

2015 No. 143

CRIMINAL LAW

**The Police Act 1997 (Criminal Records) (Disclosure)
(Amendment) Regulations (Northern Ireland) 2015**

Made - - - - *11th March 2015*

Coming into operation - *1st April 2015*

The Department of Justice makes the following Regulations, in exercise of the powers conferred by sections 112(2)(a) and (3), 113A(3)(a) and 6, 113B(3)(a), 114(3), 116(3) and 125(1) and (5) of the Police Act 1997^(a) as modified by section 126A of that Act^(b).

Citation and commencement

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Disclosure) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 1st April 2015.

Amendments to the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008

2.—(1) The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008^(c) are amended as follows.

- (2) For regulation 5(b) (basic disclosure: prescribed details) substitute—
“(b) the court of conviction, where available on central records;”.
- (3) In regulation 6 (relevant matters: prescribed details)—
(a) for sub-paragraph (a)(ii) substitute—
“(ii) the court of conviction, where available on central records;”.
- (b) after paragraph (b) insert—
“(c) in the case of a diversionary youth conference—
(i) the date the diversionary youth conference was accepted by the individual;
and
(ii) the offence which the person given the diversionary youth conference had admitted.
- (d) in the case of an informal warning—
(i) the date of the informed warning; and

(a) Sections 113A and 113B were inserted by section 163(2) of the Serious and Organised Crime Act 2005 (2005 c.15).
(b) Section 126A was inserted by Article 12 of, and paragraphs 36 and 38 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) order 2010 (S.I. 2010/976).
(c) S.I. 2008/542 as amended in relation to central records by S.R. 2012/446; the Secretary of State’s functions under these Regulations are transferred to the Department of Justice by Article 17 of S.I. 2010/976.

(ii) the offence which the person given the informed warning had admitted.

(e) a caution for the purposes of paragraph (b) includes a restorative caution.”.

(4) For regulation 7 (central records: prescribed details) substitute—

“(1) Subject to paragraph (3), information in any form relating to convictions on a names index held by the Secretary of State for the Home Department for the use of police forces generally is hereby prescribed as “central records” for the purposes of section 112(3) of the Act.

(2) Subject to paragraph (3), information in any form relating to convictions, cautions, restorative cautions, diversionary youth conferences or informed warnings on a names index held by the Secretary of State for the Home Department for the use of police forces generally is hereby prescribed as “central records” for the purposes of section 113A(6) of the Act and as prescribed details of every relevant matter under sections 113B(3)(a), 114(3) and 116(3) of the Act.

(3) Where a central record search in the names index held by the Secretary of State for the Home Department refers to information in any form relating to convictions, cautions, restorative cautions, diversionary youth conferences or informed warnings held in the Northern Ireland criminal history database of the Causeway System but does not contain the prescribed details set out in regulations 5 and 6 in relation to such Northern Ireland information that Northern Ireland information held on the Causeway System is hereby prescribed as “central records” for the purposes of paragraphs (1) and (2).”.

Sealed with the Official Seal of the Department of Justice on 11th March 2015



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The 2008 regulations make provision for a series of prescribed details to be set out in relation to (basic disclosures) (regulation 5), relevant matters (regulation 6) and central records (regulation 7).

Regulation 2 amends the prescribed details for a basic disclosure. It provides that AccessNI will provide details of the convicting court only where this is available on central records.

Regulation 3 makes two changes to the prescribed details for relevant matters. Regulation 3(a) makes a similar change as that set out by regulation 2 in that AccessNI will provide details of the convicting court only where this is available on central records. Regulation 3(b) adds the prescribed details to be provided where information about either a diversionary youth conference or an informed warning is contained within an enhanced criminal records certificate.

Regulation 4 substitutes the current regulation 7. Regulation 7(1) sets out that AccessNI will disclose convictions from the Police National Computer (PNC) in respect of basic disclosures. Regulation 7(2) sets out that AccessNI will disclose convictions cautions, restorative cautions, diversionary youth conferences and informed warnings from the PNC in respect of standard and enhanced disclosures on individuals in Northern Ireland. Regulation 7(3) enables AccessNI to disclose details of information held in the database of the Northern Ireland criminal record system (Causeway) on any type of disclosure if this information is not held in PNC.

These regulations come into operation on 1st April 2015.

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