
STATUTORY INSTRUMENTS

2008 No. 542

**The Police Act 1997 (Criminal Records)
(Disclosure) Regulations (Northern Ireland) 2008**

Enhanced criminal record certificates: prescribed purposes

9.—(1) The purposes for which an enhanced criminal record certificate may be required in accordance with a statement made by a registered person under section 113B (2)(b) of the Act, are prescribed as follows; namely, the purposes of—

- (a) considering the suitability of an individual for a position in any school within the meaning of Article 2 of the Education and Libraries (Northern Ireland) Order 1986(1);
- (b) considering an individual's suitability for working in the Department of Education or the Department for Health, Social Services and Public Safety with access to sensitive or personal information about children or vulnerable adults;
- (c) considering an individual's suitability for any work which is normally concerned with the provision of any form of information, advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other forms of electronic communication including the internet and mobile telephone text messaging;
- (d) considering the applicant's suitability for a position which involves regularly caring for, training, advising, counselling, supervising, or being in sole charge of persons aged under 18;
- (e) considering the applicant's suitability for a position which involves regularly caring for, training, supervising or being in sole charge of a person aged 18 or over who is a vulnerable adult within the meaning given by paragraph (2) below;
- (f) considering the applicant's suitability to hold a taxi driver's licence under Article 79A of the Road Traffic (Northern Ireland) Order 1981(2);
- (g) registration under Part XI of the Children (Northern Ireland) Order 1995(3);
- (h) registration under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(4) (regulation of establishments and agencies);
- (i) registration under Part 1 of the Health and Social Services Act (Northern Ireland) 2001(5) (social care workers);
- (j) placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989(6) or the Children (Northern Ireland) Order 1995(7) or the

(1) 1986 (No. 594 (N.I. 3))
(2) 1981 (No. 154 (N.I. 1))
(3) 1995 (No. 755 (N.I. 2))
(4) 2003 (No. 431 (N.I. 9))
(5) 2001 c. 3
(6) 1989 c. 41
(7) 1995 (No. 755 (N.I. 2))

exercise of any duty under or by virtue of, section 68 of that Act or Article 108 of that Order (welfare of privately fostered children);

- (k) a decision made by an adoption agency within the meaning of Article 2 of the Adoption (Northern Ireland) Order 1987⁽⁸⁾ as to a person's suitability to adopt a child;
- (l) considering an individual's suitability to be included in, or to remain in, the health service list specified in paragraph (6) below;
- (m) considering—
 - (i) the suitability of a director of a body corporate to be included in, or to remain in, sub-paragraph (b) or (c) of that list;
 - (ii) the suitability of a member of a limited liability partnership to be included in, or to remain in, sub-paragraph (c) of that list; or,
 - (iii) the suitability of a member of the body of persons controlling a body corporate (whether or not a limited liability partnership) to be included in, or to remain in, sub-paragraph (d) of that list;
- (n) considering the applicant's suitability to work in a day care setting within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003⁽⁹⁾.

(2) The reference to a vulnerable adult in paragraph (1)(e) above is a reference to a person who is receiving services of a type listed in paragraph (3) and who, in consequence of a type listed in paragraph (4), has a disability of a type listed in paragraph (5).

(3) The services are—

- (a) accommodation and nursing or personal care in a residential care home or nursing home;
- (b) personal care or nursing or support to live independently in his own home;
- (c) any services provided by an independent hospital, independent clinic, independent medical agency or health services body;
- (d) personal social services; or,
- (e) any services provided in an establishment catering for a person with learning difficulties.

(4) The conditions are—

- (a) a learning or physical disability;
- (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs; or,
- (c) a reduction in physical or mental capacity.

(5) The disabilities are—

- (a) a dependency on others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
- (b) severe impairment in the ability to communicate with others; or,
- (c) impairment in a person's ability to protect himself from assault, abuse or neglect.

(6) The list referred to in paragraph (1)(l) above is any list prepared for the purposes of Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹⁰⁾ of—

- (a) health care professionals undertaking to provide primary medical services;
- (b) persons undertaking to provide general dental services;

⁽⁸⁾ 1987 (No. 2203 (N.I. 22))

⁽⁹⁾ 2003 (No. 431 (N.I. 9))

⁽¹⁰⁾ 1972 (No. 1265 N.I. 14))

- (c) persons undertaking to provide general ophthalmic services; or,
- (d) persons undertaking to provide pharmaceutical services.

(7) In this regulation “residential care home”, “nursing home”, “independent clinic”, “independent hospital” and “independent medical agency” all have the same meaning as in the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003⁽¹¹⁾; personal social services has the same meaning as in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹²⁾; health services body has the same meaning as in Article 48(4) of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003⁽¹³⁾.

⁽¹¹⁾ 2003 (No. 431 (N.I. 9))
⁽¹²⁾ 1972 (No. 1265 (N.I. 14))
⁽¹³⁾ 2003 (No. 417 (N.I. 4))