



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 5

CRIMINAL JUSTICE

Amendments of Part 5 of Police Act 1997

108 Amendments of Part 5 of Police Act 1997

- (1) The Police Act 1997 (c.50) is amended as follows.
- (2) In section 113B (enhanced criminal record certificates), in subsection (3), for the words from “, or” immediately following paragraph (a) to the end of paragraph (b), substitute “(or states that there is no such matter or information), and
 - (b) if the applicant is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 (c.42), states that fact.”.
- (3) After that section insert—

“113BA Information held outside the United Kingdom

- (1) The Scottish Ministers may by order made by statutory instrument amend the definition of—
 - (a) “criminal conviction certificate” in section 112(2),
 - (b) “central records” in sections 112(3) and 113A(6),
 - (c) “criminal record certificate” in section 113A(3),
 - (d) “relevant matter” in section 113A(6),
 - (e) “enhanced criminal record certificate” in section 113B(3).
- (2) An order under subsection (1) may be made only for the purposes of, or in connection with, enabling certificates issued under this Part to include details of information held outside the United Kingdom.

Changes to legislation: *There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 108. (See end of Document for details)*

- (3) No order may be made under subsection (1) unless a draft of the statutory instrument containing the order has been laid before, and approved by resolution of, the Scottish Parliament.”.
- (4) In section 120ZB (regulations about registration), after subsection (2) insert—
- “(2A) The provision which may be made by virtue of subsection (2)(a) includes in particular provision for—
- (a) the payment of fees in respect of applications to be listed in the register,
 - (b) the payment of different fees in different circumstances,
 - (c) annual or other recurring fees to be paid in respect of registration, and
 - (d) such annual or other recurring fees to be paid in advance or in arrears.
- (2B) Where provision is made under subsection (2)(a) for a fee to be charged in respect of an application to be listed in the register, the Scottish Ministers need not consider the application unless the fee is paid.”.

Commencement Information

- I1** S. 108(1) in force at 12.10.2010 for specified purposes by [S.S.I. 2010/344](#), **art. 2(b)(i)**
- I2** S. 108(1) in force at 28.2.2011 in so far as not already in force by [S.S.I. 2011/157](#), **art. 2(b)**
- I3** S. 108(2)(3) in force at 28.2.2011 by [S.S.I. 2011/157](#), **art. 2(b)** (with art. 3)
- I4** S. 108(4) in force at 12.10.2010 by [S.S.I. 2010/344](#), **art. 2(b)(ii)**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 108.