

SCHEDULES

SCHEDULE 1

Article 6

BARRED LISTS

Modifications etc. (not altering text)

- C1** Sch. 1 modified (12.10.2009) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 10** (with art. 5)
- C2** Sch. 1 modified (13.3.2009) by Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 (S.R. 2009/38), **art. 6**
- C3** Sch. 1 revocation of earlier affecting provision S.R. 2009/304, arts. 5, 10 (10.9.2012) by The Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order (Northern Ireland) 2012 (S.R. 2012/320), arts. 1, **4**

PART I

CHILDREN'S BARRED LIST

Automatic inclusion

1.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[^{F1}(2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the children's barred list.]

Textual Amendments

- F1** Sch. 1 para. 1(2) substituted for Sch. 1 para. 1(2)(3) (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **64** (with Pt. 4)

Commencement Information

- I1** Sch. 1 para. 1 wholly in operation; Sch. 1 para. 1 not in operation at date of making see art. 1(3); Sch. 1 para. 1(1) in operation for certain purposes at 14.3.2008 by S.R. 2008/127, **art. 3(e)**; Sch. 1 para. 1 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 1 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

Inclusion subject to consideration of representations

2.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[^{F2F3}(2) Sub-paragraph (4) applies if it appears to DBS that—

- (a) this paragraph applies to a person, and
- (b) the person is or has been, or might in future be, engaged in regulated activity relating to children.]

(4) [^{F4}DBS] must give the person the opportunity to make representations as to why the person should not be included in the children's barred list.

(5) Sub-paragraph (6) applies if—

- (a) the person does not make representations before the end of any time prescribed for the purpose, or
- (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).

(6) If [^{F4}DBS] —

- (a) is satisfied that this paragraph applies to the person, and
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,

it must include the person in the list.

(7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.

(8) If [^{F4}DBS] —

- (a) is satisfied that this paragraph applies to the person,
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children, and
- (c) is satisfied that it is appropriate to include the person in the children's barred list,

it must include the person in the list.]

Textual Amendments

- F2** Sch. 1 para. 2(2) substituted for Sch. 1 para. 2(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **65** (with Pt. 4)
- F3** Sch. 1 para. 2(2)-(8) substituted for Sch. 1 para. 2(2)-(4) (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. 7 para. 4(2)**; S.I. 2012/2234, **art. 2(z)(i)** (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, **art. 2(2)**)
- F4** Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(i)** (with Pt. 4)

Commencement Information

- I2** Sch. 1 para. 2 wholly in operation; Sch. 1 para. 2 not in operation at date of making see art. 1(3); Sch. 1 para. 2(1) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(e)**; Sch. 1 para. 2 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 2 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

Behaviour

- 3.—(1) This paragraph applies to a person if—
- (a) it appears to [F4DBS] that the person [F5—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,], and
 - (b) [F4DBS] proposes to include him in the children's barred list.
- (2) [F4DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F4DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct,
 - [F6(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,] and
 - (b) it [F7is satisfied] that it is appropriate to include the person in the list.
- (4) This paragraph does not apply to a person if the relevant conduct consists only of an offence committed against a child before the commencement of Article 6 and the court, having considered whether to make a disqualification order, decided not to.
- (5) In sub-paragraph (4)—
- (a) the reference to an offence committed against a child must be construed in accordance with Chapter II of Part II of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
 - (b) a disqualification order is an order under Article 23 or 24 of that Order.

Textual Amendments

- F4** Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(i)** (with Pt. 4)
- F5** Words in Sch. 1 para. 3(1)(a) substituted (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. 7 para. 4(3)(a)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F6** Sch. 1 para. 3(3)(aa) inserted (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. 7 para. 4(3)(b)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F7** Words in Sch. 1 para. 3(3)(b) substituted (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. 7 para. 4(3)(c)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Modifications etc. (not altering text)

- C4** Sch. 1 para. 3(4) modified (12.10.2009) by [Safeguarding Vulnerable Groups \(Regulated Activity, Transitional Provisions and Commencement No. 4\) Order \(Northern Ireland\) 2009 \(S.R. 2009/304\)](#), **art. 22(1)**

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

Commencement Information

I3 Sch. 1 para. 3 wholly in operation; Sch. 1 para. 3 not in operation at date of making see art. 1(3); Sch. 1 para. 3 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 3 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

- 4.—(1) For the purposes of paragraph 3 relevant conduct is—
- (a) conduct which endangers a child or is likely to endanger a child;
 - (b) conduct which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him;
 - (c) conduct involving sexual material relating to children (including possession of such material);
 - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F⁴DBS] that the conduct is inappropriate;
 - (e) conduct of a sexual nature involving a child, if it appears to [F⁴DBS] that the conduct is inappropriate.
- (2) A person's conduct endangers a child if he—
- (a) harms a child,
 - (b) causes a child to be harmed,
 - (c) puts a child at risk of harm,
 - (d) attempts to harm a child, or
 - (e) incites another to harm a child.
- (3) “Sexual material relating to children” means—
- (a) indecent images of children, or
 - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), [F⁴DBS] must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F4 Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(i)** (with Pt. 4)

Commencement Information

I4 Sch. 1 para. 4 wholly in operation; Sch. 1 para. 4 not in operation at date of making see art. 1(3); Sch. 1 para. 4 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 4(1)-(4) and (6) in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**; Sch. 1 para. 4(5) in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

Status: Point in time view as at 01/04/2015.

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Risk of harm

- 5.—(1) This paragraph applies to a person if—
- (a) it appears to [F4DBS] that the person [F8—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to children,], and
 - (b) [F4DBS] proposes to include him in the children's barred list.
- (2) [F4DBS] must give the person the opportunity to make representations as to why he should not be included in the children's barred list.
- (3) [F4DBS] must include the person in the children's barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4)
- [F9(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to children,], and
- (b) it [F10is satisfied] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a child,
 - (b) cause a child to be harmed,
 - (c) put a child at risk of harm,
 - (d) attempt to harm a child, or
 - (e) incite another to harm a child.

Textual Amendments

- F4** Word in Sch. 1 paras. 2-5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(i)** (with Pt. 4)
- F8** Words in Sch. 1 para. 5(1)(a) substituted (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. 7 para. 4(4)(a)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F9** Sch. 1 para. 5(3)(aa) inserted (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. 7 para. 4(4)(b)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F10** Words in Sch. 1 para. 5(3)(b) substituted (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. 7 para. 4(4)(c)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I5** Sch. 1 para. 5 wholly in operation; Sch. 1 para. 5 not in operation at date of making see art. 1(3); Sch. 1 para. 5 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 5 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Restriction on inclusion

- 6.—(1) [F11DBS] must not include a person in the children's barred list—

Status: Point in time view as at 01/04/2015.

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- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
- (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of ^[F11]DBS].
- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.

Textual Amendments

- F11** Word in Sch. 1 para. 6 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(iii)** (with Pt. 4)

Commencement Information

- I6** Sch. 1 para. 6 wholly in operation; Sch. 1 para. 6 not in operation at date of making see art. 1(3); Sch. 1 para. 6 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 6(1)(b)(2) (3) in operation for certain purposes at 29.5.2008 by S.R. 2008/233, **art. 5(n)**; Sch. 1 para. 6 in operation at 12.10.2009 in so far as it is not already in operation by S.R. 2009/346, **art. 3**, Sch.

PART II

ADULTS' BARRED LIST

Automatic inclusion

7.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

^[F12](2) If DBS is satisfied that this paragraph applies to a person, it must include the person in the adults' barred list.]

Textual Amendments

- F12** Sch. 1 para. 7(2) substituted for Sch. 1 para. 7(2)(3) (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **66** (with Pt. 4)

Commencement Information

- I7** Sch. 1 para. 7 wholly in operation; Sch. 1 para. 7 not in operation at date of making see art. 1(3); Sch. 1 para. 7(1) in operation for certain purposes at 14.3.2008 by S.R. 2008/127, **art. 3(e)**; Sch. 1 para. 7 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 7 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

Inclusion subject to consideration of representations

8.—(1) This paragraph applies to a person if any of the criteria prescribed for the purposes of this paragraph is satisfied in relation to the person.

