STATUTORY RULES OF NORTHERN IRELAND

2009 No. 305

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (Miscellaneous Provisions) Order (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 Order in exercise of the powers conferred by Articles 3(11), 7(2)(b) and (3)(b), 47(9), 61(1), (2)(a) 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 Provisions) Order (Northern Ireland) 2009 and comes into operation on 12th October 2009.

Interpretation

2. In this Order—

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

"relative" has the same meaning as in Article 2 of the Children (Northern Ireland) Order 1995(**2**).

Vulnerable Adults

3.—(1) A person (P) who falls within Article 3(9)(b) of the 2007 Order is not to be treated as a vulnerable adult for the purposes of Article 3(1)(h) of the 2007 Order where—

(a) P has one or more of the disabilities mentioned in paragraph (2);

(b) P has no other form of disability; and

(c) P receives a service or participates in an activity provided specifically for persons with a disability mentioned in paragraph (2).

(2) The disabilities referred to in paragraph (1) are—

(**1**) S.I. 2007/1351 (N.I. 11).
(**2**) S.I. 1995/755 (N.I. 2).

(a) dyslexia;

(b) dyscalculia;

(c) dyspraxia;

(d) irlen syndrome;

(e) alexia;

(f) auditory processing disorder;

(g) dysgraphia.

Exceptions – regulated activity relating to children

4.—(1) The provision of any form of treatment for a child is not to be treated as a regulated activity relating to children where—

(a) a person (P) who is engaged in any activity;

(b) provides treatment to a child; and

(c) the provision of treatment is not one of the main purposes of the activity in which P is engaged.

(2) The fostering of a child (C) is not to be treated as a regulated activity where—

(a) a person (F) is included in the children's barred list;

(b) C is being looked after by an authority within the meaning of Articles 25 and 26 of the Children (Northern Ireland) Order 1995;

(c) the authority that looks after C is satisfied that C's welfare requires that C is fostered by F; and

(d) either—

(i) F or a member of F's household is a relative of C; or

(ii) C was being fostered by F immediately before F was included in the children's barred list.

Exception – regulated activity relating to vulnerable adults

5. The provision of any form of treatment for a vulnerable adult is not to be treated as a regulated activity relating to vulnerable adults where—

(a) a person (P) who is engaged in any activity;

(b) provides treatment to a vulnerable adult; and

(c) the provision of treatment is not one of the main purposes of the activity in which P is engaged.

Barred Lists

6. For the purposes of—

(a) Article 7(2)(b) of the 2007 Order, the lists maintained under—

(i) section 2(1)(a) of the Safeguarding Vulnerable Groups Act 2006(**3**); and

(ii) section 1(1) of the Protection of Children (Scotland) Act 2003(**4**) except where subsection (1) of section 7 (Provisional inclusion in list) of that Act applies,

(**3**) 2006 c.47.
(**4**) 2003 asp 5.