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STATUTORY INSTRUMENTS

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**2002 No. 233**

**POLICE**

**The Police Act 1997 (Criminal Records) Regulations 2002**

*Made* - - - - *7th February 2002*  
*Laid before Parliament* *7th February 2002*  
*Coming into force* - - *1st March 2002*

The Secretary of State, in exercise of the powers conferred on him by the provisions which are specified in Schedule 1 to these Regulations, hereby makes the following Regulations:

**Citation, commencement and extent** **E+W**

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) Regulations 2002 and shall come into force on 1st March 2002.

(2) These Regulations extend to England and Wales.

**Interpretation** **E+W**

2. In these Regulations—

“the Act” means the Police Act 1997 <sup>M1</sup>;

[<sup>F1</sup>“adult” means a person who has attained the age of 18;]

[<sup>F1</sup>“area committee” has the same meaning as in section 18 of the Local Government Act 2000;]

[<sup>F1</sup>“charity” and “charity trustee” have the same meanings as in the Charities Act 2011;]

[<sup>F2</sup>“childcare” has the meaning given by section 18 of the Childcare Act 2006;

[<sup>F3</sup>“childcare premises” means any premises on which childcare is provided;

“childminder agency” has the meaning given by section 98(1) of the Childcare Act 2006;]

“child minding” for the purposes of regulation 5A(g) has the meaning given by [<sup>F4</sup>section 19(2) of the Children and Families (Wales) Measure 2010];

“day care” for the purposes of regulation 5A(g) has the meaning given by [<sup>F5</sup>section 19(3) of the Children and Families (Wales) Measure 2010];]

[<sup>F1</sup>“executive”, in relation to a local authority, has the same meaning as in Part 2 of the Local Government Act 2000;]

[<sup>F1</sup>“local authority” has the same meaning as in the Education Act 1996;]

“reprimand” means a reprimand given to a child or young person in accordance with section 65 of the Crime and Disorder Act 1998 <sup>M2</sup>;

[<sup>F6</sup>“social services functions”—

- (a) in relation to a local authority in England, has the same meaning as in the Local Authority Social Services Act 1970, and
- (b) in relation to a local authority in Wales, has the same meaning as in the Social Services and Well-being (Wales) Act 2014;]

[<sup>F7</sup>“taxi driver licence” means a licence granted under—

- (i) section 46 of the Town Police Clauses Act 1847;
- (ii) section 8 of the Metropolitan Public Carriage Act 1869;
- (iii) section 9 of the Plymouth City Council Act 1975;
- (iv) section 51 of the Local Government (Miscellaneous Provisions) Act 1976; or
- (v) section 13 of the Private Hire Vehicles (London) Act 1998;]

“volunteer” means a person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative;

“warning” means a warning given to a child or young person in accordance with section 65 of the Crime and Disorder Act 1998.

#### Textual Amendments

- F1** Words in reg. 2 inserted (17.6.2013) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013 \(S.I. 2013/1194\)](#), regs. 1(1), **2(2)**
- F2** Words in reg. 2 inserted (12.10.2009) by [The Police Act 1997 \(Criminal Records\) \(No. 2\) Regulations 2009 \(S.I. 2009/1882\)](#), regs. 1(1), **2**
- F3** Words in reg. 2 inserted (1.9.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) \(No. 3\) Regulations 2014 \(S.I. 2014/2122\)](#), regs. 1(1), **2(2)**
- F4** Words in reg. 2 substituted by SI 2010/2582 Sch. 4 para. 5(2)(a) (as inserted(1.4.2011) by [The Children and Families \(Wales\) Measure 2010 \(Commencement No.2, Savings and Transitional Provisions\) \(Amendment\) and \(Consequential Amendments\) Order 2011 \(S.I. 2011/577\)](#), art. 2(3), **Sch.**)
- F5** Words in reg. 2 substituted by SI 2010/2582 Sch. 4 para. 5(2)(b) (as inserted (1.4.2011) by [The Children and Families \(Wales\) Measure 2010 \(Commencement No.2, Savings and Transitional Provisions\) \(Amendment\) and \(Consequential Amendments\) Order 2011 \(S.I. 2011/577\)](#), art. 2(3), **Sch.**)
- F6** Words in reg. 2 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 43**
- F7** Words in reg. 2 inserted (26.3.2012) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2012 \(S.I. 2012/523\)](#), regs. 1(1), **2**

#### Marginal Citations

- M1** 1997 c. 50.
- M2** 1998 c. 37.

**Application form** **E+W**

3. The form set out in Schedule 2 to these Regulations, or a form to the like effect, is hereby prescribed for the purposes of sections 113(1)(a) (criminal record certificate), 114(1)(a) (criminal record certificate: Crown employment), 115(1)(a) (enhanced criminal record certificate) and 116(1)(a) (enhanced criminal record certificate: judicial appointment and Crown employment) of the Act.

**[<sup>F8</sup>Fee for criminal conviction certificates** **E+W**

3A. The fee payable in relation to an application for a criminal conviction certificate is prescribed as [<sup>F9</sup>£18].]

**Textual Amendments**

- F8** Reg. 3A inserted (10.3.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2014 \(S.I. 2014/239\)](#), art. 1(1), **reg. 2(2)**
- F9** Sum in reg. 3A substituted (6.4.2022) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2022 \(S.I. 2022/303\)](#), regs. 1(1), **2(2)**

**[<sup>F10</sup>Fees for criminal record certificates and enhanced criminal record certificates** **E+W**

4.—(1) Subject to paragraph (2), the fee payable in relation to an application for the issue of a criminal record certificate or an enhanced criminal record certificate is prescribed as—

- (a) [<sup>F11</sup>£18] in the case of a criminal record certificate;
- (b) [<sup>F12</sup>£38] in the case of an enhanced criminal record certificate, and
- (c) where an urgent preliminary response is sought under section 113E(3)(b) of the Act, an additional £6 in each case.

[<sup>F13</sup>(2) No fee is payable in relation to an application made by a volunteer.]

<sup>F14</sup>(3) .....]

