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STATUTORY RULES OF NORTHERN IRELAND

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**2014 No. 265**

**CRIMINAL LAW**

**The Police Act 1997 (Criminal Records) (Amendment  
No. 2) Regulations (Northern Ireland) 2014**

*Made* - - - - *10th November 2014*

*Coming into operation* *1st December 2014*

The Department of Justice makes the following Regulations in exercise of the powers conferred by section 113A(1)(b), 113B(1)(b), 113B(2)(b), 116(1)(b), 120ZA and 125(1) and (5) of the Police Act 1997(1) as modified by section 126A of that Act(2).

**Citation and commencement**

**1.** These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations (Northern Ireland) 2014 and shall come into operation on 1st December 2014.

**Amendments to the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008**

**2.** (1) The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008(3) are amended as follows.

(2) In regulation 4 (fees for disclosure) for “£30” substitute “£33”.

(3) For regulation 9(c) (enhanced criminal record certificates: prescribed purposes) substitute—

“(c) “(c) considering the applicant’s suitability to hold a taxi driver’s licence under section 23 of the Taxis Act (Northern Ireland) 2008;”.

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(1) [1997 c.50](#) sections 113A and 113B were inserted by section 163(2) of the Serious and Organised Crime and Police Act (2005 c.15). Section 120ZA was inserted by section 328, and paragraphs 1 and 7 of Schedule 35 to, the Criminal Justice Act 2004 (c.42).

(2) Section 126A was inserted by article 12, of and paragraph 38 of Schedule 14 to, [S.I. 2010/976](#).

(3) [S.I. 2008/542](#) to which there are amendments not relevant to these Regulations; the Secretary of State’s functions under these Regulations are transferred to the Department of Justice by Article 17 of [S.I. 2010/976](#).

**Amendments to the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007**

3. (1) Regulation 3 of the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007(4) is amended as follows.

(2) For paragraph 3(1)(a) substitute—

“(a) “(a) the name, address, telephone number and electronic mailing address of each registered person which has been notified to the Department of Justice for communication purposes.”.

(3) For paragraph (1)(e)(ii) substitute—

“the name, address, telephone number and electronic mailing address of any individual for the time being nominated in accordance with regulation 4 below as being authorised to act for the body in relation to the countersigning of applications under Part V of the 1997 Act which has been notified to the Department of Justice for communication purposes.”.

(4) For paragraph (1)(f)(i) substitute—

“the name, address, telephone number and electronic mailing address of any individual for the time being nominated in accordance with regulation 4 as being authorised to act for the statutory office holder in relation to the countersigning of applications under Part V of the 1997 Act which has been notified to the Department of Justice for communication purposes.”.

Sealed with the Official Seal of the Department of Justice on 1st December 2014



*David Ford*  
Minister of Justice

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(4) [S.I. 2007/3283](#) to which there are amendments not relevant to these Regulations; the Secretary of State’s functions under these Regulations are transferred to the Department of Justice by Article 17 of [S.I. 2010/976](#)

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## 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”) and the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007 (“the 2007 Regulations”).

The 2008 Regulations make provision for a prescribed fee to be paid to Access NI in respect of basic (criminal conviction), standard (criminal record) and enhanced (enhanced criminal record) applications. The fee of £30 for an enhanced disclosure application was first set by regulation 4 of the 2008 Regulations. Regulation 2(2) increases this fee from £30 to £33.

Regulation 2(3) amends one of the prescribed purposes for which an enhanced criminal record check may be sought namely, a taxi driver’s licence. This regulation reflects a change in the taxi licensing regime introduced by the Department of the Environment under section 23 of the Taxis Act (Northern Ireland) 2008.

The 2007 Regulations make provision for registered persons (“lead signatories”), those nominated by registered persons to countersign applications for standard and enhanced applications and those nominated by statutory office holders to countersign similar applications (“counter signatories”) to provide information to the Department that is held in a central register. This is to ensure that the Department can successfully contact such persons in the event of queries about applications.

Regulations 3 makes minor changes to the information to be provided to the Department by registered persons, to include a, name, address, telephone number and an e-mail address. Previously, the Regulations provided options for a telephone number, facsimile number or e-mail address to be provided. This will enable easier communication with and assist lead counter signatories to take advantage of the Department’s facility for on-line applications and which is intended to be introduced in early 2015.

This order comes into operation on 1 December 2014