



European Union (Future Relationship) Act 2020

2020 CHAPTER 29

PART 1

SECURITY

Criminal records

6 Interpretation of the criminal records provisions

(1) In the criminal records provisions—

“central authority”, in relation to a member State, means an authority designated by the government of that member State as the appropriate authority for requesting, receiving or providing information relating to convictions;

“conviction”, in relation to UK service disciplinary proceedings—

- (a) in the case of proceedings in respect of a service offence, includes anything that under section 376(1) and (2) of the Armed Forces Act 2006 (which relates to summary hearings and the Summary Appeal Court) is to be treated as a conviction for the purposes of that Act;
- (b) in the case of any other UK service disciplinary proceedings, includes a finding of guilt in those proceedings;

and “convicted”, in relation to UK service disciplinary proceedings, is to be read accordingly;

“criminal records database” means—

- (a) in relation to England and Wales, the names database held by the Secretary of State for the use of constables;
- (b) in relation to Scotland, the criminal history database of the Police Service of Scotland held for the use of police forces generally;

Status: This is the original version (as it was originally enacted).

- (c) in relation to Northern Ireland, the names database maintained by the Department of Justice in Northern Ireland for the purpose of recording convictions and cautions;
 - (d) in relation to a member State, any database maintained in respect of the member State that corresponds to the criminal records database for England and Wales;
- “the criminal records provisions” means sections 1 to 5, this section and Schedule 1;
- “designated UK authority” means a person designated for the purposes of the criminal records provisions by a direction given by the Secretary of State;
- “the law enforcement purposes” means the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- “service offence” means—
- (a) a service offence within the meaning of the Armed Forces Act 2006, or
 - (b) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);
- “UK national” means an individual who is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act;
- “UK service disciplinary proceedings” means—
- (a) any proceedings (whether or not before a court) in respect of a service offence (except proceedings before a civilian court within the meaning of the Armed Forces Act 2006);
 - (b) any proceedings under the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957 (whether before a court-martial or before any other court or person authorised under any of those Acts to award a punishment in respect of an offence);
 - (c) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976.
- (2) The following provisions (which deem a conviction of a person discharged not to be a conviction) do not apply for the purposes of the criminal records provisions to a conviction of an individual for an offence in respect of which an order has been made discharging the individual absolutely or conditionally—
- (a) section 247 of the Criminal Procedure (Scotland) Act 1995;
 - (b) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));
 - (c) section 14 of the Powers of Criminal Courts (Sentencing) Act 2000;
 - (d) section 82 of the Sentencing Code;
 - (e) section 187 of the Armed Forces Act 2006 or any corresponding earlier enactment.
- (3) The appropriate national authority may by regulations amend this section so as to change the meaning of “criminal records database” in relation to a part of the United Kingdom.

- (4) For the purposes of subsection (3) the “appropriate national authority” is—
- (a) in relation to England and Wales, the Secretary of State;
 - (b) in relation to Scotland, the Scottish Ministers;
 - (c) in relation to Northern Ireland, the Department of Justice in Northern Ireland.