
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 171

POLICE

**The Police Act 1997 (Criminal Records)
(Scotland) Amendment Regulations 2017**

<i>Made</i>	- - - -	<i>30th May 2017</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>1st June 2017</i>
<i>Coming into force</i>	- -	<i>30th June 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 113B(2)(b), as read with section 126(3), of the Police Act 1997(1) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2017 and come into force on 30th June 2017.

(2) These Regulations extend to Scotland and, in so far as they extend beyond Scotland, they do so only as a matter of Scots law.

Amendment of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010

2. After regulation 9(3)(c) of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(2) insert—

“
;

- (d) an individual appointed or reappointed, or seeking to be appointed or reappointed, to any judicial appointment, as defined in article 2 of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013(3).”.

(1) 1997 c.50. Section 113B was inserted by the Serious Organised Crime and Police Act 2005 (c.15, “the 2005 Act”), section 163(2). There have been no amendments to subsection (2). See section 125(1) and 126(1) for a definition of “prescribed”. By virtue of section 126(3) and (4), as inserted by section 166(2) of the 2005 Act, in the application of Part V to Scotland, references to the Secretary of State must be construed as references to the Scottish Ministers (except in section 118(2A)(d) or 124A(1) and (2)).

(2) S.S.I. 2010/168, as amended by S.I. 2013/2318 and by S.S.I. 2010/383, S.S.I. 2011/157, S.S.I. 2011/211, S.S.I. 2012/354, 2013/119, S.S.I. 2015/39 and S.S.I. 2015/252.

(3) S.S.I. 2013/50, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
30th May 2017

MARK MCDONALD
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 ([S.S.I. 2010/168](#), “the 2010 Regulations”) which make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997 (“the 1997 Act”).

Regulation 9 of the 2010 Regulations prescribes the purposes for which an enhanced criminal record certificate can be required under section 113B of the 1997 Act. Regulation 2 amends regulation 9 of the 2010 Regulations to provide that an enhanced criminal record certificate can be required for the purposes of an exempted question asked in relation to an individual appointed or reappointed, or seeking appointment or reappointment, to a judicial appointment (as defined in article 2 of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 ([S.S.I. 2013/50](#), “the 2013 Order”). An exempted question means a question in relation to which section 4(2)(a) and (b) of the Rehabilitation of Offenders Act 1974 (“the 1974 Act”) (effect of rehabilitation) has been excluded by virtue of article 4 of the 2013 Order. Article 4 of the 2013 Order, as read with paragraph 3(b) of schedule 3 and paragraph 1 of Part 2 of schedule 4, excludes section 4(2)(a) and (b) of the 1974 Act in relation to questions asked to assess the suitability of a person for a judicial appointment.