STATUTORY RULES OF NORTHERN IRELAND

2010 No. 31

SAFEGUARDING VULNERABLE GROUPS

Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*9th February 2010*
Coming into operation -	*1st April 2010*
To be laid before Parliament	

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 61(1)(a) and (3) of, and paragraphs 1(1), 2(1), 7(1), 8(1)(**a**) and 24(1) and (2)(**b**) of Schedule 1 to, the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**c**).

Citation and commencement

1. These Regulations may be cited as the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2010 and come into operation on 1st April 2010.

Interpretation

2. In these Regulations—

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

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

3.—(1) The Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009(**d**) are amended as follows.

(2) In regulation 2—

(a) for paragraphs (5) and (6), substitute—

"(5) In regulations 5 to 8—

(a) a reference to an offence, A, specified in the Schedule includes a reference to offence, B, which in relation to offence A is a connected offence; and

(**a**) Each of paragraphs 1(1), 2(1), 7(1) and 8(1) of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ("the Order") refers to criteria prescribed for the purposes of those paragraphs. Article 2(2) of the Order defines "prescribed" as meaning prescribed by regulations made by the Secretary of State.

(**b**) Paragraph 24 of Schedule 1 to the Order makes provision as to the criteria that may be prescribed for the purposes of paragraphs 1(1), 2(1), 7(1) and 8(1) of that Schedule. Paragraph 24(2) was amended by S.R. 2009/21.

(**c**) S.I. 2007/1351 (N.I. 11).

(**d**) S.R. 2009 No. 39

(b) a reference to being convicted of an offence specified in the Schedule includes a reference to being convicted of—

(i) an Islands offence; or

(ii) a relevant foreign offence.

(6) In paragraph (5)(b), an Islands offence is an offence satisfying the criteria in paragraph (6A) and a relevant foreign offence is an offence satisfying the criteria in paragraph (7).

(6A) The criteria are that—

(a) the offence is one under the law in force in the Isle of Man or any of the Channel Islands;

(b) the conduct which constitutes the offence would, if carried out in Northern Ireland, amount to an equivalent offence which is specified in the Schedule; and

(c) where the equivalent offence is one specified in paragraph 1(a) to (c), (e) or (g)(i), 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) or 4(b) (ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule, the offence was committed in relevant circumstances relating to the equivalent offence."; and

(b) after paragraph (7), insert—

"(7A) For the purposes of paragraph (6A), an act punishable under the law in force in the Isle of Man or any of the Channel Islands constitutes an offence under that law however it is described in that law.".

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

"Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, section 9".

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

(a) at the appropriate places in the first column, insert—

(i) "Sexual Offences Act 2003(**a**), section 66";

(ii) "Sexual Offences Act 2003, section 67";

(iii) "Sexual Offences (Northern Ireland) Order 2008(**b**), Article 70"; and

(iv) "Sexual Offences (Northern Ireland) Order 2008, Article 71";

(b) in the second column of that table, at places that correspond with each of the entries in sub-paragraph (a), insert "The offence was committed against a child under the age of 16";

(c) in the first column of the table, omit—

(i) "Sexual offences Act 1956, section 1"; and

(ii) "Sexual Offences Act 2003, section 1"; and

(d) in the second column of that table, omit the entries that correspond with the entries mentioned in sub-paragraph (c).

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

(a) omit—

(i) "Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, section 9";

(ii) "Sexual Offences Act 2003, section 66";

(iii) "Sexual Offences Act 2003, section 67",

(**a**) 2003 c.42
(**b**) S.I. 2008/1769 (N.I.2)

(iv) "Sexual Offences (Northern Ireland) Order 2008, Article 70"; and

(v) "Sexual Offences (Northern Ireland) Order 2008, Article 71"; and

(b) at the appropriate place in the first column insert—

(i) "Sexual Offences Act 1956, section 1(**a**)"; and

(ii) "Sexual Offences Act 2003, section 1".

Paul Goggins
Minister of State

Northern Ireland Office
9th February 2010

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, made under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 ("Order"), make provision relating to the criteria prescribed for the purposes of various paragraphs in Schedule 1 to that Order. The Regulations come into operation on 1 April 2010.

Regulation 3 amends the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009 which prescribe the criteria which determine whether a person should be included automatically in the children's barred list or the adults' barred list maintained under Article 6 of the Order.

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(**a**) 1956 c. 69. Section 1 was substituted by section 142 of the Criminal Justice and Public Order Act (c. 33) and repealed by paragraph 11 of Schedule 6 to the Sexual Offences Act 2003.

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£4.00

Dd. N4279. C2. 2/10. Gp. 130. 14567.