



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

[^{F1}CHAPTER 5

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC: NORTHERN IRELAND

Effect of disregard

[^{F1}101D Effect of disregard on police and other records

- (1) The Department of Justice in Northern Ireland must by notice direct the relevant data controller to delete details, contained in relevant official records, of a disregarded conviction or caution.
- (2) A notice under subsection (1) may be given at any time after condition A in section 101A is met but no deletion may have effect before condition B in that section is met.
- (3) Subject to that, the relevant data controller must delete the details as soon as reasonably practicable.
- (4) Having done so, the relevant data controller must give notice to the person who has the disregarded conviction or caution that the details of it have been deleted.
- (5) In this section—
 - “delete”, in relation to such relevant official records as may be prescribed, means record with the details of the conviction or caution concerned—
 - (a) the fact that it is a disregarded conviction or caution, and
 - (b) the effect of it being such a conviction or caution,

Changes to legislation: *Protection of Freedoms Act 2012, Section 101D is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“the general names database” means the names database held by the Secretary of State for the use of constables,

“the Northern Ireland names database” means the names database maintained by the Department of Justice in Northern Ireland for the purpose of recording convictions and cautions,

“official records” means records containing information about persons convicted of, or cautioned for, offences and kept by any court, police force, government department or local or other public authority in Northern Ireland for the purposes of its functions,

“prescribed” means prescribed by order of the Department of Justice in Northern Ireland,

“relevant data controller” means—

- (a) in relation to the general names database or the Northern Ireland names database, the Chief Constable of the Police Service of Northern Ireland,
- (b) in relation to other relevant official records, such persons as may be prescribed,

“relevant official records” means—

- (a) the general names database,
- (b) the Northern Ireland names database, and
- (c) such other official records as may be prescribed.

- (6) An order under this section may make different provision for different purposes.
- (7) Any power to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (8) A statutory rule containing an order under this section is subject to negative resolution (within the meaning of section 41(6) of the [Interpretation Act \(Northern Ireland\) 1954](#) (c. 33 (N.I))).]

Textual Amendments

- F1** Pt. 5 Ch. 5 inserted (31.1.2017 for specified purposes, 28.6.2018) by [Policing and Crime Act 2017](#) (c. 3), ss. [168\(1\)](#), [183\(4\)\(5\)\(e\)](#); S.R. 2018/128, art. 2(a)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)