

EXECUTIVE NOTE
THE POLICE ACT 1997 (CRIMINAL RECORDS) (SCOTLAND)
AMENDMENT REGULATIONS 2007 (SSI 2007/112)

The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2007 (“the Amendment Regulations”) are made by Scottish Ministers in exercise of the powers conferred by sections 112(3) and 113A(6) of Part 5 of the Police Act 1997 (“the 1997 Act”).

The Amendment Regulations are subject to negative resolution procedure.

Policy Objectives

The Amendment Regulations cater for legislative changes that are coming into force on 1 April 2007 and also reflect a slight alteration in name by which one of the prescribed “central records” is known.

Scottish Ministers may prescribe as “central records” for the purposes of Part 5, records of convictions held for the use of police forces generally. Ministers have exercised this power at Regulation 7 of SSI 2006/96. At Regulation 7(1), they have prescribed “central records” in connection with applications made under section 112. At Regulation 7(2) they have prescribed “central records” in connection with applications made under section 113A. The meaning of “central records” in that section is also relevant to sections 113B, 114 and 116.

At present, the Scottish Criminal Record Office (SCRO) provide the ‘criminal history database’ mentioned in regulation 7(1)(a) and 7(2)(a) and the Police Information Technology Organisation (PITO) provide the ‘names index’ mentioned in regulation 7(1)(b) and 7(2)(b).

Under changes being made by the Police, Public Order and Criminal Justice (Scotland) Act 2006, the Scottish Police Services Authority will take over the functions of SCRO. Under changes being made by the Police and Justice Act 2006, the National Policing Improvement Agency will take over the functions of PITO. The amendments to Regulation 7 update the legislation to reflect the handover of responsibility for these “central records”, so that Disclosure Scotland can continue to access “central records” for the purposes of criminal record checks under the 1997 Act.

In addition, the ‘names index’ is now commonly known and referred to as the ‘names database’. Regulation 7(1)(b) and (2)(b) are accordingly amended to reflect this change.

Consultation

No formal consultation was necessary as this is a minor change that will not impact on the users of Disclosure Scotland.

Financial Effects

There will be no financial effects on Disclosure Scotland.

Scottish Executive Justice Department
Police Division 2
February 2007