STATUTORY RULES OF NORTHERN IRELAND

2012 No. 323

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2012

Made - - - - *14th August 2012*

Laid before Parliament *17th August 2012*

Coming into operation in accordance with regulation 1(2) and (3)

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 6(5), 37(1), 38(1), 39(2), 41(1) and (5), 44(2), 43(1), 47(1) and (5), 48(1) and (2) and 52A(1)(d) of, and paragraph 15 of Schedule 1, and paragraph 7(1)(f) and (g) of Schedule 2 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2012.

(2) Subject to paragraph (3), these Regulations shall come into operation on 10th September 2012.

(3) Regulations 7 to 9 and 23 to 26 shall come into operation on 10th September 2012 immediately after the commencement of paragraph 3 of Schedule 7 to the Protection of Freedoms Act 2012(**2**).

(4) In these Regulations "the 2007 Order" means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

Amendment of the Safeguarding Vulnerable Groups (Barred List Prescribed Information) Regulations (Northern Ireland) 2008

2. The Safeguarding Vulnerable Groups (Barred List Prescribed Information) Regulations (Northern Ireland) 2008(**3**) are amended as follows.

(**1**) S.I. 2007/1351 (N.I. 11). Articles 37(1), 38(1) and 39(2) were amended by section 115(1) and (2) of, and paragraphs 75, 94, 95 and 96 of Schedule 9 and Part 5 of Schedule 10 to, the Protection of Freedoms Act 2012; Article 41(1) and (5) was amended by sections 78 and 115(2) of, and paragraph 14(3) of Schedule 7 and Part 5 of Schedule 10 to, the Protection of Freedoms Act 2012; Article 47(1) and (5) was amended by sections 78 and 115(2) of, and paragraph 13(1) of Schedule 7 and Part 5 of Schedule 10 to, the Protection of Freedoms Act 2012; Article 52A was inserted by section 91 of the Policing and Crime Act 2009 (c. 26) and amended by section 78 of, and paragraph 14 of Schedule 7 to, the Protection of Freedoms Act 2012. There are other amendments but none relevant to these Regulations.

(**2**) 2012. c. 9.

(**3**) S.R. 2008 No. 202.

3. In regulation 2 omit the definitions of "the unique identification number accorded to the monitoring application or referral" and "the Access Northern Ireland disclosure number".

4. In regulation 2 for the definition of the "the Criminal Records Bureau disclosure number" substitute ""the criminal record certificate number" means the number relating to any criminal record certificate within the meaning of section 113A of the Police Act 1997(**4**) or any enhanced criminal record certificate within the meaning of section 113B of the Police Act 1997."

5. Omit regulation 4(d), (e) and (g).

6. For regulation 4(h) substitute—

"(h) the criminal record certificate number relating to the individual;".

7. In regulation 5(c) for "duty", in each place where it occurs, substitute "power".

Amendment of the Safeguarding Vulnerable Groups (Barring Procedure) Regulations (Northern Ireland) 2008

8. The Safeguarding Vulnerable Groups (Barring Procedure) Regulations (Northern Ireland) 2008(**5**) are amended as follows.

9. In regulation 3—

(a) in paragraph (1) omit "removal from, or";

(b) in paragraph (5) omit "removal from, or".

Amendment of the Safeguarding Vulnerable Groups (Prescribed Information) Regulations (Northern Ireland) 2009

10. The Safeguarding Vulnerable Groups (Prescribed Information) Regulations 2009(**6**) are amended as follows.

11. In regulation 2(1) in the definition of "employment" omit "or controlled".

12. In regulation 3—

(a) omit "and responsible persons" in the heading;

(b) omit "and (b)".