[^{F13}(2) [^{F14}Sub-paragraph (4) applies if it appears to DBS that—

- (a) this paragraph applies to a person, and
- (b) the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults.]

(4) [^{F15}DBS] must give the person the opportunity to make representations as to why the person should not be included in the adults' barred list.

(5) Sub-paragraph (6) applies if—

- (a) the person does not make representations before the end of any time prescribed for the purpose, or
- (b) the duty in sub-paragraph (4) does not apply by virtue of paragraph 16(2).

(6) If [^{F15}DBS] —

- (a) is satisfied that this paragraph applies to the person, and
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,

it must include the person in the list.

(7) Sub-paragraph (8) applies if the person makes representations before the end of any time prescribed for the purpose.

(8) If [^{F15}DBS] —

- (a) is satisfied that this paragraph applies to the person,
- (b) has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults, and
- (c) is satisfied that it is appropriate to include the person in the adults' barred list,

it must include the person in the list.]

Textual Amendments

F13 Sch. 1 para. 8(2)-(8) substituted for Sch. 1 para. 8(2)-(4) (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. 7 para. 4\(6\)](#); S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

F14 Sch. 1 para. 8(2) substituted for Sch. 1 para. 8(2)(3) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 67](#) (with Pt. 4)

F15 Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(f\)\(iv\)](#) (with Pt. 4)

Commencement Information

I8 Sch. 1 para. 8 wholly in operation; Sch. 1 para. 8 not in operation at date of making see art. 1(3); Sch. 1 para. 8(1) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127, art. 3\(e\)](#); Sch. 1 para. 8 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 8 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(i\)](#)

Status: Point in time view as at 01/04/2015.

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Behaviour

- 9.—(1) This paragraph applies to a person if—
- (a) it appears to [F15DBS] that the person [F16—
 - (i) has (at any time) engaged in relevant conduct, and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,], and
 - (b) [F15DBS] proposes to include him in the adults' barred list.
- (2) [F15DBS] must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) [F15DBS] must include the person in the adults' barred list if—
- (a) it is satisfied that the person has engaged in relevant conduct
 - [F17(aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,], and
 - (b) it [F18; is satisfied] that it is appropriate to include the person in the list.

Textual Amendments

- F15** Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(iv)** (with Pt. 4)
- F16** Words in Sch. 1 para. 9(1)(a) substituted (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. 7 para. 4(7)(a)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F17** Sch. 1 para. 9(3)(aa) inserted (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. 7 para. 4(7)(b)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F18** Words in Sch. 1 para. 9(3)(b) substituted (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. 7 para. 4(7)(c)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I9** Sch. 1 para. 9 wholly in operation; Sch. 1 para. 9 not in operation at date of making see art. 1(3); Sch. 1 para. 9 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 9 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

- 10.—(1) For the purposes of paragraph 9 relevant conduct is—
- (a) conduct which endangers a vulnerable adult or is likely to endanger a vulnerable adult;
 - (b) conduct which, if repeated against or in relation to a vulnerable adult, would endanger that adult or would be likely to endanger him;
 - (c) conduct involving sexual material relating to children (including possession of such material);
 - (d) conduct involving sexually explicit images depicting violence against human beings (including possession of such images), if it appears to [F15DBS] that the conduct is inappropriate;

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

- (e) conduct of a sexual nature involving a vulnerable adult, if it appears to ^[F15]DBS that the conduct is inappropriate.
- (2) A person's conduct endangers a vulnerable adult if he—
 - (a) harms a vulnerable adult,
 - (b) causes a vulnerable adult to be harmed,
 - (c) puts a vulnerable adult at risk of harm,
 - (d) attempts to harm a vulnerable adult, or
 - (e) incites another to harm a vulnerable adult.
- (3) “Sexual material relating to children” means—
 - (a) indecent images of children, or
 - (b) material (in whatever form) which portrays children involved in sexual activity and which is produced for the purposes of giving sexual gratification.
- (4) “Image” means an image produced by any means, whether of a real or imaginary subject.
- (5) A person does not engage in relevant conduct merely by committing an offence prescribed for the purposes of this sub-paragraph.
- (6) For the purposes of sub-paragraph (1)(d) and (e), ^[F15]DBS must have regard to guidance issued by the Secretary of State as to conduct which is inappropriate.

Textual Amendments

F15 Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(iv)** (with Pt. 4)

Commencement Information

I10 Sch. 1 para. 10 wholly in operation; Sch. 1 para. 10 not in operation at date of making see art. 1(3); Sch. 1 para. 10 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 10(1)-(4) and (6) in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**; Sch. 1 para. 10(5) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

Risk of harm

- 11.**—(1) This paragraph applies to a person if—
- (a) it appears to ^[F15]DBS that the person ^[F19]—
 - (i) falls within sub-paragraph (4), and
 - (ii) is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,], and
 - (b) ^[F15]DBS proposes to include him in the adults' barred list.
- (2) ^[F15]DBS must give the person the opportunity to make representations as to why he should not be included in the adults' barred list.
- (3) ^[F15]DBS must include the person in the adults' barred list if—
- (a) it is satisfied that the person falls within sub-paragraph (4),
 - ^[F20](aa) it has reason to believe that the person is or has been, or might in future be, engaged in regulated activity relating to vulnerable adults,]and

Status: Point in time view as at 01/04/2015.

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- (b) it [^{F21}is satisfied] that it is appropriate to include the person in the list.
- (4) A person falls within this sub-paragraph if he may—
- (a) harm a vulnerable adult,
 - (b) cause a vulnerable adult to be harmed,
 - (c) put a vulnerable adult at risk of harm,
 - (d) attempt to harm a vulnerable adult, or
 - (e) incite another to harm a vulnerable adult.

Textual Amendments

- F15** Word in Sch. 1 paras. 8-11 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(iv)** (with Pt. 4)
- F19** Words in Sch. 1 para. 11(1)(a) substituted (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. 7 para. 4(8)(a)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F20** Sch. 1 para. 11(3)(aa) inserted (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. 7 para. 4(8)(b)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))
- F21** Words in Sch. 1 para. 11(3)(b) substituted (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. 7 para. 4(8)(c)**; S.I. 2012/2234, art. 2(z)(i) (with arts. 6-16) (as amended (31.3.2014) by S.I. 2014/831, art. 2(2))

Commencement Information

- I11** Sch. 1 para. 11 wholly in operation; Sch. 1 para. 11 not in operation at date of making see art. 1(3); Sch. 1 para. 11 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 11 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Restriction on inclusion

- 12.—**(1) [^{F22}DBS] must not include a person in the adults' barred list—
- (a) only on a particular ground if a relevant Scottish authority has already considered whether the person should be included in a corresponding list on the same ground (whether or not it decided to include him in the list), or
 - (b) if, in accordance with such criteria as the Secretary of State specifies by order, it is more appropriate for the person's case to be considered by the relevant Scottish authority.
- (2) A relevant Scottish authority is such authority as the Secretary of State specifies by order as exercising for the purposes of the law of Scotland functions which correspond to those of [^{F22}DBS].
- (3) A corresponding list is a list maintained for the purposes of the law of Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Textual Amendments

- F22** Word in Sch. 1 para. 12 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vi)** (with Pt. 4)

Status: Point in time view as at 01/04/2015.

