

## Extracts from the 2012 Act

### National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Consolidated)

#### Part 1 Relevant Work or Activities Relating to Children

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
  - (a) an establishment which provides pre-school services within the meaning of Part VII of the Child Care Act 1991,
  - (b) a school or centre of education, both within the meaning of the [Education Act 1998](#),
  - (c) any hospital or health care centre which receives, treats or otherwise provides services to children,
  - (d) a designated centre within the meaning of [section 2](#) of the [Health Act 2007](#), in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991,
  - (e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
  - (f) a children detention school within the meaning of [section 3](#) of the [Children Act 2001](#),
  - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality.
2. Any work or activity which consists of the provision of home tuition by a person pursuant to the Scheme administered and funded by the Department of Education and known as the Home Tuition Scheme.
3. Any work or activity which consists of treatment, therapy or counselling provided to a child by a person in the course of that work or activity.
4. Any work or activity which consists of care or supervision of children unless the care or supervision is merely incidental to the care or supervision of persons who are not children.
5. Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to children unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not children.
6. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to children unless the provision of the advice, guidance or developmental service is

merely incidental to the provision of those services to persons who are not children.

7. Any work or activity as a minister or priest or any other person engaged in the advancement of [ any religious beliefs to children unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children ].
8. Work as a driver of a public service vehicle which is being used only for the purpose of conveying children.
9. The provision by a person, whether or not for commercial or other consideration, of accommodation for a child in his or her own home.
10. Any research work or activities (howsoever described) carried out in a university, institute of technology or other establishment at which third level education is provided where a necessary and regular part of the research work or activity involves contact with or access to children.
11. Any application by a person to carry on or manage a designated centre within the meaning of [section 2](#) of the [Health Act 2007](#).
12. Any application by a person for a declaration of eligibility and suitability within the meaning of [section 3](#) of the [Adoption Act 2010](#).
13. Any assessment of a person's suitability to act as a foster carer by or under section 39 of the Child Care Act 1991.
14. Any assessment by or under section 41 of the Child Care Act 1991 of a person's suitability to act as a carer of a child in respect of whom he or she is a relative.
15. Any work or activity which is carried on by a person, a necessary and regular part of which requires the person to have access to, or contact with, children pursuant to the following enactments:
  - (a) Medical Practitioners Act 2007;
  - (b) Nurses Act 1985;
  - (c) Nurses and Midwives Act 2011;
  - (d) Dentists Act 1985;
  - (e) Health and Social Care Professionals Act 2005;
  - (f) Pharmacy Act 2007;
  - (g) Pre-Hospital Emergency Care Council Order 2000 ( [S.I. No. 109 of 2000](#));
  - (h) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (Amendment) Order 2004 ( [S.I. No. 575 of 2004](#)).

## Part 2 Relevant Work or Activities Relating to Vulnerable Persons

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, vulnerable persons in—
  - (a) a school or centre of education, both within the meaning of the [Education Act 1998](#), unless, in the case of a centre of education, the work or activity is merely incidental to work or activities undertaken in relation to persons who are not vulnerable persons,
  - (b) any hospital or care centre which receives, treats or otherwise which provides services to vulnerable persons,
  - (c) a designated centre within the meaning of [section 2](#) of the [Health Act 2007](#), in so far as it relates to an institution at which residential services are provided to vulnerable persons,
  - (d) an approved centre within the meaning of Part 5 of the [Mental Health Act 2001](#).
2. Any work or activity which consists of treatment, therapy or counselling provided to a vulnerable person by a person in the course of that work or activity.
3. Any work or activity which consists of the care (including the provision of health and personal social services and essential domestic services) of vulnerable persons unless the care is merely incidental to the care of persons who are not vulnerable persons.
4. Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to vulnerable persons unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not vulnerable persons.
5. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to vulnerable persons unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not vulnerable persons.
6. Work as a driver of a public service vehicle which is being used only for the purpose of conveying vulnerable persons.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of [ any religious beliefs to vulnerable persons unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not vulnerable persons ].
8. The provision by a person, whether or not for commercial or other consideration, of accommodation for a vulnerable person in his or her own home.
9. Any research work or activities (howsoever described) carried out in a university,

institute of technology or other establishment at which third level education is provided where a necessary and regular part of the research work or activity involves contact with or access to vulnerable persons.

10. Any assessment of a person's suitability to act as a care representative under [section 21](#) of the [Nursing Homes Support Scheme Act 2009](#).
11. Any application by a person to carry on or manage a designated centre both within the meaning of [section 2](#) of the [Health Act 2007](#).
12. Any work or activity which is carried on by a person, a necessary and regular part of which requires the person to have access to, or contact with, vulnerable persons pursuant to the following enactments:
  - (a) Medical Practitioners Act 2007;
  - (b) Nurses Act 1985;
  - (c) Nurses and Midwives Act 2011;
  - (d) Dentists Act 1985;
  - (e) Health and Social Care Professionals Act 2005;
  - (f) Pharmacy Act 2007;
  - (g) Pre-Hospital Emergency Care Council (Establishment) Order 2000 ( [S.I. No. 109 of 2000](#));
  - (h) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (Amendment) Order 2004 ( [S.I. No. 575 of 2004](#)).

## Section 2: Interpretation

“relevant organisation” means a person (including a body corporate or an unincorporated body of persons)–

(a) who–

- (i) employs (whether under contract of employment or otherwise) any person to undertake relevant work or activities,
  - (ii) enters into a contract for services with any person for the provision by that person of services that constitute relevant work or activities,
  - (iii) permits any person (whether or not for commercial or any other consideration) to undertake relevant work or activities on the person's behalf,
  - (iv) is a provider of courses of education or training, including internship schemes, for persons and, as part of such education or training or scheme, places or makes arrangements for the placement of any person in work experience or activities where a necessary part of the placement involves participation in relevant work or activities, but does not include an individual who does any of the matters referred to in subparagraphs (i) to (iv) in the course of a private arrangement,
- (b) who carries on the business of an employment agency within the meaning of the Employment Agency Act 1971 for the employment of persons to undertake relevant work or activities,
- (c) established by or under an enactment (other than the Companies Acts) whose functions include the regulation, registration, licensing or other authorization (howsoever described) of persons who undertake relevant work or activities, or
- (d) who represents for the purposes of the vetting procedures under this Act, another person, trade, profession or body, organisation or group or other body of persons that undertakes relevant work or activities.