
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 304

**Safeguarding Vulnerable Groups (Regulated
Activity, Transitional Provisions and Commencement
No. 4) Order (Northern Ireland) 2009**

PART 3

Provisions applying during the second transitional period

Transitional modifications applying during the second transitional period

11. Articles 12 and 13 apply during the second transitional period.

Modification to section 113BA of the Police Act 1997

12.—(1) Section 113BA of the Police Act 1997 has effect subject to the following modification.

(2) For subsection (2) substitute—

“(2) Suitability information relating to children is—

- (a) whether the applicant is included in the list kept under Article 3 of the 2003 Order;
- (b) whether the applicant is included in the list kept under regulation 8 of the 2007 Regulations;
- (c) whether the applicant is included in the list kept under section 1 of the 1999 Act;
- (d) whether the applicant is subject to a direction made under section 142 of the 2002 Act;
- (e) whether the applicant is included in the list kept under section 1(1) of the 2003 Act;
- (f) whether the applicant is barred from regulated activity relating to children;
- (g) if the applicant is barred from such regulated activity, such details as are prescribed of the circumstances in which he became barred;
- (h) whether the applicant is subject to monitoring in relation to regulated activity relating to children;
- (i) whether the Independent Barring Board is considering whether to include the applicant in the children’s barred list in pursuance of paragraph 3 or 5 of Schedule 1 to the 2007 Order.

(2A) If the applicant is included in the list kept under—

- (a) Article 3 of the 2003 Order, the suitability information includes whether the inclusion is provisional and—

- (i) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a childcare position with a childcare organisation in accordance with Article 16 of that Order;
 - (ii) if it is not provisional, the fact that the applicant is disqualified from working with children for the purposes of Article 30 of that Order.
- (b) regulation 8 of the 2007 Regulations, the suitability information includes the fact that the applicant is disqualified from working with children for the purposes of Article 30 of the 2003 Order.
- (c) section 1 of the 1999 Act, the suitability information includes whether the inclusion is provisional and—
 - (i) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a childcare position with a childcare organisation in accordance with section 7 of that Act;
 - (ii) if it is not provisional, the fact that the applicant is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000⁽¹⁾.
- (d) section 1(1) of the 2003 Act, the suitability information includes whether the inclusion is provisional and, if it is not provisional, the fact that the applicant is disqualified from working with children for the purposes of section 17 of that Act.
- (2B) If the applicant is subject to a direction made under section 142 of the 2002 Act, the suitability information includes—
 - (a) details of any prohibition or restriction on the applicant’s employment;
 - (b) the grounds on which the direction was made, and, where the grounds are misconduct, details of the misconduct.
- (2C) In subsection (2A)(a)(i), “childcare position” and “childcare organisation” have the same meaning as in Article 20 of the 2003 Order.
- (2D) In subsection (2A)(c)(i), “childcare position” and “childcare organisation” have the same meaning as in section 12 of the 1999 Act.”.

Modification to section 113BB of the Police Act 1997

13.—(1) Section 113BB of the Police Act 1997 has effect subject to the following modification.

(2) For subsection (2) substitute—

“(2) Suitability information relating to vulnerable adults is—

- (a) whether the applicant is included in the list kept under Article 35 of the 2003 Order;
- (b) whether the applicant is included in the list kept under section 81 of the 2000 Act;
- (b) whether the applicant is barred from regulated activity relating to vulnerable adults;
- (c) if the applicant is barred from such regulated activity, such details as are prescribed of the circumstances in which he became barred;
- (d) whether the applicant is subject to monitoring in relation to regulated activity relating to vulnerable adults;

⁽¹⁾ 2000 c. 43.

- (e) whether the Independent Barring Board is considering whether to include the applicant in the adults' barred list in pursuance of paragraph 9 or 11 of Schedule 1 to the 2007 Order.
- (2A) If the applicant is included in the list kept under—
 - (a) Article 35 of the 2003 Order, the suitability information includes whether the inclusion is provisional and—
 - (i) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a care position in accordance with Article 46 of that Order;
 - (ii) if it is not provisional, the fact that the applicant is prohibited from working in a care position.
 - (b) section 81 of the 2000 Act, the suitability information includes whether the inclusion is provisional and—
 - (i) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a care position;
 - (ii) if it is not provisional, the fact that the applicant is prohibited from working in a care position.
- (2B) In subsections (2A)(a)(i) and (2A)(a)(ii), “care position” has the same meaning as in Article 48 of the 2003 Order.
- (2C) In subsections (2A)(b)(i) and (2A)(b)(ii), “care position” has the same meaning as in Part 7 of the 2000 Act.”.