
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 97

POLICE

**The Police Act 1997 (Criminal Records)
(Scotland) Amendment Regulations 2022**

<i>Made</i>	- - - -	<i>at 8.59 a.m. on 17th</i>
		<i>March 2022</i>
<i>Laid before the Scottish</i>		<i>at 1.30 p.m. on 17th</i>
<i>Parliament</i>	- - - -	<i>March 2022</i>
<i>Coming into force</i>	- -	<i>24th March 2022</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 113B(2)(b), 113CA(1), 113CB(1), 125(1) and (5) of the Police Act 1997(1), and all other powers enabling them to do so.

Citation, commencement and extent

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2022 and come into force on 24 March 2022.

Amendment to the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010

2.—(1) The Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(2) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 10 (enhanced criminal record certificates – prescribed purpose and suitability information relating to children) after paragraph (2)(j), insert—

“

(k) an individual—

(i) whose suitability to provide accommodation to a Ukrainian national, or the immediate family member of a Ukrainian national, who was resident in Ukraine

(1) 1997 c. 50 (“the 1997 Act”). Section 113B of the 1997 Act were inserted by the Serious and Organised Crime and Police Act 2005 (c. 15) (“the 2005 Act”). Sections 113CA and 113CB were inserted by the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14). Section 125(1) of the 1997 Act provides that anything authorised or required by any provision of Part 5 of the 1997 Act to be prescribed shall be prescribed by regulations made by the Secretary of State. By virtue of section 126(3) and (4) of the 1997 Act, as inserted by section 166(2) of the 2005 Act, in the application of Part 5 of the 1997 Act to Scotland, references to the Secretary of State must be construed as references to the Scottish Ministers (except in section 118(2A)(d) or 124A(1) and (2)).

(2) S.S.I. 2010/168, relevantly amended by S.S.I. 2011/211.

prior to 1 January 2022 and who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022 is being assessed, and

(ii) who resides on the premises that are to be used for that accommodation,

(l) an individual who is over the age of 16 residing on the premises that are to be used for the accommodation of a Ukrainian national, or the immediate family member of a Ukrainian national, who was resident in Ukraine prior to 1 January 2022 and who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022.”.

(3) In regulation 12 (enhanced criminal record certificates – prescribed purpose and suitability information relating to protected adults) after paragraph (2)(c), insert—

“

(d) an individual—

(i) whose suitability to provide accommodation to a Ukrainian national, or the immediate family member of a Ukrainian national, who was resident in Ukraine prior to 1 January 2022 and who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022 is being assessed, and

(ii) who resides on the premises that are to be used for that accommodation,

(e) an individual who is over the age of 16 residing on the premises that are to be used for the accommodation of a Ukrainian national, or the immediate family member of a Ukrainian national, who was resident in Ukraine prior to 1 January 2022 and who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022.”.

St Andrew’s House,
Edinburgh
At 8.59 a.m. on 17th March 2022

SHIRLEY-ANNE SOMERVILLE
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (“the 2010 Regulations”) to make provision for enhanced disclosures with suitability information in relation to individuals who are seeking to provide accommodation to Ukrainian nationals and their immediate family members.

The 2010 Regulations make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part 5 of the Police Act 1997. Regulation 10 of the 2010 Regulations prescribes the purposes for which an enhanced criminal record certificate can be required including suitability information relating to children. Regulation 12 of the 2010 Regulations prescribes the purposes for which an enhanced criminal record certificate can be required including suitability information relating to adults.

Regulation 2(2) of these Regulations amends regulation 10 of the 2010 Regulations to add two further categories of individual to the list of individuals, in relation to whom an exempted question may be asked for the purpose of an enhanced criminal record certificate with suitability information relating to children. Those are (a) any individual who is seeking to provide accommodation (and who also resides in that accommodation) to a Ukrainian national, or the immediate family member of a Ukrainian national, who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022 and (b) any individuals who is over the age of 16 and who also resides in the accommodation being provided to a Ukrainian national, or the immediate family member of a Ukrainian national, who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022. Regulation 2(3) makes equivalent amendments to regulation 12 of the 2010 Regulations.