**Textual Amendments**

- F10** Reg. 4 substituted (28.3.2020 except for the insertion of reg. 4(2)(b) which comes into force immediately after [2020 c. 7, s. 9\(8\)](#) comes into force) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2020 \(S.I. 2020/359\)](#), reg. 1(2)(3), **2**
- F11** Sum in reg. 4(1)(a) substituted (6.4.2022) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2022 \(S.I. 2022/303\)](#), regs. 1(1), **2(3)(a)**
- F12** Sum in reg. 4(1)(b) substituted (6.4.2022) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2022 \(S.I. 2022/303\)](#), regs. 1(1), **2(3)(b)**
- F13** Reg. 4(2) substituted (11.5.2023) by [The Police Act 1997 \(Criminal Records\) \(Amendment and Saving Provision\) Regulations 2023 \(S.I. 2023/435\)](#), regs. 1(1), **2(2)** (with reg. 3)
- F14** Reg. 4(3) omitted (11.5.2023) by virtue of [The Police Act 1997 \(Criminal Records\) \(Amendment and Saving Provision\) Regulations 2023 \(S.I. 2023/435\)](#), regs. 1(1), **2(3)** (with reg. 3)

**Fees for enhanced criminal record certificates** **E+W**

<sup>F15</sup>4A. ....

### Textual Amendments

- F15** Reg. 4 substituted for regs. 4, 4A (6.4.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2006 \(S.I. 2006/748\)](#), regs. 1(1), **2(a)**

### [<sup>F16</sup>**Criminal conviction certificates: prescribed details** **E+W**]

**4B.**—(1) The following details of a conviction are prescribed for the purposes of section 112(2) (a) of the Act—

- (a) the date of conviction;
- (b) the convicting court;
- (c) the offence;
- (d) the method of disposal for the offence, including any ancillary order made.

(2) The following details of a conditional caution are prescribed for the purposes of section 112(2) (a) of the Act—

- (a) the date on which the conditional caution was given;
- (b) the offence;
- (c) the attached conditions.]

### Textual Amendments

- F16** Reg. 4B inserted (10.3.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2014 \(S.I. 2014/239\)](#), art. 1(1), **reg. 2(3)**

### Relevant matters: prescribed details **E+W**

**5.** The following details of a relevant matter for the purposes of sections 113(3)(a) and 115(6) (a)(i) of the Act (including those provisions as applied by sections 114(3) and 116(3), respectively) are hereby prescribed—

- (a) in the case of a conviction within the meaning of the Rehabilitation of Offenders Act 1974<sup>M3</sup>, including a spent conviction—
  - (i) the date of conviction;
  - (ii) the convicting court;
  - (iii) the offence; and
  - (iv) the method of disposal for the offence including details of any order made under Part 2 of the Criminal Justice and Court Services Act 2000<sup>M4</sup>,
- (b) in the case of a caution, reprimand or warning—
  - (i) the date of caution, reprimand or warning;
  - (ii) the place where the caution, reprimand or warning was issued; and
  - (iii) the offence which the person issued with a caution, reprimand or warning had admitted.

### Marginal Citations

- M3** 1974 c. 53.

M4 2000 c. 43.

[<sup>F17</sup>Enhanced criminal record certificates: prescribed purposes **E+W**

**5A.** The purposes for which an enhanced criminal record certificate may be required in accordance with a statement made by a registered person under section 113B (2)(b) of the Act are prescribed as follows, namely the purposes of—

- [<sup>F18</sup>(a) considering the applicant’s suitability in the circumstances set out in regulation 5C;]
- <sup>F19</sup>(aa) .....
- [<sup>F20</sup>(b) considering the applicant’s suitability in the circumstances set out in regulation 5B;]
- <sup>F21</sup>(ba) .....
- <sup>F22</sup>(bb) .....
- [<sup>F23</sup>(c) obtaining or holding an operating licence under Part 5 of the Gambling Act 2005 for the purposes of that Act;
- (d) obtaining or holding a personal licence under Part 6 of the Gambling Act 2005 for the purposes of that Act;
- (e) considering an individual’s suitability for a position as Commissioner for the Gambling Commission and for any office or employment in the Commissioners’ service;]
- (f) obtaining or holding a licence under section 5 or 6 of the National Lottery etc Act 1993 (running or promoting lotteries);
- <sup>F24</sup>(g) .....
- <sup>F25</sup>(ga) .....
- <sup>F26</sup>(h) .....
- <sup>F27</sup>(i) .....
- <sup>F28</sup>(j) .....
- <sup>F29</sup>(k) .....
- <sup>F30</sup>(l) .....
- <sup>F31</sup>(m) .....
- <sup>F32</sup>(n) .....
- <sup>F33</sup>(o) .....
- <sup>F34</sup>(p) .....
- <sup>F35</sup>(q) .....
- <sup>F36</sup>(r) .....
- <sup>F37</sup>(s) .....
- <sup>F38</sup>(t) .....
- <sup>F39</sup>(u) .....
- (v) <sup>F40</sup>... considering the suitability of any person appointed by the Commissioner [<sup>F41</sup>for Older People in Wales] to assist him in the discharge of his functions or authorised to discharge his functions on his behalf;
- <sup>F42</sup>(w) .....

- [ considering the applicant’s suitability for work as a person who provides immigration advice or services as defined in section 82(1) of the Immigration and Asylum Act 1999 and is—
  - (i) a registered person under Part 5 of that Act, or
  - (ii) a person who acts on behalf of and under the supervision of such a registered person, or
  - (iii) a person who is exempt by section 84(4)(a) to (c) of that Act;
- (y) considering the applicant’s suitability to obtain or retain a licence under regulation 5 of the Misuse of Drugs Regulations 2001 or under Article 3(2) of Regulation 2004/273/EC or under Article 6(1) of Regulation 2005/111/EC where the question relates to any person who as a result of his role in the body concerned is required to be named in the application for such a licence (or would have been so required if that person had had that role at the time the application was made); <sup>F44</sup> ...
- <sup>F45</sup>(z) .....]
- <sup>F46</sup>(za) .....
- <sup>F47</sup>(zb) .....
- <sup>F48</sup>(zc) .....
- [ considering an individual’s suitability to have in their possession, to acquire or to transfer, prohibited weapons or ammunition to which section 5 of the Firearms Act 1968 applies.] <sup>F49</sup>(zd)
- [ assessing the suitability of a person for any office or employment which relates to national security.] <sup>F50</sup>(ze)
- [ considering the applicant’s suitability to obtain or hold a taxi driver licence.] <sup>F51</sup>(zf)
- [ considering whether a person, “the current or potential sponsor”, meets or continues to meet the requirements for approval to provide accommodation to a person who has applied for or has been granted permission to enter into or stay in the United Kingdom in accordance with Appendix Ukraine Scheme of the Immigration Rules, including assessing the suitability of any person aged 16 or over, who lives in the same household as the current or potential sponsor, to have regular contact with a person who may be or has been provided with accommodation under that Scheme.]] <sup>F52</sup>(zg)

