
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007 (“the 2007 Regulations”) and the Police Act 1997 (Criminal Records) (Disclosure) Regulations 2008 (“the 2008 Regulations”).

The 2007 Regulations make provision about the registration of registered persons who countersign applications for criminal record certificates and enhanced criminal record certificates. This amendment restricts the time period during which a registered person can ask the Department to confirm it has issued a certificate to a person who made an application for a criminal record or an enhanced criminal record certificate to 90 days. The Department provides an on-line case tracking service that enables registered persons to determine exactly what is happening with any case they have countersigned. In addition, this information can be downloaded at any time to their own records. A time limit of 90 days after the issue of a certificate replicates the length of time information about a certificate is retained on the on-line system after the certificate has been issued.

The 2008 Regulations make provision about the application for and issue of certificates. Section 38 of the Justice Act (Northern Ireland) 2015 introduced an age limit of 16 or over for applications for enhanced criminal record checks, except in prescribed circumstances. This amendment enables checks to continue to be made on those under 16 where work with children will be carried out at the applicant’s home address. This includes example, registered child-minding, fostering or adoption and where the child in question is likely to come into close contact with or form relationships with the applicant’s family, some of whom may be aged under 16.