STATUTORY RULES OF NORTHERN IRELAND

2012 No. 320

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order (Northern Ireland) 2012

Made - - - -	*14th August 2012*
Laid before Parliament	*17th August 2012*
Coming into operation	*10th September 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by Articles 3(11) and 61(1), (2) and (3) of, and paragraphs 6 and 9 of Schedule 2 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**1**).

Citation and commencement

1. This Order may be cited as the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order (Northern Ireland) 2012 and comes into operation on 10th September 2012.

Interpretation

2. In this Order—

"the 2007 Order" means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

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

3.—(1) The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (Northern Ireland) 2009(**2**) is amended in accordance with paragraphs (2) and (3).

(2) Articles 3 and 5 are revoked.

(3) In Article 4 (Exceptions – regulated activity relating to children)—

(a) omit paragraph (1);

(b) in paragraph (2)(a) for "included in the children's barred list" substitute "barred from engaging in regulated activity relating to children";

(**1**) S.I. 2007/1351 (N.I. 11).
(**2**) S.R. 2009 No.305.

(c) in paragraph (2)(d)(ii) for "included in the children's barred list" substitute "barred from engaging in regulated activity relating to children".

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

4.—(1) The Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009(**3**) is amended in accordance with paragraphs (2) and (3).

(2) In Article 2(1) omit the definitions of "the 1999 Act", "the 2000 Act", "the 2002 Act", "relevant person", "relevant day", "the first transitional period", "the second transitional period" and "the third transitional period".

(3) Articles 5 to 21 are revoked.

Transitional provisions

5. Articles 6 and 7 apply for the period beginning on the day on which this Order comes into operation and ending on the day on which paragraph 9(1) of Schedule 7 to the Protection of Freedoms Act 2012(**4**) is brought into force for the purposes of inserting Article 32A (Information about barring decisions) into the 2007 Order.

6.—(1) The Independent Safeguarding Authority may, at the request of a person (X) who meets the requirement specified in paragraph (3), inform that person whether a person (Y) falls within paragraph (2).

(2) Y falls within this paragraph if Y is—

(a) included in the list kept under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(**5**);

(b) included in the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;

(c) included in the list kept under regulation 8 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007(**6**); or

(d) barred from regulated activity.

(3) The requirement is that X satisfies the Independent Safeguarding Authority that X has a legitimate interest in knowing whether Y falls within paragraph (2).

7.—(1) Section 116 of the Police Act 1997(**7**) has effect subject to the following modifications.

(2) For subsection (3) substitute—

"(3) Section 113B(3) to (11)(**8**) and sections 113BA(**9**) and 113BB shall apply in relation to this section with any necessary further modifications."

(**3**) S.R. 2009 No. 304.
(**4**) 2012 c. 9.
(**5**) S.I. 2003/417 (N.I. 4).
(**6**) S.R. 2007 No. 288.
(**7**) 1997 c. 50.
(**8**) Section 113B of the Police Act 1997 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(1) and (3) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47).
(**9**) Section 113BA of the Police Act was inserted by section 63(1) of, and paragraph 14(1) and (4) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 and amended by section 116(5)(h) of the Policing and Crime Act 2009 (c. 26), section 170(2) of the Education and Inspections Act 2006 (c. 40) and section 169 of, and paragraph 12(a) and (b) of Schedule 1 to the Education and Skills Act 2008 (c. 25).