| Textual Amendments |  |
|--------------------|--|
| <b>F17</b>         | Regs. 5A-5C inserted (6.4.2006) by <a href="#">The Police Act 1997 (Criminal Records) (Amendment) Regulations 2006 (S.I. 2006/748)</a> , regs. 1(1), 2(b), <b>Sch.</b>         |
| <b>F18</b>         | Reg. 5A(a) substituted (6.5.2014) by <a href="#">The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2014 (S.I. 2014/955)</a> , regs. 1(1), <b>2(2)(a)</b>    |
| <b>F19</b>         | Reg. 5A(aa) omitted (10.9.2012) by virtue of <a href="#">The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2012 (S.I. 2012/2114)</a> , regs. 1(2), <b>4</b> |
| <b>F20</b>         | Reg. 5A(b) substituted (6.5.2014) by <a href="#">The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2014 (S.I. 2014/955)</a> , regs. 1(1), <b>2(2)(b)</b>    |
| <b>F21</b>         | Reg. 5A(ba) omitted (17.6.2013) by virtue of <a href="#">The Police Act 1997 (Criminal Records) (Amendment) Regulations 2013 (S.I. 2013/1194)</a> , regs. 1(1), <b>2(4)</b>    |
| <b>F22</b>         | Reg. 5A(bb) omitted (10.9.2012) by virtue of <a href="#">The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2012 (S.I. 2012/2114)</a> , regs. 1(2), <b>7</b> |
| <b>F23</b>         | Reg. 5A(c)-(e) substituted (26.7.2007) by <a href="#">The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2007 (S.I. 2007/1892)</a> , regs. 1(1), <b>2(2)</b> |

- F24** Reg. 5A(g) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(i)**
- F25** Reg. 5A(ga) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(ii)**
- F26** Reg. 5A(h) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(iii)**
- F27** Reg. 5A(i) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(iv)**
- F28** Reg. 5A(j) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(v)**
- F29** Reg. 5A(k) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(vi)**
- F30** Reg. 5A(l) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(10)**
- F31** Reg. 5A(m) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(10)**
- F32** Reg. 5A(n) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(10)**
- F33** Reg. 5A(o) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(10)**
- F34** Reg. 5A(p) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(vii)**
- F35** Reg. 5A(q) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(viii)**
- F36** Reg. 5A(r) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(ix)**
- F37** Reg. 5A(s) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(11)**
- F38** Reg. 5A(t) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(11)**
- F39** Reg. 5A(u) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(x)**
- F40** Words in reg. 5A(v) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(12)**
- F41** Words in reg. 5A(v) inserted (12.10.2009) by The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(12)**
- F42** Reg. 5A(w) omitted (12.10.2009) by virtue of The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(13)**
- F43** Reg. 5A(x)-(z) inserted (12.10.2009) by The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 (S.I. 2009/1882), regs. 1(1), **3(14)**
- F44** Word in reg. 5A(y) omitted (1.4.2010) by virtue of The Police Act 1997 (Criminal Records) (Amendment) Regulations 2010 (S.I. 2010/817), regs. 1(1), **2(4)**
- F45** Reg. 5A(z) omitted (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), **77 (with Pt. 4)**
- F46** Reg. 5A(za) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(xi)**
- F47** Reg. 5A(zb) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(xii)**
- F48** Reg. 5A(zc) omitted (2.12.2013) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(c)(xiii)**
- F49** Reg. 5A(zd) inserted (31.12.2012) by The Police Act 1997 (Criminal Records) (Amendment No. 4) Regulations 2012 (S.I. 2012/3016), regs. 1, **4**

- F50** Reg. 5A(ze) inserted (2.12.2013) by The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2013 (S.I. 2013/2669), regs. 1(1), **2(2)(b)**
- F51** Reg. 5A(zf) inserted (6.5.2014) by The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2014 (S.I. 2014/955), regs. 1(1), **2(2)(c)**
- F52** Reg. 5A(zg) inserted (13.10.2022) by The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2022 (S.I. 2022/979), regs. 1(1), **2(2)**

<sup>F53</sup><sup>F54</sup>**Work with adults** **E+W**

**5B.**—(1) <sup>F55</sup>The circumstances referred to in regulation 5A(b) are]—

- (a) any employment or other work which is normally carried out in a hospital used only for the provision of high security psychiatric services within the meaning of section 4(2) of the National Health Service Act 2006;
- (b) the provision to an adult of regulated activity relating to vulnerable adults within the meaning of Part 2 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 ;
- (c) the provision of any activity mentioned in paragraph (6) to an adult who receives a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10), provided that the person carrying out the activity does so—
  - (i) at any time on more than three days in any period of 30 days;
  - (ii) at any time between 2 a.m. and 6 a.m. and the activity gives the person the opportunity to have face-to-face contact with the adult; or
  - (iii) at least once a week on an ongoing basis;
- (d) the regular day to day management or supervision of a person mentioned in paragraph (c) above;
- (e) the exercise of any of the functions of the Welsh Ministers relating to the inspection of the following so far as the function gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in exercise of that function, to have contact with an adult who receives a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10)

<sup>F56</sup>(i) a local authority (within the meaning of section 197 of the Social Services and Well-being (Wales) Act 2014) in the exercise of its social services functions (within the meaning of that Act);]

- (ii) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000;
- (iii) an agency in relation to which such a requirement arises;
- (iv) a person to whom Part 2 of that Act applies in pursuance of regulations under section 42 of that Act;

[ a regulated service, within the meaning of Part 1 of the Regulation and Inspection of

<sup>F57</sup>(iva) Social Care (Wales) Act 2016, in relation to which a requirement to register arises under section 5 of that Act;]

