Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 47 *of* 2012

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACT 2012

REVISED

Updated to 23 June 2026

This Revised Act is an administrative consolidation of the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Air Pollution (Amendment) Act 2026* (14/2026), enacted 18 June 2026, and all statutory instruments up to and including *Child Care Act 1991 (Section 35L (3)) (Prescribed Classes) Regulations 2026* (S.I. No. 288 of 2026), made 23 June 2026, were considered in the preparation of this Revised Act.

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Number 47 *of* 2012

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACT 2012

REVISED

Updated to 23 June 2026

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Children Act 2001	2001, No. 24
Companies Acts	
Dentists Act 1985	1985, No. 9
Education Act 1998	1998, No. 51
Employment Agency Act 1971	1971, No. 27

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Health Act 2007	2007, No. 23
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Nurses Act 1985	1985, No. 18
Nurses and Midwives Act 2011	2011, No. 41
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Pharmacy Act 2007	2007, No. 20

Number 47 *of* 2012

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACT 2012

REVISED

Updated to 23 June 2026

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF CHILDREN AND VULNERABLE PERSONS AND, FOR THAT PURPOSE, TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) DATABASE SYSTEM; TO PROVIDE FOR THE ESTABLISHMENT OF PROCEDURES THAT ARE TO APPLY IN RESPECT OF PERSONS WHO WISH TO UNDERTAKE CERTAIN WORK OR ACTIVITIES RELATING TO CHILDREN OR VULNERABLE PERSONS OR TO PROVIDE CERTAIN SERVICES TO CHILDREN OR VULNERABLE PERSONS; TO AMEND THE GARDA SÍOCHÁNA ACT 2005; TO PROVIDE FOR THE CHANGE OF NAME OF THE GARDA CENTRAL VETTING UNIT TO THE NATIONAL VETTING BUREAU; AND TO PROVIDE FOR RELATED MATTERS.

[26*th December*, 2012]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.— (1) This Act may be cited as the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

(3) Notwithstanding the generality of *subsection (2)*, *sections 20* and *21* shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to different types of relevant work or activities or with reference to any other particular purpose or provision and different days may be so appointed for different relevant work or activities, for different purposes or for different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (29.04.2016) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Commencement) Order 2016*, S.I. No. 214 of 2016.

2. The 29th day of April 2016 is appointed as the day on which the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47 of 2012), other than section 20, comes into operation.

Interpretation.

2.— In this Act—

"appellant" shall be construed in accordance with *section 18*;

"appeals officer" means a person appointed by the Minister under *section 17* as an appeals officer;

"application for retrospective vetting disclosure" shall be construed in accordance with *section 21*;

"application for re-vetting disclosure" shall be construed in accordance with *section 20*;

"appropriate person" shall be construed in accordance with *section 19*;

"Bureau" means the National Vetting Bureau of the Garda Síochána;

"Chief Bureau Officer" means the person who is for the time being appointed by the Garda Commissioner to be in charge of the Bureau;

"child " means a person under the age of 18 years;

"compliance officer" means a person appointed by the Chief Bureau Officer as a compliance officer under *section 24*;

"contract of employment" means—

(*a*) a contract of service or apprenticeship, or

(*b*) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract),

whether the contract is express or implied and, if express, whether it is oral or in writing;

"criminal offence" includes an offence under the law of a state other than the State that corresponds to an offence under the law of the State, where the act or omission constituting the offence under the law of the other state would, if committed in the State, constitute an offence under the law of the State;

"criminal record", in relation to a person, means—

(*a*) a record of the person's convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, or

(*b*) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence,

or both;

"database" shall be construed in accordance with *section 6*;

"enactment" means a statute or an instrument made under a power conferred by statute;

"Garda Central Vetting Unit" means the national unit of the Garda Síochána known as the Garda Central Vetting Unit;

"Garda Commissioner" means the Commissioner of the Garda Síochána;

"harm", in relation to a person, means exploitation or abuse, whether physical, sexual or emotional of the person;

"liaison person", in relation to a relevant organisation, shall be construed in accordance with *section 9*;

"Minister" means the Minister for Justice and Equality;

"personal identification number", in relation to a person who is the subject of an application for vetting disclosure, means the registration number assigned in respect of him or her by the Bureau for the purposes of the vetting procedures under this Act;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"private arrangement" means an arrangement made by an individual for the provision by any person of relevant work or activities—

(*a*) for, or for the benefit of, the individual, or

(*b*) for, or for the benefit of, a child or vulnerable person who is a member of the individual's family;

"register of relevant organisations" means the register established and maintained under *section 8*;

"register of specified information" means the register established and maintained under *section 10*;

"register of vetted persons" means the register established and maintained under *section 11*;

"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 authorisation (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;

"relevant work or activities" means—

(*a*) relevant work or activities relating to children, or

(*b*) relevant work or activities relating to vulnerable persons;

"relevant work or activities relating to children" shall be construed in accordance with *Part 1* of *Schedule 1*;

"relevant work or activities relating to vulnerable persons" shall be construed in accordance with *Part 2* of *Schedule 1*;

"scheduled organisation" means an organisation that is specified in *Schedule 2*;

"specified information", in relation to a person who is the subject of an application for vetting disclosure, means information concerning a finding or allegation of harm to another person that is received by the Bureau from—

(*a*) the Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on the Garda Síochána by or under any enactment or the common law, or

(*b*) a scheduled organisation pursuant to *subsection (1)* or *(2)* of *section 19*,

in respect of the person and which is of such a nature as to reasonably give rise to a *bona fide* concern that the person may—

(i) harm any child or vulnerable person,

(ii) cause any child or vulnerable person to be harmed,

(iii) put any child or vulnerable person at risk of harm,

(iv) attempt to harm any child or vulnerable person, or

(v) incite another person to harm any child or vulnerable person;

"vetting disclosure", in respect of a person, means a disclosure made by the Bureau in respect of the person under *section 14*;

"vetting procedures" means the enquiry and examination undertaken by the Bureau under *section 14* and, where appropriate, assessment by the Chief Bureau Officer of specified information under *section 15* in relation to an application for vetting disclosure in respect of a person who wishes to undertake relevant work or activities;

"vulnerable person" means a person, other than a child, who—

(*a*) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,

(*b*) has an intellectual disability,

(*c*) is suffering from a physical impairment, whether as a result of injury, illness or age, or

(*d*) has a physical disability,

which is of such a nature or degree—

(i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or

(ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Act not to apply to certain relationships or arrangements, etc.

3.— (1) This Act shall not apply to any of the following, namely:

(*a*) any relevant work or activities undertaken in the course of a family relationship;

(*b*) any relevant work or activities undertaken—

(i) in the course of a personal relationship, and

(ii) for no commercial consideration;

(*c*) the giving of assistance by an individual—

(i) on an occasional basis, and

(ii) for no commercial consideration,

at a school, sports or community event or activity, other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children F1**[**or vulnerable persons;**]**

F2**[**(*d*) the employment of, or entering into a contract for services with, a person either by or on behalf of the State Examinations Commission, for the purposes of the performance by the person on a temporary basis of any functions in respect of the conduct and delivery of examinations to which Part VIII of the Education Act 1998 applies.**]**

(2) In this section—

"family relationship" includes a relationship between 2 persons who live in the same household and treat each other as though they were members of the same family;

"personal relationship" means a relationship between or among friends and a friend of a member of an individual's family shall be regarded as being a friend of the individual also.

