EXPLANATORY MEMORANDUM TO

THE DISCLOSURE AND BARRING SERVICE (CORE FUNCTIONS) (AMENDMENT) ORDER 2014

2014 No. 238

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to remove certain functions relating to application handling, identity verification and dispute handling from the Disclosure and Barring Service (Core Functions) Order 2012, where those functions relate to Criminal Conviction Certificates issued pursuant to s112 of the Police Act 1997. This will enable these functions to be delegated by the Disclosure and Barring Service under paragraph 7 of Schedule 8 to the Protection of Freedoms Act 2012.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This Order removes functions relating to application handling, identity verification and dispute handling from the Disclosure and Barring Service (Core Functions) Order 2012, where those functions relate to Criminal Conviction Certificates issued pursuant to s112 of the Police Act 1997, so that they are no longer core functions within the meaning of paragraph 8 of Schedule 8 to the Protection of Freedoms Act 2012. This will allow those functions to be delegated by the Disclosure and Barring Service under paragraph 7 of Schedule 8 to the Protection of Freedoms Act 2012. This, in turn will enable the operation of s112 of the Police Act 1997 to be delegated by the DBS, once that provision has been commenced, so that individuals may apply for a Criminal Conviction Certificate.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 This Order amends the Disclosure and Barring Service (Core Functions) Order 2012 to enable the Disclosure and Barring Service to delegate functions critical to the provision of Criminal Conviction Certificates pursuant to s112 of the Police Act 1997. Criminal Conviction Certificates are currently available in England and Wales from both Disclosure Scotland and Access Northern Ireland. The current intention is to delegate the function of issuing Criminal Conviction Certificates to Disclosure Scotland and Access Northern Ireland.

- Consolidation

7.2 There are no current plans to consolidate relevant legislation.

8. Consultation outcome

8.1 No consultation was considered necessary.

9. Guidance

9.1 Guidance on where and how to apply for a Criminal Conviction Certificate will be available on the Disclosure and Barring Service website.

10. Impact

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Any agreement whereby the Disclosure and Barring Service delegates functions so as to enable other organisations to provide Criminal Conviction Certificates pursuant to s112 of the Police Act 1997 will be subject to internal monitoring and review.

13. Contact

Robbie Kent at the Home Office. Tel: 020 7035 3045 or email: Robbie.kent7@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.