
STATUTORY INSTRUMENTS

2007 No.1351 (N.I. 11)

NORTHERN IRELAND

**The Safeguarding Vulnerable Groups
(Northern Ireland) Order 2007**

Made - - - - 2nd May 2007
Laid - - - - 9th May 2007
*Coming into operation in accordance with Article 1(2)
and (3)*

At the Court at Buckingham Palace, the 2nd day of May 2007

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order in Council is made only for purposes corresponding to those of the Safeguarding Vulnerable Groups Act 2006 (c. 47):

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) (as modified by section 55 of the said Act of 2006) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

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1.—(1) This Order may be cited as the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

(2) This Article and Articles 2 to 4, 58 and 61 come into operation two weeks after the day on which this Order is made.

(3) The other provisions of this Order come into operation on such day or days as the Secretary of State may by order appoint.

Subordinate Legislation Made

- P1** Art. 1(3) power partly exercised: different dates appointed for specified provisions by [S.R. 2008/127](#), [arts. 3, 4](#);
29.5.2008 appointed for specified provisions by [S.R. 2008/233](#), [arts. 3, 4, 5](#);

Status: This version of this Order contains provisions that are prospective.

Changes to legislation: The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 is up to date with all changes known to be in force on or before 12 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

13.3.2009 appointed for specified provisions by [S.R. 2009/41, art. 3](#);
 12.10.2009 appointed for specified provisions by [S.R. 2009/304, art. 3](#);
 12.10.2009 appointed for specified provisions by [S.R. 2009/346, arts. 3, 4](#);
 7.4.2010 appointed for specified provisions by [S.R. 2010/145, arts. 2, 3](#)

Interpretation

Interpretation

2.—(1) Subject to Article 22(1), the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

[^{F1}(2A)] In this Order—

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14);

“the 2003 Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9);

[^{F2} “adult” means a person who has attained the age of 18;]

“the adults' barred list” must be construed in accordance with Article 6(1)(b);

“barred list” means the children's barred list or the adults' barred list;

“child” means a person who has not attained the age of 18;

“the Children Order” means the Children (Northern Ireland) Order 1995 (NI 2);

“the children's barred list” must be construed in accordance with Article 6(1)(a);

“employment agency” and “employment business” must be construed in accordance with Part II of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981 (NI 20);

[^{F3} “HSC body” means any of the following within the meaning of the Health and Social Care (Reform) Act (Northern Ireland) 2009—

- (a) the Regional Health and Social Care Board;
- (b) the Regional Agency for Public Health and Social Well-being;
- (c) a HSC trust;
- (d) a special agency;
- (e) the Patient and Client Council;]

“ [^{F4}DBS] ” must be construed in accordance with Article 5;

^{F5} ...

“[^{F6}social care]” has the same meaning as in the 1972 Order;

“personnel supplier” means—

- (a) a person carrying on an employment agency or an employment business, or
- (b) an educational institution which supplies to another person a student who is following a course at the institution, for the purpose of enabling the student to obtain experience of engaging in regulated ^{F7}... activity;

“prescribed” means prescribed by regulations made by the Secretary of State;

[^{F8} “RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;]

“statutory provision” must be construed in accordance with section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c.33);

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“supervisory authority” must be construed in accordance with Article 47(7);

“vulnerable adult” [^{F9} means any adult to whom an activity which is a regulated activity relating to vulnerable adults by virtue of any paragraph of paragraph 7(1) of Schedule 2 is provided] .

(2) A reference (however expressed) to a person being barred must be construed in accordance with Article 7.

^{F10}(3)

(4) Nothing in this Order affects any power to provide information which exists apart from this Order.

Textual Amendments

- F1** Art. 2(2A): art. 2(2) renumbered as art. 2(2A) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 76\(3\)](#); S.I. 2012/2234, art. 2(aa)(v)
- F2** Words in art. 2(2) inserted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 2\(1\)\(a\)](#); S.I. 2012/2234, art. 2(z)(i)
- F3** Art. 2(2): definition of "HSC body" substituted (12.10.2009) by [Safeguarding Vulnerable Groups \(Miscellaneous Provisions\) Order \(Northern Ireland\) 2009 \(S.R. 2009/305\), art. 7\(2\)](#)
- F4** Word in art. 2 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 6\(a\)](#) (with Pt. 4)
- F5** Words in art. 2(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 76\(2\)\(a\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(aa)(v)(bb)
- F6** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(a\)](#) (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, [art. 2](#)
- F7** Words in art. 2(2) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 76\(2\)\(b\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(aa)(v)(bb)
- F8** Art. 2(2): definition of "RQIA" substituted (1.4.2010) for definition of "the Regulation and Improvement Authority" by [Safeguarding Vulnerable Groups \(Regulated Activity, Devolution Alignment and Miscellaneous Provisions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/30\), art. 15\(1\)](#)
- F9** Words in art. 2(2) substituted (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 2\(1\)\(b\)](#); S.I. 2012/2234, art. 2(z)(i)
- F10** Art. 2(3) repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 76\(4\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(aa)(v)(bb)

Vulnerable adults

^{F11}3.

