STATUTORY RULES OF NORTHERN IRELAND

2012 No. 319

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) (Amendment) Regulations (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 Regulations in exercise of the powers conferred by Article 61(1)(a) and (3) of, and paragraphs 1(1), 2(1), 7(1), 8(1) and 24(1) and (2) of Schedule 1 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**1**).

Citation and commencement

1. These Regulations may be cited as the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2012 and come into operation on 10th September 2012.

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

2.—(1) The Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009((**2**) are amended in accordance with paragraphs (2) to (8).

(2) In Part 1 of the table in paragraph 1 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list) insert the following entries at the appropriate place—

"Sexual Offences (Scotland) Act 2009(**3**), section 1	The offence was committed against a child"
"Sexual Offences (Scotland) Act 2009, section 2	The offence was committed against a child".

(**1**) S.I. 2007/1351 (N.I. 11).
(**2**) S.R. 2009/39 as amended by S.R. 2009/306 and S.R. 2010/31.
(**3**) 2009 asp. 9.

(3) In Part 2 of the table in paragraph 1 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list) insert the following entries at the appropriate place—

"Sexual Offences (Scotland) Act 2009, section 18"
"Sexual Offences (Scotland) Act 2009, section 19"
"Sexual Offences (Scotland) Act 2009, section 20(1), (2)(a), and (3)";

(4) In Part 1 of the table in paragraph 2 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list with right to make representations)—

(a) remove the entry relating to Offences Against the Person Act 1861, section 52(**4**)";

(b) insert the following entries at the appropriate place—

"Female Genital Mutilation Act 2003(**5**), section 1	The offence was committed against a child"
"Female Genital Mutilation Act 2003, section 2	The offence was committed against a child"
"Female Genital Mutilation Act 2003, section 3	The offence was committed against a child"
"Sexual Offences Act 2003(**6**), section 72	The offence committed corresponds to an offence which would lead to automatic inclusion in the children's barred list with the right to make representations"
"Sexual Offences (Scotland) Act 2009, section 5	The offence was committed against a child under the age of 16"
"Sexual Offences (Scotland) Act 2009, section 6	The offence was committed against a child under the age of 16"
"Sexual Offences (Scotland) Act 2009, section 8	The offence was committed against a child under the age of 16"
"Sexual Offences (Scotland) Act 2009, section 9	The offence was committed against a child under the age of 16";

(c) in the entries relating to the Offences Against the Person Act 1861, section 61 and the Offences Against the Person Act 1861, section 62 for the circumstances of the offence substitute "The person with whom the offence was committed was under the age of 16 or did not consent to the act";

(d) in the entry relating to the Criminal Law Amendment Act 1885(**7**), section 11 for the circumstances of the offence substitute "The person with whom the offence was committed was under the age of 16 or did not consent to the act and the conviction or caution is not a disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012(**8**)";

(**4**) 1861 c.100; section 52 was repealed by paragraph 4 of Schedule 1 and Schedule 3 to the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I. 2).
(**5**) 2003 c. 31.
(**6**) 2003 c. 42.
(**7**) 1885 48 & 49 Vict. C. 69.
(**8**) 2012 c. 9.

(e) in the entries relating to the Sexual Offences Act 1956(**9**), section 12 and the Sexual Offences Act 1956, section 13 in the circumstances of the offence after "the act" insert "and the conviction or caution is not a disregarded conviction or caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012";

(f) in the entry relating to the Theft Act 1968(**10**), section 9(1)(a), after "intent to commit rape" insert "before section 9(1)(a) was amended by the Sexual Offences Act 2003";

(g) in the entry relating to the Theft Act (Northern Ireland) 1969(**11**), section 9, after " intent to commit rape" insert "before section 9 was amended by the Sexual Offences (Northern Ireland) Order 2008".

(5) In Part 2 of the table in paragraph 2 of the Schedule (prescribed criteria – automatic inclusion in the children's barred list with right to make representations)——

(a) omit the entries relating to the Mental Health Act 1983(**12**), sections 126, 128 and 129;

(b) insert the following entries at the appropriate place—

"Offences Against the Person Act 1861, section 52"
"Sexual Offences (Northern Ireland) Order 1978(**13**), Article 3"
"Mental Health (Scotland) Act 1984(**14**), section 106"
"Mental Health (Scotland) Act 1984, section 107"
"Sexual Offences Act 2003, section 4(1)(a)"
"Sexual Offences Act 2003, section 59A(**15**)"
"Criminal Justice and Immigration Act 2008(**16**), section 63"
"Coroners and Justice Act 2009(**17**), section 62"
"Sexual Offences (Scotland) Act 2009, section 3"
"Sexual Offences (Scotland) Act 2009, section 4"
"Sexual Offences (Scotland) Act 2009, section 11"
"Sexual Offences (Scotland) Act 2009, section 20(1) and (2)(b) to (e)"
"Sexual Offences (Scotland) Act 2009, section 21"
"Sexual Offences (Scotland) Act 2009, section 22"
"Sexual Offences (Scotland) Act 2009, section 23"
"Sexual Offences (Scotland) Act 2009, section 24"
"Sexual Offences (Scotland) Act 2009, section 25"
"Sexual Offences (Scotland) Act 2009, section 26"

(**9**) 1956 c. 69.
(**10**) 1968 c. 60. Section 9, in relation to intent to commit rape, was repealed by paragraph 17 of Schedule 6 to the Sexual Offences Act 2003 (c. 42).
(**11**) 1969 c. 16. Section 9, in relation to intent to commit rape, was amended by the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13).
(**12**) 1983 c.20
(**13**) S.I. 1978/460 (N.I.5).
(**14**) 1984 c.36.
(**15**) Section 59A was inserted by section 109 of the Protection of Freedoms Act 2012 (c.9).
(**16**) 2008 c.4.
(**17**) 2009 c.25.