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Commencement Information

- I12** Sch. 1 para. 12 wholly in operation; Sch. 1 para. 12 not in operation at date of making see art. 1(3); Sch. 1 para. 12 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 12(1)(b)(2)(3) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 5\(n\)](#); Sch. 1 para. 12 in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346, art. 3, Sch.](#)

PART III

SUPPLEMENTARY

Modifications etc. (not altering text)

- C5** Sch. 1 Pt. III modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\), art. 3\(5\)](#)
- C6** Sch. 1 Pt. III modified (16.6.2008) by [Safeguarding Vulnerable Groups \(Transitional Provisions\) Order \(Northern Ireland\) 2008 \(S.R. 2008/200\), art. 5\(5\)](#)

Procedure

13.—(1) [^{F23}DBS] must ensure that in respect of any information it receives in relation to an individual from whatever source or of whatever nature it considers whether the information is relevant to its consideration as to whether the individual should be included in each barred list.

(2) Sub-paragraph (1) does not, without more, require [^{F23}DBS] to give an individual the opportunity to make representations as to why he should not be included in a barred list.

Textual Amendments

- F23** Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(f\)\(vii\) \(with Pt. 4\)](#)

Commencement Information

- I13** Sch. 1 para. 13 wholly in operation; Sch. 1 para. 13 not in operation at date of making see art. 1(3); Sch. 1 para. 13 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 13 in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346, art. 3, Sch.](#)

14. When an individual is included in a barred list [^{F23}DBS] must take all reasonable steps to notify the individual of that fact.

Textual Amendments

- F23** Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(f\)\(vii\) \(with Pt. 4\)](#)

Commencement Information

- I14** Sch. 1 para. 14 wholly in operation; Sch. 1 para. 14 not in operation at date of making see art. 1(3); Sch. 1 para. 14 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 14 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(i\)](#)

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15.—(1) The Secretary of State may, by regulations, make provision as to the procedure to be followed for the purposes of any decision [^{F23}DBS] is required or authorised to take under this Schedule.

(2) Such provision may include provision as to the time within which anything is to be done.

Textual Amendments

F23 Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vii)** (with Pt. 4)

Commencement Information

I15 Sch. 1 para. 15 wholly in operation; Sch. 1 para. 15 not in operation at date of making see art. 1(3); Sch. 1 para. 15(1)(2) in operation at 14.3.2008 by [S.R. 2008/127](#), **art. 3(f)**; Sch. 1 para. 15 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 15 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Representations

16.—(1) A person who is, by virtue of any provision of this Schedule, given an opportunity to make representations must have the opportunity to make representations in relation to all of the information on which [^{F23}DBS] intends to rely in taking a decision under this Schedule.

(2) Any requirement of this Schedule to give a person an opportunity to make representations does not apply if [^{F23}DBS] does not know and cannot reasonably ascertain the whereabouts of the person.

(3) The opportunity to make representations does not include the opportunity to make representations that findings of fact made by a competent body were wrongly made.

(4) Findings of fact made by a competent body are findings of fact made in proceedings before one of the following bodies or any of its committees—

- (a) the General Teaching Council for Northern Ireland
- (b) the Council of the Pharmaceutical Society of Northern Ireland;
- (c) the General Medical Council;
- (d) the General Dental Council;
- (e) the General Optical Council;
- (f) the General Osteopathic Council;
- (g) the General Chiropractic Council;
- (h) the Nursing and Midwifery Council;
- (i) the Health Professions Council;
- (j) the Northern Ireland Social Care Council.

(5) The Secretary of State may by order amend sub-paragraph (4) by inserting a paragraph or amending or omitting a paragraph for the time being contained in the sub-paragraph.

Textual Amendments

F23 Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vii)** (with Pt. 4)

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Commencement Information

I16 Sch. 1 para. 16 wholly in operation; Sch. 1 para. 16 not in operation at date of making see art. 1(3); Sch. 1 para. 16 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); Sch. 1 para. 16(5) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), [art. 5\(n\)](#); Sch. 1 para. 16 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(i\)](#)

17.—(1) This paragraph applies to a person who is included in a barred list (except a person included in pursuance of paragraph 1 or 7) if, before he was included in the list, [F²³DBS] was unable to ascertain his whereabouts.

(2) This paragraph also applies to such a person if—

- (a) he did not, before the end of any time prescribed for the purpose, make representations as to why he should not be included in the list, and
- (b) [F²³DBS] grants him permission to make such representations out of time.

(3) If a person to whom this paragraph applies makes such representations after the prescribed time—

- (a) [F²³DBS] must consider the representations, and
- (b) if it thinks that it is not appropriate for the person to be included in the list concerned, it must remove him from the list.

(4) For the purposes of this paragraph, it is immaterial that any representations mentioned in subparagraph (3) relate to a time after the person was included in the list concerned.

Textual Amendments

F23 Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), [6\(f\)\(vii\)](#) (with Pt. 4)

Commencement Information

I17 Sch. 1 para. 17 wholly in operation; Sch. 1 para. 17 not in operation at date of making see art. 1(3); Sch. 1 para. 17 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), [art. 4\(a\)](#); Sch. 1 para. 17 in operation at 13.3.2009 by [S.R. 2009/41](#), [art. 3\(1\)\(i\)](#)

Review

18.—(1) A person who is included in a barred list may apply to [F²³DBS] for a review of his inclusion.

(2) An application for a review may be made only with the permission of [F²³DBS].

(3) A person may apply for permission only if—

- (a) the application is made after the end of the minimum barred period, and
- (b) in the prescribed period ending with the time when he applies for permission, he has made no other such application.

(4) [F²³DBS] must not grant permission unless it thinks—

- (a) that the person's circumstances have changed since he was included in the list or since he last applied for permission (as the case may be), and
- (b) that the change is such that permission should be granted.

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(5) On a review of a person's inclusion, if ^{F23}DBS] is satisfied that it is no longer appropriate for him to be included in the list it must remove him from it; otherwise it must dismiss the application.

(6) The minimum barred period is the prescribed period beginning with such of the following as may be prescribed—

- (a) the date on which the person was first included in the list;
- (b) the date on which any criterion prescribed for the purposes of paragraph 1, 2, 7 or 8 is first satisfied;
- (c) where the person is included in the list on the grounds that he has been convicted of an offence in respect of which a sentence of imprisonment or detention was imposed, the date of his release;
- (d) the date on which the person made any representations as to why he should not be included in the list.

Textual Amendments

F23 Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vii)** (with Pt. 4)

Commencement Information

I18 Sch. 1 para. 18 wholly in operation; Sch. 1 para. 18 not in operation at date of making see art. 1(3); Sch. 1 para. 18(3)(b)(6) in operation at 14.3.2008 by [S.R. 2008/127](#), **art. 3(f)**; Sch. 1 para. 18 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 18 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

^{F24}**18A.**—(1) Sub-paragraph (2) applies if a person's inclusion in a barred list is not subject to—

- (a) a review under paragraph 18, or
- (b) an application under that paragraph,

which has not yet been determined.

(2) ^{F23}DBS] may, at any time, review the person's inclusion in the list.

(3) On any such review, ^{F23}DBS] may remove the person from the list if, and only if, it is satisfied that, in the light of—

- (a) information which it did not have at the time of the person's inclusion in the list,
- (b) any change of circumstances relating to the person concerned, or
- (c) any error by ^{F23}DBS] ,

it is not appropriate for the person to be included in the list.]

Textual Amendments

F23 Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vii)** (with Pt. 4)

F24 Sch. 1 para. 18A inserted (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. 7 para. 8; S.I. 2012/2234, art. 2\(z\)\(i\)](#)

Status: Point in time view as at 01/04/2015.

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Information

19.—(1) [F23DBS] may require—

- (a) any person who holds records of convictions or cautions for the use of police forces generally to provide to it any relevant information relating to a person to whom any of paragraphs 1 to 5 or 7 to 11 applies [F25 or appears to apply] ;
- (b) any person who holds such records to provide to it prescribed details of relevant matter (within the meaning of section 113A of the Police Act 1997 (c. 50)) relating to a person to whom any of those paragraphs [F26 applies or appears to apply] ;
- (c) the chief officer of a relevant police force to provide to it any such relevant information;
- F27(d)

(2) For the purposes of sub-paragraph (1)(a), relevant information relating to a person is information which the person holding the records [F28 reasonably believes to] be relevant in relation to the regulated activity concerned.

