

## SCHEDULE

### Automatic prohibition: conditions and offences

## PART 1

### Conditions for automatic prohibition

1. Condition A (automatic bar: DHSSPS List) is that the person is included (otherwise than provisionally) in the list kept by the Department of Health, Social Services and Public Safety under Article 3 of the 2003 Order (list of persons unsuitable to work with children).
2. Condition B (automatic bar: disqualification order) is that—
  - (a) on or after 3rd April 2006 the person has been made subject to a disqualification order; and
  - (b) if the order was made before 15th June 2007, the person was a teacher or a person to whom Article 88A of the 1986 Order applies before he was convicted of the offence to which the disqualification order relates.
3. Condition C (automatic bar: Part 2 offence committed in previous 10 years against child under 16) is that—
  - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 2;
  - (b) the offence was committed against or involving a child under 16; and
  - (c) the offence was committed not more than 10 years before the date on which the Department decides that he should be prohibited from teaching or working with children.
4. Condition D1 (automatic inclusion: Part 2 offence committed against person aged 16 or over or committed more than 10 years previously against child under 16, and related offences) is that—
  - (a) on or after the relevant specified date the person has been found to have committed—
    - (i) an offence set out in Part 2; or
    - (ii) an offence that is related to such an offence;
  - (b) the offence was committed against or involving—
    - (i) a child under 16; or
    - (ii) if the finding is on or after 15th June 2007, a person aged 16 or over; and
  - (c) where both paragraphs (a)(i) and (b)(i) apply, the offence was committed more than 10 years before the date on which the Department decides that he should be prohibited from teaching or working with children.
5. Condition D2 (automatic inclusion: Part 3 offence) is that—
  - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 3 or an offence that is related to such an offence; and
  - (b) the offence was committed against or involving—
    - (i) a child under 16; or
    - (ii) if the finding is on or after 15th June 2007, a person aged 16 or over.
6. Condition D3 (automatic inclusion: Part 4 offence) is that—
  - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 4 or an offence that is related to such an offence; and
  - (b) the offence was committed against or involving—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) a child under 16; or
  - (ii) if the finding is on or after 15th June 2007, a child aged 16 or 17.
- 7. Condition D4 (automatic inclusion: Part 5 offence) is that—
  - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 5 or an offence that is related to such an offence; and
  - (b) the offence was committed against or involving a child under 16.
- 8.—(1) Condition E (automatic inclusion: overseas offence) is that on or after 15th June 2007 the person has been found to have done an act which—
  - (a) constituted an offence under the law in force in a country outside the United Kingdom; and
  - (b) would constitute an offence mentioned in sub-paragraph (2) if it had been done in any part of the United Kingdom.
  - (2) Sub-paragraph (1)(b) applies in relation to—
    - (a) any offence set out in Parts 2 and 3;
    - (b) any offence set out in Part 4 committed against or involving a child;
    - (c) any offence set out in Part 5 committed against or involving a child under 16; or
    - (d) any offence that is related to an offence mentioned in paragraphs (a) to (c).
  - (3) In sub-paragraph (1) a person has been “found to have done an act which constituted an offence” if, under the law in force in a country outside the United Kingdom—
    - (a) he has been convicted of an offence (whether or not he has been punished for it);
    - (b) he has been cautioned in respect of an offence;
    - (c) a court exercising jurisdiction under that law has made in respect of an offence a finding equivalent to a finding that he is not guilty by reason of insanity; or
    - (d) such a court has made in respect of an offence a finding equivalent to a finding that he is under a disability and did the act charged against him in respect of the offence.
  - (4) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of sub-paragraphs (1) and (3) however it is described in that law.
- 9. Condition F (automatic inclusion: risk of sexual harm orders) is that on or after 15th June 2007 the person has been made subject to a risk of sexual harm order within the meaning of section 123 of the Sexual Offences Act 2003<sup>(1)</sup> or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005<sup>(2)</sup>.
- 10. Conditions C to E apply only if the person was aged 18 or over on the date the offence was committed.
- 11. If the person was convicted of the offence before 15th June 2007, conditions C and D only apply if the person was a teacher or a person to whom Article 88A of the 1986 Order applies before he was convicted.
- 12. In this Part a person has been “found to have committed” an offence if he has been—
  - (a) convicted of an offence;
  - (b) cautioned by a police officer after he has admitted an offence;
  - (c) found not guilty of an offence by reason of insanity; or

<sup>(1)</sup> 2003 c. 42; section 123 extends to Northern Ireland (*see* section 142(2)(c)).

<sup>(2)</sup> 2005 asp 9.

- (d) found to be under a disability and to have done the act charged against him in respect of such an offence.
13. In this Part an offence is “related to” an offence if it is an offence of—
- (a) attempting, conspiring or incitement to commit that offence; or
  - (b) aiding, abetting, counselling or procuring the commission of that offence.
14. In this Part “relevant specified date” means—
- (a) in relation to a person who has been convicted of an offence set out in Parts 2 to 5 or an offence of attempting to commit such an offence, the relevant date specified in relation to the substantive offence in Part 2, 3, 4 or 5;
  - (b) in relation to a person who has been convicted of any other offence that is related to an offence set out in Parts 2 to 5, 15th June 2007;
  - (c) in relation to a person who has been found to have committed an offence set out in Parts 2 to 5 or an offence that is related to such an offence other than by having been convicted of the offence, 15th June 2007.
15. In relation to an offence which is committed over a period of time, the references in paragraphs 3(c), 4(c) and 10 to the date on which the offence is committed are to be read as references to the last day of that period.