- (v) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003; or
- (vi) any person, other than a local authority, providing Welsh local authority social services within the meaning of that section,



in so far as the inspection relates to social services, care, treatment or therapy provided for adults who receive a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10);

- (f) the exercise of a function of the Care Quality Commission in so far as the function—
  - (i) relates to the inspection of anything which is listed in section 60(1) of the Health and Social Care Act 2008 and involves the provision of social services, care, treatment or therapy for adults who receive a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10); and
  - (ii) gives the person exercising the function the opportunity, in consequence of anything the person is permitted or required to do in exercise of that function, to have contact with an adult who receives a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10);
- (g) the exercise of a function of a person who is—
  - (i) a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10);
  - (ii) a member of an executive of a local authority which discharges any such functions;
  - (iii) a member of a committee of an executive of a local authority which discharges any such functions; or
  - (iv) a member of an area committee, or any other committee, of a local authority which discharges any such functions;
  - (v) a chief executive of a local authority that has any social services functions;
  - (vi) a director of adult social services of a local authority in England;
  - (vii) a director of social services of a local authority in Wales;
  - (viii) a Commissioner for older people in Wales or deputy Commissioner for older people in Wales;
  - (ix) a charity trustee of a charity whose workers normally engage in any activity which is work with adults;
  - (x) a person who is required to register to carry out a regulated activity within the meaning of the Health and Social Care Act 2008 where that activity will be carried out in relation to an adult who receives a health or social care service within the meaning of paragraph (9).

(2) In paragraph (1)(e) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

(3) In paragraph (1)(g) any reference to a committee includes a reference to any sub-committee which discharges any functions of that committee.

(4) In paragraph (1)(g)(vi) in relation to a local authority which has not appointed a director of children's services under section 18 of the Children Act 2004 the word "adult" must be ignored.

(5) In paragraph (1)(g)(ix) an individual is a worker for a charity if he does work under arrangements made by the charity; but the arrangements referred to in this paragraph do not include any arrangements made for purposes which are merely incidental to the purposes for which the charity is established.

(6) For the purposes of this regulation "activity" means—

- (a) any form of care or supervision;

- (b) any form of treatment or therapy;
- (c) any form of training, teaching, instruction, assistance, advice or guidance provided wholly or mainly for adults who receive a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10);
- (d) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by adults who receive a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10);
- (e) any form of work carried out in a care home (for the purposes of the Care Standards Act 2000) which is exclusively or mainly for adults, whether or not for gain, that gives the person carrying out the work the opportunity to have contact with the adults resident at that care home;
- <sup>F58</sup>(ea) [ any form of work carried out, whether or not for gain, at a place which provides a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) which is provided wholly or mainly to adults that gives the person carrying out the work the opportunity to have contact with the adults who are resident at that place;]
- (f) representation of, or advocacy services for, adults who receive a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10), by a service which has been approved by the Secretary of State or created by any enactment, and which is of such a kind as to enable the person to have access to such adults in the course of his normal duties in providing such services;
- (g) the conveying of an adult who receives a health or social care service within the meaning of paragraph (9) or a specified activity within the meaning of paragraph (10) (whether or not the adult is accompanied by a person caring for them).
- (a) (7) (a) For the purposes of paragraph (6)(d) a person moderates a public electronic interactive communication service if, for the purposes of protecting the adults mentioned in that sub-paragraph, he has any function relating to—
  - (i) monitoring the content of matter which forms any part of the service;
  - (ii) removing matter from, or preventing the addition of matter to, the service; or
  - (iii) controlling access to, or use of, the service.
- (b) But a person does not moderate a public electronic interactive communication service as mentioned in sub-paragraph (7)(a)(ii) or (iii) unless he has—
  - (i) access to the content of the matter;
  - (ii) contact with users of the service.
- (a) (8) (a) For the purposes of paragraph (6) “activity” does not include any activity carried out in the course of a family relationship, or carried out in the course of a personal relationship for no commercial consideration.
- (b) For the purposes of paragraph 8(a) “family relationship” includes a relationship between two persons who live in the same household and treat each other as though they were members of the same family.
- (c) For the purposes of paragraph 8(a) a “personal relationship” is a relationship between or among friends, where a “friend” of a person includes a person who is a friend of a member of that person’s family.
- (9) For the purposes of this regulation “health or social care service” means—
  - (a) residential accommodation provided for an adult in connection with any care or nursing he requires;

- (b) accommodation provided for an adult who is or has been a pupil attending a residential special school, where that school is—
    - (i) a special school within the meaning of section 337 of the Education Act 1996 ;
    - (ii) an independent school within the meaning of section 463 of that Act which is in England and is specially organised to make special educational provision for pupils with special educational needs (within the meaning of [F59]section 579] of that Act) or is in Wales and is [F60]specially organised to make additional learning provision for pupils with additional learning needs (within the meaning of section 579 of that Act)];
    - (iii) an independent school within the meaning of section 463 of that Act not falling within sub-paragraph (b)(ii) which, [F61]during any period before 1 September 2021 when the adult was attending it, either was approved by the Welsh Ministers under section 347 of that Act or, with the consent of the Welsh Ministers under section 347(5)(b) of that Act, provided places for children with special educational needs (within the meaning of section 579 of that Act as it applied immediately before that date)];
    - (iv) an institution within the further education section (within the meaning of section 91 of the Further and Higher Education Act 1992) which provides accommodation for children; or
    - (v) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010, which provides accommodation for children;
  - (c) sheltered housing;
  - (d) care of any description or assistance provided to an adult by reason of his age, health or any disability he has, which is provided to the adult in the place where he is, for the time being, living, whether provided continuously or not;
  - (e) any form of health care, including treatment, therapy or palliative care of any description;
  - (f) support, assistance or advice for the purpose of developing an adult’s capacity to live independently in accommodation, or sustaining their capacity to do so;
  - (g) any service provided specifically for adults because of their age, any disability, physical or mental illness, excluding a service provided specifically for an adult, with one or more of the following disabilities (unless that person has another disability)—
    - (i) dyslexia;
    - (ii) dyscalculia;
    - (iii) dyspraxia;
    - (iv) Irlen syndrome;
    - (v) alexia;
    - (vi) auditory processing disorder;
    - (vii) dysgraphia;
  - (h) any service provided specifically to an expectant or nursing mother in receipt of residential accommodation pursuant to arrangements made under section 21(1)(aa) of the National Assistance Act 1948 or care pursuant to paragraph 1 of Schedule 20 to the National Health Service Act 2006 [F62]or accommodation under Part 1 of the Care Act 2014 (care and support).]
- (10) For the purposes of this regulation “specified activity” means—
- (a) the detention of an adult in lawful custody in a prison (within the meaning of the Prison Act 1952), a remand centre, young offender institution or a secure training centre (as mentioned

