STATUTORY RULES OF NORTHERN IRELAND

2012 No. 321

CRIMINAL LAW

The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations (Northern Ireland) 2012

Made - - - -	*15th August 2012*
Coming into operation	*10th September 2012*

The Department of Justice makes the following Regulations in exercise of the powers conferred by sections 113B(9), 113BA(1), 113BB(1), 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) 2012, and shall come into operation on 10th September 2012.

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(**3**) are amended in accordance with the following paragraphs.

(2) For regulation 8(1)(a) substitute—

"(a) the Police Service of Northern Ireland if—

(i) it appears to the Department of Justice that information is held in relation to the applicant in the record of convictions in the Causeway System;

(ii) it appears to the Department of Justice that information is held by the Police Service of Northern Ireland in relation to the applicant other than in the Causeway System;

(iii) the applicant resides or has resided within a period of 5 years preceding the date of the application in the Republic of Ireland; or

(**1**) 1997 c.50; section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (2005 c. 15) and amended by section 63(1) of, and paragraph 14 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (2006 c.47), which inserted sections 113BA and113BB.

(**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 as amended by S.I. 2009/1798. S.I. 2009/2495, S.R. 2010 No. 229 and S.R. 2012 No. 86; the Secretary of State's functions under these regulations are transferred to the Department of Justice by article 17 of S.I. 2010/976.

(iv) the application involves any regulated work activity relating to children within the meaning of Part 1 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 which is taking or is to take place within Northern Ireland on domestic premises used wholly or mainly as a private dwelling including an application for the assessment of any person to have contact with children who are residing in those domestic premises at times when the regulated work activity is taking or is to take place.".

(3) For regulation 9(1)(a)(ii) substitute—

"(ii) to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 as it had effect immediately before the coming into force of section 78 of the Protection of Freedoms Act 2012.".

(4) For regulation 9(1)(b)(ii) substitute—

"(ii) to engage in any activity which is a regulated activity relating to vulnerable adults within the meaning of Part 2 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 as it had effect immediately before the coming into force of section 78 of the Protection of Freedoms Act 2012.".

(5) In regulation 9(1)(i) after the words "the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007" insert the words "as it had effect immediately before the coming into force of section 78 of the Protection of Freedoms Act 2012.".

(6) In regulation 9(1)(j) after the words "the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007" insert the words "as it had effect immediately before the coming into force of section 78 of the Protection of Freedoms Act 2012.".

(7) After regulation 9(1)(n) insert—

"(o) considering the applicant's suitability for any office or employment which is concerned with the representation of, or advocacy services for, vulnerable adults within the meaning of Part 2 of Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 by a service created under any enactment or commissioned by an HSC body within the meaning of Article 2(2) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, and is of such a kind as to enable a person, in the course of his normal duties in that position, to have access to such vulnerable adults when they are receiving such services.".

(8) In regulation 9A(**4**) for "(a)" substitute "(a)(i) and omit "(i)".

(9) In regulation 9B(**5**) for "(b), (g), (h), (j), (l) or (m)" substitute "(b)(i), (g), (h), (l), (m) or (o)".

(**4**) Regulation 9A was inserted by regulation 2(5) of S.I. 2009/2495 and amended by regulation 2(3) of S.R. 2010 No. 229.
(**5**) Regulation 9B was inserted by regulation 2(3) of S.R. 2010 No. 229.