

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Criminal Records

Section 40: Enhanced criminal record certificates: additional safeguards

This section replaces the duty on the Department to send applications for enhanced disclosures to relevant police forces with a duty to send these to relevant chief officers. It also amends the ‘relevancy’ test in section 113B(4) (a) of the 1997 Act to be applied by a chief officer when determining whether information should be included in an Enhanced criminal record certificate from information which ‘might be relevant’ and ought to be included in the certificate, to a higher test of information which the chief officer ‘reasonably believes to be relevant’ and which ought to be included in the certificate.

The section also makes provision for statutory guidance to be published to which chief officers must have regard in discharging their functions under section 113B(4) of the 1997 Act. It also allows parties other than the applicant to dispute the accuracy of the information contained in a certificate. Finally, the section allows a person to apply to the Independent Monitor (appointed under section 119B of the 1997 Act) to determine whether information provided under section 113(B)(4) of the 1997 Act is relevant or ought to be included on an enhanced criminal record certificate.