevant register, the keeper of the register is the corresponding person appearing in column 2 of the table.

(5) In paragraph (2)(e) “simultaneous application” means an application made simultaneously with B’s monitoring application under Article 28.

(6) The Secretary of State may by order amend this Article for the purpose of altering the information within paragraph (2).

(7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this Article.

Supervisory authorities: duty to refer

47.—(1) A supervisory authority must provide IBB with any prescribed information it holds relating to a person if the first and second conditions are satisfied.

(2) The first condition is that the supervisory authority thinks, on the basis of relevant evidence—

- (a) that paragraph 1, 2, 7 or 8 of Schedule 1 applies to the person,
- (b) that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring after the commencement of this Article, or
- (c) that the harm test is satisfied.

(3) The harm test is that the person may—

- (a) harm a child or vulnerable adult,
- (b) cause a child or vulnerable adult to be harmed,
- (c) put a child or vulnerable adult at risk of harm,

- (d) attempt to harm a child or vulnerable adult, or
- (e) incite another to harm a child or vulnerable adult.
- (4) The second condition is that the supervisory authority thinks—
 - (a) that the person is engaged or may engage in regulated activity or controlled activity, and
 - (b) (except in a case where paragraph 1, 2, 7 or 8 of Schedule 1 applies) that IBB may consider it appropriate for the person to be included in a barred list.
- (5) The supervisory authority may provide IBB with any prescribed information it holds relating to a person if—
 - (a) it thinks, on the basis of relevant evidence, that the person has engaged in relevant conduct (within the meaning of paragraph 4 or 10 of Schedule 1) occurring before the commencement of this Article, and
 - (b) the condition in paragraph (4) is satisfied.
- (6) Paragraph (1) does not apply if the supervisory authority is satisfied that IBB already has the information.
- (7) A supervisory authority is—
 - (a) the Regulation and Improvement Authority in respect of its functions under the 2003 Order;
 - (b) an inspector appointed under Article 102 of the Education and Libraries (Northern Ireland) Order 1986 in the exercise of his functions.
- (8) Relevant evidence is evidence obtained by the supervisory authority in the exercise of the functions mentioned in paragraph (7).
- (9) The Secretary of State may by order amend paragraph (7) by inserting a sub-paragraph or amending or omitting a sub-paragraph for the time being contained in that paragraph.
- (10) For the purposes of paragraph (2)(b) or (5)(a), conduct is inappropriate if it appears to the supervisory authority to be inappropriate having regard to the guidance issued by the Secretary of State under paragraph 4(6) or 10(6) of Schedule 1.

Supervisory authorities: duty to provide information on request

- 48.**—(1) This Article applies if IBB is considering—
- (a) whether to include in a barred list a person in relation to whom IBB thinks that a supervisory authority may have prescribed information;
 - (b) whether to remove such a person from a barred list.
- (2) IBB may require the supervisory authority to provide it with any prescribed information it holds relating to the person.
- (3) The supervisory authority must comply with a requirement under paragraph (2).

Supervisory authorities: power to apply for vetting information

- 49.**—(1) If a supervisory authority applies to the Secretary of State for information within paragraph (2) or (3) relating to a person (B), the Secretary of State must provide the supervisory authority with that information.
- (2) The information within this paragraph is—
- (a) whether B is barred from regulated activity relating to children,
 - (b) whether IBB is considering whether to include B in the children’s barred list in pursuance of paragraph 3 or 5 of Schedule 1,

