

EXPLANATORY MEMORANDUM TO

[The Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2013]

SR 2012 No. 446

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice ("the Department") to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 113A(6), 125(1) and (5) of the Police Act 1997 ("the 1997 Act") as modified by sections 126A of that Act and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend the Police Act 1997 (Criminal Records)(Disclosure) Regulations (Northern Ireland) 2008 ("the 2008 Regulations"). The amendment will reflect a change of ownership of the Police National Computer (PNC), which holds information on recordable and some non-recordable offences provided by police forces across the UK on citizens of England, Scotland and Wales and some criminal record information about citizens in Northern Ireland. The amendment reflects the fact that the Secretary of State for the Home Department will now own the information held on this database. .

3. Background

- 3.1. Sections 112(3), 113A(3) and 113B(3) of Part V of the Police Act 1997, requires the Minister of Justice to provide information held in central records on criminal conviction, criminal record and enhanced criminal record certificates. Part V also enables the Minister to prescribe central records for this purpose.
- 3.2. Regulations 7(1)(b) and 7 (2)(b) of the 2008 Regulations prescribe that central records include a names index held by the National Improvement Police Agency (NPIA). This is more commonly known as the Police National Computer (PNC). The NPIA will shortly become defunct and the role of holder of the names index (PNC) will transfer to the Home Secretary
- 3.3. Therefore the Regulations need to be amended to reflect this change of ownership.

4. Consultation

- 4.1. None Required.

5. Equality Impact

- 5.1. This is a technical change to the Regulations and there is no impact to consider.

6. Regulatory Impact

6.1. This is a technical change to the Regulations and there is no impact to consider.

7. Financial Implications

7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that these Regulations are not incompatible with Convention rights, nor are they incompatible with Community law, do not discriminate against a person or class of person on the grounds of religious belief or political opinion, and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. There are no EU implications.

10. Parity or Replicatory Measure

10.1. Similar amendments to the Regulations to reflect change of ownership of PNC database has been reflected in England and Wales.

11. Additional Information

11.1. Not applicable