

Executive Note

The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2006 SSI/2006/521

The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2006 (the “Amendment Regulations”) are made by Scottish Ministers in exercise of the powers conferred by sections 112(1)(a), 113A(1)(a), 113B(1)(a), 114(1)(a) and 116(1)(a) of Part 5 of the Police Act 1997.

Part 5 was amended by section 70 of the Criminal Justice (Scotland) Act 2003 and by sections 163, 164, 165, 166 and 174(2) and Schedules 14 and 17 of the Serious Organised Crime and Police Act 2005. The Amendment Regulations are made and laid exercising Scottish Ministers’ powers under Part 5 of the Police Act 1997 as amended.

The Amendment Regulations are subject to negative resolution procedure.

Policy Objectives

The Amendment Regulations prescribe a revised form for criminal record check applications that shall replace the application form previously prescribed in Schedule 2 of SSI 2006 No 96. The revised form:

- Introduces tick boxes (one for childcare posts and one for adults at risk posts) for registered persons to complete if a list check is being requested. This change will remove a manual work around (involving the registered person providing written information) to initiate a check of the appropriate lists. The lists are:

the list kept under section 1 of the Protection of Children Act 1999;
the list kept under section 1(1) of the Protection of Children (Scotland) Act 2003;
the list kept under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
any list kept for the purposes of regulations under Article 70(2)(e) or 88A(2)(b) of the Education and Libraries (Northern Ireland) Order 1986;
the directions under section 142 of the Education Act 2002;
the list kept under section 81 of the Care Standards Act 2000; and
the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

- Simplifies the countersignature page which is also a different colour from the rest of the form. This information is gathered more logically and sequentially which should assist in reducing errors in completion.
- Inserts a new question at D1 which allows voluntary organisations, if they so wish, to register directly with Disclosure Scotland and still be able receive checks at no cost for volunteers working with children and adults at risk.
- Highlights the mandatory fields which must be completed on all forms prior to the application being sent to Disclosure Scotland.

Consultation

A small working group with representatives from Disclosure Scotland, the Scottish Executive, BT and the Central Registered Body Scotland took forward the revision of the application form. We also circulated the revised form to the top 35 users of Disclosure Scotland and received 17 helpful responses.

Financial Effects

There will not be a financial impact on users of Disclosure Scotland as the application form is provided free of charge. BT (who are Scottish Ministers' partners in delivering the Disclosure Scotland service) meet the cost of providing the application form to users. There will be no additional cost to on-line applicants as the necessary changes will be made at Disclosure Scotland.

Scottish Ministers will incur a one-off charge to have the IT system at Disclosure Scotland updated to cater for the new form.

Voluntary organisations that choose to register directly with Disclosure Scotland will have to pay a one-off registration fee of £150 for the lead signatory and £10 for any additional countersignatory.

Scottish Executive Justice Department
Police Division 2

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