
STATUTORY INSTRUMENTS

2007 No. 1351

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

Regulated activity providers

Regulated activity providers

10.—(1) A reference to a regulated activity provider must be construed in accordance with this Article.

(2) A person (P) is a regulated activity provider if—

- (a) he is responsible for the management or control of regulated activity,
- (b) if the regulated activity is carried out for the purposes of an organisation, his exercise of that responsibility is not subject to supervision or direction by any other person for those purposes, and
- (c) he makes, or authorises the making of, arrangements (whether in connection with a contract of service or for services or otherwise) for another person to engage in that activity.

(3) A person (P) is also a regulated activity provider if Article 55(4) (fostering) so provides.

(4) A person (P) is also a regulated activity provider if he carries on a scheme—

- (a) under which an individual agrees with P to provide care or support (which may include accommodation) to an adult who is in need of it, and
- (b) in respect of which a requirement to register arises under Article 12 of the 2003 Order.

(5) P is not a regulated activity provider if he is an individual and the arrangements he makes are private arrangements.

(6) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, P himself.

(7) Arrangements are private arrangements if the regulated activity is for, or for the benefit of, a child or vulnerable adult who is—

- (a) a member of P's family;
- (b) a friend of P.

(8) A person does not make arrangements for another to engage in a regulated activity merely because he (alone or together with others) appoints that person—

- (a) to a position mentioned in paragraph 4(1)(a), (b), (e), (g), (h) or (i) or 8(1)(a) or (d) of Schedule 2,
- (b) as a controller under Article 101 of the [Mental Health \(Northern Ireland\) Order 1986 \(NI 4\)](#);
- (c) as member or chief executive of IBB;
- (d) to any position mentioned in sub-paragraph (a) or (c) of Article 3(10) or to exercise any function mentioned in that paragraph.

(9) For the purposes of paragraph (7) it is immaterial whether P is also acting in any capacity other than as a family member or friend.

(10) If a regulated activity provider is an unincorporated association any requirement of or liability (including criminal liability) under this Order must be taken to be a requirement on or liability of—

- (a) the person responsible for the management and control of the association, or
- (b) if there is more than one such person, all of them jointly and severally.

(11) “Family” and “friend” must be construed in accordance with Article 4.

(12) The Secretary of State may by order provide that in specified circumstances a person who makes, or authorises the making of, arrangements (of any description) for another to engage in regulated activity either is or is not a regulated activity provider.