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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 304**

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

**PART 4**

Provisions applying during the first and second transitional periods

**Transitional modifications and provisions applying during the first and second transitional periods**

**14.** Articles 15 and 16 apply during the first transitional period and second transitional period.

**Modification to section 116 of the Police Act 1997**

**15.—**(1) Section 116(1) of the Police Act 1997 has effect subject to the following modification.

(2) For subsection (3) substitute—

“(3) Section 113B(3) to (11) and sections 113BA, 113BB and 113E, as modified by the Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009, shall apply in relation to this section with any necessary further modifications.”.

**Teachers’ pensions – entitlement to payment of retirement benefits**

**16.—**(1) The Teachers’ Superannuation Regulations (Northern Ireland) 1998(2) have effect subject to the modifications set out in this Article.

(2) In regulation E4 a person also falls within Case C if the requirements of paragraph (4) of that regulation are met and—

- (a) the Department of Education has notified the person in writing that the requirement specified in paragraph (3) is met; or
- (b) the requirement specified in paragraph (4) is met.

(3) The requirement is that IBB has not included, and is not considering including, the person in a barred list.

(4) The requirement is that IBB has included, or is considering including, the person in a barred list but the Department of Education is satisfied that there are exceptional circumstances relating to the person which make it appropriate that he should fall within Case C.

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(1) Section 116 was amended by paragraphs 1 and 5 of Schedule 35 to the Criminal Justice Act 2003 and by section 163(3) of, and paragraphs 1 and 3 of Schedule 14 to, the Serious Organised Crime and Police Act 2005. It is to be amended by paragraph 14(1) and (6) of the Safeguarding Vulnerable Groups Act 2006.

(2) S.R. 1998 No. 333 as amended by S.R. 2001 No. 149, S.R. 2003 No. 147, S.R. 2005 No. 181, S.R. 2005 No. 495, S.R. 2006 No. 163, S.R. 2006 No. 366 and S.R. 2007 No. 137.

- (5) Accordingly, in Case C the entitlement takes effect—
- (a) where, immediately before the person became incapacitated he was in excluded employment, on the day after the last day of his excluded employment; and
  - (b) in any other case, as soon as the person falls within the Case or as soon as the person would have fallen within the Case had there not been a requirement that the Department of Education notify that person that the requirement specified in paragraph (3) is met.
- (6) In paragraph (5) “excluded employment” has the same meaning as in the Teachers’ Superannuation Regulations (Northern Ireland) 1998.