STATUTORY RULES OF NORTHERN IRELAND

2022 No. 212

CRIMINAL LAW

The Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2022

Made - - - -	*9th September 2022*
Coming into operation- -	*3rd October 2022*

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 113B(2)(b), 113BA(1), 113BB(1), 125(1) and (5) of the Police Act 1997(**a**) as modified by section 126A(**b**) of that Act.

Citation and commencement

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 3rd October 2022.

Amendment of the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008

2.—(1) The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008(**c**) are amended as follows—

(2) After regulation 9(1)(o) insert—

"(p) considering the applicant's suitability to provide accommodation to a person who has permission to enter into or to stay in the United Kingdom granted under the immigration rules laid down under section 3(2) of the Immigration Act 1971(**d**) in relation to the Homes for Ukraine Sponsorship Scheme(**e**).

(q) considering an applicant under the Homes for Ukraine Sponsorship Scheme where:-

(i) the applicant resides in the same household as an individual whose suitability to provide accommodation, to a person who has permission to enter into or stay in the United Kingdom granted under the immigration rules laid down

(**a**) 1997 c. 50. Section 113B of the 1997 Act was inserted by section 163(2) of the Serious and Organised Crime Act 2005 (2005 c. 15). Sections 113BA(1) and 113BB(1) of the 1997 Act were inserted by paragraph 14(4) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (2006 c. 47) as modified by section 126(3) of the 1997 Act. Section 125(1) of the 1997 Act (as modified by section 126A(2)) provides that anything authorised or required by any provision of Part 5 of the 1997 Act to be prescribed shall be prescribed by regulations made by the Department of Justice in Northern Ireland.

(**b**) Section 126A was inserted by Article 12 and paragraph 38 of Schedule 14 to S.I. 2010/976.

(**c**) S.I. 2008/542; relevant amending Regulations are S.R. 2010 No. 229, S.R. 2012 No. 321 and S.R. 2015 No. 350.

(**d**) 1971. c. 77.

(**e**) The rules in relation to the Homes for Ukraine Sponsorship Scheme are set out at UKR 11.1 to UKR 20.2 of the Appendix Ukraine Scheme to the Immigration Rules (HC 395), https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ukraine-scheme. "Permission to enter" and "Permission to stay" are defined at paragraph 6.2 of the Immigration, https://www.gov.uk/guidance/immigration-rules/immigration-rules-introduction#intro6

under section 3(2) of the Immigration Act 1971 in relation to the Homes for Ukraine Sponsorship Scheme, is being assessed; and

(ii) the applicant, and the individual whose suitability to provide accommodation is being assessed, reside in the accommodation to be provided."

(3) In regulation 9A, after "(l)" omit "or (m)" and after "(l)" insert ",(m), (p) or (q)".

(4) In regulation 9B, after "(m)" omit "or (o)" and after "(m)" insert ",(o), (p) or (q)".

Sealed with the Official Seal of the Department of Justice on 9th September 2022.

L.S.

Naomi Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008 ("the 2008 Regulations") to make provision for enhanced criminal record checks with suitability information in relation to individuals who are seeking to provide accommodation to Ukrainian nationals and their immediate family members under the Homes for Ukraine Sponsorship Scheme ("the Scheme").

The 2008 Regulations make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part 5 of the Police Act 1997 ("the 1997 Act"). Regulation 9 of the 2008 Regulations prescribes the purposes for which an enhanced criminal record certificate may be required. Regulations 9A and 9B prescribe the cases in which an enhanced criminal record certificate must also include suitability information relating to children and adults.

Regulation 2(2) of these Regulations amends regulation 9 of the 2008 Regulations, creating two new prescribed purposes for which an enhanced criminal record certificate may be required. The effect of the amendment is to enable enhanced criminal record checks to be carried out in relation to individuals who are offering to provide accommodation (and those individuals who also reside in the same accommodation) to a person who has permission to enter into or to stay in the United Kingdom under the Scheme.

Regulations 2(3) and 2(4) amend regulation 9A and 9B of the 2008 Regulations, to make provision for checks on suitability information (barred list information) in respect of both children and vulnerable adults, for the new prescribed purposes set out in regulation 2(2).

This Order comes in to operation on 3rd October 2022.

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

http://www.legislation.gov.uk/id/nisr/2022/212

ISBN 978-0-33-801991-2

