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STATUTORY INSTRUMENTS

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**2008 No. 542**

**CRIMINAL LAW, NORTHERN IRELAND**

**The Police Act 1997 (Criminal Records)  
(Disclosure) Regulations (Northern Ireland) 2008**

<i>Made</i>	- - - -	<i>27th February 2008</i>
<i>Laid before Parliament</i>		<i>5th March 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Secretary of State, in exercise of the powers conferred by the provisions which are specified in Schedule 1 to these Regulations, hereby makes the following Regulations—

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records)(Disclosure) Regulations (Northern Ireland) 2008 and shall come into force on 1st April 2008.

(2) These Regulations extend to Northern Ireland only.

**Interpretation**

2.—(1) In these Regulations—

“the Secretary of State” means the Secretary of State for Northern Ireland; and,

“the Act” means the Police Act 1997(1).

(2) A requirement in these Regulations that any notification or representations should be in “writing” is satisfied where (apart from the usual meaning of that expression) the text of it—

(a) is transmitted by electronic means;

(b) is received in a legible form; and,

(c) is capable of being used for subsequent reference.

**Application form**

3. The form set out in Schedule 2 to these Regulations, or a form to the like effect, is the prescribed form for the purposes of an application for a basic, standard or enhanced disclosure.

### **Fees for disclosures**

4. The fee payable in relation to an application for the issue of a basic, standard or enhanced disclosure, is respectively £26, £28 and £30.

### **Basic disclosure: prescribed details**

5. The following details of a conviction for the purposes of section 112(2)(a) of the Act are hereby prescribed:—

- (a) the date of the conviction;
- (b) the convicting court;
- (c) the offence; and
- (d) the method of disposal for the offence.

### **Relevant matters: prescribed details**

6. The following details of a relevant matter for the purposes of sections 113A(3)(a) and 113B(9) of the Act (including those provisions as applied by sections 114(3) and 116(3) respectively) are hereby prescribed—

- (a) in the case of a conviction within the meaning of the Rehabilitation of Offenders (Northern Ireland) Order(2) including a spent conviction—
  - (i) the date of the conviction;
  - (ii) the convicting court;
  - (iii) the offence; and
  - (iv) the method of disposal for the offence;
- (b) in the case of a caution—
  - (i) the date of the caution;
  - (ii) the place where the caution was given; and
  - (iii) the offence which the person given the caution had admitted.

### **Central records: prescribed details**

7.—(1) Information in any form relating to convictions—

- (a) held in the criminal history database of the Causeway System; and
- (b) on a names index held by the National Police Improvement Authority for the use of police forces generally,

is hereby prescribed as “central records” for the purposes of section 112(3) of the Act.

(2) Information in any form relating to—

- (a) convictions held in the criminal history database of the Causeway System; and
- (b) convictions and cautions on a names index held by the National Police Improvement Authority for the use of police forces generally,

is hereby prescribed as “central records” for the purposes of section 113A(6) of the Act (including that provision as applied by sections 113B(3)(a), 114(3), and 116(3)).

### **Enhanced criminal record certificates: relevant police forces**

**8.—(1)** For the purposes of an application for an enhanced criminal record certificate, “relevant police force” means—

- (a) the Police Service of Northern Ireland if—
  - (i) the applicant resides or has resided within the period of 5 years preceding the date of the application within Northern Ireland;
  - (ii) the applicant was born in Northern Ireland; and
  - (iii) the applicant was convicted in Northern Ireland at any time;
- (b) the police force maintained for any police area in Great Britain—
  - (i) within which the applicant resides or has resided within the period of 5 years preceding the date of the application;
  - (ii) in which the applicant was born; or
  - (iii) in which the applicant was convicted at any time;
- (c) such other police force as the chief officer of police of a police force identified as a relevant police force by virtue of paragraph (a) or (b) determines.

(2) In this regulation, “chief officer of police” means the chief officer of police in whose area the conviction was put on to the computer.

### **Enhanced criminal record certificates: prescribed purposes**

**9.—(1)** The purposes for which an enhanced criminal record certificate may be required in accordance with a statement made by a registered person under section 113B (2)(b) of the Act, are prescribed as follows; namely, the purposes of—

- (a) considering the suitability of an individual for a position in any school within the meaning of Article 2 of the Education and Libraries (Northern Ireland) Order 1986<sup>(3)</sup>;
- (b) considering an individual’s suitability for working in the Department of Education or the Department for Health, Social Services and Public Safety with access to sensitive or personal information about children or vulnerable adults;
- (c) considering an individual’s suitability for any work which is normally concerned with the provision of any form of information, advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other forms of electronic communication including the internet and mobile telephone text messaging;
- (d) considering the applicant’s suitability for a position which involves regularly caring for, training, advising, counselling, supervising, or being in sole charge of persons aged under 18;
- (e) considering the applicant’s suitability for a position which involves regularly caring for, training, supervising or being in sole charge of a person aged 18 or over who is a vulnerable adult within the meaning given by paragraph (2) below;
- (f) considering the applicant’s suitability to hold a taxi driver’s licence under Article 79A of the Road Traffic (Northern Ireland) Order 1981<sup>(4)</sup>;
- (g) registration under Part XI of the Children (Northern Ireland) Order 1995<sup>(5)</sup>;