Annotations

Amendments:

F1 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 15(a), S.I. No. 215 of 2016.

F2 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 15(b), S.I. No. 215 of 2016.

Regulations.

4.— (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed or for the purposes of enabling any provision of this Act to have full effect.

(2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (20.12.2017) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Section 21) (Prescribed Period) (Amendment) Regulations 2017* (S.I. No. 610 of 2017).

E3

E4 Power pursuant to section exercised (29.04.2016) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Section 21) (Prescribed Period) Regulations 2016* (S.I. No. 223 of 2016).

E5 Power pursuant to section exercised (29.04.2016) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Appeals) Regulations 2016* (S.I. No. 219 of 2016).

Expenses.

5.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

National Vetting Bureau (Children and Vulnerable Persons) Database System

Establishment of National Vetting Bureau (Children and Vulnerable Persons) Database System.

6.— (1) The Chief Bureau Officer shall, as soon as may be after the commencement of this section, cause to be established and maintained in accordance with this Part, a database system to be known as the National Vetting Bureau (Children and Vulnerable Persons) Database System and in this Act, referred to as the "database".

(2) The database shall be comprised of the following registers:

(*a*) the register of relevant organisations;

(*b*) the register of specified information;

(*c*) the register of vetted persons.

(3) The database shall be used only in connection with the provision of vetting disclosures in accordance with this Act or as otherwise provided for by law.

Functions of Bureau in relation to database, etc.

7.— (1) The Bureau shall operate and maintain the database in accordance with this Act.

(2) Without prejudice to the generality of F3**[**section 9 of the Policing, Security and Community Safety Act 2024**]**, the Bureau shall, in accordance with this Act, provide vetting services to relevant organisations in respect of relevant work or activities and, without prejudice to the generality of the foregoing, the Bureau shall perform the following functions in relation to the provision of vetting services, namely:

(*a*) the consideration and processing of applications for vetting disclosure received by it from relevant organisations registered in the register of relevant organisations;

(*b*) the making of such enquiries within the Garda Síochána as the Bureau deems necessary to establish whether there are any criminal records or specified information relating to persons who are the subject of applications for vetting disclosure (in this subsection referred to as "the persons concerned");

(*c*) the examination of the database to establish whether it contains particulars of specified information relating to the persons concerned;

(*d*) the making of such enquiries as the Bureau deems necessary for the purposes of establishing the identity of the persons concerned;

(*e*) the assessment for the purpose of disclosure (or otherwise) of specified information relating to the persons concerned for the purposes of determining whether or not it should be disclosed;

(*f*) the making of such enquiries of F4**[**scheduled organisations**]** or the Garda Síochána, as the case may be, as the Bureau deems necessary for the purposes of assessing specified information relating to the persons concerned;

(*g*) the making, in accordance with the provisions of this Act, of vetting disclosures in respect of the persons concerned to relevant organisations.

(3) The Bureau shall have all such powers as are necessary or expedient for the performance of its functions under this Act.

Annotations

Amendments:

F3 Substituted (2.04.2025) by *Policing, Security and Community Safety Act 2024* (1/2024), s. 288(a), S.I No. 107 of 2025.

F4 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 16, S.I. No. 215 of 2016.

Register of relevant organisations.

8.— (1) The Chief Bureau Officer shall cause to be established and maintained, in such form (including electronic form) as he or she considers appropriate, a register of relevant organisations.

(2) A relevant organisation shall, in accordance with this section, apply to the Bureau to be registered in the register of relevant organisations.

(3) A relevant organisation that, immediately before the commencement of this section, is registered with the Garda Central Vetting Unit shall, on such commencement, be deemed to be registered in the register of relevant organisations.

(4) A relevant organisation shall not be required to comply with *subsection (2)* if applications for vetting disclosures are submitted to the Bureau on its behalf by another relevant organisation that is registered on the register of relevant organisations.

(5) A relevant organisation that submits applications for vetting disclosures on behalf of another relevant organisation shall furnish the Bureau with particulars of the name and address of the relevant organisation concerned.

(6) An application under this section shall—

(*a*) be in such form (including electronic form) as may be specified by the Bureau,

(*b*) specify the name and address of the relevant organisation,

(*c*) contain such other information in relation to the relevant organisation as the Bureau may reasonably require for the performance of its functions under this Act, and

(*d*) be accompanied by such fee (if any) as may be prescribed.

(7) The Bureau may—

(*a*) refuse an application for registration under this section, or

(*b*) remove an entry relating to an organisation registered in the register from it,

if it is of the opinion that the organisation is not, or is no longer, as the case may be, a relevant organisation.

(8) The Bureau shall, as soon as practicable, after a decision is made by it under this section notify an organisation of—

(*a*) a decision to register the organisation,

(*b*) a decision to refuse to register the organisation, or

(*c*) a decision to remove an entry relating to the organisation from the register,

and, in the case of a decision referred to in *paragraph (b)* or *(c)*, the Bureau shall specify in writing the grounds upon which the decision was made.

(9) A person who fails to comply with *subsection (2)* shall be guilty of an offence.

(10) In proceedings for an offence under *subsection (9)*, it shall be a defence for the accused person to show that the accused person neither knew nor could reas-

onably be expected to know that he or she or it, as the case may be, was a relevant organisation.

(11) If a particular entered in the register of relevant organisation is incorrect, the relevant organisation to which the particular relates shall, as soon as may be after becoming aware of its being incorrect, inform the Bureau thereof accordingly.

Nomination and registration of liaison persons for purposes of Act.

9.— (1) A relevant organisation that is registered in the register of relevant organisations shall, for the purposes of applying for and receiving vetting disclosures in accordance with this Act, nominate in writing a person (in this Act referred to as a "liaison person") to be registered in the register of relevant organisations as the liaison person of the organisation.

(2) A relevant organisation that is registered in the register of relevant organisations may at any time nominate more than one person under *subsection (1)*.

(3) A nomination referred to in *subsection (1)* shall be in such form as may be specified by the Bureau and shall include the following information in respect of the person nominated:

(*a*) his or her name and, where he or she also uses one or more other names, each of those names;

(*b*) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;

(*c*) his or her gender;

(*d*) his or her mother's maiden name;

(*e*) his or her address;

(*f*) his or her previous addresses (if any);

(*g*) his or her date of birth;

(*h*) his or her place of birth;

(*i*) his or her nationality (if known);

(*j*) his or her Passport Number (if available);

F5**[** *(k)* subject to *subsection (9)*, in a case where he or she has a criminal record, particulars of such record;**]**

(*l*) such other information as the Bureau may reasonably require for the performance of its functions under this Act.

