STATUTORY RULES OF NORTHERN IRELAND

2009 No. 41 (C. 2)

SAFEGUARDING VULNERABLE GROUPS

The Safeguarding Vulnerable Groups (2007 Order) (Commencement No. 3) Order (Northern Ireland) 2009

Made - - - - 6th February 2009

The Secretary of State, in exercise of the powers conferred by Article 1(3) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**1**), makes the following Order.

Citation

1. This Order may be cited as the Safeguarding Vulnerable Groups (2007 Order) (Commencement No. 3) Order (Northern Ireland) 2009.

Interpretation

2. In this Order, "the Order" means the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

Provisions coming into operation on 13th March 2009

3.—(1) 13th March 2009 is the day appointed for the coming into operation of the following provisions of the Order—

(a) Article 6 (barred lists), for the purposes of the Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009(**2**);

(b) Article 9 (regulated activity) and Schedule 2;

(c) Article 39 (regulated activity providers: duty to provide information on request etc.) and the provisions specified in paragraph (2), in so far as they relate to that Article;

(d) Article 42 (Education and Library Boards and HSS bodies: duty to provide information on request);

(e) Article 44 (registers: duty to provide information on request) and Article 43(7) (registers: duty to refer), in so far as it relates to that Article;

(f) Article 48 (supervisory authorities: duty to provide information on request) and Article 47(7) (supervisory authorities: duty to refer), in so far as it relates to that Article;

(**1**) S.I. 2007 No. 1351 (N.I. 11).
(**2**) S.R. 2009 No. 38

(g) Article 55 (fostering);

(h) Article 57 (damages);

(i) paragraphs 1 to 3, 4(1) to (4) and (6), 5, 7 to 9, 10(1) to (4) and (6), 11, 14 to 20, 22, 23, 24(3) to (7) and 25(**3**) of Schedule 1 (barred lists) in so far as they are not already in operation.

(2) The provisions are—

(a) Article 10 (regulated activity providers);

(b) Article 25 (controlled activity relating to children);

(c) Article 26(1) to (4), (5)(a) and (b) and (6) (controlled activity relating to adults);

(d) Article 27(3) (controlled activity: regulations);

(e) Article 40 (duty to provide information: offences).

Northern Ireland Office
6th February 2009

Paul Goggins
Minister of State

(**3**) Paragraphs 24 and 25 were amended by S.R. 2009/21

EXPLANATORY NOTE

(This note is not part of the Regulations)

This is the third Commencement Order made under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ("the Order").

Article 3 brings into operation Article 6 of the Order for the purposes of the Safeguarding Vulnerable Groups (Transitory Provisions) Order (Northern Ireland) 2009 ("the Transitory Order"), as well as related provisions in Schedule 1 to the Order, which makes provision relating to barring. These provisions relate to the maintenance of a children's barred list and an adults' barred list and the process by which a person may be included in, or removed from, either list.

Article 3 also brings Article 9 and Schedule 2 into operation in full, providing the definition of regulated activity for the purposes of the Order, as well as bringing into operation Article 55, which defines, and makes provision relating to, fostering (once Article 7 of the Order is in operation, a person who is included in one of the barred lists will be barred from engaging in the regulated activity to which the list relates; by virtue of paragraph 1(5) of Schedule 2, fostering is regulated activity relating to children).

In addition, Article 3 brings into operation Articles 39, 42, 44 and 48 of the Order, which impose duties on various persons to provide information to the Independent Barring Board ("IBB") at the IBB's request (the IBB is established under section 1 of the Safeguarding Vulnerable Groups Act 2006), together with Article 57, which makes provision relating to damages where a person has suffered loss or damage in consequence of an individual being included in a barred list, or of the provision of information in pursuance of duties including those mentioned above.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.R. No.*
Article 6(2) to (5) partially	14th March 2008	2008 No. 127 (C. 5)
Article 6 partially	14th April 2008	2008 No. 127 (C. 5)
Article 6(2), (3) and (4) partially	29th May 2008	2008 No. 233 (C. 11)
Article 7(2)(b)and (3)(b) partially	29th May 2008	2008 No. 233 (C. 11)
Article 8 partially	14th April 2008	2008 No. 127 (C. 5)
Article 8 in so far as not already in operation	29th May 2008	2008 No. 233