

STATUTORY INSTRUMENTS

**2007 No. 1351**

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

*Restrictions on participating in regulated activity*

**Barred person not to engage in regulated activity**

- 11.**—(1) An individual commits an offence if he—
- (a) seeks to engage in regulated activity from which he is barred;
  - (b) offers to engage in regulated activity from which he is barred;
  - (c) engages in regulated activity from which he is barred.
- (2) A person guilty of an offence under paragraph (1) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (3) It is a defence for a person charged with an offence under paragraph (1) to prove that he did not know, and could not reasonably be expected to know, that he was barred from that activity.
- (4) It is a defence for a person charged with an offence under paragraph (1) to prove—
- (a) that he reasonably thought that it was necessary for him to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
  - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
  - (c) that he engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this Article, Schedule 2 is modified as follows—
- (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - <sup>F1</sup>(b) .....
  - <sup>F1</sup>(c) .....

**Textual Amendments**

- F1** Art. 11(5)(b)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 80, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

*Status: Point in time view as at 10/09/2012. This version of this part contains provisions that are prospective.*

*Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Restrictions on participating in regulated activity is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

**Person not to engage in regulated activity unless subject to monitoring**

<sup>F2</sup>12. ....

**Textual Amendments**

**F2** Art. 12 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 81, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

**Use of barred person for regulated activity**

- 13.—(1) A person commits an offence if—
  - (a) he permits an individual (B) to engage in regulated activity from which B is barred,
  - (b) he knows or has reason to believe that B is barred from that activity; and
  - (c) B engages in that activity.
- (2) A personnel supplier commits an offence if—
  - (a) he supplies an individual (B) to another (P),
  - (b) he knows or has reason to believe that P will make arrangements for B to engage in regulated activity from which B is barred, and
  - (c) he knows or has reason to believe that B is barred from that activity.
- (3) A person guilty of an offence under this Article is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both;
  - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.
- (4) It is a defence for a person charged with an offence under this Article to prove—
  - (a) that he reasonably thought that it was necessary for the barred person to engage in the activity for the purpose of preventing harm to a child or vulnerable adult (as the case may be),
  - (b) that he reasonably thought that there was no other person who could engage in the activity for that purpose, and
  - (c) that the barred person engaged in the activity for no longer than was necessary for that purpose.
- (5) For the purposes of this Article, Schedule 2 is modified as follows—
  - (a) in paragraph 1, sub-paragraphs (1)(b) and (2)(a) must be disregarded;
  - <sup>F3</sup>(b) .....
  - <sup>F3</sup>(c) .....

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#### Textual Amendments

- F3** Art. 13(5)(b)(c) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 82, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

PROSPECTIVE

### Use of person not subject to monitoring for regulated activity

**F4** 14. ....

#### Textual Amendments

- F4** Art. 14 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 83, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

### Regulated activity provider: failure to check

**F5** 15. ....

#### Textual Amendments

- F5** Art. 15 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 84, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

#### Commencement Information

- I1** Art. 15 partly in operation; art. 15 not in operation at date of making see art. 1(3); art. 15(2) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(a\)](#)

### Personnel suppliers: failure to check

**F6** 16. ....

#### Textual Amendments

- F6** Art. 16 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 85, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

#### Commencement Information

- I2** Art. 16 partly in operation; art. 16 not in operation at date of making see art. 1(3); art. 16(1)(2) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(y\), art. 5\(d\)\(q\)](#)

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**Educational establishments: check on members of governing body**

**F7**17. ....

**Textual Amendments**

**F7** Art. 17 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 86, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

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**Commencement Information**

**I3** Art. 17 partly in operation; art. 17 not in operation at date of making see art. 1(3); art. 17(1)(5) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(b\)](#)

**Office holders: offences**

**F8**18. ....

**Textual Amendments**

**F8** Art. 18 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 87, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

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**Commencement Information**

**I4** Art. 18 partly in operation; art. 18 not in operation at date of making see art. 1(3); art. 18(1)(2)(3) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(c\)](#)

PROSPECTIVE

**Articles 17 and 18: checks**

**F9**19. ....

**Textual Amendments**

**F9** Art. 19 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 88, Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

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