
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007 (“the 2007 Regulations”) and the Police Act 1997 (Criminal Records) (Disclosure) Regulations 2008 (“the 2008 Regulations”).

The 2007 Regulations make provision about the registration of registered persons who countersign applications for criminal record certificates and enhanced criminal record certificates. These Regulations amend the 2007 Regulations in three respects.

Regulation 2(2) provides that fees are now due not more than 30 days after the date of the invoice. Previously the fees under the 2007 Regulations were due at least 15 days before the end of the month following the date of invoice.

Regulation 2(3) inserts a new condition attached to registration in respect of the number of applications likely to be countersigned in any period of twelve months. It enables the Department of Justice to refuse to include a person on the register if it considers that person is likely to countersign fewer than twenty applications in any period of twelve months. By virtue of section 120AA of the Police Act 1996 the Department will also now be able, subject to section 120AB of that Act, to suspend registration or remove a person from the register if the person has countersigned fewer than twenty applications in a period of twelve months.

Regulation 2(4) revokes the requirement to apply for registration in a prescribed form. Under section 125B of the Police Act 1997 (inserted by section 97(1) of the Policing and Crime Act 2009) the Department of Justice may now determine the form, manner and content of an application. Forms for registration and application, and accompanying guidance on the use of these forms, may be downloaded from the AccessNI website.

Regulation 3 amends Regulation 8 of the 2008 Regulations to change the definition of “relevant police force” for the purpose of an enhanced disclosure.