

SCHEDULES

SCHEDULE 2

REGULATED ACTIVITY

PART II

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

7.—(1) Each of the following is a regulated activity relating to vulnerable adults if it is carried out frequently by the same person or the period condition is satisfied—

- (a) any form of training, teaching or instruction provided wholly or mainly for vulnerable adults;
- (b) any form of care for or supervision of vulnerable adults;
- (c) any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults;
- (d) any form of treatment or therapy provided for a vulnerable adult;
- (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by vulnerable adults;
- (f) driving a vehicle which is being used only for the purpose of conveying vulnerable adults and any person caring for the vulnerable adults pursuant to arrangements made in prescribed circumstances;
- (g) anything done on behalf of a vulnerable adult in such circumstances as are prescribed.

(2) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting vulnerable adults, he has any function relating to—

- (a) monitoring the content of matter which forms any part of the service,
- (b) removing matter from, or preventing the addition of matter to, the service, or
- (c) controlling access to, or use of, the service.

(3) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (2)(b) or (c) unless he has—

- (a) access to the content of the matter;
- (b) contact with users of the service.

(4) An activity carried out in a residential care home or nursing home (for the purposes of the 2003 Order) which is exclusively or mainly for vulnerable adults is a regulated activity relating to vulnerable adults if—

- (a) it is carried out at the establishment frequently by the same person or the period condition is satisfied,
- (b) it is carried out by a person while engaging in any form of work (whether or not for gain),
- (c) it is carried out for or in connection with the purposes of the establishment, and

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(d) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with vulnerable adults.

(5) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in sub-paragraph (1) [F1, (4) or (6)] is a regulated activity relating to vulnerable adults.

[F2(6) The exercise of a function of the following so far as it gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in the exercise of that function, to have contact with vulnerable adults, is a regulated activity relating to vulnerable adults—

- (a) the Chief Inspector of Criminal Justice in Northern Ireland;
- (b) RQIA.]

(7) F3

(8) F4

(9) The exercise of a function of a person mentioned in paragraph 8(1) is a regulated activity relating to vulnerable adults.

(10) A person who is part of a group in relation to which another (P) engages in regulated activity relating to vulnerable adults does not engage in regulated activity only because he assists P or does anything on behalf of or under the direction of P which, but for this sub-paragraph, would amount to engaging in regulated activity relating to vulnerable adults.

Textual Amendments

- F1** Words in Sch. 2 para. 7(5) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 8(2)**
- F2** Sch. 2 para. 7(6) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 8(3)**
- F3** Sch. 2 para. 7(7) omitted (1.4.2010) by virtue of Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 8(4)**
- F4** Sch. 2 para. 7(8) omitted (1.4.2010) by virtue of Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 8(5)**

Commencement Information

- I1** Sch. 2 para. 7 wholly in operation; Sch. 2 para. 7 not in operation at date of making see art. 1(3); Sch. 2 para. 7 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(c)**; Sch. 2 para. 7(1)(f) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 4(w)**; Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(b)**

8.—(1) The persons referred to in paragraph 7(9) are—

- (a) member of an [F5HSC body];
- [F6(aa) chief executive officer of a HSC body];
- (b) director of [F7social care] of a Health and [F8Social Care] Board ;
- (c) director of a [F9Health and Social Care trust] responsible for the delivery of [F7social care];

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- (d) charity trustee of vulnerable adults' charity;
- (e) member or chief executive or member of staff of ^{F10}[ISA].

^{F11}(f) an individual carrying on or managing a regulated establishment or agency which provides care, accommodation or services ^{F12}. . . for or in relation to vulnerable adults.]

(2) A charity is a vulnerable adults' charity if the individuals who are workers for the charity normally include individuals engaging in regulated activity relating to vulnerable adults.

(3) An individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this sub-paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.

^{F13}(4) For the purposes of sub-paragraph (1)(f) an establishment or agency is a regulated establishment or agency if the person carrying it on or managing it is required to be registered in respect of it under Article 12 of the 2003 Order.]

Textual Amendments

- F5** Words in Order substituted (12.10.2009) by Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (S.R. 2009/305), **art. 7(3)**
- F6** Sch. 2 para. 8(1)(aa) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 25(2)**
- F7** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**
- F8** Words in Order substituted (1.4.2009) by virtue of Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**
- F9** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F10** Words in Order substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), **ss. 81(2)(3)(o)(iii)**, 116(5)(a)
- F11** Sch. 2 para. 8(1)(f) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 25(3)**
- F12** Words in Sch. 2 para. 8(1)(f) omitted (1.4.2010) by virtue of Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 9**
- F13** Sch. 2 para. 8(4) inserted (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 25(4)**

Commencement Information

- I2** Sch. 2 para. 8 wholly in operation; Sch. 2 para. 8 not in operation at date of making see art. 1(3); Sch. 2 para. 8 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(c)**; Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(b)**

9. The Secretary of State may, by order, provide that in such circumstances as are specified an activity which is a regulated activity in relation to vulnerable adults is not to be treated as a regulated activity.

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Commencement Information

- I3** Sch. 2 para. 9 wholly in operation; Sch. 2 para. 9 not in operation at date of making see art. 1(3); Sch. 2 para. 9 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, art. 4(c); Sch. 2 para. 9 in operation for certain purposes at 29.5.2008 by S.R. 2008/233, art. 5(o); Sch. 2 in operation at 13.3.2009 by S.R. 2009/41, art. 3(1)(b)

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