
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part 5 of the Police Act 1997 (“the 1997 Act”).

Regulation 3 prescribes that the fee for an application for a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate is £25, and prescribes the manner in which payment of the fee may be made. (The fee is increased from £23 prescribed under Regulations which are revoked by regulation 11.)

Regulation 4 prescribes the details of convictions which appear on criminal conviction certificates.

Regulation 5 prescribes the sources of information comprising central records for the purposes of certificates under Part 5 of the 1997 Act.

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

Regulation 7 prescribes the Scottish Crime and Drug Enforcement Agency and the Child Exploitation and Online Protection Centre as police forces for the purposes of section 113B(11)(c) of the 1997 Act, which concerns enhanced criminal record certificates.

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

Regulation 9 prescribes the purposes for which an enhanced criminal record certificate can be required.

Regulation 10 prescribes the purposes for which an enhanced criminal record certificate can be required including suitability information relating to children.

Regulation 11 prescribes the details of suitability information relating to children.

Regulation 12 prescribes the purposes for which an enhanced criminal record certificate can be required including suitability information relating to protected adults.

Regulation 13 prescribes the details of suitability information relating to protected adults.

Regulation 14 makes provision in relation to the taking of fingerprints from applicants where the Scottish Ministers require them for the purposes of ascertaining the identity of an applicant.

Regulation 15 prescribes persons for the purposes of section 118(2A)(e) of the 1997 Act, which ensures that for the purpose of verifying identity the Scottish Ministers may obtain information from those persons.

Regulation 16 prescribes the bodies to which fees payable under section 113B(5A) or section 119(3) of the 1997 Act may be paid.

Regulation 17 revokes the Police Act 1997 (Criminal Records) (Scotland) Regulations 2006, the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2007, the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2008, the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2009 and the Police Act 1997 (Criminal Records) (Scotland) Amendment (No. 2) Regulations 2009.