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<sup>(3)</sup> 1986 (No. 594 (N.I. 3))

<sup>(4)</sup> 1981 (No. 154 (N.I. 1))

<sup>(5)</sup> 1995 (No. 755 (N.I. 2))

- (h) registration under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003<sup>(6)</sup> (regulation of establishments and agencies);
  - (i) registration under Part 1 of the Health and Social Services Act (Northern Ireland) 2001<sup>(7)</sup> (social care workers);
  - (j) placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989<sup>(8)</sup> or the Children (Northern Ireland) Order 1995<sup>(9)</sup> or the exercise of any duty under or by virtue of, section 68 of that Act or Article 108 of that Order (welfare of privately fostered children);
  - (k) a decision made by an adoption agency within the meaning of Article 2 of the Adoption (Northern Ireland) Order 1987<sup>(10)</sup> as to a person's suitability to adopt a child;
  - (l) considering an individual's suitability to be included in, or to remain in, the health service list specified in paragraph (6) below;
  - (m) considering—
    - (i) the suitability of a director of a body corporate to be included in, or to remain in, sub-paragraph (b) or (c) of that list;
    - (ii) the suitability of a member of a limited liability partnership to be included in, or to remain in, sub-paragraph (c) of that list; or,
    - (iii) the suitability of a member of the body of persons controlling a body corporate (whether or not a limited liability partnership) to be included in, or to remain in, sub-paragraph (d) of that list;
  - (n) considering the applicant's suitability to work in a day care setting within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003<sup>(11)</sup>.
- (2) The reference to a vulnerable adult in paragraph (1)(e) above is a reference to a person who is receiving services of a type listed in paragraph (3) and who, in consequence of a type listed in paragraph (4), has a disability of a type listed in paragraph (5).
- (3) The services are—
- (a) accommodation and nursing or personal care in a residential care home or nursing home;
  - (b) personal care or nursing or support to live independently in his own home;
  - (c) any services provided by an independent hospital, independent clinic, independent medical agency or health services body;
  - (d) personal social services; or,
  - (e) any services provided in an establishment catering for a person with learning difficulties.
- (4) The conditions are—
- (a) a learning or physical disability;
  - (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or,
  - (c) a reduction in physical or mental capacity.
- (5) The disabilities are—

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<sup>(6)</sup> 2003 (No. 431 (N.I. 9))  
<sup>(7)</sup> 2001 c. 3  
<sup>(8)</sup> 1989 c. 41  
<sup>(9)</sup> 1995 (No. 755 (N.I. 2))  
<sup>(10)</sup> 1987 (No. 2203 (N.I. 22))  
<sup>(11)</sup> 2003 (No. 431 (N.I. 9))

- (a) a dependency on others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
  - (b) severe impairment in the ability to communicate with others; or,
  - (c) impairment in a person's ability to protect himself from assault, abuse or neglect.
- (6) The list referred to in paragraph (1)(1) above is any list prepared for the purposes of Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972(12) of—
- (a) health care professionals undertaking to provide primary medical services;
  - (b) persons undertaking to provide general dental services;
  - (c) persons undertaking to provide general ophthalmic services; or,
  - (d) persons undertaking to provide pharmaceutical services.
- (7) In this regulation “residential care home”, “nursing home”, “independent clinic”, “independent hospital” and “independent medical agency” all have the same meaning as in the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003(13); personal social services has the same meaning as in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(14); health services body has the same meaning as in Article 48(4) of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(15).

#### **Evidence of Identity**

**10.**—(1) Applicants for a basic disclosure must provide all the information and supporting documentation as may be specified in the prescribed application form.

(2) Where the application is for a standard or enhanced disclosure, the person or body that countersigns the application shall verify the applicant's identity in accordance with the Code of Practice for the time being in force.

Northern Ireland Office  
27th February 2008

*Paul Goggins*  
Minister of State

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(12) 1972 (No. 1265 N.I. 14))  
(13) 2003 (No. 431 (N.I. 9))  
(14) 1972 (No. 1265 (N.I. 14))  
(15) 2003 (No. 417 (N.I. 4))

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## SCHEDULE 1

### Enabling Powers

These Regulations are made under the following provisions of the Police Act 1997(16)—

- (a) sections 112(1)(a), 113B(9), 125(1) and (5);
- (b) having regard to the meaning of “prescribed” in section 125(1), in sections 112(1)(a), (2)(a) and (3), 113A(1)(a), (3)(a), 114(1)(a), 116(1)(a) and (b).