- in section 43 of that Act) or an attendance centre (within the meaning of section 53(1) of that Act);
- (b) the detention of a detained person (within the meaning of Part 8 of the Immigration and Asylum Act 1999) who is detained in a removal centre or short-term holding facility (within the meaning of that Part) or in pursuance of escort arrangements made under section 156 of that Act;
- (c) the supervision of an adult by virtue of an order of a court by a person exercising functions for the purposes of Part 1 of the Criminal Justice and Court Services Act 2000;
- (d) the supervision of an adult by a person acting for the purposes mentioned in section 1(1) of the Offender Management Act 2007;
- (e) the provision to an adult of assistance with the conduct of their affairs in situations where—
- (i) a lasting power of attorney is created in respect of the adult in accordance with section 9 of the Mental Capacity Act 2005 or an application is made under paragraph 4 of Schedule 1 to that Act for the registration of an instrument intended to create a lasting power of attorney in respect of the adult;
  - (ii) an enduring power of attorney (within the meaning of Schedule 4 to that Act) in respect of the adult is registered in accordance with that Schedule or an application is made under that Schedule for the registration of an enduring power of attorney in respect of the adult;
  - (iii) an order under section 16 of that Act has been made by the Court of Protection in relation to the making of decisions on the adult's behalf, or such an order has been applied for;
  - (iv) an independent mental capacity advocate is or is to be appointed in respect of the adult in pursuance of arrangements under section 35 of that Act;
  - (v) independent advocacy services (within the meaning of section 248 of the National Health Service Act 2006 or section 187 of the National Health Service (Wales) Act 2006) are or are to be provided in respect of the adult; or
  - (vi) a representative is or is to be appointed to receive payments on the adult's behalf in pursuance of regulations made under the Social Security Administration Act 1992;
- (f) payments are made to the adult or to another person on the adult's behalf under arrangements made under section 57 of the Health and Social Care Act 2001;
- (g) payments are made to the adult or to another person on the adult's behalf under section 12A(1) or under regulations made under section 12A(a) of the National Health Service Act 2006 or under regulations made under section 12A(4) of that Act.

#### Textual Amendments

- F53** Regs. 5B-7 inserted (17.6.2013) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013 \(S.I. 2013/1194\)](#), regs. 1(1), 2(5), **Sch.**
- F54** Reg. 5B heading substituted (6.5.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/955\)](#), regs. 1(1), **2(3)(a)**
- F55** Words in reg. 5B(1) substituted (6.5.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/955\)](#), regs. 1(1), **2(3)(b)**
- F56** Reg. 5B(1)(e)(i) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 44**
- F57** Reg. 5B(1)(e)(iva) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2018 \(S.I. 2018/48\)](#), reg. 1(2), **Sch. 1 para. 7(2)(a)**

- F58** Reg. 5B(6)(ea) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018 (S.I. 2018/48), reg. 1(2), **Sch. 1 para. 7(2)(b)**
- F59** Words in reg. 5B(9)(b)(ii) substituted (1.9.2014) by The Special Educational Needs (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/2103), arts. 1, **9**
- F60** Words in reg. 5B(9)(b)(ii) substituted (18.1.2022) by The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 3) Regulations 2021 (S.I. 2021/1457), regs. 1, **2(2)**
- F61** Words in reg. 5B(9)(b)(iii) substituted (18.1.2022) by The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential Amendments) (No. 3) Regulations 2021 (S.I. 2021/1457), regs. 1, **2(3)**
- F62** Words in reg. 5B(9)(h) inserted (1.4.2015) by The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015 (S.I. 2015/643), art. 1(2), **Sch. para. 18** (with art. 4)

**[<sup>F63</sup>[<sup>F64</sup>Work with children] E+W**

- 5C.** [<sup>F65</sup>The circumstances referred to in regulation 5A(a) are]—
- (a) considering the applicant’s suitability to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012;
  - (b) considering the applicant’s suitability to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
  - (c) a decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002, or the compiling of a report for the authority making a decision in respect of an application to be a special guardian within the meaning of section 14A of the Children Act 1989, as to a person’s suitability to adopt a child or be a special guardian, including obtaining information in respect of any person aged 18 years or over living in the same household as the prospective adopter or special guardian;
  - (d) registration for child minding or providing day care under Part 2 of the Children and Families (Wales) Measure 2010, including assessing the suitability of any person to have regular contact with a child who is—
    - (i) aged 16 or over and living on the premises at which the child minding or day care is being or is to be provided;
    - (ii) aged 16 or over and working, or who will be working, on the premises at which the child minding or day care is being or is to be provided at times when such child minding or day care is being or is to be provided;
  - (e) registration under Chapters 2, 3 or 4 of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England), including assessing the suitability of any person to have regular contact with a child who is—
    - (i) aged 16 or over and living on the premises at which the childcare is being or is to be provided;
    - (ii) aged 16 or over and working on the premises at which the childcare is being or is to be provided at times when such childcare is being or is to be provided;
  - (f) placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the Children (Northern Ireland) Order 1995 or the exercise of any duty under or by virtue of section 67 of that Act or Article 108 of that Order (welfare

of privately fostered children), including obtaining information in respect of any person who is—

