
STATUTORY INSTRUMENTS

2014 No. 3141

**The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014**

PART 6

Exchange of Information Relating to Criminal Convictions

Replies to a request for information under Article 6 of the Framework Decision in relation to criminal proceedings and proceedings other than criminal proceedings

67.—(1) When information is requested under Article 6 of the Framework Decision (request for information on convictions) from the UK Central Authority in relation to a national of the United Kingdom for the purposes of criminal proceedings, the UK Central Authority must transmit to the central authority of the requesting member State information on the following—

- (a) convictions handed down in the United Kingdom and entered in the UK criminal record;
- (b) any convictions handed down in other member States which were transmitted to the UK Central Authority after 27th April 2012, in application of Article 4 of the Framework Decision (obligations of the convicting member State), and stored in accordance with regulation 65;
- (c) any convictions handed down in other member States which were transmitted to the UK Central Authority on or before 27th April 2012 and entered in the UK criminal record;
- (d) any convictions handed down in a country which is not a member State and subsequently transmitted to the UK Central Authority and entered in the UK criminal record.

(2) When information is requested under Article 6 of the Framework Decision from the UK Central Authority in relation to a national of the United Kingdom for any purposes other than that of criminal proceedings, the UK Central Authority must transmit to the central authority of the requesting member State information on the following—

- (a) convictions handed down in the United Kingdom and entered in the UK criminal record;
- (b) any convictions handed down in other member States—
 - (i) which were transmitted to the UK Central Authority after 27th April 2012, in application of Article 4 of the Framework Decision, and stored in accordance with regulation 65; and
 - (ii) in respect of which, the central authority of the member State which transmitted the information has not stated that such information may not be retransmitted for any purposes other than that of criminal proceedings;
- (c) any convictions handed down in other member States which were transmitted to the UK Central Authority by 27th April 2012 and entered in the UK criminal record;
- (d) any conviction handed down in a country which is not a member State and subsequently transmitted to the UK Central Authority and entered in the UK criminal record.

(3) For the purposes of paragraph (2), “conviction” means a conviction within the meaning of the Rehabilitation of Offenders Act 1974(1) which is not spent within the meaning of that Act.

(4) Where information under paragraph (2)(b) has not been transmitted because the central authority of the member State which transmitted the information has stated that such information may not be retransmitted for any purposes other than that of criminal proceedings, the UK Central Authority must, in respect of such convictions, inform the requesting member State which other member State had transmitted such information so as to enable the requesting member State to submit a request directly to the convicting member State in order to receive information on these convictions.

(1) 1974 c. 53. Relevant amendments have been made by paragraph 1 of Schedule 15 to the Children Act 1989 (c. 41), paragraph 1 of Schedule 13 to, and paragraph 20(c) of Schedule 11 to, the Criminal Justice Act 1991 (c. 53), paragraph 47 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraph 63 of Schedule 16 to the Armed Forces Act 2006 (c. 52), section 24(1) of, and paragraph 8 of Schedule 7 to, the Criminal Justice and Licensing (Scotland) Act 2010 asp 13 and paragraph 134(3) of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9).