

EXPLANATORY MEMORANDUM TO

The Police Act 1997 (Criminal Records) (Fees) (Amendment) Regulations (Northern Ireland) 2024

S.R. 2024 No. 17

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 112(1)(b), 113A(1)(b), 113B(1)(b) and 125(1) and (5) of the Police Act 1997 as modified by section 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 Regulations"). They amend the current Regulation 4 of the Regulations which sets out the fees payable for each type of disclosure certificate issued by AccessNI.

3. Background

- 3.1. AccessNI operates on a cost recovery basis, charging fees for the production of disclosure certificates to offset the costs of running the service provided. Under the Northern Ireland Government guidance Managing Public Money (NI), AccessNI is required to ensure that, as far as possible, the service does not attract a surplus or loss.
- 3.2. AccessNI has recently undertaken a review of the operating Business Model of the service. As a result of this review, AccessNI received approval from the Department of Finance to reduce anticipated surplus funds in future years in order to comply with Managing Public Money (NI). The review identified the need for AccessNI to reduce the fee charged for criminal conviction certificates (Basic checks) and criminal record certificates (Standard checks) from £18 to £16 and also reduce the fee for enhanced criminal record certificates (Enhanced checks) from £33 to £32.
- 3.3. Regulation 4 of the Regulations, sets out the level of fee that can be charged for each type of disclosure certificate. To effect a reduction in price of certificates, the legislation needs to be amended.

4. Consultation

- 4.1. The proposals to amend fees are brought about by the necessity of the AccessNI Business model to comply with Managing Public Money (NI). On that basis a consultation would not be required.

5. Equality Impact

- 5.1. AccessNI has concluded that there is no adverse impact on any section 75 group in respect of these changes as they equally apply to all applicants.

6. Regulatory Impact

- 6.1. AccessNI considers these changes will have a positive regulatory impact in that the costs of obtaining criminal conviction certificate, criminal record certificates and enhanced criminal record certificates will reduce.

7. Financial Implications

- 7.1. Approval has been sought and obtained from the Department of Finance in respect of the changes to fees outlined in the legislation.

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. This amendment relates to Northern Ireland only. Similar provisions exist to charge fees for disclosure services with the Disclosure and Barring Service (England and Wales) and Disclosure Scotland, where respective fees range from £18 for a criminal conviction certificate to £43 for an enhanced criminal record certificate.

11. Additional Information

- 11.1. Not applicable.