

2012 No. 446

CRIMINAL LAW

**The Police Act 1997 (Criminal Records) (Amendment No. 3)
Regulations (Northern Ireland) 2012**

Made - - - - *17th December 2012*

Coming into operation - *14th January 2013*

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 113A(6), 125(1) and (5) of the Police Act 1997(a) as modified by section 126A of that Act(b).

Citation and commencement

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment No. 3) Regulations (Northern Ireland) 2012, and shall come into operation on 14 January 2013.

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 in accordance with the following paragraphs.

(2) For Regulation 7(1)(b) substitute—

“(b) on a names index held by the Secretary of State for the Home Department for the use of police forces generally.”.

(3) For Regulation 7(2)(b) substitute—

“(b) convictions and cautions on a names index held by the Secretary of State for the Home Department for the use of police forces generally.”.

Sealed with the Official Seal of the Department of Justice on 17th December 2012.

David Ford
Minister of Justice

(a) 1997 c.50; section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (2005 c.15).

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

(c) 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.

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 give effect to the changes affecting the management of the Police National Computer (“PNC”). The PNC holds a database of convictions, cautions, warnings and reprimands, which is prescribed as “central records” for the purposes of section 113A(6) of the Police Act 1997.

The PNC was run by the National Policing Improvement Authority (“NPIA”). Regulation 7(1)(b) and (2)(b) of the 2008 Regulations refers to the names index held by the NPIA. The NPIA is now being phased out and its function of running the PNC has been taken over by the Secretary of State for the Home Department.

Regulation 2 amends regulation 7(1)(b) and (2)(b) of the 2008 Regulations to replace the reference to the NPIA with a reference to the Secretary of State for the Home Department.

These Regulations come into operation on 14 January 2013.

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