(4) A relevant organisation shall seek vetting disclosure from the Bureau in respect of the person or persons nominated by it under *subsection (1)*, and *Part 3* (other than *sections 12* and *16(1)*) shall with any necessary modifications apply to an application for vetting disclosure for persons so nominated as it applies to an application for vetting disclosure under *section 14*.

(5) The Bureau may refuse to register a person as a liaison person for an organisation under this section if—

(*a*) the Chief Bureau Officer considers the person to be unsuitable following the vetting procedures carried out in respect of the person, or

(*b*) the number of persons nominated by the organisation as liaison persons is reasonably considered to be excessive having regard to the size of the organisation and the number of vetting disclosures likely to be sought by the organisation.

(6) Where the Bureau accepts the nomination of a person as a liaison person under *subsection (1),* the name of the person shall be registered in the register of relevant organisations for the organisation concerned.

(7) A person who, immediately before the commencement of this section, is registered with the Garda Central Vetting Unit as a liaison person for an organisation shall, on such commencement, be deemed to be registered as a liaison person for the organisation in the register of relevant organisations.

(8) If a particular relating to a liaison person entered in the register of a relevant organisation is incorrect, the relevant organisation to which the particular relates shall, as soon as may be after becoming aware of its being incorrect, inform the Bureau thereof accordingly.

F6**[**(9) A person shall not be obliged to provide details of any convictions to which *section 14A* applies.**]**

Annotations

Amendments:

F5 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 17(a), S.I. No. 215 of 2016.

F6 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 17(b), S.I. No. 215 of 2016.

Register of specified information.

10.— (1) The Chief Bureau Officer shall cause to be established and maintained, in such form (including electronic form) as he or she considers appropriate a register of specified information.

(2) Any specified information in respect of a person that, immediately before the commencement of this section, is in the possession of the Garda Central Vetting Unit of the Garda Síochána shall, on such commencement, be deemed to be entered in the register of specified information.

Register of vetted persons.

11.— (1) The Chief Bureau Officer shall cause to be established and maintained, in such form (including electronic form) as he or she considers appropriate, a register of vetted persons who were or are the subject of applications for vetting disclosure in accordance with this Act.

(2) The register of vetted persons shall contain the following information in respect of each vetted person:

(*a*) his or her name and, where he or she also uses one or more other names, each of those names;

(*b*) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;

(*c*) his or her gender;

(*d*) his or her mother's maiden name;

(*e*) his or her address;

(*f*) his or her previous addresses (if any);

(*g*) his or her date of birth;

(*h*) his or her place of birth;

(*i*) his or her nationality (if known);

(*j*) his or her Passport Number (if available);

(*k*) his or her personal identification number (if any);

(*l*) the date of application for vetting disclosure and the outcome of the application;

(*m*) the name and particulars of the relevant organisation making the application for vetting disclosure;

(*n*) the relevant work or activity, and relevant organisation (if different from the relevant organisation making the application for vetting disclosure), to which the application relates;

(*o*) a declaration of consent referred to in *section 13 (4) (e)*;

(*p*) particulars of the vetting disclosures made in respect of the vetted person;

(*q*) such other information as the Bureau may reasonably require for the performance of its functions under this Act.

(3) Any information referred to in *subsection (2)* in respect of a person who was or is the subject of an application for vetting disclosure that, immediately before the commencement of this section, is in the possession of the Garda Central Vetting Unit shall, on such commencement, be deemed to be entered in the register of vetted persons.

PART 3

Procedures for Vetting Disclosures

Requirement for vetting disclosure in respect of certain work or activities.

12.— (1) A relevant organisation shall not—

(*a*) employ (whether under contract of employment or otherwise) any person to undertake relevant work or activities,

(*b*) enter into a contract for services with any person for the provision by that person of services which constitute relevant work or activities,

(*c*) permit any person to undertake relevant work or activities on behalf of the organisation (whether or not for commercial or any other consideration),

(*d*) in a case where the relevant organisation is a provider of any course of education, training or scheme, including an internship scheme, place or make arrangements for the placement of a person as part of such education, training or scheme, if a necessary and regular part of such placement requires the participation by the person in relevant work or activities,

unless the organisation receives a vetting disclosure from the Bureau in respect of that person.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence.

(3) In proceedings for an offence under *subsection (2)*, it shall be a defence for the accused person to show that the accused person neither knew nor could reasonably be expected to know that the work or activity to which the employment, contract, permission or placement referred to in *subsection (1)* constituted relevant work or activities.

F7**[**(3A) Where 2 or more relevant organisations jointly agree in writing to the employment, contracting, permitting or placement of a person to undertake relevant work or activities, it shall be a defence in any proceedings brought against a person for an offence under *subsection (2)* to show that another relevant organisation who was party to the agreement received a vetting disclosure in respect of the employment, contract, permission or placement of the person concerned.**]**

F8**[**(4) In the case of the employment of, entering into a contract for services with, permitting or placement of any person to undertake relevant work on a casual or part-time recurring but non-continuous basis with the same relevant organisation, the obligations placed on a relevant organisation pursuant to *subsection (1)* shall, subject to *section 20*, be regarded as being satisfied where the relevant organisation concerned received a vetting disclosure in respect of the person in respect of that initial employment, contract, permission or placement, as the case may be.**]**

F8**[**(5) This section shall not apply to the following:

(*a*) any employment, contract, permission or placement that commenced or was entered into, given or made, as the case may be, before the commencement of this section;

(*b*) any employment, contract, permission or placement on a casual or part-time recurring but non-continuous basis with the same employer where the initial employment, contract, permission or placement, as the case may be was entered into, given or made as the case may be, before the commencement of this section;

(*c*) any employment, contract, permission or placement, including a casual or part-time recurring but non-continuous employment which was not entered into before the commencement of this Act but in respect of which a relevant organisation had, before that commencement, requested and received vetting information in respect of the person who was the subject of the employment, contract, permission or placement concerned from the national unit of the Garda Síochána known as the Garda Central Vetting Unit.**]**

Annotations

Amendments:

F7 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 18(a), S.I. No. 215 of 2016.

F8 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 18(b), (c), S.I. No. 215 of 2016.

Applications for vetting disclosure and who may apply.

13.— (1) An application for vetting disclosure in respect of a person shall be made by a liaison person for a relevant organisation.

F9**[**(2) A relevant organisation may submit an application for vetting disclosure under this section on its own behalf or on behalf of another relevant organisation that the organisation represents for the purposes of the vetting procedures under this Act and, where a relevant organisation submits an application on behalf of another relevant organisation, it shall—

(*a*) inform the Bureau of that fact and provide the Bureau with the particulars referred to in *section 8(5)*, and

(*b*) provide or make available, in written or electronic form, a copy of the vetting disclosure received from the Bureau to the relevant organisation that it represents or on whose behalf the application for vetting was made.**]**

(3) Without prejudice to the generality of *subsection (2)*, an application for vetting disclosure in respect of a person who is self-employed shall be made by—

(*a*) a relevant organisation that intends to enter into a contract for services of the person,

(*b*) a relevant organisation referred to in *paragraph (c)* of the definition of relevant organisation, or

(*c*) a relevant organisation referred to in *paragraph (d)* of the definition of relevant organisation.

