EXPLANATORY MEMORANDUM TO
THE POLICE ACT 1997 (CRIMINAL RECORDS) (AMENDMENT NO. 3) REGULATIONS 2012

2012 No. 2669

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

2. Purpose of the instrument

2.1 These Regulations amend a reference to the body responsible for the control of the names database used for criminal records checks as this function is being transferred from the National Policing Improvement Agency to the Home Office.

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

3.1 None

4. Legislative Context

4.1 Section 113A of the Police Act 1997 ("the Act") sets out the provisions for what information can be disclosed on a criminal record certificate. Section 113A(3) of the Act provides that a criminal record certificate is a certificate which "gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records…".

4.2 The Police Act 1997 (Criminal Records) Regulations 2002 (S.I. 2002/233 as amended) state that "central records" will be information in any form relating to convictions, cautions, reprimands and warnings held on a names database held by the National Policing Improvement Agency ("NPIA"). That database is the Police National Computer ("PNC").

4.3 This means that all convictions, cautions, warnings and reprimands which are held on the PNC are automatically disclosed on criminal record and enhanced criminal records certificates currently issued by the Criminal Records Bureau under sections 113A and 113B of the Act.

4.4 The NPIA is being phased out and the Home Office is taking over the function of running the PNC.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As these regulations are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 The purpose of the Regulations is to ensure that transfer of control of the PNC from the NPIA to the Home Office is reflected in the Police Act 1997 (Criminal Records) Regulations 2002.

- **Consolidation**

7.2 As the new regulations make only a limited amendment to existing legislation, it was considered that consolidation was not appropriate.

8. Consultation outcome

8.1 No consultation is required as this is a technical amendment to existing legislative provisions.

9. Guidance

9.1 Guidance is not required but the Home Office will ensure that stakeholders are aware of the Regulations.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not affect small business.

12. Monitoring & review

12.1 No monitoring or review will be required in respect of this technical amendment.

13. Contact

Kevin Walsh at the Safeguarding and Public Protection Unit (Tel: 0207 035 0875 or email: Kevin.walsh1@homeoffice.gsi.gov.uk) can answer any queries regarding these Regulations.