Draft Order laid before the Assembly under section 126A(8) of the Police Act 1997 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2021 No. 0000

CRIMINAL LAW

The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021

Made - - - -	*00th May 2021*
Coming into operation -	*9th June 2021*

The Department of Justice makes the following Order in exercise of the powers conferred by section 113A(7)(**a**) of the Police Act 1997 as modified by section 126A(1) and (8)(**b**) of that Act.

Citation and commencement

1. This Order may be cited as the Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021, and comes into operation on the day after the day on which this Order is approved by resolution of the Assembly.

Amendment of the Police Act 1997

2. In section 113A(6) of the Police Act 1997(**c**), in the definition of "relevant matter" as it has effect in Northern Ireland–

(a) in paragraph (a) for "in relation to a person who has one conviction only" substitute "any of the following convictions";

(b) omit paragraph (b).

Sealed with the Official Seal of the Department of Justice on

L.S.

Naomi Long
Minister of Justice

(**a**) 1997 c.50: section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (2005 c.15); section 113A(7) and (8) were inserted by paragraph 14(2) of Schedule 9 to Safeguarding Vulnerable Groups Act 2006 (2006 c.47).

(**b**) Section 126A was inserted by article 12 and paragraph 38 of Schedule 14 to S.I. 2010/976 and transfers the section 113A(7) powers of the Secretary of State to the Department of Justice.

(**c**) Section 113A(6) was amended by article 3 of the Police Act 1997 (Criminal Record Certificates: Relevant Matters)(Amendment) Order (Northern Ireland) 2014 (S.R. 2014 No.100) and came into operation on 14th April 2014.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the definition of "relevant matter" in the Police Act 1997. The definition of "relevant matter" sets out what information is disclosed by AccessNI in response to an application for a criminal record certificate or an enhanced criminal record certificate. The Order provides for the amendment of a scheme to filter out certain convictions that are old and minor and certain disposals from disclosure on a criminal record certificate or an enhanced criminal record certificate. Specifically, this Order removes the previous requirement whereby AccessNI could not filter any convictions that might be otherwise eligible for filtering except for the fact that an applicant had more than one conviction.

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