(4) An application under this section for vetting disclosure in respect of a person shall—

(*a*) be in such form as may be specified by the Bureau,

(*b*) include the information specified in *subsection (5)* in relation to the person,

(*c*) identify the relevant work or activity to which the application relates,

(*d*) include, in such form as may be specified by the Bureau, a declaration that the applicant is a liaison person for a relevant organisation and is authorised by the organisation to seek vetting disclosure in respect of the person,

(*e*) subject to *subsection (6)*, include, in such form as may be specified by the Bureau, a declaration (in this Act referred to as a "declaration of consent") by the person that he or she consents to the making of the application and to the disclosure of information by the Bureau to the liaison person for the purposes of this Act, and

(*f*) be accompanied by such fee (if any) as may be prescribed.

(5) The following information is specified for the purposes of *subsection (4)(b)* in relation to a person in respect of whom an application for vetting disclosure is made:

(*a*) his or her name and, where he or she also uses one or more other names, each of those names;

(*b*) in a case where he or she has a former name, including where appropriate, a maiden name, that name or each of them, as the case may be;

(*c*) his or her gender;

(*d*) his or her mother's maiden name;

(*e*) his or her address;

(*f*) his or her previous addresses (if any);

(*g*) his or her date of birth;

(*h*) his or her place of birth;

(*i*) his or her nationality (if known);

(*j*) his or her Passport Number (if available);

(*k*) his or her personal identification number (if any);

F10**[**(*l*) subject to *subsection (6A)*, in a case where he or she has a criminal record, particulars of such record;**]**

(*m*) such other information as the Bureau may reasonably require for the performance of its functions under this Act.

(6) If a person in respect of whom an application for vetting disclosure is made under this section is under 18 years of age, a declaration under *subsection (4) (e)* may be made on his or her behalf by a parent or guardian of the person.

F11**[**(6A) A person shall not be obliged to provide details of any convictions to which *section 14A* applies.**]**

(7) In this section "self employed person" means a person who works for profit or gain otherwise than under a contract of employment.

Annotations

Amendments:

F9 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 19(a), S.I. No. 215 of 2016.

F10 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 19(b), S.I. No. 215 of 2016.

F11 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 19(c), S.I. No. 215 of 2016.

Consideration by Bureau of application for vetting disclosure.

14.— (1) Where the Bureau receives an application for vetting disclosure duly made under *section 13* in respect of a person concerning relevant work or activities, the Bureau shall—

(*a*) make such enquiries of the Garda Síochána as it deems necessary to establish whether there is any criminal record or specified information relating to the person, and

(*b*) undertake an examination of the database to establish whether it contains particulars of any record of, or specified information relating to, the person concerned.

(2) The Bureau shall, upon completion of its enquiries and examination referred to in *subsection (1)*, including, where appropriate, any assessment under *section 15*, make, in accordance with this section a vetting disclosure in such form (including electronic form) as the Bureau considers appropriate, to the liaison person for the relevant organisation who made the application for it.

(3) Where a member of staff of the Bureau considers there is specified information relating to a person who is the subject of an application for vetting disclosure, he or she shall refer the matter to the Chief Bureau Officer for assessment and determination under *section 15* as to whether the information concerned should be disclosed.

(4) A vetting disclosure shall be in such form (including electronic form) as the Bureau may specify and shall in respect of the person who is the subject of the application for vetting disclosure—

(*a*) include—

F12**[**(i) subject to *subsection (4A)*, particulars of the criminal record (if any) relating to the person, and**]**

(ii) a statement of the specified information (if any) relating to the person which the Chief Bureau Officer has determined in accordance with *section 15* should be disclosed,

or

(*b*) state that there is no criminal record or specified information, in relation to the person.

F13**[**(4A) Where a person who is the subject of an application for vetting disclosure has a conviction to which *section 14A* applies, the conviction shall be excluded from the vetting disclosure made by the Bureau in respect of the person.**]**

(5) The Bureau shall not make a vetting disclosure in respect of the person who is the subject of the application for vetting disclosure if he or she has lodged an appeal under *section 18* which has not yet been determined.

Annotations

Amendments:

F12 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 20(a), S.I. No. 215 of 2016.

F13 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 20(b), S.I. No. 215 of 2016.

F14**[**Certain convictions are not required to be disclosed

14A.— (1) This section applies to a conviction by the District Court of a person in respect of an offence where the following conditions are met in respect of the conviction:—

(*a*) the person to whom the conviction relates shall be a natural person and shall have attained the age of 18 years at the date of the commission of the offence which is the subject of the conviction concerned;

(*b*) the offence shall not be an excluded offence;

(*c*) not less than 7 years has passed since the effective date of conviction;

(*d*) the person shall have served or otherwise undergone or complied with any sentence imposed, or order made by the court in dealing with the person in respect of the conviction concerned.

(2) Subject to *subsection (4)*, this section shall apply in respect of one single conviction only and where a person has more than one conviction this section shall not apply to that person.

(3) Where in any proceedings before a court, a person is convicted of 2 or more offences which are committed simultaneously or arise from the same incident, and the court in passing sentence, imposes more than one sentence in respect of those offences, the convictions imposed shall be regarded as one single conviction.

(4) *Subsection (2)* shall not apply to a conviction imposed on a person in respect of an offence—

(*a*) under the Road Traffic Acts 1961 to 2014, other than section 53(2) of the Road Traffic Act 1961,

(*b*) under section 37A of the Intoxicating Liquor Act 1988,

(*c*) under section 4, 5, 6, F15**[**6A,**]** 7, F15**[**7A,**]** 8, 8A(4) or 9 of the Criminal Justice (Public Order) Act 1994.

(5) In this section—

"effective date of conviction" means, in relation to the imposition by the District Court of a sentence for an offence, the date on which the sentence becomes operative in accordance with the order of the court;

"excluded offence" means—

(*a*) an offence specified in *Schedule 3*, or

(*b*) an offence specified in Part 1 or 2 of Schedule 1 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

(6) For the purposes of this section a criminal conviction of a person by the District Court—

(*a*) which is appealed by the person to the Circuit Court, and

(*b*) is affirmed or varied by the Circuit Court,

shall, as so affirmed or varied by the Circuit Court be treated as if it were a conviction of the District Court.**]**

Annotations

Amendments:

F14 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 21, S.I. No. 215 of 2016.

F15 Inserted (31.12.2024) by *Criminal Justice (Hate Offences) Act 2024* (41/2024), s. 18(a), S.I. No. 730 of 2024.

Editorial Notes:

E6 The section heading is taken from the amending section in the absence of one included in the amendment.

