

Draft Order laid before the Assembly under section 113A(7) of the Police Act 1997, as modified by section 126A(1) and (8) of that Act, for approval

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2022 No. 0000

CRIMINAL LAW

**The Police Act 1997 (Criminal Record Certificates: Relevant
Matters) (Amendment) Order (Northern Ireland) 2022**

<i>Made</i>	- - - -	<i>00th March 2022</i>
<i>Laid before the Assembly</i>		<i>00th February 2022</i>
<i>Coming into force</i>		<i>23rd March 2022</i>

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

Citation and commencement

1. This Order may be cited as the Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 and shall come into operation on the day after it is affirmed by resolution of the Assembly.

Amendment of the Police Act 1997

2.—(1) The Police Act 1997 is amended in accordance with the following provisions of this Order.

3. In section 113A(6), at the definition of “relevant matter”—

- (a) at the end of sub-paragraph (ii) of paragraph (a) delete the word “or”;
- (b) at the end of sub-paragraph (iii) of paragraph (a) insert the word “or”;
- (c) after sub-paragraph (iii) of paragraph (a) insert—

“(iv) a current conviction of any offence, except an offence within subsection (6D), stated by a court to be aggravated under section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021(e);”

4. In section 113A(6D)—

- (a) at the end of paragraph (nnn) delete the word “and”;

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- (a) 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).
 - (b) 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 .
 - (c) 2021 c. 2 (N.I.)

- (b) at the end of paragraph (ooo) substitute the full stop with a semi colon;
- (c) after paragraph (ooo) insert—
 - “(ppp) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021(a);
 - (qqq) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 stated by a court to be aggravated under section 8 of that Act;
 - (rrr) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 stated by a court to be aggravated under section 9 of that Act; and
 - (sss) any offence within this subsection (6D) stated by a court to be aggravated under section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.”

Sealed with the Official Seal of the Department of Justice on 00th February 2022

(L.S.)

Naomi Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends the definition of “relevant matter” in the Police Act 1997. The definition of “relevant matter” sets out what information is disclosed by Access NI in response to an application for a criminal record certificate or an enhanced criminal record certificate. The amendments introduced by the Order relate to the disclosure of convictions:

(1) Convictions for:

- (i) The commission of an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 including where that offence was stated by a court to be aggravated under sections 8 and / or 9 of that Act;
- (ii) The commission of any other offence stated by a court to be aggravated under section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021; and

(2) Cautions, restorative cautions, diversionary youth conferences or informed warnings in respect of:

- (i) The commission of an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.

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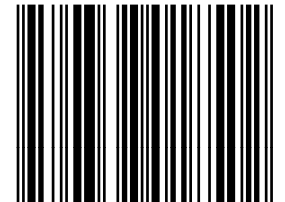
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(a) 2021 c. 2 (N.I.)

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