

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

OVERVIEW

Criminal Records

22. Part 5 of the Act introduces a number of improvements to streamline the arrangements for, and additional protections relating to, the disclosure of criminal record checks. These include making criminal record checks portable and allowing for on-line updating in certain circumstances; accepting applications made by electronic transmission; changing from the current system of issuing two certificates for standard and enhanced checks (one to the Registered Body and the other to the applicant), to a system of issuing a single certificate to the applicant only; introducing arrangements to allow self-employed persons to obtain enhanced criminal record certificates; and allowing for the exchange of information between AccessNI and the Disclosure and Barring Service for barring purposes.
23. The Act also provides that criminal record checks should not be carried out for those under 16 years of age, except in certain prescribed circumstances; and that an individual under the age of 18 applying for registration must satisfy the Department that there is good reason for being registered.
24. A number of changes are made relating to the disclosure of “relevant information” as part of a criminal record check. These include making provision for statutory guidance – which must be published - to assist police in deciding what information should be released and for the establishment of an independent representations process for those who wish to dispute “relevant information” provided by a chief officer of police.
25. Provision is also made for the introduction of a review mechanism for the filtering scheme operated by AccessNI, enabling a person to seek, in certain circumstances, a review of their case where a conviction or other disposal has not been filtered from their standard or enhanced criminal record certificate.