Assessment of specified information.

15.— (1) Where a matter is referred under *section 14(3)* to the Chief Bureau Officer for assessment and determination, he or she shall—

(*a*) notify in writing, or cause to be so notified, the person who is the subject of the application for vetting disclosure concerned of that fact,

(*b*) furnish that person with a summary in writing of the specified information relating to him or her, and

(*c*) inform that person that he or she may make a written submission in relation to the specified information concerned.

(2) A person to whom a notification under *subsection (1)* is sent, may make a submission in writing to the Chief Bureau Officer concerning the information not later than 14 days, or such longer period as the Chief Bureau Officer may for good and sufficient reason specify, from the date of the notification.

(3) The Chief Bureau Officer shall assess the application for vetting disclosure and the specified information relating to the person who is the subject of that application but he or she shall not make a determination that that information concerned should be disclosed unless—

(*a*) he or she reasonably believes that that information is of such a nature as to give rise to a *bona fide* concern that the person concerned may—

(i) harm any child or vulnerable person,

(ii) cause any child or vulnerable person to be harmed,

(iii) put any child or vulnerable person at risk of harm,

(iv) attempt to harm any child or vulnerable person, or

(v) incite another person to harm any child or vulnerable person,

and

(*b*) he or she is satisfied that its disclosure is necessary, proportionate and reasonable in the circumstances for the protection of children or vulnerable persons or both, as the case may be.

(4) In assessing, for the purposes of making a determination as to whether the specified information referred to in *subsection (3)* relating to a person should be disclosed, the Chief Bureau Officer shall have regard to—

(*a*) the information concerned,

(*b*) its relevance to the type of relevant work or activity to which the application for vetting disclosure concerned relates,

(*c*) the extent to which the proposed relevant work or activity is likely to necessitate contact with children or vulnerable persons or both, and the nature of that contact,

(*d*) the source and reliability of the information,

(*e*) any submissions made by or on behalf of the person under this section or pursuant to an investigation or other process referred to in *subsection (1)* or *(2)* of *section 19* or otherwise,

(*f*) whether the rights of the person have been considered and taken account of in a manner that is consistent with fairness and natural justice, and

(*g*) any other matter which the Chief Bureau Officer considers relevant to the application for vetting disclosure concerned.

(5) The Chief Bureau Officer may, but shall not be obliged to, make a request for further information from the scheduled organisation or member of the Garda Síochána who furnished the specified information concerned to the Bureau and, where he or she does so, the scheduled organisation or member of the Garda

Síochána, as the case may be, to whom the request is made shall comply with it within such reasonable period as the Chief Bureau Officer may specify in the request.

(6) Where the Chief Bureau Officer makes a determination under this section that specified information should be disclosed, he or she shall—

(*a*) notify, or cause to be notified, the person who is the subject of the application for vetting disclosure concerned in writing of the determination and of the reasons for it,

(*b*) provide, or cause to be provided, to the person a copy of the specified information proposed to be disclosed,

(*c*) notify, or cause to be notified, the person of the intention to disclose the specified information to a liaison person for the relevant organisation concerned after the expiry of 14 days from the notification, and

(*d*) inform, or cause to be informed, the person that he or she may appeal the determination to an appeals officer not later than 14 days, or such longer period as the appeals officer may for good and sufficient reason determine after the date of the notification under this section is sent to that person.

(7) The Bureau shall not make a vetting disclosure in respect of a person until—

(*a*) the first-mentioned period referred to in *subsection (6)(d)* has elapsed, or

(*b*) where a notice of appeal is lodged within that first-mentioned period, until the determination or withdrawal of the appeal,

whichever is the later.

(8) Notwithstanding the generality of *paragraph (d)* of *subsection (6)*, a person may appeal a determination made under this section after the expiry of the first-mentioned period referred to in that subsection if allowed to do so by an appeals officer under *section 18(2)* but the bringing of such an appeal shall not operate to prevent the making of the disclosure concerned.

Assessment and use of vetting disclosures by relevant organisations.

16.— (1) Where a vetting disclosure made to F16**[**a relevant organisation (other than a relevant organisation who applies for vetting on behalf of another relevant organisation in accordance with *section 13(2)*) contains**]** criminal records information or specified information in respect of a person who is the subject of the application for vetting disclosure, the relevant organisation shall, as soon as practicable, make available a copy of the vetting disclosure to the person concerned.

F16**[**(2) A relevant organisation (including a relevant organisation who applies for a vetting disclosure on behalf of another relevant organisation in accordance with *section 13(2)*) to whom a vetting disclosure is made in accordance with this Act may—

(a) consider and take into account the information disclosed in the vetting disclosure when assessing the suitability of the person who is the subject of the disclosure to undertake relevant work or activities, and

(b) to the extent that it is so authorised by law other than by virtue of this section, consider and take into account, in accordance with such law, the information disclosed in the vetting disclosure when assessing the suitability of the person who is the subject of the vetting disclosure to be registered, licensed, considered fit to practice or otherwise authorised (howsoever described) to undertake relevant work or activities,**]**

(3) Information contained in a vetting disclosure made by the Bureau to a relevant organisation shall not—

(*a*) be used by, or

(*b*) disclosed by,

the relevant organisation F16**[**otherwise than in accordance with this Act or as otherwise authorised by law**]**.

(4) A person who contravenes *subsection (3)* shall be guilty of an offence.

Annotations

Amendments:

F16 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 22(a)-(c), S.I. No. 215 of 2016.

Appeals officers.

17.— (1) The Minister may appoint one or more persons to be appeals officers.

(2) A person shall be a practising barrister or practising solicitor of not less than 7 years' standing to be appointed as an appeals officer.

(3) An appeals officer shall—

(*a*) hold office for a term of 3 years and shall be eligible for re-appointment as such an officer,

(*b*) subject to this Act, be independent in the performance of his or her functions, and

(*c*) be paid such remuneration and allowances for expenses as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

(4) An appeals officer may—

(*a*) resign from office by letter addressed to the Minister and the resignation shall take effect on the date on which the Minister receives the letter,

(*b*) be removed from office by the Minister if, in the opinion of the Minister, the appeals officer has become incapable through ill-health of effectively performing his or her functions under this Act or has committed stated misbehaviour.

Appeals from determination of Chief Bureau Officer.

18.— (1) A person (in this section referred to as the "appellant") who is aggrieved by a determination of the Chief Bureau Officer under *section 15* may, not later than 14 days after the date the notification of the determination is sent to the person, appeal to an appeals officer against that determination.

(2) The period referred to in *subsection (1)* may, at the request in writing of the appellant, be extended for a further period not exceeding 14 days if the appeals officer determines that there is good and sufficient reason to so extend.

(3) An appeal under this section shall—

(*a*) be made in writing,

(*b*) be accompanied by a statement of grounds relied on by the appellant, and

(*c*) indicate whether the appellant wishes the appeals officer to conduct an oral hearing for the purposes of the appeal.