## SCHEDULE 2

### Access NI

#### Disclosure Certificate Application Form

For AccessNI purposes only

Reference number

#### About this form

AccessNI’s Guide and website contain step by step instructions to help you complete this Application Form. Please visit [www.accessni.gov.uk](http://www.accessni.gov.uk) or consult the Guide.

#### Data Protection

Information on this Form will be treated in confidence. AccessNI is registered with the Information Commissioner and data supplied by you on this Form will be processed in accordance with the provisions of the Data Protection Act 1998. The full protection statement is set out in section 1.10 of the Guide.

#### Basic Disclosures

Applicants should complete Parts A, B and C.

#### Standard and Enhanced Disclosures

Applicants should complete Parts B and C before returning the Form to the Registered Body.

Please complete this Application Form in CAPITAL letters and use black ink. Failure to complete the Form correctly may result in a delay or the Form being returned unprocessed.

The details provided on this Application Form may be referred by AccessNI to Government data sources specified to the Police Act 1997 (as amended) for matching purposes. Where a match is found data may be released to AccessNI for inclusion on the Disclosure Certificate. The details provided may also be used to update data source records where necessary, and they may also be used to confirm identity against external data sources using an electronic authentication product.

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## Proving your identity

You will be asked to produce several documents to prove your identity. If you are applying for a Basic Disclosure on your own behalf you will need your identification verified by a PSNI officer (see section D1). In all other cases the person who asked you to complete this Form (eg your prospective employer) must verify your identification. Acceptable identity documents are listed below.

### Valid Identification Documents

Three documents must be produced in the name of the Applicant, one from Group 1 and two from Group 2. If this is not possible, then five documents from Group 2 must be produced. It is preferred that at least one of these documents includes photographic identification.

#### Group 1

- Valid passport (any nationality)
- UK Driving Licence Full or Provisional – England/Wales/Scotland/Northern Ireland/ Isle of Man; either photocard or paper (a photocard is only valid if accompanied with the paper counterpart)
- Original UK birth certificate (issued within 12 months of date of birth, full or short form acceptable)
- Valid photo identity card (EU countries only)
- UK Firearms licence
- HM Forces ID card (UK)
- Adoption Certificate (UK)

#### Group 2

- Marriage certificate/Civil Partnership Certificate
- Non-original UK birth certificate (issued after 12 months of date of birth, full or short form acceptable)
- P45/P60 statement
- Utility bill (electricity, gas, water, telephone, – including mobile phone contract/bill)
- Valid TV licence
- Credit card statement
- Store card statement
- Mortgage statement
- Valid insurance certificate
- Certificate of British nationality
- British work permit/visa\*\*
- Asylum Registration Card
- AccessNI Disclosure Certificate
- Personal correspondence or a document from a Government Department\*
- Bank or Building Society Document\*\*
- Financial statement e.g. pension, endowment, ISA\*\*
- Valid vehicle registration document
- Mail order catalogue statement\*
- Court summons
- Valid NHS card
- Court Claim Form
- Addressed payslip\*
- National insurance number card
- Examination certificate (e.g. GCSE, NVQ)
- Letter from a Head Teacher\*
- Child benefit book
- Smartpass

\* documentation must be less than 3 months old

\*\* documentation must be issued within the last 12 months

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**PART A Type of application**

A1 Type of Application Basic  Standard  Enhanced  Cross (x) one box only

**PART B Personal details**

B1 Title Mr  Mrs  Miss  Ms  Dr  Other   
If "Other" please give details

B2 Surname

B3 Forename(s)

B4 Name usually known by

B5 Surname at birth (if different)   
used until  /  /

B6 Any other surname(s) used? Yes  No   
If Yes — give name(s)   
and date(s) used from  /  /   
used until  /  /

B7 Any other forename(s) used? Yes  No   
If Yes — give name(s)   
and date(s) used from  /  /   
used until  /  /

B8 Gender Male  Female

B9 Date of birth  /  /

B10 Place of birth — Town   
Country

B11 Mother's maiden name

B12 National insurance number

B13 Driving licence number

B14 Passport number

B15 Home Telephone number with "STD" code

B16 Preferred contact number

B17 e-mail address



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**PART B Personal details (continued)**

B18 Current address

B19 Town/City

B20 County

B21 Postcode

B22 Lived at this address since  /  /

B23 Delivery Address (if different from above)

B24 Town/City

B25 County

B26 Postcode

**If you have lived at this address for less than 5 years please list below all your previous addresses and dates of residence for the last 5 years.**

*If your address history exceeds the space available, you may use an additional sheet. If you have to use additional pages please ensure that you add your name, address and date of birth at the top of each additional page.*

My previous addresses over the last 5 years were—

B27 Address

B28 Town/City

B29 County

B30 Postcode

B31 Lived at this address from  /  /  to

B32 Address

B33 Town/City

B34 County

B35 Postcode

B36 Lived at this address from  /  /  to

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**PART C Declaration by Applicant**

**C1 Declaration by Applicant**

Information you have supplied on this Form, and any other additional information you have supplied to support this application, may be passed to other government organisations and law enforcement agencies.