- (c) whether B is subject to monitoring in relation to regulated activity relating to children,
 - (d) if B is subject to such monitoring and the Secretary of State is required to notify B as mentioned in Article 28(4) in connection with his monitoring application, whether the Secretary of State has yet done so, and
 - (e) if B is subject to such monitoring and has made a simultaneous application under section 113B of the Police Act 1997, whether the Secretary of State has yet issued an enhanced criminal record certificate under that section.
- (3) The information within this paragraph is—
- (a) whether B is barred from regulated activity relating to vulnerable adults,
 - (b) whether IBB is considering whether to include B in the adults' barred list in pursuance of paragraph 9 or 11 of Schedule 1,
 - (c) whether B is subject to monitoring in relation to regulated activity relating to vulnerable adults,
 - (d) if B is subject to such monitoring and the Secretary of State is required to notify B as mentioned in Article 28(4) in connection with his monitoring application, whether the Secretary of State has yet done so, and
 - (e) if B is subject to such monitoring and has made a simultaneous application under section 113B of the Police Act 1997, whether the Secretary of State has yet issued an enhanced criminal record certificate under that section.
- (4) A supervisory authority may apply for information under this Article only if the information is required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).
- (5) In paragraphs (2)(e) and (3)(e), “simultaneous application” means an application made simultaneously with B’s monitoring application under Article 28.
- (6) The Secretary of State may by order amend this Article for the purpose of altering the information within paragraph (2) or (3).
- (7) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this Article.

Supervisory authorities: notification of barring, etc in respect of children

- 50.**—(1) This Article applies if—
- (a) a person is newly included in the children’s barred list,
 - (b) the Secretary of State becomes aware that a person is subject to a relevant children’s disqualification, or
 - (c) having been subject to monitoring in relation to regulated activity relating to children, a person ceases to be so subject by virtue of Article 30.
- (2) The Secretary of State must notify every interested supervisory authority of the circumstance mentioned in sub-paragraph (a), (b) or (c) (as the case may be) of paragraph (1).
- (3) A supervisory authority is an interested supervisory authority only if—
- (a) it has applied to the Secretary of State to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person, and
 - (b) the application has not been withdrawn.
- (4) A supervisory authority may apply to the Secretary of State under paragraph (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).

(5) For the purposes of paragraph (3)(b) an application is withdrawn if the supervisory authority notifies the Secretary of State that it no longer wishes to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person.

(6) A person is subject to a relevant children's disqualification if he is 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.

(7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this Article.

(8) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this Article.

Supervisory authorities: notification of barring, etc. in respect of vulnerable adults

51.—(1) This Article applies if—

- (a) a person is newly included in the adults' barred list,
- (b) the Secretary of State becomes aware that a person is subject to a relevant adults' disqualification, or
- (c) having been subject to monitoring in relation to regulated activity relating to vulnerable adults, a person ceases to be so subject by virtue of Article 30.

(2) The Secretary of State must notify every interested supervisory authority of the circumstance mentioned in sub-paragraph (a), (b) or (c) (as the case may be) of paragraph (1).

(3) A supervisory authority is an interested supervisory authority only if—

- (a) it has applied to the Secretary of State to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person, and
- (b) the application has not been withdrawn.

(4) A supervisory authority may apply to the Secretary of State under paragraph (3)(a) only if the notification is required in connection with the exercise of a function of the supervisory authority mentioned in Article 47(7).

(5) For the purposes of paragraph (3)(b) an application is withdrawn if the supervisory authority notifies the Secretary of State that it no longer wishes to be notified if any of the circumstances mentioned in paragraph (1) occurs in relation to the person.

(6) A person is subject to a relevant adults' disqualification if he is 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.

(7) The Secretary of State may provide that in prescribed circumstances a supervisory authority is not an interested supervisory authority for the purposes of this Article.

(8) The Secretary of State may prescribe the form, manner and contents of an application for the purposes of this Article.

Provision of information to supervisory authorities

52.—(1) This Article applies if IBB has information that it thinks is relevant to a supervisory authority.

(2) IBB must provide the supervisory authority with the information.

(3) Information is relevant to a supervisory authority if—

- (a) it relates to the protection of children or vulnerable adults in general, or of any child or vulnerable adult in particular, and

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(b) is relevant to the exercise of any function of the authority, but does not include information falling within paragraph 19(5) of Schedule 1 or information that any of the events mentioned in Article 50(1)(a), (b) and (c) or 51(1)(a), (b) and (c) has occurred in relation to a person.