(4) The Minister may prescribe the procedures to be followed in respect of the conduct and consideration of appeals under this section and, subject to *section 17(3)(b)*, the appeals officer shall comply with those procedures.

(5) The appeals officer may, in determining an appeal under this section—

(*a*) affirm, in whole or in part, the determination of the Chief Bureau Officer, or

(*b*) set aside the determination of the Chief Bureau Officer in whole or in part and replace it with such other decision as the appeals officer considers appropriate.

(6) An appeals officer shall inform the appellant and the Chief Bureau Officer in writing of his or her determination of an appeal under this section and the reasons for it.

(7) An appellant may at any time withdraw an appeal under *subsection (1)* by sending a notice of withdrawal to the appeals officer concerned and the appeals officer shall, as soon as may be, notify the Bureau of the withdrawal.

(8) A party to an appeal under this section may appeal to the High Court from a determination of an appeal by an appeals officer on a point of law and the determination of the High Court on such an appeal shall be final and conclusive.

Annotations

Editorial Notes:

E7 Power pursuant to subs. (4) exercised (29.04.2016) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Appeals) Regulations 2016* (S.I. No. 219 of 2016).

Scheduled organisations required to notify specified information to Bureau.

19.— (1) Where, following an investigation, inquiry or regulatory process (howsoever described) in respect of a person, (including an investigation, inquiry or regulatory process initiated but not yet concluded before the commencement of this section) a scheduled organisation, has as a result of the investigation, inquiry or regulatory process, a *bona fide* concern that the person who is the subject of that investigation, inquiry or regulatory process, may—

(*a*) harm any child or vulnerable person,

(*b*) cause any child or vulnerable person to be harmed,

(*c*) put any child or vulnerable person at risk of harm,

(*d*) attempt to harm any child or vulnerable person, or

(*e*) incite another person to harm any child or vulnerable person,

the scheduled organisation shall, as soon as may be, for the purposes of providing specified information to the Bureau, notify the Bureau in writing of that concern and shall state the reasons for it.

(2) Notwithstanding the generality of *subsection (1)*, where in the course of exercising its powers under the Child Care Act 1991, the Health Service Executive has, in respect of a person, a *bona fide* concern that the person may do any of the matters referred to in *paragraphs (a)* to *(e)* of *subsection (1)*, the Health Service Executive shall, as soon as may be, for the purpose of providing specified information to the Bureau, notify the Bureau in writing of that concern and shall state the reasons for it.

(3) The scheduled organisation shall, in relation to the person in respect of whom it has a concern under *subsection (1)* or *(2)*, as the case may be, notify the person of the fact of that concern and of its intention to notify the Bureau of it.

(4) If any specified information furnished by a scheduled organisation to the Bureau under *subsection (1)* or *(2)* is incorrect or is otherwise inaccurate, the scheduled organisation shall, as soon as may be, after becoming aware of its being incorrect or inaccurate, as the case may be, inform the Bureau thereof.

(5) A scheduled organisation shall nominate a person (in this Act referred to as an "appropriate person") as the appropriate person, for the scheduled organisation, for the purposes of notifying the Bureau under this section.

(6) A scheduled organisation may nominate more than one person as an appropriate person for the scheduled organisation.

(7) *Section 9* shall, with any necessary modifications, apply to the nomination of an appropriate person for a scheduled organisation as it applies to the nomination of a liaison person for a relevant organisation under that section.

(8) A person who contravenes *subsection (1)* or *(2)* shall be guilty of an offence.

(9) For the avoidance of doubt it is hereby declared that the obligation imposed on a person by *subsection (1)* or *(2)* to disclose specified information to the Bureau is in addition to, and not in substitution for, any other obligation that the person has to disclose that information to the Garda Síochána.

Re-vetting.

20.— (1) A relevant organisation that, following receipt of a vetting disclosure F17**[**under this Act in respect of a person or, vetting information issued in respect of a person by the Garda Central Vetting Unit before the commencement of *section 12*,**]**—

(*a*) employs (whether under contract of employment or otherwise) the person to undertake relevant work or activities,

(*b*) enters into a contract for services with the person for the provision by the person of services that constitute relevant work or activities, or

(*c*) permits the person (whether or not for commercial or any other consideration) to undertake relevant work or activities on its behalf,

shall, after the expiration of such period as may be prescribed from the issue of the previous vetting disclosure, and such intervals thereafter as may be prescribed, make a F17**[**application for vetting**]** disclosure (in this Act referred to as an "application for re-vetting disclosure") in respect of that person.

(2) The Minister may in relation to the periods and intervals of time referred to in *subsection (1)*—

(*a*) prescribe periods of time and intervals of time in respect of different relevant organisations or classes of relevant organisations, and

(*b*) prescribe different periods of time or different intervals of time in respect of different circumstances or classes of circumstances or in relation to different types of relevant work or activities or classes of relevant work or activities.

(3) A person who F17**[**without reasonable excuse fails to comply with**]** *subsection (1)* shall be guilty of an offence.

(4) This Part (other than *section 12*) shall, with any necessary modifications, apply to an application for re-vetting as it applies to an application for vetting disclosure under *section 13*.

Annotations

Amendments:

F17 Substituted (29.04.2016) *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 23(a),(b), S.I. No. 215 of 2016.

Editorial Notes:

E8 This section is not commenced as of date of revision.

Retrospective vetting.

21.— (1) Where, immediately before the commencement of this section, a relevant organisation—

(*a*) employs (whether under contract of employment or otherwise) a person to undertake relevant work or activities,

(*b*) enters into a contract for services with a person for the provision by the person of services that constitute relevant work or activities, or

(*c*) permits a person (whether or not for commercial or any other consideration) to undertake relevant work or activities on its behalf,

the organisation shall, where the person concerned has not previously been the subject of an application for F18**[**vetting disclosure under this Act or, a request made before the commencement of *section 12* to the Garda Central Vetting Unit for vetting information in respect of the person concerned,**]** not later than such period as may be prescribed, make an application for vetting disclosure (in this Act referred to as an "application for retrospective vetting disclosure") in respect of that person.

(2) The Minister may, in relation to the period of time referred to in *subsection (1)*—

(*a*) prescribe periods of time in respect of different relevant organisations or classes of relevant organisations, and

(*b*) prescribe different periods of time in respect of different circumstances or classes of circumstances or in relation to different types of relevant work or activities or classes of relevant work or activities.

(3) A person who F18**[**without reasonable excuse fails to comply with**]** *subsection (1)* shall be guilty of an offence.

(4) This Part (other than *section 12*) shall, with any necessary modifications, apply to an application for retrospective vetting disclosure as it applies to an application for vetting disclosure under *section 13*.

Annotations

Amendments:

F18 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 24(a), (b), S.I. No. 215 of 2016.

Editorial Notes:

E9 Power pursuant to section exercised (20.12.2017) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Section 21) (Prescribed Period) (Amendment) Regulations 2017* (S.I. No. 610 of 2017).

