



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 5

SAFEGUARDING VULNERABLE GROUPS, CRIMINAL RECORDS ETC.

CHAPTER 4

DISREGARDING CERTAIN CONVICTIONS FOR BUGGERY ETC.

General

94 Procedure for decisions by the Secretary of State

- (1) In considering whether to make a decision of the kind mentioned in condition A in section 92, the Secretary of State must, in particular, consider—
 - (a) any representations or evidence included in the application, and
 - (b) any available record of the investigation of the offence and of any proceedings relating to it that the Secretary of State considers to be relevant.
- (2) The Secretary of State may not hold an oral hearing for the purpose of deciding whether to make a decision of the kind mentioned in condition A in section 92.
- (3) Subsection (4) applies if the Secretary of State—
 - (a) decides that it appears as mentioned in condition A in section 92, or
 - (b) makes a different decision in relation to the matters mentioned in that condition.
- (4) The Secretary of State must—
 - (a) record the decision in writing, and
 - (b) give notice of it to the applicant.