

2023 No. 16

CRIMINAL LAW

**The Police Act 1997 (Criminal Records) (Amendment)
Regulations (Northern Ireland) 2023**

Made - - - - - *20th February 2023*

Coming into operation- - - - - *20th March 2023*

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 113B(2)(b), 113BB(1), 125(1) and (5) of the Police Act 1997(a) as modified by section 126A(b) of that Act.

Citation and commencement

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2023 and shall come into operation on 20th March 2023.

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

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

(2) After regulation 9(1)(q) insert—

“(r) considering the applicant’s suitability to act as an adult placement carer (within the meaning of Regulation 2 of the Adult Placement Agencies Regulations (Northern Ireland) 2007)(d) including information in respect of any person who is living in the same household as an adult placement carer (or person wishing to be approved as, or intending to act as an adult placement carer).”

(a) 1997 c. 50. Section 113B of the 1997 Act was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (2005 c. 15). Section 113BB(1) of the 1997 Act was inserted by paragraph 14(4) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (2006 c. 47) as modified by section 126(3) of the 1997 Act. Section 125(1) of the 1997 Act (as modified by section 126A(2)) provides that anything authorised or required by any provision of Part 5 of the 1997 Act to be prescribed shall be prescribed by regulations made by the Department of Justice in Northern Ireland.

(b) Section 126A was inserted by Article 12 and paragraph 38 of Schedule 14 to S.I. 2010/976.

(c) S.I. 2008/542; relevant amending Regulations are S.R. 2010 No. 229, S.R. 2012 No. 321, S.R. 2015 No. 350 and S.R. 2022 No. 212.

(d) S.R. 2007 No. 221.

(3) in regulation 9B, after “(p)” omit “or (q)” and insert “, (q) or (r).”.

(4) in regulation 12, after “regulation” omit “9(d), (e) or (f)” and insert “9(1)(d), (e), (f) or (r).”.

Sealed with the Official Seal of the Department of Justice on 20th February 2023



Richard Pengelly
A senior officer of the Department of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008 (“the 2008 Regulations”) to make provision for enhanced criminal record checks with suitability information in relation to individuals who are seeking to act as an adult placement carer in accordance with the Adult Placement Agencies Regulations (Northern Ireland) 2007.

The 2008 Regulations make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part 5 of the Police Act 1997 (“the 1997 Act”). Regulation 9 of the 2008 Regulations prescribes the purposes for which an enhanced criminal record certificate may be required. Regulation 9B prescribes the cases in which an enhanced criminal record certificate must also include suitability information relating to adults.

Regulation 2(2) of these Regulations amends regulation 9 of the 2008 Regulations, creating a new prescribed purpose for which an enhanced criminal record certificate may be required. The effect of the amendment is to enable enhanced criminal record checks to be carried out in relation to individuals who are seeking to act as an adult placement carer, as well as any person living in the same household as an adult placement carer.

Regulations 2(3) amends regulation 9B of the 2008 Regulations, to make provision for checks on suitability information (barred list information) in respect of vulnerable adults, for the new prescribed purpose set out in regulation 2(2).

Regulation 2(4) amends regulation 12 of the 2008 Regulations, to extend eligibility for an enhanced check to those under the age of 16 who reside in the same household where the adult placement is taking place.

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