STATUTORY RULES OF NORTHERN IRELAND

2014 No. 100

CRIMINAL LAW

The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2014

Laid before the Assembly in draft

Made - - - -	*26th March 2014*
Coming into operation	*14th April 2014*

The Department of Justice makes the following Order in exercise of the powers conferred by section 113A(7)(**1**) of the Police Act 1997 as modified by section 126A(1) and (8)(**2**) of that Act.

Citation, commencement and interpretation

1. This Order may be cited as the Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2014, and shall come into operation on 14th April 2014.

Amendment to the Police Act 1997

2. The Police Act 1997 is amended as follows.

3. In section 113A(6), for the definition of "relevant matter", substitute–

""relevant matter", in this section as it has effect in Northern Ireland, means–

(a) in relation to a person who has one conviction only–

(i) a conviction of an offence within subsection (6D);

(ii) a conviction in respect of which a sentence of imprisonment, a sentence of service detention or custodial order was imposed; or

(iii) a current conviction;

(b) in relation to any other person, any conviction;

(c) a caution, restorative caution, diversionary youth conference or informed warning given in respect of an offence within subsection (6D);

(**1**) 1997 c.50: section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act (2005 c.15); sections 113A(7) and (8) were inserted by paragraph 14(2) of Schedule 9 to Safeguarding Vulnerable Groups Act 2006 (c.47).

(**2**) Section 126A was inserted by article 12 and paragraph 38 of Schedule 14 to S.I. 2010/976 and transfers the section 113A(7) powers of the Secretary of State to the Department of Justice .

(d) a current caution, restorative caution, diversionary youth conference or informed warning."

4. In section 113A(**3**), before subsection (7) insert–

"(6D) The offences referred to in paragraphs (a)(i) and (c) of the definition of "relevant matter" in subsection (6), as it has effect in Northern Ireland, are as follows–

(a) The following offences–

(i) Abducting girl under 18 with intention of marriage;

(ii) Abducting girl under 18;

(iii) Affray;

(iv) Breach of the peace;

(v) False imprisonment;

(vi) Going armed so as to terrify the public;

(vii) Indecency – outraging public decency;

(viii) Kidnapping;

(ix) Manslaughter;

(x) Murder;

(xi) Publishing obscene libel;

(xii) Publishing/exhibiting/selling indecent/obscene things;

(xiii) Rape;

(xiv) Riot;

(xv) Rout (incipient riot); and

(xvi) Unlawful assembly.

(b) an offence under section 1 of the Unlawful Drilling Act 1819;

(c) an offence under section 10 or 11 of the Slave Trade Act 1824;

(d) an offence under section 2 or 3 of the Tumultuous Risings (Ireland) Act 1831;

(e) an offence under section 35 of the Malicious Damage Act 1861;

(f) an offence under section 32, 33, 34, 58, 59 or 64 of the Offences Against the Person Act 1861;

(g) an offence under section 26 of the Criminal Justice Act (Northern Ireland) 1945;

(h) an offence under section 2 of the Nuclear Installations Act 1965;

(i) an offence under section 13, 13A or 13B of the Criminal Justice Act (Northern Ireland) 1966(**4**);

(j) an offence under section 5(1) of the Criminal Law Act (NI) 1967;

(k) an offence under section 25 or 30 of the Children and Young Persons Act (Northern Ireland) 1968;

(l) an offence under section 7(2)(a), 52, 58(2)(a), 58(2)(b), 63(b), 67 or 67 (1A) of the Medicines Act 1968(**5**);

(m) an offence under section 1, 2 or 3 of the Protection of Persons and Property Act (Northern Ireland) 1969;

(**3**) Subsections 113A(6A) to (6C) of the Police Act 1997 extend to Scotland only.
(**4**) 1966 c.20 (N.I.) Sections 13A and 13B have been inserted by section 60(4) of the Coroners and Justice Act 2009 (c.25).
(**5**) 1968 c.67 Section 67(1A) has been inserted by section 63(7) of the Health and Social Care Act 2001 (c.15).

(n) an offence under section 7 of the Public Order Amendment Act (Northern Ireland) 1970;

(o) an offence under section 4(2), 5(2), 5(3), 6(2), 8, 9, 11, 12, 13, 18, 19, 20 or 23 of the Misuse of Drugs Act 1971;

(p) an offence under section 1 of the Biological Weapons Act 1974;

(q) an offence under section 2 of the Criminal Jurisdiction Act 1975;

(r) an offence under Article 5 of the Poisons (Northern Ireland) Order 1976;

(s) an offence under Article 4 or 5 of the Criminal Damage (Northern Ireland) Order 1977;

(t) an offence under Article 19 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977;

(u) an offence under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977;

(v) an offence under section 50 of the Customs and Excise Management Act 1979;

(w) an offence under section 6(2) or section 7(2) of the Aviation Security Act 1982;

(x) an offence under Article 5, 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983(**6**);

(y) an offence under sections 1A to 1D or 2 of the Nuclear Material (Offences) Act 1983(**7**);

(z) an offence under section 38 of the Public Order Act 1986;

(aa) an offence under Article 11, 28, 29, 31, 58, 58ZA or 59 of the Adoption (Northern Ireland) Order 1987(**8**);

(bb) an offence under Article 9, 10, 11, 12, 13, 18(3), 22 or 23 of the Public Order (Northern Ireland) Order 1987;

(cc) an offence under section 139, 139A, or 141 of the Criminal Justice Act 1988(**9**);

(dd) an offence under Article 3, 4 or 5 of the Crossbows (Northern Ireland) Order 1988;

(ee) an offence under section 12, 18 or 19 of the Criminal Justice (International Cooperation) Act 1990;

(ff) an offence under Article 68 or 132 of the Children (Northern Ireland) Order 1995;

(gg) an offence under Article 11A or 12B of the Road Traffic (Northern Ireland) Order 1995(**10**);

(hh) an offence under Article 53 or 54 of the Criminal Justice (Northern Ireland) Order 1996;

(ii) an offence under section 2 or 11 of the Chemical Weapons Act 1996;

(jj) an offence specified in the Schedule to the Disqualification for Caring for Children Regulations (Northern Ireland) 1996;

(kk) an offence under section 1 or 2 of the Knives Act 1997;

(**6**) S.I. 1983/1120 (N.I. 3). Article 9A has been inserted by section 6(1) of the Criminal Justice (Terrorism and Conspiracy) Act 1998 (c.40) and has been amended by section 72(2)(a) of the Coroners and Justice Act 2009 (c.25).

(**7**) 1983 c. 18. Sections 1A to 1D have been inserted by paragraph 3 of Schedule 17(1) to the Criminal Justice and Immigration Act 2008 (c. 18).

(**8**) S.I. 1987/2203 (N.I. 22) . Article 58ZA has been inserted by Article 12 of the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c. 11 (N.I.)).

(**9**) 1988 c. 33. Section 139A has been inserted by section 4(1) of the Offensive Weapons Act 1996 (c. 26).

(**10**) S.I. 1995/2994 (N.I. 18). Article 11A has been inserted by Article 52(1) of the Criminal Justice (Northern Ireland) Order 2008 (S.I.2008/1216 (N.I. 1)). Article 12B has been inserted by Article 53(1) of that Order.