(3) For the purposes of sub-paragraph (1)(c), relevant information relating to a person is information which the chief officer [F28 reasonably believes to] be relevant in relation to the regulated activity concerned.

(4) [F23DBS] must pay to the appropriate police authority such fee as the Secretary of State thinks appropriate for information provided to [F23DBS] in accordance with sub-paragraph (1)(c).

(5) For the purpose of deciding under this Schedule whether or not a person is included in a barred list [F23DBS] must not take account of relevant police information if the chief officer of the relevant police force thinks that it would not be in the interests of the prevention or detection of crime to disclose the information to the person.

(6) In sub-paragraph (5) relevant police information is information F29 ...obtained by [F23DBS] in pursuance of subparagraph (1)(c) F30....

(7) In this paragraph—

“caution” has the same meaning as in section 126 of the Police Act 1997 (c. 50);

“relevant police force” must be construed in accordance with subsection (9) of section 113B of that Act as if the person had made an application for the purposes of that section.

(8) If [F23DBS] so requests, the Secretary of State must inform [F23DBS] which police forces are relevant police forces in relation to a person.

Textual Amendments

- F23** Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vii)** (with Pt. 4)
- F25** Words in Sch. 1 para. 19(1)(a) inserted (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. 7 para. 7(1)(a)(i)**; S.I. 2012/2234, art. 2(z)(i)
- F26** Words in Sch. 1 para. 19(1)(b) substituted (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. 7 para. 7(1)(a)(ii)**; S.I. 2012/2234, art. 2(z)(i)
- F27** Sch. 1 para. 19(1)(d) 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. 7 para. 7(1)(a)(iii)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)

Status: Point in time view as at 01/04/2015.

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- F28** Words in Sch. 1 para. 19(2) (3) substituted (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. 7 para. 7\(1\)\(b\)](#); S.I. 2012/2234, art. 2(z)(i)
- F29** Words in Sch. 1 para. 19(6) 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. 7 para. 7\(1\)\(c\)\(i\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)
- F30** Words in Sch. 1 para. 19(6) 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. 7 para. 7\(1\)\(c\)\(ii\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)

Commencement Information

- I19** Sch. 1 para. 19 wholly in operation; Sch. 1 para. 19 not in operation at date of making see art. 1(3); Sch. 1 para. 19 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 19(1)(b) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233, art. 4\(v\)](#); Sch. 1 para. 19 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(i\)](#)

20.—(1) The Department of Health, Social Services and Public Safety may provide to [F23DBS] any information relating to a person which is held by that Department in connection with its functions under Part II or III of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

(2) The Department of Education may provide to [F23DBS] any information relating to a person which is held by that Department in connection with its functions under Articles 70(2)(e)(iii) and 88A(2)(b)(iii) of the Education and Libraries (Northern Ireland) Order 1986 (NI 3).

^{F31}(3)

Textual Amendments

- F23** Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(f\)\(vii\) \(with Pt. 4\)](#)
- F31** Sch. 1 para. 20(3) omitted (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 68 \(with Pt. 4\)](#)

Commencement Information

- I20** Sch. 1 para. 20 wholly in operation; Sch. 1 para. 20 not in operation at date of making see art. 1(3); Sch. 1 para. 20 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(a\)](#); Sch. 1 para. 20 in operation at 13.3.2009 by [S.R. 2009/41, art. 3\(1\)\(i\)](#)

21. [F23DBS] must provide the Secretary of State with the prescribed information relating to a person if—

- (a) it includes that person in a barred list;
- (b) it is considering whether to include him in a barred list;
- (c) it thinks that any of the criteria prescribed for the purposes of paragraph 1, 2, 7 or 8 is satisfied in relation to him and that the Secretary of State does not already have the information.

Status: Point in time view as at 01/04/2015.

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Textual Amendments

F23 Word in Sch. 1 paras. 13-21 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(vii)** (with Pt. 4)

Commencement Information

I21 Sch. 1 para. 21 partly in operation; Sch. 1 para. 21 not in operation at date of making see art. 1(3); Sch. 1 para. 21 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 21 in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(v)**; Sch. 1 para. 21(a) in operation at 12.10.2009 in so far as it is not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

22. [^{F32}DBS] must inform the Scottish Ministers if a person is included in a barred list.

Textual Amendments

F32 Words in Sch. 1 para. 22 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **49(i)** (with Pt. 4)

Commencement Information

I22 Sch. 1 para. 22 wholly in operation; Sch. 1 para. 22 not in operation at date of making see art. 1(3); Sch. 1 para. 22 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 22 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

23. [^{F33}DBS] may—

- (a) at the request of the Secretary of State provide him with such information relating to the exercise of its functions as [^{F33}DBS] thinks may be relevant to the exercise by the Secretary of State of any of his functions;
- (b) at the request of a Northern Ireland department provide it with such information relating to the exercise of [^{F33}DBS] 's functions as [^{F33}DBS] thinks may be relevant to the exercise by that Department of any of its functions.

Textual Amendments

F33 Word in Sch. 1 para. 23 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(f)(viii)** (with Pt. 4)

Commencement Information

I23 Sch. 1 para. 23 wholly in operation; Sch. 1 para. 23 not in operation at date of making see art. 1(3); Sch. 1 para. 23 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; Sch. 1 para. 23 in operation at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(i)**

Prescribed criteria

24.—(1) The criteria which may be prescribed for the purposes of paragraphs 1, 2, 7 and 8 are—

- (a) that a person has been convicted of, or cautioned in relation to, an offence of a specified description;
- (b) that an order of a specified description requiring the person to do or not to do anything has been made against him;

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- (c) that a person is included in a specified list maintained for the purposes of a country or territory outside the United Kingdom;
- (d) that an order or direction of a specified description requiring the person to do or not to do anything has been made against him for the purposes of a country or territory outside the United Kingdom.

(2) The power to specify offences for the purposes of sub-paragraph (1) includes power to specify offences under—

- [^{F34}(a) the law of a country or territory outside Northern Ireland;]
- (b) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
- (c) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
- (d) section 42 of the Naval Discipline Act 1957 (c. 53);
- (e) section 42 of the Armed Forces Act 2006 (c. 52).

(3) The Secretary of State may specify a list for the purposes of sub-paragraph (1)(c) only if he thinks that inclusion in the list has a corresponding or similar effect to inclusion in a barred list.

(4) For the purposes of determining whether any of the criteria is satisfied in relation to a person, ignore—

- (a) any offence committed before he attained the age of 18;
- (b) any order or direction made before that time.

(5) The criteria which may be prescribed for the purposes of paragraph 1 or 2 must not consist only of circumstances in which the person has committed an offence against a child before the commencement of Article 6 if the court, having considered whether to make a disqualification order, decided not to.

(6) In sub-paragraph (5)—

- (a) the reference to an offence committed against a child must be construed in accordance with Chapter II of Part II of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4);
- (b) a disqualification order is an order under Article 23 or 24 of that Order.

(7) For the purposes of sub-paragraph (4) an offence committed over a period of time must be treated as committed on the last day of the period.

[^{F35}(8)

[^{F35}(9)

[^{F36}(10) For the purposes of sub-paragraph (2)(a) in its application to an offence committed outside the British Islands the Secretary of State must not specify the offence unless—

- (a) the conduct which constitutes the offence would, if carried out in Northern Ireland, amount to an offence under the law of Northern Ireland (the equivalent offence), and
- (b) the equivalent offence is also specified for the purposes of paragraph 1, 2, 7 or 8 (as the case may be).]

