



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

[^{F1}116ZACopies of criminal record certificate or enhanced criminal record certificate

- (1) Subsection (2) applies where—
 - (a) the Scottish Ministers issue a criminal record certificate or an enhanced criminal record certificate, and
 - (b) the certificate does not include details of a conviction for an offence listed in schedule 8B which is—
 - (i) a spent conviction, but
 - (ii) not a protected conviction.
- (2) The Scottish Ministers must send a copy of the certificate to the relevant person at the same time as they issue the certificate.
- (3) Subsections (4) and (5) apply where—
 - (a) the Scottish Ministers issue a criminal record certificate or an enhanced criminal record certificate to an individual, and
 - (b) the certificate includes details of a conviction for an offence listed in schedule 8B which is—
 - (i) a spent conviction, but
 - (ii) not a protected conviction.
- (4) Where—
 - (a) the individual notifies the Scottish Ministers before the end of the period mentioned in section 116ZB(3)(a) that the individual does not intend to make an application under section 116ZB(2), or
 - (b) that period expires without the individual having notified the Scottish Ministers that the individual does intend to make such an application

Status: Point in time view as at 10/09/2015. This version of this provision has been superseded.

Changes to legislation: Police Act 1997, Section 116ZA is up to date with all changes known to be in force on or before 07 July 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)

the Scottish Ministers must send a copy of the certificate to the relevant person as soon as possible after receiving the notification or, as the case may be, the expiry of that period.

- (5) The Scottish Ministers must not send a copy of the certificate to the relevant person if the individual notifies the Scottish Ministers before the end of the period mentioned in section 116ZB(3)(a) that the individual intends to make an application under section 116ZB(2).
- (6) In this section, “relevant person” means—
- (a) in relation to a criminal record certificate issued under section 113A(1) or an enhanced criminal record certificate issued under section 113B(1), the person who countersigned the application for the certificate under section 113A(2) (a) or, as the case may be, 113B(2)(a),
 - (b) in relation to a criminal record certificate issued under section 114(1) or an enhanced criminal record certificate issued under section 116(1), the person who made the statement in relation to the certificate under section 114(2) or, as the case may be, 116(2).]

Textual Amendments

- F1** Ss. 116ZA, 116ZB inserted (S.) (10.9.2015) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial Order 2015 \(S.S.I. 2015/330\)](#), arts. 1(2), **3(4)** (with arts. 5-10)

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