

SCHEDULES

SCHEDULE 6

Article 59

TRANSITIONAL PROVISIONS

Advice by IBB

1.—(1) IBB must provide the Department of Health, Social Services and Public Safety with such advice as it requests in connection with any decision in relation to the inclusion of a person in a list kept under Article 3 or 35 of the [Protection of Children and Vulnerable Adults \(Northern Ireland\) Order 2003 \(NI 4\)](#).

(2) IBB must provide the Department of Education with such advice as it requests in connection with any decision in relation to the inclusion of a person in a list kept for the purposes of Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#).

Existing restrictions relating to children

2.—(1) This paragraph applies to a person who is—

- (a) included in the list kept under Article 3 of the [Protection of Children and Vulnerable Adults \(Northern Ireland\) Order 2003 \(NI 4\)](#) (individuals considered unsuitable to work with children);
- (b) disqualified from working with children by virtue of an order of the court under Article 23 or 24 of that Order;
- (c) included in the list kept under Article 70(2)(e)(iii) or 88A(2)(b)(iii) of the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#) (prohibition from teaching etc).

(2) The Secretary of State may, by order, make such provision as he thinks appropriate—

- (a) requiring IBB to include the person in the children's barred list;
- (b) requiring IBB to consider including the person in the children's barred list;
- (c) as to circumstances in which the person may make representations to IBB and the time at which such representations may be made;
- (d) modifying the provisions of this Order so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
- (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 1 in connection with IBB's consideration of any matter relating to the person.

(3) An order under this paragraph may contain provision—

- (a) enabling the General Teaching Council for Northern Ireland to make determinations on an application by a person who has ceased to be subject to a decision under Article 70(2)(e)(iii) of the [Education and Libraries \(Northern Ireland\) Order 1986 \(NI 3\)](#) in relation to his eligibility for registration under Article 35 of the [Education \(Northern Ireland\) Order 1998 \(NI 13\)](#);

Status: This is the original version (as it was originally made).

- (b) for the Secretary of State to prescribe by regulations the procedure in relation to an application as mentioned in paragraph (a).

Existing restrictions relating to vulnerable adults

3.—(1) This paragraph applies to a person who is included in the list kept under Article 35 of the [Protection of Children and Vulnerable Adults \(Northern Ireland\) Order 2003 \(NI 14\)](#) (individuals considered unsuitable to work with certain adults).

- (2) The Secretary of State may, by order, make such provision as he thinks appropriate—
 - (a) requiring IBB to include the person in the adults' barred list;
 - (b) requiring IBB to consider including the person in the adults' barred list;
 - (c) as to circumstances in which the person may make representations to IBB and the time at which such representations may be made;
 - (d) modifying the provisions of this Order so as to enable the person to engage in regulated activity of such description as is specified in the order in such circumstances as are so specified;
 - (e) modifying anything done under paragraph 15 or in paragraphs 16 to 21 of Schedule 1 in connection with IBB's consideration of any matter relating to the person.

Existing restrictions: supplementary

- 4.** An order under paragraph 2 or 3 may—
 - (a) modify any criminal offence created by this Order;
 - (b) create any new criminal offence,

but the penalty for an offence created by virtue of this paragraph must not exceed level 5 on the standard scale.

Modifications relating to monitoring

5.—(1) The Secretary of State may by order provide that in relation to permission to engage in regulated activity having effect during the transitional period, references in Article 15(1) and (2) to ascertaining whether B is subject to monitoring in relation to an activity have effect as references to ascertaining whether B is barred from that activity.

- (2) The transitional period is the period—
 - (a) beginning with the commencement of Article 6, and
 - (b) ending with the commencement of Article 28.