Textual Amendments

F34 Sch. 1 para. 24(2)(a) substituted (27.2.2009) by [Safeguarding Vulnerable Groups \(Prescribed Criteria\) \(Foreign Offences\) Order \(Northern Ireland\) 2009 \(S.R. 2009/21\)](#), **art. 3(2)**

F35 Sch. 1 para. 24(8) (9) 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. 101(2), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v)(bb)

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

F36 Sch. 1 para. 24(10) inserted (27.2.2009) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 3(3)**

Commencement Information

I24 Sch. 1 para. 24 partly in operation; Sch. 1 para. 24 not in operation at date of making see art. 1(3); Sch. 1 para. 24(1)(2)(9) in operation at 14.3.2008 by S.R. 2008/127, **art. 3(f)**; Sch. 1 para. 24 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 24(3)-(7) in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

25.—^[F37](1) A court by or before which a person is convicted of an offence of a description specified for the purposes of paragraph 24(1)(a), or which makes an order of a description specified for the purposes of paragraph 24(1)(b), must inform the person at the time he is convicted or the order is made that ^[F38]DBS will ^[F39]or (as the case may be) “ may ” include him in the barred list concerned.

^[F40](2) This paragraph does not apply to convictions by or before a court in a country or territory outside Northern Ireland.]

Textual Amendments

F37 Sch. 1 para. 25 renumbered (27.2.2009) as sub-para. (1) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 4(2)**

F38 Word in Sch. 1 para. 25 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **6(f)(ix)** (with Pt. 4)

F39 Words in Sch. 1 para. 25(1) inserted (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. 101(3)**; S.I. 2012/2234, art. 2(aa)(v)

F40 Sch. 1 para. 25(2) inserted (27.2.2009) by Safeguarding Vulnerable Groups (Prescribed Criteria) (Foreign Offences) Order (Northern Ireland) 2009 (S.R. 2009/21), **art. 4(3)**

Commencement Information

I25 Sch. 1 para. 25 wholly in operation; Sch. 1 para. 25 not in operation at date of making see art. 1(3); Sch. 1 para. 25 in operation for certain purposes at 14.4.2008 by S.R. 2008/127, **art. 4(a)**; Sch. 1 para. 25 in operation at 13.3.2009 by S.R. 2009/41, **art. 3(1)(i)**

^{F41}SCHEDULE 2

Article 9

REGULATED ACTIVITY

Textual Amendments

F41 Sch. 2 para. 7(1)-(3E) substituted for Sch. 2 para. 7(1)-(3) (10.8.2012 for specified purposes, 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. 7 para. 3(2)**; S.I. 2012/2075, art. 2(b); S.I. 2012/2234, art. 2(z)(i)

Status: Point in time view as at 01/04/2015.

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PART I

REGULATED ACTIVITY RELATING TO CHILDREN

Regulated activity: general

- 1.—(1) An activity is a regulated activity relating to children if—
- (a) it is mentioned in paragraph 2(1), and
 - (b) [^{F42}except in the case of activities falling within sub-paragraph (1A),] it is carried out frequently by the same person or the period condition is satisfied.
- [^{F43}(1A) The following activities fall within this sub-paragraph—
- (a) relevant personal care, and
 - (b) health care provided by, or under the direction or supervision of, a health care professional.
- (1B) In this Part of this Schedule “relevant personal care” means—
- (a) physical assistance which is given to a child who is in need of it by reason of illness or disability and is given in connection with eating or drinking (including the administration of parenteral nutrition),
 - (b) physical assistance which is given to a child who is in need of it by reason of age, illness or disability and is given in connection with—
 - (i) toileting (including in relation to the process of menstruation),
 - (ii) washing or bathing, or
 - (iii) dressing,
 - (c) the prompting (together with supervision) of a child, who is in need of it by reason of illness or disability, in relation to the performance of the activity of eating or drinking where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
 - (d) the prompting (together with supervision) of a child, who is in need of it by reason of age, illness or disability, in relation to the performance of any of the activities listed in paragraph (b)(i) to (iii) where the child is unable to make a decision in relation to performing such an activity without such prompting and supervision,
 - (e) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of the activity of eating or drinking,
 - (ii) is given to a child who is in need of it by reason of illness or disability, and
 - (iii) does not fall within paragraph (c), or
 - (f) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of any of the activities listed in paragraph (b)(i) to (iii),
 - (ii) is given to a child who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (d).
- (1C) In this Part of this Schedule —
- “health care” includes all forms of health care provided for children, whether relating to physical or mental health and also includes palliative care for children and procedures that are similar to forms of medical or surgical care but are not provided for children in connection with a medical condition,

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“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.

(1D) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to a child by any person acting on behalf of an organisation established for the purpose of providing first aid.]

(2) An activity is a regulated activity relating to children if—

- (a) it is carried out frequently by the same person or the period condition is satisfied,
- (b) it is carried out in an establishment mentioned in paragraph 3(1),
- (c) it is carried out by a person while engaging in [^{F44}any work falling within sub-paragraph (2A) or (2B)] ,
- (d) it is carried out for or in connection with the purposes of the establishment, and
- (e) 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 children.

[^{F45}(2A) Work falls within this sub-paragraph if it is any form of work for gain, other than any such work which—

- (a) is undertaken in pursuance of a contract for the provision of occasional or temporary services, and
- (b) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)).

(2B) Work falls within this sub-paragraph if it is any form of work which is not for gain, other than—

- (a) any such work which—
 - (i) is carried out on a temporary or occasional basis, and
 - (ii) is not an activity mentioned in paragraph 2(1) (disregarding paragraph 2(3A) and (3B)(b)), or
- (b) any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(2C) The reference in sub-paragraph (2B)(b) to day to day supervision is a reference to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.]

(3) Each of the following is a regulated activity relating to children—

- (a) acting as a child minder on domestic premises;
- (b) providing day care.

(4) Any expression used both in sub-paragraph (3) and in Part XI of the Children Order has the meaning given by that Order.

(5) It is a regulated activity relating to children to foster a child (as mentioned in Article 55).

(6) The exercise of a function of a guardian ad litem appointed under Article 60 of the Children Order is a regulated activity relating to children.

[^{F46}(6A) The exercise of a function of a controller appointed in respect of a child under Article 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) is a regulated activity relating to children.]

^{F47}(7)

[^{F48}(7A) The exercise of a function under Article 130 of the Children (Northern Ireland) Order 1995, so far as it gives the person exercising the function the opportunity, in consequence of anything

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the person is permitted or required to do in the exercise of that function, to have contact with children is a regulated activity relating to children.]

(8) The exercise of a function of any of the following so far as it [^{F49} 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 children] is a regulated activity relating to children—

- (a) an inspector appointed under Article 102 of the Education and Libraries (Northern Ireland) Order 1986;
- (b) the Chief Inspector of Criminal Justice in Northern Ireland;
- (c) [^{F50}RQIA].

(9) ^{F51}

(10) ^{F52}

(11) ^{F53}

(12) 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), (2), (6), [^{F54}(7A) or (8)] is a regulated activity relating to children.

[^{F55}(13) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person who would be carrying out an activity mentioned in sub-paragraph (1) or (2) but for the exclusion for supervised activity in paragraph 2(3A) or (3B)(b) or sub-paragraph (2B) (b) above is a regulated activity relating to children.]

