



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

[^{F1}120A] Procedure for cancellation or suspension under section 120AA

- (1) Before cancelling or suspending a person's registration by virtue of section 120AA, [^{F2}the Secretary of State][^{F2}DBS] must send [^{F3}him][^{F3}its] written notice of his intention to do so.
- (2) Every such notice must—
 - (a) give [^{F4}the Secretary of State's][^{F4}DBS's] reasons for proposing to cancel or suspend the registration, and
 - (b) inform the person concerned of his right under subsection (3) to make representations.
- (3) A person who receives such a notice may, within 21 days of service, make representations in writing to [^{F5}the Secretary of State][^{F5}DBS] as to why the registration should not be cancelled or suspended.
- (4) After considering such representations, [^{F6}the Secretary of State][^{F6}DBS] must give the registered person written notice—
 - (a) that at the end of a further period of six weeks beginning with the date of service, the person's registration will be cancelled or suspended, or
 - (b) that [^{F7}he][^{F7}it] does not propose to take any further action.
- (5) If no representations are received within the period mentioned in subsection (3) [^{F8}the Secretary of State][^{F8}DBS] may cancel or suspend the person's registration at the end of the period mentioned in that subsection.
- (6) Subsection (1) does not prevent [^{F9}the Secretary of State][^{F9}DBS] from imposing on the registered person a lesser sanction than that specified in the notice under that subsection.

Changes to legislation: Police Act 1997, Section 120AB is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (7) Any notice under this section that is required to be given in writing may be given by being transmitted electronically.
- (8) This section does not apply where—
- (a) [^{F10}the Secretary of State][^{F10}DBS] is satisfied, in the case of a registered person other than a body, that the person has died or is incapable, by reason of physical or mental impairment, of [^{F11}acting as the registered person in relation to] applications under this Part, or
 - (b) the registered person has requested to be removed from the register.
- (9) The Secretary of State may by regulations amend subsection (4)(a) by substituting for the period there specified, such other period as may be specified in the regulations.]

Textual Amendments

- F1** Ss. 120AA, 120AB inserted (6.4.2006 for E.W., 3.12.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 35 para. 9](#); [S.I. 2006/751, art. 2\(c\)\(ii\)](#); [S.I. 2007/3340, art. 2\(b\)](#)
- F2** Words in s. 120AB(1) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F3** Word in s. 120AB(1) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 45\(a\) \(with Pt. 4\)](#)
- F4** Words in s. 120AB(2) substituted (E.W.) (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F5** Words in s. 120AB(3) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F6** Words in s. 120AB(4) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F7** Word in s. 120AB(4)(b) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 45\(b\) \(with Pt. 4\)](#)
- F8** Words in s. 120AB(5) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F9** Words in s. 120AB(6) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F10** Words in s. 120AB(8) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\), arts. 1\(1\), 37\(q\) \(with Pt. 4\)](#)
- F11** Words in s. 120AB(8)(a) substituted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\), arts. 1\(1\), 9](#); and substituted (N.I.) (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 5 para. 14](#); [S.R. 2015/358, art. 2\(m\)\(i\)](#)

Commencement Information

- I1** S. 120AB in force at 3.12.2007 for N.I. by [S.I. 2007/3342, art. 2\(e\)](#)

Changes to legislation:

Police Act 1997, Section 120AB is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 120AA120AB insertion by 2003 c. 44, Sch. 35 para. 9 extended to N.I. by 2005 c. 15 s. 167(a)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 112(2A) inserted by 2011 c. 24 (N.I.) s. 101
- s. 112(2A) inserted by 2009 c. 26 s. 93 (This amendment not applied to legislation.gov.uk. S. 93 repealed (10.9.2012) without ever being in force by 2012 c. 9, ss. 79(1), 120, Sch. 10 Pt. 6; S.I. 2012/2234, art. 2(cc))
- s. 113(3)(e) words inserted by S.S.I. 2006/50 art. 2(2)
- s. 113(3G) inserted by 2002 c. 32 Sch. 12 para. 14
- s. 113(3G) inserted by 2002 c. 32, Sch. 12 para. 14 (as extended) by 2003 asp 5 s. 12(1)(c)
- s. 113(3EA)(3EB) inserted by S.I. 2003/417 (N.I.) art. 17(4)
- s. 113(3EC)(3ED) inserted by S.I. 2003/417 (N.I.) art. 47(3)
- s. 113(4A) inserted by 2003 c. 44 Sch. 35 para. 3(3)
- s. 113(4A) insertion by 2003 c. 44, Sch. 35 para. 3(3) extended to N.I. by 2005 c. 15 s. 167(a)
- s. 113A(6A)-(6C) inserted by 2011 asp 1 s. 188(b)
- s. 115(5)(ec) inserted by 2002 c. 32 Sch. 12 para. 15(2)
- s. 115(5)(ec) inserted by 2002 c. 32, Sch. 12 para. 15(2) (as extended) by 2003 asp 5 s. 12(1)(c)
- s. 115(5)(ga) inserted by 2001 c. 12 s. 21 (Amendment not applied to legislation.gov.uk. S. 21 repealed (6.4.2006 for E.W.) by 2003 c. 44, Sch. 37 Pt. 11; S.I. 2006/751, art. 2(d))
- s. 115(6BB) inserted by 2002 c. 32 Sch. 12 para. 15(3)
- s. 115(6BB) inserted by 2002 c. 32, Sch. 12 para. 15(3) (as extended) by 2003 asp 5 s. 12(1)(c)
- s. 115(6EA) inserted by S.I. 2003/417 (N.I.) art. 17(5)
- s. 115(6EB) inserted by S.I. 2003/417 (N.I.) art. 47(4)
- s. 115(9A)(9B) inserted by 2003 c. 44 Sch. 35 para. 4(5)
- s. 115(9A)(9B) insertion by 2003 c. 44, Sch. 35 para. 4(5) extended to N.I. by 2005 c. 15 s. 167(a)
- s. 118(2ZA) inserted by 2009 c. 26 s. 95
- s. 118(2ZA) words substituted by S.I. 2012/3006 art. 37(j) (This amendment not applied to legislation.gov.uk. The insertion of s. 118(2ZA) by 2009 c. 26, s. 95 is still prospective)
- s. 121(a) inserted by 2006 asp 10 s. 3(8)(a)
- Sch. 8B para. 102(ea) inserted by 2023 c. 47 s. 3(2)