I declare that, to the best of my knowledge and belief, all of the information I have given in connection with this application is full and correct in every respect. I undertake to supply any additional information that may be required by AccessNI to verify the particulars given and also to inform AccessNI immediately of any alteration to these particulars.

**Warning:** It is an offence if you knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain any level of Disclosure. The work of AccessNI includes checking that all the information given is genuine.

By signing below you are agreeing to the above conditions of application.

Signature of Applicant \_\_\_\_\_

Name (in CAPITALS)

Date  /  /

**Next Step**

**For Basic Disclosures**

Unless you have been otherwise advised, you must take this Form to a PSNI station along with appropriate identification. (Please see the "Proving your identity" section of this Form). Once your identity has been confirmed, forward this Form, along with the correct payment (see Part F), to AccessNI.

**Standard and Enhanced Disclosures**

You must return this Form to the person who asked you to complete it.

- If you are paying for this Disclosure, please complete Part F of this Form.
- If the person who asked you to complete this Form is paying on your behalf, you should return the Form to them leaving Part F blank.

**PART D Basic check information — to be completed by the PSNI (unless advised otherwise)**

D1 When individuals are seeking checks on themselves they must have their identity evidenced and verified at a PSNI station (unless they have been advised otherwise). If this is not possible, please contact AccessNI for advice.

Please see the "Proving your identity" section of this Form for acceptable means of identification.

Evidence seen and checked by PSNI

PSNI Officer's name

PSNI Officer's number

PSNI Station Stamp

Date  /  /

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**PART E Standard and Enhanced Checks only — to be completed by the Registered Body**

*Details of the position for which the certificate is being requested*

E1 Position applied for

E2 Organisation Name

E3 Will the work be carried out at the home address of the Applicant Yes  No

E4 As a Registered Person, do you confirm that the certificate is required for the purposes of an Exempted Question? Yes  No

E5 As a Registered Person, do you confirm that the certificate is required for a Prescribed Purpose? Yes  No

E6 Does this role qualify for a search of the Lists of Individuals Disqualified from Working with Children? Yes  No

E7 Does this role qualify for a search of the Lists of Individuals Disqualified from Working with Adults at Risk? Yes  No

E8 Identity confirmed Yes

E9 Date  /  /

E10 Registered Body Name

E11 Registered Body Number

E8 Countersignatory Number



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**PART G Declaration by Registered Person**

I declare that, to the best of my knowledge and belief, all of the information that I have given in connection with this application is full and correct. I undertake to supply any additional information that may be required by AccessNI to verify the particulars given and also to inform AccessNI immediately of any alterations to these particulars.

**Warning**

It is an offence if you knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain, a Disclosure.

The signature you supply here will be checked against the sample you supplied on the Registration Application.

G1 Signature of Registered Person \_\_\_\_\_  
G1 Name of Registered Person (CAPITAL letters) \_\_\_\_\_  
G3 Date  /  /

The details provided on the application form may be referred by AccessNI to the Government data sources specified in legislation\* for matching purposes. Where a match is found data may be released to AccessNI for inclusion on the disclosure certificate. The details provided may also be used to update data source records where necessary. The details provided on your application form may be used to confirm your identity against external data sources using an electronic authentication product.

Completed applications should be sent to:

AccessNI  
Brooklyn  
65 Knock Road  
Belfast  
BT5 6LE

\*The Police Act 1997 (as amended)

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make detailed provisions in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997.

Regulation 3 requires an application for the issue of a criminal conviction certificate, criminal record certificate or an enhanced criminal record certificate to be made on the form, or one to like effect, set out in Schedule 2 to the Regulations.

Regulation 4 specifies the fee payable for each type of application

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Regulation 5 prescribes the details of convictions which appear on criminal conviction certificates.

Regulation 6 prescribes the details of convictions and cautions which appear on criminal record certificates and enhanced criminal record certificates.

Regulation 7 prescribes the sources of information comprising central records for the purposes of certificates under Part V.

Regulation 8 defines “relevant police force” for the purposes of enhanced criminal record certificates.

Regulation 9 lists the prescribed purposes for which an enhanced disclosure is issued.

Regulation 10 requires the applicant to provide all appropriate information as requested in the application form and where the application is for a standard or enhanced check, it requires the person or body countersigning the application, to verify the applicant’s identity in accordance with the Code of Practice for the time being in force.