

2015 No. 350

CRIMINAL LAW

**The Police Act 1997 (Criminal Records) (Amendments No. 2)
Regulations (Northern Ireland) 2015**

Made - - - - *1st October 2015*

Coming into operation - *2nd November 2015*

The Department of Justice makes the following Regulations, in exercise of the powers conferred by sections 120ZA, 120AC(7) and 125(1) and (5) of the Police Act 1997(a) as modified by section 126A of that Act(b).

Citation and commencement

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations (Northern Ireland) 2015 and shall come into operation on 2nd November 2015.

Amendment to the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007

2.—(1) The Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007(c) are amended as follows.

(2) After regulation 10 (limit on number of countersignatures) insert—

“Registered persons: information on progress of an application

11. The Department may refuse an application from a person who is acting as a registered person in relation to an application made under section 113A or section 113B of the 1997 Act for information whether or not a certificate has issued in response to an application, where a period of 90 days has elapsed since that certificate was issued.”

(a) Section 120ZA was inserted by section 328 of, and paragraphs 1, 7 and 9 of Schedule 35 to, the Criminal Justice Act 2003 (c. 44); section 120AC was inserted by section 37 of the Justice (Northern Ireland) Act 2015 (2015 c. 9 (N.I.)).

(b) Section 126A was inserted by Article 12 of, and paragraph 38 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976).

(c) S.I. 2007/3283 as amended by Regulation 2(4) of the Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2012 (S.I. 2012/86) which omitted Regulation 11 on 2 April 2012; the Secretary of State's functions under these Regulations are transferred to the Department of Justice by Article 17 of S.I. 2010/976.

Amendment to the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008

3.—(1) The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008^(a) are amended as follows.

(2) After regulation 11 (fingerprinting) insert—

“Minimum age for applicants for certificates

12. The minimum age for an applicant to make an application under sections 113A, 113B, 114 or 116 of the 1997 Act is 16 years or over at the time of making the application, except where the application is made for a prescribed purpose under regulation 9(d), (e) or (f).”.

Sealed with the Official Seal of the 1st October 2015



David Ford
Minister of Justice

(a) S.I. 2008/542 as amended by S.I. 2009/2495, S.I. 2009/3334, S.R. 2012 No. 321, S.R. 2012 No. 446 S.R. 2014 No. 28 and S.R. 2014 No. 265; the Secretary of State’s functions under these Regulations are transferred to the Department of Justice by Article 17 of S.I. 2010/976.

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.

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STATUTORY RULES OF NORTHERN IRELAND

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£4.25

N6787 10/2015 456787T 19585

ISBN 978-0-337-99878-2



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