STATUTORY RULES OF NORTHERN IRELAND

2009 No. 306

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2009

Made - - - -	*1st September 2009*
To be laid before Parliament	
Coming into operation	*12th October 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 3(1)(g) and 2(2)(**1**) of, paragraphs 2(1), 8(1), 24(1) and (2) of Schedule 1 and paragraphs 2(1)(f) and 7(1)(f) of Schedule 2 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**2**).

Citation and commencement

1. These Regulations may be cited as the Safeguarding Vulnerable Groups (Miscellaneous Provisions) Regulations (Northern Ireland) 2009 and come into operation on 12th October 2009.

Interpretation

2. In these Regulations—

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

Vulnerable adults – welfare service of a prescribed description

3. The provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation, or sustain their capacity to do so, is a welfare service prescribed for the purpose of Article 3(1)(g) of the 2007 Order.

Regulated activity (driving a vehicle – prescribed circumstances relating to children)

4. Driving a vehicle, which is being used only for the purpose of conveying children and any person supervising or caring for them, is a regulated activity under paragraph 2(1)(f) of Schedule 2 to the 2007 Order in the following circumstances—

(**1**) Article 2(2) is cited because of the meaning it gives to "prescribed".
(**2**) S.I. 2007/1351 (N.I. 11).

(a) a person (P) makes an arrangement (under a contract or otherwise) for children to be conveyed in a vehicle;

(b) the arrangement is made between P and a person (B) or between P and a person with whom B is engaging in any form of work (whether or not for gain); and

(c) B drives the vehicle and conveys the children pursuant to that arrangement.

Regulated activity (driving a vehicle – prescribed circumstances relating to vulnerable adults)

5. Driving a vehicle, which is being used only for the purpose of conveying vulnerable adults and any person caring for them, is a regulated activity under paragraph 7(1)(f) of Schedule 2 to the 2007 Order in the following circumstances—

(a) a person (P) makes an arrangement (under a contract or otherwise) for vulnerable adults to be conveyed in a vehicle;

(b) the arrangement is made between P and a person (B) or between P and a person with whom B is engaging in any form of work (whether or not for gain); and

(c) B drives the vehicle and conveys the vulnerable adults pursuant to that arrangement.

Amendments to the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009

6.—(1) The Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009(**3**) are amended in accordance with paragraphs (2) to (5).

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

"Theft Act 1968, section 9(1)(a)(**4**)	The offence was committed with intent to commit rape"

"Theft Act (Northern Ireland) 1969, section 9(**5**)	The offence was committed with intent to commit rape"

(3) In Part 2 of the table in paragraph 2 of the Schedule omit "Theft Act 1968, section 9(1)(a)" and "Theft Act (Northern Ireland) 1969, section 9".

(4) In Part 1 of the table in paragraph 4 of the Schedule (prescribed criteria – automatic inclusion in the adults' barred list with the right to make representations) insert the following entries at the appropriate place—

"Theft Act 1968, section 9(1)(a)	The offence was committed with intent to commit rape"

"Theft Act (Northern Ireland) 1969, section 9	The offence was committed with intent to commit rape"

(**3**) S.R. 2009 No. 39.
(**4**) 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).
(**5**) 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).