13. In regulation 4(2)(e) omit "or controlled activity".

14. In regulation 4(2)(f)(i), (h) and (i) omit "or controlled".

15. Omit regulations 6, 8 and 10.

16. In paragraph 1 of the Schedule omit sub-paragraph (g).

17. In paragraph 2 of the Schedule omit "or controlled".

18. In paragraph 4(h) of the Schedule omit "or controlled".

19. In paragraph 6 of the Schedule for "37, 38, 41, 43 or 47" substitute "37 or 38".

(**4**) 1997 c.50. Section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and amended by section 63(1) of, and paragraph 14 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47), section 50 of the Criminal Justice and Immigration Act 2008 (c. 4), S.I. 2009/203, and sections 79(2), 80(1) and 115(1) and (2) of, and paragraphs 35 and 36 of Schedule 9 and Parts 5 and 6 of Schedule 10 to, the Protection of Freedoms Act 2012; section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 and amended by section 63(1) of, and paragraph 14 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006, section 50 of the Criminal Justice and Immigration Act 2008, S.I. 2009/203, and sections 79(2), 80(1), 82 and 115(1) and (2) of, and paragraphs 35 and 37 of Schedule 9 and Parts 5 and 6 of Schedule 10 to, the Protection of Freedoms Act 2012.

(**5**) S.R. 2008 No. 203.

(**6**) S.R. 2009 No. 40.

20. In paragraph 9 of the Schedule after "such proceedings" insert ", and including proceedings commenced under the Children (Northern Ireland) Order 1995(**7**)".

Amendment of the Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2009

21. The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2009(**8**) are amended as follows.

22. Omit regulations 3 and 5.

Regulated activity relating to vulnerable adults

23. The conveying of adults who need to be conveyed by reason of age, illness or disability by the following persons in the course of their employment is regulated activity relating to vulnerable adults under paragraph 7(1)(f) of Schedule 2 to the 2007 Order(**9**)—

(a) any person who is employed as a hospital porter or a person undertaking the transfer of patients or clients;

(b) any person who is employed within an emergency department undertaking or assisting with the transfer of patients or clients;

(c) any person who is employed by the Northern Ireland Ambulance Service Health and Social Care Trust undertaking or assisting with the transfer of patients or clients;

(d) any driver employed in the Patient Transport Service(**10**) undertaking or assisting with the transport of patients or clients.

24. The conveying, or assistance provided in the conveying, of any adult who needs to be conveyed by reason of age, illness or disability is regulated activity relating to vulnerable adults under paragraph 7(1)(f) of Schedule 2 to the 2007 Order in the following circumstances—

(a) the conveying is on behalf of an organisation, whether or not the person who does, or assists in, such conveying is employed by that organisation;

(b) the conveying is to or from a place in which the adult will receive, or has received, health care (as defined in paragraph 7(2) of Schedule 2 to the 2007 Order(**11**)), relevant personal care (as defined in paragraph 7(3B) of Schedule 2 to the 2007 Order(**12**)) or relevant social work (as defined in paragraph 7(3C) of Schedule 2 to the 2007 Order(**13**)); and

(c) the person does, or assists in, such conveying for the purpose of enabling the adult to receive that health care, relevant personal care or relevant social work (as the case may be).

25. The provision of psychotherapy or counselling, but not life coaching, to an adult which is related to health care the adult is receiving from, or under the direction or supervision of, a health care

(**7**) S.I. 1995/755 (N.I. 2).
(**8**) S.R. 2009 No. 306.
(**9**) Paragraph 7(1)(f) of Schedule 2 to the 2007 Order was substituted by section 78 of, and paragraph 3(2) of Schedule 7 of, the Protection of Freedoms Act 2012.
(**10**) Non-emergency patient transport services, known as the Patient Transport Service, are typified by the non-urgent, planned, transportation of patients with a medical need for transport to and from a premises providing NHS healthcare and between NHS healthcare providers.
(**11**) Paragraph 7(2) of Schedule 2 to the 2007 Order was substituted by section 78 of, and paragraph 3(2) of Schedule 7 of, the Protection of Freedoms Act 2012.
(**12**) Paragraph 7(3B) of Schedule 2 to the 2007 Order was inserted by section 78 of, and paragraph 3(2) of Schedule 7 of, the Protection of Freedoms Act 2012.
(**13**) Paragraph 7(3C) of Schedule 2 to the 2007 Order was inserted by section 78 of, and paragraph 3(2) of Schedule 7 of, the Protection of Freedoms Act 2012.