Textual Amendments

- F11** Art. 3 repealed (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 7 para. 2\(2\), Sch. 10 Pt. 5](#); S.I. 2012/2234, art. 2(z)(i) (bb)

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Family and personal relationships

4.—(1) This Order does not apply to any activity which is carried out in the course of a family relationship.

(2) This Order does not apply to any activity which is carried out—

- (a) in the course of a personal relationship, and
- (b) for no commercial consideration.

(3) A family relationship includes a relationship between two persons who—

- (a) live in the same household, and
- (b) treat each other as though they were members of the same family.

(4) A personal relationship is a relationship between or among friends.

(5) A friend of a person (A) includes a person who is a friend of a member of A's family.

(6) The Secretary of State may by order provide that an activity carried out in specified circumstances either is or is not—

- (a) carried out in the course of a family relationship;
- (b) carried out in the course of a personal relationship.

Barring

PROSPECTIVE

The [^{F12}Disclosure and Barring Service]

[^{F12}5. In this Order references to DBS are references to the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012.]

Textual Amendments

F12 Art. 5 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), 7 (with Pt. 4)

Barred lists

6.—(1) [^{F13}DBS] must ^{F14}... maintain—

- (a) the children's barred list;
- (b) the adults' barred list.

(2) Part I of Schedule 1 applies for the purpose of determining whether an individual is included in the children's barred list.

(3) Part II of that Schedule applies for the purpose of determining whether an individual is included in the adults' barred list.

(4) Part III of that Schedule contains supplementary provision.

(5) In respect of an individual who is included in a barred list, [^{F13}DBS] must keep other information of such description as is prescribed.

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Textual Amendments

- F13** Word in art. 6 substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **6(a)** (with Pt. 4)
- F14** Words in art. 6 omitted (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **8** (with Pt. 4)

Commencement Information

- I1** Art. 6 wholly in operation; art. 6 not in operation at date of making see art. 1(3); art. 6(2)(3)(4)(5) in operation for certain purposes at 14.3.2008 by [S.R. 2008/127](#), **art. 3(a)(b)(c)**; art. 6 in operation for certain purposes at 14.4.2008 by [S.R. 2008/127](#), **art. 4(a)**; art. 6(2)(3)(4) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 4(v)**, **art. 5(n)**; art. 6 in operation for certain purposes at 13.3.2009 by [S.R. 2009/41](#), **art. 3(1)(a)**; art. 6 in operation at 12.10.2009 insofar as not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

Barred persons

7.—(1) A reference to a person being barred from regulated activity must be construed in accordance with this Article.

- (2) A person is barred from regulated activity relating to children if he is—
- (a) included in the children's barred list; or
 - (b) included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the children's barred list.
- (3) A person is barred from regulated activity relating to vulnerable adults if he is—
- (a) included in the adults' barred list; or
 - (b) included in a list maintained under the law of England and Wales or Scotland which the Secretary of State specifies by order as corresponding to the adults' barred list.

Modifications etc. (not altering text)

- C1** Art. 7 excluded (12.10.2009) by [Safeguarding Vulnerable Groups \(2007 Order\) \(Commencement No. 5, Transitional Provisions and Savings\) Order \(Northern Ireland\) 2009 \(S.R. 2009/346\)](#), **arts. 5(6), 6(6), 7(5)**

Commencement Information

- I2** Art. 7 wholly in operation; art. 7 not in operation at date of making see art. 1(3); art. 7(2)(b)(3)(b) in operation for certain purposes at 29.5.2008 by [S.R. 2008/233](#), **art. 5(a)**; art. 7 in operation at 12.10.2009 insofar as not already in operation by [S.R. 2009/346](#), **art. 3**, Sch.

Appeals

8.—(1) An individual who is included in a barred list may appeal to the Care Tribunal against—

- ^{F15}(a)
- (b) a decision under paragraph [^{F16}2,] 3, 5, [^{F17}8,] 9 or 11 of [^{F18}Schedule 1] to include him in the list;
 - (c) a decision under paragraph 17 [^{F19}, 18 or 18A] of that Schedule not to remove him from the list.