Textual Amendments

- F42** Words in Sch. 2 para. 1(1)(b) inserted (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. 7 para. 1\(2\)](#); S.I. 2012/2234, art. 2(z)(i)
- F43** Sch. 2 para. 1(1A)-(1D) inserted (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. 7 para. 1\(3\)](#); S.I. 2012/2234, art. 2(z)(i)
- F44** Words in Sch. 2 para. 1(2)(c) substituted (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. 7 para. 1\(4\)](#); S.I. 2012/2234, art. 2(z)(i)
- F45** Sch. 2 para. 1(2A)-(2C) inserted (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. 7 para. 1\(5\)](#); S.I. 2012/2234, art. 2(z)(i)
- F46** Sch. 2 para. 1(6A) inserted (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. 7 para. 1\(6\)\(a\)](#); S.I. 2012/2234, art. 2(z)(i)
- F47** Sch. 2 para. 1(7) 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. 7 para. 1\(6\)\(b\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i), (bb)
- F48** Sch. 2 para. 1(7A) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 4\(2\)](#)
- F49** Words in Sch. 2 para. 1(8) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 4\(3\)](#)
- F50** Words in Sch. 2 para. 1(8)(c) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 15\(2\)](#)

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- F51** Sch. 2 para. 1(9) 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. 4(4)**
- F52** Sch. 2 para. 1(10) 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. 4(5)**
- F53** Sch. 2 para. 1(11) 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. 4(6)**
- F54** Words in Sch. 2 para. 1(12) substituted (1.4.2010) by Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010 (S.R. 2010/30), **art. 4(7)**
- F55** Sch. 2 para. 1(13) inserted (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. 7 para. 1(6)(c)**; S.I. 2012/2234, art. 2(z)(i)

Commencement Information

- I26** Sch. 2 para. 1 wholly in operation; Sch. 2 para. 1 not in operation at date of making see art. 1(3); Sch. 2 para. 1 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)**

Activities

- 2.—(1) The activities referred to in paragraph 1(1) are—
- (a) any form of teaching, training or instruction of children, unless the teaching, training or instruction is merely incidental to teaching, training or instruction of persons who are not children;
 - (b) any form of care for or supervision of children, unless the care or supervision is merely incidental to care for or supervision of persons who are not children;
 - (c) any form of advice or guidance provided wholly or mainly for children, if the advice or guidance relates to their physical, emotional or educational well-being;
 - ^{F56}(d)
 - (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by children;
 - (f) driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for the children pursuant to arrangements made in prescribed circumstances.
- (2) Sub-paragraph (1)(a), (b), [^{F57} and (c)] do not include—
- (a) teaching, training or instruction provided to a child in the course of his employment;
 - (b) care for or supervision of a child in the course of his employment;
 - (c) advice or guidance provided for a child in the course of his employment;
 - ^{F58}(d)
- (3) Sub-paragraph (2) does not apply if—
- (a) the child has not attained the age of 16, and
 - (b) the activity is carried out by a person in respect of whom arrangements exist principally for that purpose.

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[^{F59}(3A) Sub-paragraph (1)(a) does not include any form of teaching, training or instruction of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(3B) Sub-paragraph (1)(b)—

- (a) does not include any health care provided otherwise than by (or under the direction or supervision of) a health care professional, and
- (b) does not, except in the case of relevant personal care or of health care provided by (or under the direction or supervision of) a health care professional, include any form of care for or supervision of children which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children.

(3C) The references in sub-paragraphs (3A) and (3B)(b) to day to day supervision are references to such day to day supervision as is reasonable in all the circumstances for the purpose of protecting any children concerned.

(3D) Sub-paragraph (1)(c) does not include any legal advice.]

(4) For the purposes of sub-paragraph (1)(e) a person moderates a public electronic interactive communication service if, for the purpose of protecting children, 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.

(5) But a person does not moderate a public electronic interactive communications service as mentioned in sub-paragraph (4)(b) or (c) unless he has—

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

(6) In sub-paragraph (2) employment includes any form of work which is carried out under the supervision or control of another, whether or not the person carrying it out is paid for doing so.

Textual Amendments

- F56** Sch. 2 para. 2(1)(d) 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. 7 para. 1\(7\)\(a\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(i\) \(bb\)](#)
- F57** Words in Sch. 2 para. 2(2) substituted (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. 7 para. 1\(7\)\(b\)\(i\); S.I. 2012/2234, art. 2\(z\)\(i\)](#)
- F58** Sch. 2 para. 2(2)(d) 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. 7 para. 1\(7\)\(b\)\(ii\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(i\) \(bb\)](#)
- F59** Sch. 2 para. 2(3A)-(3D) inserted (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. 7 para. 1\(7\)\(c\); S.I. 2012/2234, art. 2\(z\)\(i\)](#)

Commencement Information

- I27** Sch. 2 para. 2 wholly in operation; Sch. 2 para. 2 not in operation at date of making see art. 1(3); Sch. 2 para. 2 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(c\)](#); Sch. 2 para. 2(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\(1\)\(b\)](#)

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Establishments

- 3.—(1) The establishments referred to in paragraph 1(2)^{F60} . . . are—
- (a) an educational institution which is exclusively or mainly for the provision of full-time education to children;
 - (b) a nursery school within the meaning of the Education and Libraries (Northern Ireland) Order 1986 (NI 3);
 - ^{F61}(bb) premises which are used for the provision of education by [^{F62}the Education Authority] or on its behalf, which do not fall within paragraph (a) or (b);
 - (c) a hospital which is exclusively or mainly for the reception and treatment of children;
 - (d) an institution which is exclusively or mainly for the detention of children;
 - (e) a children's home (within the meaning of Article 9 of the 2003 Order);
 - (f) relevant childcare premises.
- (2) Relevant childcare premises are any part of premises on which a person acts as child minder or provides day care in respect of which he must be registered under Article 118 of the Children Order.
- ^{F63}(3) But premises on which a person acts as child minder or provides day care are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the day care or child minding is provided.
- (4) For the purposes of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.
- (5) “Parental responsibility” has the same meaning as in the Children Order.]

Textual Amendments

- F60** Words in Sch. 2 para. 3(1) 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. 5\(a\)](#)
- F61** Sch. 2 para. 3(1)(bb) inserted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\)](#), [art. 5\(b\)](#)
- F62** Words in Sch. 2 para. 3(1)(bb) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 26\(3\)](#) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F63** Sch. 2 para. 3(3)-(5) 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. 23\(2\)](#)

Commencement Information

- I28** Sch. 2 para. 3 wholly in operation; Sch. 2 para. 3 not in operation at date of making see art. 1(3); Sch. 2 para. 3 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\(1\)\(b\)](#)

Positions

^{F64}4.

Status: Point in time view as at 01/04/2015.

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Textual Amendments

F64 Sch. 2 para. 4 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. 7 para. 1\(8\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(i\) \(bb\)](#)

Commencement Information

I29 Sch. 2 para. 4 wholly in operation; Sch. 2 para. 4 not in operation at date of making see art. 1(3); Sch. 2 para. 4 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\(1\)\(b\)](#)

5. A person who is part of a group in relation to which another (P) engages in regulated activity relating to children 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 paragraph, would amount to engaging in regulated activity relating to children.

Commencement Information

I30 Sch. 2 para. 5 wholly in operation; Sch. 2 para. 5 not in operation at date of making see art. 1(3); Sch. 2 para. 5 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\(1\)\(b\)](#)

[^{F65}Guidance

Textual Amendments

F65 Sch. 2 para. 5A and preceding cross-heading inserted (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. 7 para. 14\(6\); S.I. 2012/2234, art. 2\(z\)\(vii\)](#)

5A.—(1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

(2) The Secretary of State must publish guidance given under this paragraph.

(3) A regulated activity provider or a personnel supplier must, in exercising any functions under this Order, have regard to guidance for the time being given under this paragraph.]

Exceptions

6. 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 children is not to be treated as a regulated activity.

