SCOTTISH STATUTORY INSTRUMENTS

2009 No. 40

POLICE

The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2009

Made - - - -	*10th February 2009*
Laid before the Scottish Parliament	*10th February 2009*
Coming into force - -	*13th March 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 112(3), 113A(6), and 113B(9) of the Police Act 1997(**a**) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2009 and come into force on 13th March 2009.

(2) These Regulations extend to Scotland and, in so far as regulations 3 and 4 extend beyond Scotland, they do so only as a matter of Scots law.

Amendment of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2006

2. The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006(**b**) are amended in accordance with regulations 3 and 4.

Amendment of regulation 7 (central records: prescribed details)

3.—(1) In regulation 7(1) (central records: prescribed details)–

(a) at the end of sub-paragraph (a) omit "and"; and

(b) after sub-paragraph (b), before the full-out words, add–

"; and

(c) held in the criminal records database of the Criminal Justice System Northern Ireland for the use of police forces generally,".

(**a**) 1997 c.50. See section 125(1) for a definition of "prescribed". By virtue of section 126(3) and (4), as inserted by section 166(2) of the Serious Organised Crime and Police Act 2005 (c.15) ("the 2005 Act"), in the application of Part 5 to Scotland, references to the Secretary of State must be construed as references to the Scottish Ministers (except in section 118(2A)(d) or 124A(1) and (2)). Sections 113A(6) and 113B(9) were inserted by section 163(2) of the 2005 Act.

(**b**) S.S.I. 2006/96 as amended by S.S.I. 2006/521, 2007/112 and 2008/6. S.S.I. 2006/521 was made in exercise of the powers conferred by sections 112(1)(a), 113A(1)(a), 113B(1)(a), 114(1)(a), and 116(1)(a) of the Police Act 1997. All these powers were repealed by section 79(1) of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), commenced on 11th January 2008 by S.S.I. 2007/564.

(2) In regulation 7(2)–

(a) at the end of sub-paragraph (a) omit "and"; and

(b) after sub-paragraph (b), before the full-out words, add–

"; and

(c) convictions held in the criminal records database of the Criminal Justice System Northern Ireland for the use of police forces generally,".

Amendment of regulation 8 (enhanced criminal record certificates: relevant police forces)

4. In regulation 8(1)(b) (enhanced criminal record certificates: relevant police forces)–

(a) at the end of head (ii) omit "or"; and

(b) after head (iii) add–

"(iv) that Service has indicated on central records or the Interim Police Local Cross Reference Database that it holds non-conviction information relating to the applicant; or

(v) the Scottish Ministers have reason to believe that it holds non-conviction information relating to the applicant;".

ADAM INGRAM
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
10th February 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Scotland) Regulations (S.S.I. 2006/96) ("the principal Regulations"). The principal 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 (c.50) ("the 1997 Act").

Regulation 3 amends regulation 7 (central records: prescribed details) of the principal Regulations to provide that the criminal records database of the Criminal Justice System Northern Ireland is a source of information comprising central records for the purposes of certificates under Part 5 of the 1997 Act.

Regulation 4 amends regulation 8 (enhanced criminal record certificates: relevant police forces) of the principal Regulations to extend the circumstances in which the Police Service of Northern Ireland is a "relevant police force" for the purposes of enhanced criminal record certificates.

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