E10 Power pursuant to section exercised (29.04.2016) by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Section 21) (Prescribed Period) Regulations 2016* (S.I. No. 223 of 2016).

PART 4

MISCELLANEOUS

Appointment of Chief Bureau Officer and delegation of functions of Chief Bureau Officer.

22.— (1) The Chief Bureau Officer shall be appointed by the Garda Commissioner.

(2) The Chief Bureau Officer shall periodically report directly to the Garda Commissioner in relation to the performance and management of the functions of the Bureau.

(3) The Chief Bureau Officer may delegate in writing any of his or her functions under this Act (other than this section) to a member of the staff of the Bureau specified by rank or name.

(4) A delegation under *subsection (3)* may—

(*a*) relate to the performance of a function either generally or in a particular case or class of case or in respect of a particular matter,

(*b*) be made subject to conditions or restrictions, and

(*c*) be revoked or varied by the Chief Bureau Officer at any time.

(5) The delegation of a function under *subsection (3)* shall not preclude the Chief Bureau Officer from performing the function.

(6) Where the functions of the Chief Bureau Officer under a provision of this Act are delegated to a member of the staff of the Bureau, any references in that provision to the Chief Bureau Officer shall be construed as references to that member of staff.

(7) An act or thing done by a member of the staff of the Bureau pursuant to a delegation under this section has the same force and effect as if done by the Chief Bureau Officer.

Annual Report.

23.— (1) As soon as may be, but not later than 6 months after the end of each year, the Bureau shall, through the Garda Commissioner, present to the Minister a report of the activities of the Bureau in the immediately preceding year, and the Minister shall, as soon as may be after receiving such report, cause copies of the report to be laid before each House of the Oireachtas.

(2) Notwithstanding *subsection (1)*, if, but for this subsection, the first report under that subsection would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be made as soon as may be, but not later than 6 months, after the end of that year.

Compliance officers.

24.— (1) The Chief Bureau Officer may assign one or more members of staff to be compliance officers for the purposes of this Act.

(2) A person assigned to be a compliance officer under this section shall be furnished with a warrant of appointment and when performing a function conferred under this section shall, if requested to do so by any person thereby affected, produce such warrant or a copy of it to that person for inspection.

(3) A compliance officer may—

(*a*) enter and inspect at all reasonable times any premises which he or she has reasonable grounds for believing are being occupied by a relevant organisation,

(*b*) at such premises, inspect and take copies of any books, records, other documents (including documents stored in non-legible form) or extracts therefrom relating to vetting procedures under this Act, which he or she finds in the course of his or her inspection,

(*c*) remove any such books, records or documents from such place and detain them for such period as he or she reasonably considers to be necessary for the purposes of this Act,

(*d*) require any person at the premises concerned, including the liaison person or person in charge of that place or premises to give him or her such information and assistance as the compliance officer may reasonably require for the purposes of his or her functions under this Act,

(*e*) require any person at the premises concerned including the liaison person, the owner or person in charge of that place or premises to produce to him or her such books, documents or other records (and in the case of documents or records stored in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's possession or procurement or under that person's control, as the compliance officer may reasonably require for the purposes of his or her functions under the Act, and

(*f*) examine with regard to any matter under this Act any person whom the compliance officer has reasonable grounds for believing to be a liaison person or to be employed by the relevant organisation or to be the owner or person in charge of that place or premises and require the person to answer such questions as the compliance officer may ask relative to those matters and to make a declaration of the truth of the answers to those questions.

(4) When performing a function under this Act, a compliance officer may be accompanied by such number of other compliance officers or members of the Garda Síochána as the compliance officer considers appropriate.

(5) A compliance officer shall not enter a dwelling other than with the consent of the occupier.

(6) Any person who—

(*a*) obstructs or interferes with an officer or member of the Garda Síochána in the course of performing a function conferred on him or her under this section, or

(*b*) impedes the performance by the officer or member, as the case may be, of such function,

shall be guilty of an offence.

Amendment of section 7 of Garda Síochána Act 2005.

25.— Section 7 of the Garda Síochána Act 2005 is amended, by the substitution in subsection (1), of "policing and security, including vetting, services for the State" for "policing and security services for the State".

Falsification of vetting disclosures, etc.

26.— A person shall be guilty of an offence if he or she—

(*a*) falsifies or alters a vetting disclosure,

(*b*) makes a false statement for the purpose of obtaining, or enabling another person to obtain, a vetting disclosure,

(*c*) allows a vetting disclosure which relates to him or her to be used by another person in such a way as to give rise to the reasonable belief that the record relates to that other person.

Penalties.

27.— (1) A person guilty of an offence under *section 8(9), 12(2), 16(4), 19(8), 20(3), 21(3)* or *26* shall be liable—

(*a*) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(*b*) on conviction on indictment, to a fine not exceeding €10,000 or imprisonment for a term not exceeding 5 years or both.

(2) A person guilty of an offence under *section 24(6)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both.

Liability for offences by bodies corporate.

28.— (1) Where an offence under this Act is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Garda Central Vetting Unit — change of name to National Vetting Bureau.

29.— The national unit of the Garda Síochána known before the commencement of this section as the Garda Central Vetting Unit shall, after that commencement, be known as the National Vetting Bureau.

Service of notices.

30.— A notice that is required to be sent or given to a person under this Act may be sent or given to the person in one of the following ways:

(*a*) by delivering it to the person;

(*b*) by addressing it to the person and leaving it at the address at which he or she ordinarily resides, or in a case in which an address for service has been furnished, at that address;

(*c*) by sending it to the person by post in a prepaid registered envelope to the address at which he or she ordinarily resides or, in a case in which an address for service has been furnished, to that address.

Transitional provision.

31.—F19**[**(1)**]** Where, before the commencement of this section a liaison person had made an application for F20**[**vetting information**]** in respect of any person concerning relevant work or activities but the vetting procedures in relation thereto had not been completed by the Garda Central Vetting Unit then, the application shall be deemed to be an application under *section 13* and shall be dealt with accordingly and, any step taken by the Garda Central Vetting Unit before such commencement in relation to the application (being a step required to be taken under this Act in relation to an application under this Act) shall be deemed to have been taken under this Act.

F19**[**(2) Where, before the commencement of this section, a person had appealed a determination made by the Garda Central Vetting Unit in respect of the person but the appeal had not been concluded before that commencement, then the appeal shall be deemed to be an appeal under *section 18* and shall be dealt with accordingly and, any step taken before such commencement in relation to the appeal (being a step required to be taken under this Act in relation to an appeal under this Act) shall be deemed to have been taken under this Act.**]**

Annotations

Amendments:

F19 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 25(a), (c), S.I. No. 215 of 2016.

F20 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 25(b), S.I. No. 215 of 2016.

Fees.

32.— The Minister may, after consultation with the Garda Commissioner and with the consent of the Minister for Public Expenditure and Reform, by regulations prescribe fees in relation to any or all of the following:

(*a*) the registration of a relevant organisation in the register of relevant organisations;

(*b*) the provision of a vetting disclosure;

(*c*) the provision of a re-vetting disclosure;

(*d*) the provision of a retrospective vetting disclosure.