Commencement Information

I31 Sch. 2 para. 6 wholly in operation; Sch. 2 para. 6 not in operation at date of making see art. 1(3); Sch. 2 para. 6 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127, art. 4\(c\)](#); Sch. 2 para. 6 in

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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)**

^{F41}PART II

REGULATED ACTIVITY RELATING TO VULNERABLE ADULTS

- 7.—^{F41}(1) Each of the following is a regulated activity relating to vulnerable adults—
- (a) the provision to an adult of health care by, or under the direction or supervision of, a health care professional,
 - (b) the provision to an adult of relevant personal care,
 - (c) the provision by a social care worker of relevant social work to an adult who is a client or potential client,
 - (d) the provision of assistance in relation to general household matters to an adult who is in need of it by reason of age, illness or disability,
 - (e) any relevant assistance in the conduct of an adult's own affairs,
 - (f) the conveying by persons of a prescribed description in such circumstances as may be prescribed of adults who need to be conveyed by reason of age, illness or disability,
 - (g) such activities—
 - (i) involving, or connected with, the provision of health care or relevant personal care to adults, and
 - (ii) not falling within any of the above paragraphs,as are of a prescribed description.
- (2) Health care includes all forms of health care provided for individuals, whether relating to physical or mental health and also includes palliative care and procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition.
- (3) A health care professional is a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002.
- (3A) Any reference in this Part of this Schedule to health care provided by, or under the direction or supervision of, a health care professional includes a reference to first aid provided to an adult by any person acting on behalf of an organisation established for the purpose of providing first aid.
- (3B) Relevant personal care means—
- (a) physical assistance, given to a person who is in need of it by reason of age, illness or disability, in connection with—
 - (i) eating or drinking (including the administration of parenteral nutrition),
 - (ii) toileting (including in relation to the process of menstruation),
 - (iii) washing or bathing,
 - (iv) dressing,
 - (v) oral care, or
 - (vi) the care of skin, hair or nails,
 - (b) the prompting, together with supervision, of a person who is in need of it by reason of age, illness or disability in relation to the performance of any of the activities listed in

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paragraph (a) where the person is unable to make a decision in relation to performing such an activity without such prompting and supervision, or

- (c) any form of training, instruction, advice or guidance which—
 - (i) relates to the performance of any of the activities listed in paragraph (a),
 - (ii) is given to a person who is in need of it by reason of age, illness or disability, and
 - (iii) does not fall within paragraph (b).

(3C) Relevant social work has the meaning given by section 2(4) of the Health and Personal Social Services Act (Northern Ireland) 2001 and social care worker means a person who is a social care worker by virtue of section 2(2)(a) of that Act.

(3D) Assistance in relation to general household matters is day to day assistance in relation to the running of the household of the person concerned where the assistance is the carrying out of one or more of the following activities on behalf of that person—

- (a) managing the person's cash,
- (b) paying the person's bills,
- (c) shopping.

(3E) Relevant assistance in the conduct of a person's own affairs is anything done on behalf of the person by virtue of—

- (a) an enduring power of attorney (within the meaning of the Enduring Powers of Attorney (Northern Ireland) Order 1987 (NI 16)) in respect of the person which is—
 - (i) registered in accordance with that Order, or
 - (ii) the subject of an application to be so registered,
- (b) an order made under Article 99 or 101 of the Mental Health (Northern Ireland) Order 1986 (NI 4) by the High Court in relation to the person or the person's property or affairs, or
- (c) the appointment of a representative to receive payments on behalf of the person in pursuance of regulations made under the Social Security Administration (Northern Ireland) Act 1992.]

^{F66}(4)

(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) ^{F67}[^{F68}...or (6)] is a regulated activity relating to vulnerable adults.

[^{F69}(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) ^{F70}

(8) ^{F71}

^{F72}(9)

(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.

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

Textual Amendments

- F66** Sch. 2 para. 7(4) 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. 7 para. 3\(3\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)
- F67** Word in Sch. 2 para. 7(5) 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. 7 para. 3\(4\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)
- F68** 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\(2\)](#)
- F69** 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\(3\)](#)
- F70** 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\(4\)](#)
- F71** 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\(5\)](#)
- F72** Sch. 2 para. 7(9) 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. 7 para. 3\(5\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)

Commencement Information

- I32** 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\(1\)\(b\)](#)

F73 8.

Textual Amendments

- F73** Sch. 2 para. 8 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. 7 para. 3\(6\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)

Commencement Information

- I33** 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.

Commencement Information

- I34** 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

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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)**

PART III

THE PERIOD CONDITION

10.—(1) The period condition is satisfied if the person carrying out the activity does so at any time on more than [^{F74}three] days in any period of 30 days.

(2) In relation to an activity that falls within paragraph 2(1)(a), (b) [^{F75}or (c)]^{F76} ..., the period condition is also satisfied if—

- (a) the person carrying out the activity does so at any time between 2 a.m. and 6 a.m., and
- (b) the activity gives the person the opportunity to have face-to-face contact with children^{F77}

Textual Amendments

- F74** Word in Sch. 2 para. 10(1) substituted (1.4.2010) by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\)](#), **art. 10**
- F75** Words in Sch. 2 para. 10(2) substituted (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. 7 para. 1(9)**; S.I. 2012/2234, art. 2(z)(i)
- F76** Words in Sch. 2 para. 10(2) 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. 7 para. 3(7)(a)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)
- F77** Words in Sch. 2 para. 10(2)(b) 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. 7 para. 3(7)(b)**, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(i) (bb)

Commencement Information

- I35** Sch. 2 para. 10 wholly in operation; Sch. 2 para. 10 not in operation at date of making see art. 1(3); Sch. 2 para. 10 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)**

Textual Amendments

- F78** Sch. 3 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)

Status: Point in time view as at 01/04/2015.

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F79 SCHEDULE 4

Article 16

EMPLOYMENT BUSINESSES: FAILURE TO CHECK

Textual Amendments

F79 Sch. 4 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)

Offences

PROSPECTIVE

F79 1.

2.

PROSPECTIVE

F79 Defences

F79 3.

PROSPECTIVE

F79 Modified meaning of regulated activity

F79 4.

Power to amend paragraph 2(1)(c)

.....

PROSPECTIVE

F79 Offence: acting for P etc

F79 6.

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SCHEDULE 5

Article 32

[^{F80}BARRING INFORMATION]

Textual Amendments

F80 Sch. 5 heading substituted (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. 102\(4\); S.I. 2012/2234, art. 2\(aa\)\(v\)](#)

1. This is the table referred to in [^{F81}Articles 32A and 32B] —

<i>Column 1</i>	<i>Column 2</i>
1. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to children	Children
2. Person who permits, or is considering whether to permit, B to engage in regulated activity relating to vulnerable adults	Vulnerable adults
F82	F82
...	...
F82	F82
...	...
5. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to children	Children
6. Personnel supplier in connection with the supply, or possible supply, of B to another person for B to engage in regulated activity relating to vulnerable adults	Vulnerable adult
F83	F83
...	...
F83	F83
...	...
9. Person who has parental responsibility for a child and is considering whether B is suitable to engage in regulated activity in relation to the child, but not if B is permitted to do so by an independent regulated activity provider	Children

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10. Parent who is considering whether B Children should be a private foster parent (within the meaning of Article 55 in relation to his child

11. Person (except the parent of a child to be Children fostered) making or who has made arrangements for another to foster a child who is considering whether B is suitable to live in premises in which the child is fostered

12. An authority (within the meaning of the Children Order) in the exercise of functions under Article 108 of that Order considering whether B is suitable—

- (a) to foster a child privately (within the meaning of that Order);
- (b) to live in premises in which a child is so fostered

13. Person who is considering whether B is Vulnerable adults suitable to engage in regulated activity in relation to a vulnerable adult who is a friend or family member of the person, but not if B is permitted to do so by an independent regulated activity provider

14. Person who carries on an adult placement Vulnerable adults scheme and is considering whether B is suitable to live in premises in which an adult is provided with accommodation as part of the scheme

15. Person who is permitting, or considering Children whether to permit, B to have access to health or educational records relating to a chil

16. Person who is permitting, or considering Vulnerable adults whether to permit, B to have access to health records relating to vulnerable adults

F84

F84

...

...

18. Person who is permitting, or is Children considering whether to permit, B to engage in an activity in respect of which financial resources are provided pursuant to Article 4(2)(a) of the Further Education (Northern Ireland) Order 1997 (NI 15) or section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29), if

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engaging in the activity gives B the opportunity to have contact with children

F85

F85

. . .

. . .

