POLICY NOTE

THE POLICE ACT 1997 (CRIMINAL RECORDS) (SCOTLAND) AMENDMENT REGULATIONS 2012

SSI 2012/354

Powers under which this Instrument is made

1. The Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2012 will be made by the Scottish Ministers in exercise of powers conferred by sections 112(3) and 113A(6) (as read with section 126(3), together with section 125(1) and 126(1) in relation to the meaning of "prescribed") of the Police Act 1997.

Parliamentary procedure

2. This Scottish Statutory Instrument is subject to the negative procedure in the Scottish Parliament.

Summary of policy proposals

3. Under Part V of the Police Act 1997, Disclosure Scotland issues criminal conviction certificates, criminal record certificates and enhanced criminal record certificates on behalf of Scottish Ministers. One source of information for these certificates are the 'central records' as prescribed in the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (SSI 2010 No. 168) ("the 2010 Regulations") at regulation 5. The central records include the names database on the Police National Computer held by the National Policing Improvement Agency.

4. These Regulations deal with a change to the provider of the names database referred to in regulation 5(1)(b) and (2)(b) of the 2010 Regulations from the National Policing Improvement Agency to the Home Secretary, referred to in the amendment as a Minister of the Crown.

Effect of the policy proposals

5. The effect of these policy proposals will be to ensure that Scottish Ministers can continue to access the names database mentioned above.

Consultation

6. It has not been necessary to consult on the Instrument. It is a technical change that does not impact on users of Disclosure Scotland checks.

Impact Assessments

7. There are no equality impact issues.

Financial Effects

8. The Minister for Children and Young People confirms that no BRIA is necessary as the instrument will have no financial effect on business in Scotland.

Scottish Government
December 2012