Section 2.

SCHEDULE 1

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 F21**[**early years services within the meaning of Part VIIA**]** 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,

   F22**[**(*g*) an accommodation centre within the meaning of Part 4 of the International Protection Act 2026 or a designated centre within the meaning of Chapter 2 of Part 11 of that Act.**]**

F23**[**1A. Any work or activity carried out in relation to an unaccompanied minor (within the meaning of the International Protection Act 2026) by a provisional representative person, a representative person or an international protection guardian, each within the meaning of section 2(1) of that Act.**]**

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 F24**[**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).

F25**[**16. Any work or activity by a guardian *ad litem* within the meaning of Part VA of the Child Care Act 1991 as such a guardian.**]**

Annotations

Amendments:

F21 Substituted (30.09.2024) by *Child Care (Amendment) Act 2024* (19/2024), s. 19, S.I. No. 495 of 2024.

F22 Substituted (12.06.2026) by *International Protection Act 2026* (9/2026), s. 306(a)(i), S.I. No. 244 of 2026.

F23 Inserted (12.06.2026) by *International Protection Act 2026* (9/2026), s. 306(a)(ii), S.I. No. 244 of 2026.

F24 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 27(a), S.I. No. 215 of 2016.

F25 Inserted (23.06.2026) by *Child Care (Amendment) Act 2022* (21/2022), s. 11, S.I. No. 208 of 2026.

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,

   F26**[**(*e*) an accommodation centre within the meaning of Part 4 of the International Protection Act 2026 or a designated centre within the meaning of Chapter 2 of Part 11 of that Act.**]**

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 F27**[**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).

Annotations

Amendments:

F26 Inserted (12.06.2026) by *International Protection Act 2026* (9/2026), s. 306(b), S.I. No. 244 of 2026.

F27 Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 27(b), S.I. No. 215 of 2016.

F28 Substituted by *Mental Health Act 2026* (11/2026), s. 245, not commenced as of date of revision.

Modifications (not altering text):

C1 Prospective affecting provision: para. 1(d) substituted by *Mental Health Act 2026* (11/2026), s. 245, not commenced as of date of revision.

F28**[**(*d*) a registered acute mental health centre within the meaning of the Mental Health Act 2026,**]**

Section 19.

SCHEDULE 2

ORGANISATIONS REQUIRED TO NOTIFY SPECIFIED INFORMATION TO BUREAU

1. The Health Service Executive.

2. The Teaching Council.

3. The Medical Council.

4. The Nursing and Midwifery Board of Ireland.

5. The Dental Council.

6. The Health and Social Care Professionals Council.

7. The Mental Health Commission.

8. The Pharmaceutical Society of Ireland.

9. The Pre-Hospital Emergency Care Council.

10. The Health Information and Quality Authority.

11. The National Transport Authority.

12. F29**[**...**]**

F30**[**12. The Child and Family Agency.**]**

F31**[**13. Fiosrú - Oifig an Ombudsman Póilíneachta.**]**

Annotations

Amendments:

F29 Deleted (2.04.2025) by *Policing, Security and Community Safety Act 2024* (1/2024), s. 288(b)(i), S.I. No. 107 of 2025.

F30 Inserted (1.05.2016) by *Children First Act 2015* (36/2015), s. 18, S.I. No. 211 of 2016.

F31 Inserted (2.04.2025) by *Policing, Security and Community Safety Act 2024* (1/2024), s. 288(b)(ii), S.I. No. 107 of 2025.

Modifications (not altering text):

C2 Previous affecting provision: para. 12 inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 28, S.I. No. 215 of 2016: deleted as per F-note above.

F32**[**SCHEDULE 3

Excluded Offences for Purposes of Section 14A

Section 14A

F33**[**1. An offence under section 17 of the Domestic Violence Act 1996 or section 33, 38 or 39 of the Domestic Violence Act 2018.**]**

2. An offence under the Non-Fatal Offences against the Person Act 1997.

3. An offence under section 246 of the Children Act 2001 (cruelty to children).

4. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).

5. An offence under section 80 of the Health and Social Care Professionals Act 2005.

6. An offence under section 41 of the Medical Practitioners Act 2007.

7. An offence under section 44 of the Nurses and Midwives Act 2011.

8. An offence under section 49 of the Nurses Act 1985.

9. Any offence under the following provisions of the Dentists Act 1985:

(*a*) section 50;

(*b*) section 51.

10. An offence under section 32 of the Pharmacy Act 2007.

11. An offence under section 56 of the Teaching Council Act 2001.

12. An offence under the Firearms Act 1925.

13. An offence under the Firearms Act 1964.

14. An offence under the Firearms and Offensive Weapons Act 1990.

15. An offence under section 31 or 32 of the Intoxicating Liquor Act 1988.

16. An offence under the Misuse of Drugs Acts 1977 to 2015, other than a first offence under section 3 of the Misuse of Drugs Act 1977.

17. An offence under section 14, 15, 16, 17, 18 F34**[**, 18A**]** or 19 of the Criminal Justice (Public Order) Act 1994.**]**

Annotations

Amendments:

F32 Inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 29, S.I. No. 215 of 2016.

F33 Substituted (1.01.2019) by *Domestic Violence Act 2018* (6/2018), s. 52, S.I. No. 532 of 2018.

F34 Inserted (31.12.2024) by *Criminal Justice (Hate Offences) Act 2024* (41/2024), s. 18(b), S.I. No. 730 of 2024.

Number 47 *of* 2012

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACT 2012

REVISED

Updated to 23 June 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 1(2)). The Acts in this group are:

- *National Vetting Bureau (Children and Vulnerable Persons) Act 2012* (47/2012)
- *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), Part 3 (ss. 14-25)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Mental Health Act 2026* (11/2026)
- *International Protection Act 2026* (9/2026)
- *Criminal Justice (Hate Offences) Act 2024* (41/2024)

- *Child Care (Amendment) Act 2024* (19/2024)
- *Policing, Security and Community Safety Act 2024* (1/2024)
- *Child Care (Amendment) Act 2022* (21/2022)
- *Domestic Violence Act 2018* (6/2018)
- *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016)
- *Children First Act 2015* (36/2015)

All Acts up to and including *Air Pollution (Amendment) Act 2026* (14/2026), enacted 18 June 2026, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Section 21) (Prescribed Period) (Amendment) Regulations 2017* (S.I. No. 610 of 2017)
- *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Section 21) (Prescribed Period) Regulations 2016* (S.I. No. 223 of 2016)
- *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Appeals) Regulations 2016* (S.I. No. 219 of 2016)
- *National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Commencement) Order 2016* (S.I. No. 214 of 2016)

All statutory instruments up to and including *Child Care Act 1991 (Section 35L (3)) (Prescribed Classes) Regulations 2026* (S.I. No. 288 of 2026), made 23 June 2026, were considered in the preparation of this revision.