- (i) aged 18 or over and living in the same household as a person who is, or who wishes to be approved as, a foster parent within the meaning of section 53(7)(a) or (b) of the Safeguarding Vulnerable Groups Act 2006;
  - (ii) aged 16 or over and living in the same household as a person who fosters, or intends to foster, a child privately within the meaning of section 66(1) of the Children Act 1989 or who is otherwise a private foster parent within the meaning of section 53(7)(c) and (8) of the Safeguarding Vulnerable Groups Act 2006;
- (g) obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of—
- (i) engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012;
  - (ii) working in a further education institution (within the meaning of section 140 of the Education Act 2002) where the normal duties of that work involve regular contact with children; or
  - (iii) working in a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with children where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place;
- <sup>F66</sup>(h) .....
- (i) work done infrequently which, if done frequently, would be regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012;
  - (j) registration under Part II of the Care Standards Act 2000 (establishments and agencies);  
[ registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016
- <sup>F67</sup>(ja) (regulated services);]
- (k) registration under [<sup>F68</sup>Part 4 of the Regulation and Inspection of Social Care (Wales) Act 2016] (social care workers);
  - (l) considering the applicant’s suitability for work in a further education institution (within the meaning of section 140 of the Education Act 2002) or a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with persons aged under 18.  
[ registration as a childminder agency under Chapter 2A or 3A of Part 3 of the Childcare
- <sup>F69</sup>(m) Act 2006;
- (n) considering the applicant’s suitability to manage a childminder agency;
  - (o) considering the applicant’s suitability to work for a childminder agency in any capacity which requires the applicant to enter childcare premises and enables that person, in the normal course of duties, to have contact with children for whom childcare is provided or access to sensitive or personal information about children for whom childcare is provided.]]

#### Textual Amendments

- F63** Reg. 5C inserted (2.12.2013) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2013 \(S.I. 2013/2669\)](#), regs. 1(1), 2(3), **Sch.**
- F64** Reg. 5C heading substituted (6.5.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/955\)](#), regs. 1(1), **2(4)(a)**
- F65** Words in reg. 5C substituted (6.5.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/955\)](#), regs. 1(1), **2(4)(b)**
- F66** Reg. 5C(h) omitted (6.5.2014) by virtue of [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/955\)](#), regs. 1(1), **2(4)(c)**
- F67** Reg. 5C(ja) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2018 \(S.I. 2018/48\)](#), reg. 1(2), **Sch. 1 para. 7(3)**
- F68** Words in reg. 5C(k) substituted (3.4.2017) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2017 \(S.I. 2017/52\)](#), reg. 1(2), **Sch. 1 para. 3(2)**
- F69** Reg. 5C(m)-(o) inserted (1.9.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) \(No. 3\) Regulations 2014 \(S.I. 2014/2122\)](#), regs. 1(1), **2(3)**

#### Fees for requesting up-date information under section 116A of the Act **E+W**

6.—(1) Subject to paragraph (2) below, the fees payable in relation to an application for a certificate to be subject to up-date arrangements under section 116A of the Act are prescribed as—

- (a) £13 in the case of a fee as mentioned in section 116A(4)(b) of the Act;
  - (b) £13 in the case of a fee as mentioned in section 116A(5)(b) of the Act.
- (2) No fee is payable in relation to—
- (a) an application made by a volunteer;
  - (b) an application for a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate to be subject to up-date arrangements where the person making the request already holds any such a certificate that is subject to up-date arrangements.

#### Textual Amendments

- F53** Regs. 5B-7 inserted (17.6.2013) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013 \(S.I. 2013/1194\)](#), regs. 1(1), 2(5), **Sch.**

#### Registered persons: copies of certificates **E+W**

7. A person acting as a registered person in relation to an application of a type described in section 120AD(1)(c) of the Act may only be issued with a copy of a criminal record certificate or (as the case may be) enhanced criminal record certificate issued further to that application where—

- (a) a request is made not less than 28 days from the date of issue of the certificate;
- (b) a request is made not more than 3 months from the date of issue of the certificate or, where a dispute is raised under section 117 or section 117A of the Act in respect of that certificate, the conclusion of that dispute;
- (c) the certificate is not the subject of a pending review under section 117 of the Act (disputes about accuracy of certificates);

*Changes to legislation:* There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

- (d) the certificate is not the subject of a pending review under section 117A of the Act (other disputes about section 113B(4) information);
- (e) any statement made by the registered person in respect of the application for the certificate described in section 120AD(1)(a) continues to apply.]

**Textual Amendments**  
**F53** Regs. 5B-7 inserted (17.6.2013) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2013 \(S.I. 2013/1194\)](#), regs. 1(1), 2(5), [Sch.](#)

**List kept under section 81 of the Care Standards Act 2000: prescribed details** **E+W**

<sup>F70</sup>**8.** .....

**Textual Amendments**  
**F70** Reg. 8 revoked (12.10.2009) by [The Police Act 1997 \(Criminal Records\) \(No. 2\) Regulations 2009 \(S.I. 2009/1882\)](#), regs. 1(1), 4

**Criminal record certificates: suitability relating to adults: prescribed positions** **E+W**

<sup>F71</sup>**8A.** .....

**Textual Amendments**  
**F71** Reg. 8A revoked (12.10.2009) by [The Police Act 1997 \(Criminal Records\) \(No. 2\) Regulations 2009 \(S.I. 2009/1882\)](#), regs. 1(1), 4

**[<sup>F72</sup> Central records: prescribed details** **E+W**

**9.** Information in any form relating to convictions, cautions, reprimands and warnings on a names database held by the [<sup>F73</sup>Secretary of State] for the use of constables is prescribed as “central records” for the purposes of [<sup>F74</sup>sections 112(3) and] 113A(6) of the Police Act 1997 (including [<sup>F75</sup>section 113A(6)] as applied by sections 114(3) and 116(3)).]

**Textual Amendments**  
**F72** Reg. 9 substituted (1.4.2007) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2007 \(S.I. 2007/700\)](#), regs. 1(1), **2**  
**F73** Words in reg. 9 substituted (19.11.2012) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 3\) Regulations 2012 \(S.I. 2012/2669\)](#), regs. 1(1), **2**  
**F74** Words in reg. 9 substituted (10.3.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2014 \(S.I. 2014/239\)](#), art. 1(1), **reg. 2(4)(a)**  
**F75** Words in reg. 9 substituted (10.3.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2014 \(S.I. 2014/239\)](#), art. 1(1), **reg. 2(4)(b)**

**Enhanced criminal record certificates: relevant police forces** **E+W**

<sup>F76</sup>**10.** .....



