
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009 (“the 2009 Order”) by revoking the provisions in the 2009 Order which provided that certain people should not be treated as vulnerable adults or as providing regulated activity to children or to vulnerable adults, in light of the changes to the definitions of vulnerable adult, regulated activity relating to children and regulated activity relating to vulnerable adults in Schedule 7 to the Protection of Freedoms Act 2012 (“the 2012 Act”).

This Order also amends the Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (the “2009 Commencement Order”) in light of the changes made to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (the “2007 Order”) by Schedule 7 of the 2012 Act. The 2009 Commencement Order is mainly based around three transitional periods, which were dependent on the phased implementation of Article 28 of the 2007 Order. Paragraph 6 of Schedule 7 to the 2012 Act repeals Article 28 of the 2007 Order and therefore the transitional periods in the 2009 Commencement Order can no longer operate. This Order therefore repeals all of the provisions in the 2009 Commencement Order which were dependent on those transitional periods.

This Order makes two new transitional provisions. Article 6 (which is based on Article 19 of the 2009 Commencement Order) enables the Independent Safeguarding Authority to provide information to a person, who has a legitimate interest in knowing the information, as to whether a particular person is barred from engaging in regulated activity relating to children or vulnerable adults, on the list kept under Articles 3 and 35 respectively of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 or the list kept under regulation 8 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007.

This provision will have effect until paragraph 9(1) of Schedule 7 to the 2012 Act, insofar as it inserts the barred list check under Article 32A into the 2007 Order, is brought into force.

Article 7 (which is based on article 15 of the 2009 Commencement Order) modifies section 116(3) (Enhanced criminal record certificates: judicial appointments and Crown employment) of the Police Act 1997.

An impact assessment has not been produced for this rule as no impact on the private, voluntary or public sector is foreseen.