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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Law Enforcement and Security  
(Amendment) (EU Exit) Regulations 2019**

**PART 8**

**European Criminal Record Information System (ECRIS)**

**CHAPTER 1**

Amendment of legislation extending to England and Wales, Scotland and Northern Ireland

**Interpretation**

**25.** In this Chapter—

“the Framework Decision” means Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States;

“UK Central Authority” means the authority designated as the “central authority” for the United Kingdom in regulation 63 of the CJD Regulations as in force immediately before commencement day.

**Revocation of Part 6 of the CJD Regulations**

**26.** Subject to regulations 27 (saving provisions - information transmitted to the UK Central Authority before commencement day) and 28 (transitional provisions - requests made before commencement day for information from the UK Central Authority), Part 6 of the CJD Regulations (exchange of information relating to criminal convictions) is revoked.

**Saving provisions – information transmitted to the UK Central Authority before commencement day**

**27.—(1)** This regulation applies in relation to information transmitted to the UK Central Authority before commencement day in accordance with Article 4(2), (3) or (4) of the Framework Decision (obligations of the convicting Member State) or Article 7(1), (2) or (4) of the Framework Decision (reply to a request for information on convictions).

(2) The following provisions of the CJD Regulations continue to have effect in relation to information to which this regulation applies, subject to the modifications set out in paragraph (3)—

- (a) regulation 62 (interpretation);
- (b) regulation 63 (designation as a “central authority”);
- (c) regulation 68 (replies to a request for information by a third country);
- (d) regulation 72 (conditions for the use of personal data).

(3) The modifications are that—

- (a) the definition of “central authority” in regulation 62 is to be read as if, after “Framework Decision”, there were inserted “or, for the United Kingdom, the authority designated under regulation 63”;
  - (b) the heading of regulation 68 is to be read as if the words “under Article 6 of the Framework Decision” were omitted.
- (4) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued to be a Member State.

### **Transitional provisions – requests made before commencement day for information from the UK Central Authority**

**28.**—(1) This regulation applies where—

- (a) a request referred to in regulation 67(1) or (2) (replies to a request for information under Article 6 of the Framework Decision in relation to criminal proceedings and proceedings other than criminal proceedings) or regulation 69 (replies to a request for information under Article 6 of the Framework Decision to a central authority of a member State other than the member State of the person’s nationality) of the CJPD Regulations was made to the UK Central Authority before commencement day, and
- (b) the requested information was not transmitted before commencement day.

(2) The following provisions of the CJPD Regulations continue to have effect in relation to that request, so far as relevant, subject to the modification set out in paragraph (3)—

- (a) regulation 62 (interpretation);
- (b) regulation 63 (designation as a “central authority”);
- (c) regulation 67;
- (d) regulation 69.

(3) The modification is that the definition of “central authority” in regulation 62 is to be read as if, after “Framework Decision”, there were inserted “or, for the United Kingdom, the authority designated under regulation 63”.

(4) The provisions referred to in paragraph (2) are to be construed as if the United Kingdom continued to be a member State.

### **Revocation of Council Decision 2009/316/JHA**

**29.** Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA is revoked.

## **CHAPTER 2**

Amendment of legislation extending to England and Wales and Northern Ireland only

### **Interpretation**

**30.** In this Chapter, “the 2013 Regulations” means the Working with Children (Exchange of Criminal Conviction Information) (England and Wales and Northern Ireland) Regulations 2013<sup>(1)</sup>.

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(1) [S.I. 2013/2945](#).

**Revocation of the Working with Children (Exchange of Criminal Conviction Information) (England and Wales and Northern Ireland) Regulations 2013**

**31.** Subject to regulation 32 (transitional provision – requests made before commencement day), the 2013 Regulations 2013 are revoked.

**Transitional provision – requests made before commencement day**

**32.**—(1) This regulation applies where —

- (a) a request referred to in regulation 3(1) of the 2013 Regulations (exchange of conviction and disqualification information) was made before commencement day, and
- (b) the requested information was not transmitted before commencement day.

(2) The 2013 Regulations continue to have effect in relation to the request, subject to the modification set out in paragraph (3).

(3) The modification is that regulation 3(1) of the 2013 Regulations is to be read as if the words “in accordance with the procedures set out in the Framework Decision” were omitted.