Textual Amendments

- F81** Words in Sch. 5 para. 1 substituted (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. 102(2)(a)**; S.I. 2012/2234, art. 2(aa)(v)
- F82** Sch. 5 para. 1 table entries 3, 4 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. 102(2)(b), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v) (bb)
- F83** Sch. 5 para. 1 table entries 7, 8 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. 102(2)(b), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v) (bb)
- F84** Sch. 5 para. 1 table entry 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. 102(2)(b), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa)(v) (bb)
- F85** Sch. 5 para. 1 table entry 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. 7 para. 9(4), **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(z)(ii) (bb)

Commencement Information

- I36** Sch. 5 para. 1 partly in operation; Sch. 5 para. 1 not in operation at date of making see art. 1(3); Sch. 5 para. 1 in operation for certain purposes at 29.5.2008 by **S.R. 2008/233, art. 4(z)**

2. The Secretary of State may by order amend [^{F86}this Schedule] .

Textual Amendments

- F86** Words in Sch. 5 para. 2 substituted (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. 7 para. 9(5)**; S.I. 2012/2234, art. 2(z)(ii)

Commencement Information

- I37** Sch. 5 para. 2 partly in operation; Sch. 5 para. 2 not in operation at date of making see art. 1(3); Sch. 5 para. 2 in operation for certain purposes at 29.5.2008 by **S.R. 2008/233, art. 5(r)**

PROSPECTIVE

3.—(1) In entries 1 and 5 in the table the reference to regulated activity must be construed by disregarding sub-paragraph (2) of paragraph 2 of Schedule 2 if the activity—

- (a) relates to a child who has not attained the age of 16, or

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^{F87}(b)

(2) In entries 1, 2, 5, 6, 9 and 13 in the table the reference to regulated activity includes a reference to an activity which would be a regulated activity if—

- (a) it were carried out frequently, or
- (b) it were not merely incidental to another activity.

^{F88}(3)

Textual Amendments

F87 Sch. 5 para. 3(1)(b) 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. 7 para. 9\(6\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(z\)\(ii\) \(bb\)](#)

F88 Sch. 5 para. 3(3) 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. 102\(3\), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2\(aa\)\(v\) \(bb\)](#)

PROSPECTIVE

4. Parental responsibility has the same meaning as in the Children Order.

PROSPECTIVE

5. A regulated activity provider is an independent regulated activity provider unless it is a company wholly owned by B.

PROSPECTIVE

6. An adult placement scheme is a scheme—
- (a) under which an individual agrees with the person carrying on the scheme to provide accommodation, in the home in which the individual ordinarily resides, 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.

SCHEDULE 6

Article 59

TRANSITIONAL PROVISIONS

Advice by^{F89} DBS]

Textual Amendments

F89 Word in Sch. 6 para. 1 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(g\) \(with Pt. 4\)](#)

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

1,—(1) [F89DBS] 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) [F89DBS] 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 [F90DBS] to include the person in the children's barred list;
- (b) requiring [F90DBS] to consider including the person in the children's barred list;
- (c) as to circumstances in which the person may make representations to [F90DBS] 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 [F90DBS]'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);
- (b) for the Secretary of State to prescribe by regulations the procedure in relation to an application as mentioned in paragraph (a).

Textual Amendments

F90 Word in Sch. 6 para. 2(2) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(g)** (with Pt. 4)

Commencement Information

I38 Sch. 6 para. 2 wholly in operation at 14.4.2008; Sch. 6 para. 2 not in operation at date of making see art. 1(3); Sch. 6 para. 2 in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(d)**; Sch. 6 para. 2 wholly in operation at 14.4.2008 by [S.R. 2008/127](#), **art. 4(o)**

Status: Point in time view as at 01/04/2015.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 18 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)

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 [F91DBS] to include the person in the adults' barred list;
- (b) requiring [F91DBS] to consider including the person in the adults' barred list;
- (c) as to circumstances in which the person may make representations to [F91DBS] 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 [F91DBS]'s consideration of any matter relating to the person.

Textual Amendments

F91 Word in Sch. 6 para. 3(2) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(g)** (with Pt. 4)

Commencement Information

I39 Sch. 6 para. 3 wholly in operation at 14.4.2008; Sch. 6 para. 3 not in operation at date of making see art. 1(3); Sch. 6 para. 3 in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(d)**; Sch. 6 para. 3 wholly in operation at 14.4.2008 by [S.R. 2008/127](#), **art. 4(o)**

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.

Commencement Information

I40 [Sch. 6 para. 4](#) wholly in operation at 14.4.2008; [Sch. 6 para. 4](#) not in operation at date of making see art. 1(3); [Sch. 6 para. 4](#) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(d)**; [Sch. 6 para. 4](#) wholly in operation at 14.4.2008 by [S.R. 2008/127](#), **art. 4(o)**

F92
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Textual Amendments

F92 Sch. 6 para. 5 and preceding cross-heading repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by

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Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 103, **Sch. 10 Pt. 5**; S.I. 2012/2234, art. 2(aa) (v) (bb)

F925.

SCHEDULE 7

Article 60

AMENDMENTS

The Children (Northern Ireland) Order 1995(NI 2)

1.—(1) In Article 109 (persons disqualified from being private foster parents) after paragraph (3) insert—

“(3A) A person shall not foster a child privately if—

(a) he is barred from regulated activity relating to children (within the meaning of Article 7(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007); or

(b) he lives in the same household as a person who is barred from such activity.”.

(2) In Article 122 (persons disqualified for registration in respect of child minding and day care), after paragraph (2)(f) insert—

“(fa) he is barred from regulated activity relating to children (within the meaning of Article 7(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007);”.

The Education and Libraries (Northern Ireland) Order 1986 (NI 3)

2.—(1) In Article 70(2)(e) (regulations for prohibiting or restricting employment of teachers) for the words from “(i) on medical grounds” to the end substitute “ on medical grounds, on grounds of misconduct or on educational grounds ”.

(2) In Article 88A(2)(b) (regulations for prohibiting or restricting employment of non-teaching staff) for the words from “(i) on medical grounds” to the end substitute “ on medical grounds or on grounds of misconduct ”.

The Police Act 1997 (c. 50)

3. In section 126 after subsection (2) add—

“(3) In the application of this Part to Northern Ireland a reference to the Safeguarding Vulnerable Groups Act 2006, or to a provision of that Act, shall be construed as a reference to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or, as the case maybe, to the corresponding provision of that Order.”.

The Data Protection Act 1998 (c. 29)

4.—(1) In section 56 (prohibition of requirement as to production of certain records) in the table in subsection (6) after “the Safeguarding Vulnerable Groups Act 2006” (where it twice occurs) insert “ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ”.

(2) In section 75 (commencement etc.) in subsection (4A)—

(a) in paragraph (a) after “the Safeguarding Vulnerable Groups Act 2006” insert “ or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ”; and

(b) in paragraph (b) after “that Act” insert “ or that Order ”.

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The Health and Personal Social Services Act (Northern Ireland) 2001(c. 3)

5. In section 5 after subsection (3) add—

“(4) For the purposes of subsection (1)(a), in considering whether a person is of good character, the Council may have regard to whether he is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007).”

SCHEDULE 8

Article 60

REPEALS

Commencement Information

I41 Sch. 8 partly in operation; Sch. 8 not in operation at date of making see art. 1(3); Sch. 8 in operation for certain purposes at 12.10.2009 by S.R. 2009/304, art. 3(b); Sch. 8 in operation for certain purposes at 12.10.2009 by S.R. 2009/346, arts. 3, 4, Sch. (with arts. 5, 6, 7); Sch. 8 in operation for certain purposes at 7.4.2010 by S.R. 2010/145, art. 3 (with arts. 5-9)

Short Title	Extent of repeal
The Police Act 1997 (c. 50)	Sections 113C to 113F.
The Criminal Justice and Courts Services Act 2000 (c. 43)	Sections 35 and 36.
The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (NI 4)	The whole Order.
The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9)	In Schedule 4, the amendments to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.
The Serious Organised Crime and Police Act 2005 (c. 15)	In Schedule 14, paragraph 2.

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

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