### Textual Amendments

**F76** Reg. 10 revoked (10.9.2012) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2012 \(S.I. 2012/2114\)](#), regs. 1(2), **11**

### Evidence of identity: fingerprinting **E+W**

**11.**—(1) Where the [<sup>F77</sup>Disclosure and Barring Service] requires an application under Part V of the Act to be supported by evidence of identity in the form of fingerprints then the place at which they are to be taken is to be determined in accordance with paragraphs (2) and (3) below and he shall notify the applicant—

- (a) of his requirement; and
- (b) of the fact that any fingerprints taken from the applicant and provided to the [<sup>F78</sup>Disclosure and Barring Service] in pursuance of the requirement may be the subject of a speculative search.

(2) Any applicant in receipt of such notification shall notify the [<sup>F79</sup>Disclosure and Barring Service] of whether he wishes to proceed with his application and, if so, notify the [<sup>F79</sup>Disclosure and Barring Service] —

- (a) that he consents to the taking of his fingerprints; and
- [<sup>F80</sup>(b) either—
  - (i) that he proposes to attend at a police station (“the specified police station”) for the purpose of having his fingerprints taken, or
  - (ii) that he proposes to have his fingerprints taken by the registered person countersigning or acting as the registered person in relation to his application under this Part.]

[<sup>F81</sup>(2A) But a person can only have his fingerprints taken under paragraph (2)(b)(ii) with the consent of the [<sup>F79</sup>Disclosure and Barring Service].]

(3) The [<sup>F82</sup>Disclosure and Barring Service] may require the police officer in charge of the specified police station, or any other police station he reasonably determines, to take the applicant’s fingerprints at the specified station at such reasonable time as the officer may direct and notify to the applicant.

(4) Fingerprints taken in connection with an application under Part V of the Act must be destroyed as soon as is practicable after the identity of the applicant is established to the satisfaction of the [<sup>F82</sup>Disclosure and Barring Service].

- (5) If fingerprints are destroyed—
  - (a) any copies of the fingerprints shall also be destroyed; and
  - (b) any chief officer of police controlling access to computer data relating to the fingerprints shall make access to the data impossible, as soon as it is practicable to do so.

(6) Any applicant who asks to be allowed to witness the destruction of his fingerprints or copies of them shall have a right to witness it.

- (7) If—
  - (a) paragraph (5)(b) above falls to be complied with; and
  - (b) the applicant to whose fingerprints the data relates asks for a certificate that it has been complied with,

such a certificate shall be issued to him, not later than the end of the period of three months beginning with the day on which he asks for it, by the responsible chief officer of police or a person authorised by him or on his behalf for the purposes of this regulation.

(8) In the case of an applicant under the age of 18 years the consent of the applicant's parent or guardian to the taking of the applicant's fingerprints is also required.

(9) In this regulation—

“speculative search” has the same meaning as in Part V of the Police and Criminal Evidence Act 1984<sup>M5</sup>; and

“responsible chief officer of police” means the chief officer of police in whose area the computer data were put on to the computer.

#### Textual Amendments

- F77** Words in reg. 11(1) substituted (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), **78** (with Pt. 4)
- F78** Words in reg. 11(1)(b) substituted (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), **78** (with Pt. 4)
- F79** Words in reg. 11(2)(2A) substituted (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), **78** (with Pt. 4)
- F80** Reg. 11(2)(b) substituted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), **3(3)**
- F81** Reg. 11(2A) inserted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), **3(4)**
- F82** Words in reg. 11(3)(4) substituted (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), **78** (with Pt. 4)

#### Marginal Citations

- M5** 1984 c. 60.

### [<sup>F83</sup>Exception to unlawful disclosure provisions **E+W**]

#### Textual Amendments

- F83** Reg. 12 inserted (1.9.2006) by [The Police Act 1997 \(Criminal Records \) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(2), **2(h)**

**12.**—(1) The following purpose is specified for the purposes of subsection (6) (e) and (f) of section 124 of the Act (exceptions to prohibition of disclosure beyond a registered body), namely disclosure by an employment agency or an employment business, whether or not in response to an exempted question, for the purpose of consideration,

(a) by an educational institution, within the meaning given by section 42 of the Criminal Justice and Court Services Act 2000, [<sup>F84</sup>or]

[ by an alternative provision Academy that does not fall within sub-paragraph (a),]  
<sup>F85</sup>(aa)

(b) by an institution within the further education sector , within the meaning given by section 91(3) of the Further and Higher Education Act 1992, [<sup>F86</sup>or]

(c) by a 16 to 19 Academy,]

of a person's suitability for a position at that institution [<sup>F87</sup>or Academy].

(2) In paragraph (1) above the references to an employment agency and an employment business are references to such an agency or business within the meanings given by section 13 of the Employment Agencies Act 1973.]

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#### Textual Amendments

- F83** Reg. 12 inserted (1.9.2006) by [The Police Act 1997 \(Criminal Records \) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(2), **2(h)**
- F84** Word in reg. 12(1)(a) omitted (E.) (1.5.2012) by virtue of [The Alternative Provision Academies and 16 to 19 Academies \(Consequential Amendments to Subordinate Legislation\) \(England\) Order 2012 \(S.I. 2012/979\)](#), art. 1(b), **Sch. para. 11(3)(a)**
- F85** Reg. 12(1)(aa) inserted (E.) (1.5.2012) by [The Alternative Provision Academies and 16 to 19 Academies \(Consequential Amendments to Subordinate Legislation\) \(England\) Order 2012 \(S.I. 2012/979\)](#), art. 1(b), **Sch. para. 11(3)(a)**
- F86** Reg. 12(1)(c) and word inserted (E.) (1.5.2012) by [The Alternative Provision Academies and 16 to 19 Academies \(Consequential Amendments to Subordinate Legislation\) \(England\) Order 2012 \(S.I. 2012/979\)](#), art. 1(b), **Sch. para. 11(3)(b)**
- F87** Words in reg. 12(1) inserted (E.) (1.5.2012) by [The Alternative Provision Academies and 16 to 19 Academies \(Consequential Amendments to Subordinate Legislation\) \(England\) Order 2012 \(S.I. 2012/979\)](#), art. 1(b), **Sch. para. 11(3)(c)**

Home Office

Minister of State

**Changes to legislation:** There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

## SCHEDULE 1 E+W

### Enabling Powers

#### E+W

These Regulations are made under the following provisions of the Police Act 1997—

- (a) sections 113(1)(b); 114(1)(b); 115(1)(b) and (10); 116(1)(b); 118(3) and 125(5); and
- (b) having regard to the meaning of “prescribed” in sections 113(1)(a), (3)(a), (3A)(b) and (5); 114(1)(a); 115(1)(a), (6)(a)(i) and (6A)(b); 116(1)(a); 118(2)(a) and 119(3).

