

2018 No. 129

JUSTICE

**The Protection of Freedoms Act 2012 (Relevant Official
Records) Order (Northern Ireland) 2018**

Made - - - - *6th June 2018*

Coming into operation - *28th June 2018*

The Department of Justice, in exercise of the powers conferred by section 101D(5), (6), (7) and (8) of the Protection of Freedoms Act 2012(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Protection of Freedoms Act 2012 (Relevant Official Records) Order (Northern Ireland) 2018 and comes into operation on 28th June 2018.

(2) In this Order “the 2012 Act” means the Protection of Freedoms Act 2012.

Relevant official records

2. Relevant official records for the purposes of section 101D of the 2012 Act are any of the following which are relevant to any application under section 101A of the 2012 Act –

- (a) records kept locally by the Police Service of Northern Ireland for the use of constables;
- (b) records of magistrates’ courts kept by the Northern Ireland Courts and Tribunals Service;
- (c) records of the Crown Court kept by the Northern Ireland Courts and Tribunals Service.

Relevant data controllers

3. The following are prescribed as the relevant data controller in relation to the relevant official records –

- (a) the Chief Constable of the Police Service of Northern Ireland in relation to the records kept locally by that force for the use of constables;
- (b) the Department of Justice in relation to the records of magistrates’ courts kept by the Northern Ireland Courts and Tribunal Service;
- (c) the Department of Justice in relation to the records of the Crown Court kept by the Northern Ireland Courts and Tribunal Service.

(a) 2012 c.9. Sections 101A to 101J were inserted by section 168 of the Policing and Crime Act 2017 (2017 c. 3).

Annotation of relevant official records

4. The following records are relevant official records in relation to which a notice to delete means a notice to record the official record with the details of the disregarded conviction or caution in accordance with section 101D of the 2012 Act –

- (a) any records forming part of the names database which are not held electronically; and
- (b) relevant official records referred to in article 2.

Sealed with the Official Seal of the Department of Justice on 6th June 2018



Nick Perry
A senior officer of the
Department of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Chapter 5 of Part 5 of the Protection of Freedoms Act 2012 (“the 2012 Act”) makes provision for a person who has a conviction or caution for a specific offence (in particular in relation to historical offences of buggery and gross indecency between men) to apply to the Department of Justice to have that conviction or caution disregarded. Section 101A of the 2012 Act sets out the circumstances in which such an application will be successful.

This Order, made under section 101D of the 2012 Act, prescribes which records of convictions and cautions, other than the main databases of police and criminal records, are relevant official records which will be deleted should an application for a disregard be successful. These have been identified as court records and any other locally held police records. When an application is successful, section 101D provides that the Department of Justice shall direct the relevant data controller of relevant official records to delete those records. Article 2 of this Order prescribes which official records, in addition to the names databases, are relevant official records for this purpose. Article 3 prescribes the relevant data controllers in relation to those official records. Article 4 makes provision, in accordance with section 101D of the 2012 Act, for certain records to be annotated rather than deleted.

The provisions of this Order come into operation on 28th June 2018.

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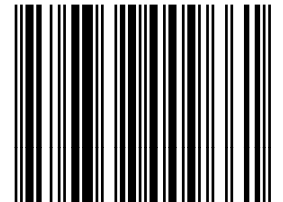
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