

2012 No. 354

POLICE

**The Police Act 1997 (Criminal Records) (Scotland) Amendment
Regulations 2012**

Made - - - - - *19th December 2012*

Laid before the Scottish Parliament *21st December 2012*

Coming into force - - - *4th February 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 112(3) and 113A(6), as read with section 126(3), of the Police Act 1997(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2012 and come into force on 4th February 2013.

(2) These Regulations extend to Scotland and, in so far as they extend beyond Scotland, they do so only as a matter of Scots law.

Amendment of the Police Act 1997 (Criminal Records)(Scotland) Regulations 2010

2. In regulation 5(1)(b) and (2)(b) of the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010(b), for the words “the National Policing Improvement Agency” substitute “a Minister of the Crown”.

AILEEN CAMPBELL

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
19th December 2012

(a) 1997 c.50. See section 125(1) and 126(1) for a definition of “prescribed”. By virtue of section 126(3) and (4), as inserted by section 166(2) of the Serious Organised Crime and Police Act 2005 (c.15), in the application of Part V to Scotland, references to the Secretary of State must be construed as references to the Scottish Ministers (except in section 118(2A)(d) or 124A(1) and (2)).

(b) S.S.I. 2010/168, as amended by S.S.I. 2010/383, 2011/157 and 211.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Scotland) Regulations 2010 (S.S.I. 2010/168) (“the 2010 Regulations”) which make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997 (“the 1997 Act”).

Regulation 5 of the 2010 Regulations prescribes the sources of information comprising central records for the purposes of certificates under Part V of the 1997 Act. Regulation 2 amends regulation 5(1)(b) and (2)(b) of the 2010 Regulations in order to replace the reference to the National Policing Improvement Agency (“NPIA”) with a reference to a Minister of the Crown. The NPIA is being phased out and the Home Office has taken over the function of running the Police National Computer (“PNC”). It is information relating to convictions and cautions which is held on the PNC which is prescribed as “central records” for the purposes of sections 112(3) and 113A(6) of the Police Act 1997.

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