



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

[^{F1}124A Further offences: disclosure of information obtained in connection with delegated function E+W+N.I.

- (1) Any person who is engaged in the discharge of functions conferred by this Part on [^{F2}the Secretary of State][^{F2}DBS] commits an offence if he discloses information which has been obtained by him in connection with those functions and which relates to a particular person unless he discloses the information, in the course of his duties,—
 - (a) to another person engaged in the discharge of those functions,
 - (b) to the chief officer of a police force in connection with a request under this Part to provide information to [^{F2}the Secretary of State][^{F2}DBS], or
 - (c) to an applicant ^{F3}... who is entitled under this Part to the information disclosed to him.
- (2) Where information is disclosed to a person and the disclosure—
 - (a) is an offence under subsection (1), or
 - (b) would be an offence under subsection (1) but for subsection (3)(a), (d) or (e),the person to whom the information is disclosed commits an offence if he discloses it to any other person.
- (3) Subsection (1) does not apply to a disclosure of information which is made—
 - (a) with the written consent of the person to whom the information relates,
 - (b) to a government department,
 - (c) to a person appointed to an office by virtue of any enactment,
 - (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
 - (e) for some other purpose specified in regulations made by the Secretary of State.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+N.I. - England, Wales and Northern Ireland extent S - Scotland extent

Changes to legislation: Police Act 1997, Section 124A is up to date with all changes known to be in force on or before 13 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

(4) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale, or to both.

(5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (4) to 51 weeks is to be read as a reference to 6 months.

[For the purposes of this section the reference to a police force includes any body^{F4}(6) mentioned in subsections (10)(a) to (i) and (11) of section 113B and the reference to a chief officer must be construed accordingly.]

[For the purposes of this section the reference to an applicant includes a person who^{F5}(6A) makes a request under section 116A(1), 120AC(1) or 120AD(2).]

Extent Information	
E1	This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only
Textual Amendments	
F1	S. 124A inserted (29.1.2004 for E.W., 3.12.2007 for N.I.) by Criminal Justice Act 2003 (c. 44) , s. 336(3)(4), Sch. 35 para. 11 ; S.I. 2004/81, art. 4(1)(2)(o)(i); S.I. 2007/3340, art. 2(b)
F2	Words in s. 124A(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(u) (with Pt. 4)
F3	Words in s. 124A(1)(c) repealed (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9) , s. 120, Sch. 9 para. 116(2) , Sch. 10 Pt. 6 (with s. 97); S.I. 2013/1180, art. 2(f); and repealed (N.I.) (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9) , s. 106(2), Sch. 5 para. 17(2) , Sch. 9 Pt. 3 ; S.R. 2015/358, art. 2(m)(i)
F4	S. 124A(6) inserted (6.4.2006 for E.W., 3.12.2007 for N.I.) by Serious Organised Crime and Police Act 2005 (c. 15) , ss. 165(3) , 178(4)(d)(8); S.I. 2006/378, art. 7(d); S.I. 2007/3341, art. 2(b)
F5	S. 124A(6A) inserted (E.W.) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by Protection of Freedoms Act 2012 (c. 9) , s. 120, Sch. 9 para. 116(3) (with s. 97); S.I. 2012/2234, art. 2(aa)(xi); and inserted (N.I.) (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9) , s. 106(2), Sch. 5 para. 17(3) ; S.R. 2015/358, art. 2(m)(i)
Commencement Information	
I1	S. 124A in force at 3.12.2007 for N.I. by S.I. 2007/3342 , art. 2(j)

^{F6}124A Review of certain decisions as to registration S

(1) Where the Scottish Ministers decide to refuse to include a person in the register maintained for the purposes of this Part or, other than by virtue of section 120(3)(b), to remove him from that register they shall notify him in writing of that decision and of their reason for so deciding and shall send a copy of that notification to the Secretary of State.

(2) If the person considers that the information upon which the decision was based may have been inaccurate he may, by written notice to the Scottish Ministers setting out his reason for so considering, require them to review the decision; and they shall notify

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him in writing of the results of their review and of any consequential change in the decision and shall send a copy of—

- (a) the notice; and
- (b) the notification,

to the Secretary of State.

- (3) Any notification given by the Scottish Ministers under subsection (1) or (2) shall include information as to the provisions of any regulations made under section 120(3)(ac).
- (4) The Scottish Ministers may, for the purposes of this section, make regulations as to procedure; and such regulations may, in particular, make provision in relation to—
 - (a) information to be included in any notification under subsection (1) or (2); and
 - (b) the period within which—
 - (i) a requirement may be made under subsection (2); or
 - (ii) a decision under subsection (1) is to be implemented.]

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F6** Ss. 124A, 124B inserted (S.) (1.4.2006 for the insertion of s. 124A) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), ss. **70(8)**, 89(2); S.S.I. 2006/168, art. 2

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Changes to legislation:

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Changes and effects yet to be applied to :

- s. 124A insertion by 2003 c. 44, Sch. 35 para. 11 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\(2\)](#)