## [<sup>F88</sup>SCHEDULE 2] E+W

#### Textual Amendments

**F88** Sch. 2 omitted in part (17.2.2003) by virtue of [The Police Act 1997 \(Criminal Records\)\(Amendment No. 2\) Regulations 2003 \(S.I. 2003/137\)](#), regs. 1, 3

#### E+W

**Changes to legislation:** There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

# Disclosure Application Form



Criminal Records Bureau  
An Executive Agency  
of the Home Office

PO Box 165,  
Liverpool L69 3JD



Form Ref

Disclosure Type

Please complete sections A-H in BLOCK CAPITALS; it is important that you use BLACK INK  
The Disclosure Application Form Guidance Notes will help you complete this form,  
however, if you need additional help please contact the application line on 0870 90 90 844

| A Applicant's details   |  |
|---|--|
| 1   | Title <input checked="" type="checkbox"/> Mr <input checked="" type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input checked="" type="checkbox"/> Other   |
| 2   | Surname  |
| 3   | Forename(s)  |
| 4   | Current address  |
| 5   |  |
| 6   | Town/City  |
| 7   | County   |
| 8/9   | Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> At current address since <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (month and year) |
| 10/11   | Date of birth <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Male <input checked="" type="checkbox"/> Female <input checked="" type="checkbox"/>                                      |
| 12  | National Insurance number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>  |
| B Details of position for which Disclosure is being requested |  |
| 13  | Position applied for   |
| 14  | Organisation name  |
|   | Organisation address   |
| 15  | Address  |
| 16  |  |
| 17  | Town/City  |
| 18  | County   |
| 19  | Postcode   |

EPBL 4.0 CRBDAF 11/01




**Changes to legislation:** There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

| C Additional personal details   |   |
|---|---|
| 20  | Surname at birth (if different)   |
| 21  | Used until <input type="text"/> (year)  |
| 22  | Any other surname used  |
| 23/24   | Used from <input type="text"/> used to <input type="text"/> (year)  |
| 25  | Any other forename(s) used  |
| 26/27   | Used from <input type="text"/> used to <input type="text"/> (year)  |
| Place of Birth <i>Please enter town/city names and county/district names in full as recorded on your Birth Certificate</i>  |   |
| 28  | Town/City   |
| 29  | County/District   |
| 30/31   | Born in the UK Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> If no, please state country <input type="text"/>  |
| 32  | Nationality   |
| 33  | Home telephone number   |
| 34  | Work telephone number   |
| 35  | Preferred contact number and time   |
| D Previous addresses <span style="float: right;">Provide your most recent addresses where you have lived the last 5 years; use continuation sheet if necessary</span> |   |
| 36  | Address   |
| 37  |   |
| 38  | Town/City   |
| 39  | County  |
| 40/41   | Postcode <input type="text"/> Country <input type="text"/>  |
| 42/45   | Period at previous address From date <input type="text"/> To date <input type="text"/> (month and year)   |
| E Additional information <span style="float: right;">This information will help us to process your application more quickly</span>                                    |   |
| 46  | Current marital status Single <input checked="" type="checkbox"/> Married <input checked="" type="checkbox"/> Divorced <input checked="" type="checkbox"/> Widowed <input checked="" type="checkbox"/> Separated <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>                                  |
| 47  | Number of financially dependent children under age 18 <input type="text"/>  |
| 48/49   | Bank/Building Society account Sort code <input type="text"/> Account number <input type="text"/>  |
| 50  | Employment status Cross ONE box only Employed <input checked="" type="checkbox"/> Self Employed <input checked="" type="checkbox"/> Part-time Employed <input checked="" type="checkbox"/> Unemployed <input checked="" type="checkbox"/> Student <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> |
| 51  | Occupancy status Cross ONE box only Owner occupier <input checked="" type="checkbox"/> Joint occupier <input checked="" type="checkbox"/> Living with parent <input checked="" type="checkbox"/> Renting <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>  |
| 52  | Mother's maiden name <input type="text"/>   |

SPSL 4.0 CR8DAF 11/01

**Changes to legislation:** There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

| F Referee details  |   | Please provide details of an appropriate referee who has known you professionally or personally for at least 2 years   |  |
|--|---|--|--|
| 53   | Title   | Mr <input checked="" type="checkbox"/>   | Mrs <input checked="" type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input checked="" type="checkbox"/> Other <input type="checkbox"/> |
| 54   | Referee surname   |  |  |
| 55   | Referee forename(s)   |  |  |
| 56   | Referee occupation  |  |  |
| 57   | Home address  |  |  |
| 58   |   |  |  |
| 59   | Town/City   |  |  |
| 60   | County  |  |  |
| 61   | Postcode  |  |  |
| 62   | Home telephone number   |  |  |
| 63   | Relationship to applicant   | Parent/Guardian <input checked="" type="checkbox"/>  | Other <input checked="" type="checkbox"/>  |
| 64   | Number of years known   |  |  |
| G Payment  |   |  |  |
| 65   |   |  |  |
| H Applicant declaration and consent  |   |  |  |
| After you have checked the information provided in Sections A-G, please complete Section H and sign the application form in the space(s) provided.     |   |  |  |
| 66   | Do you have any unspent criminal convictions?   | Yes <input checked="" type="checkbox"/>  | No <input checked="" type="checkbox"/>   |
| 67   | Please cross this box if you have supplied additional information with this application   | <input checked="" type="checkbox"/>  |  |
| 68   | <p><b>Declaration by Applicant</b><br/>I confirm that the information that I have provided in support of this application is complete and true and understand that knowingly to make a false statement for this purpose is a criminal offence.</p>  | <p><b>Signature of applicant</b><br/>(please sign in the box provided)</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>                     |  |
| 69   | <p><b>Consent of Applicant</b><br/>I consent to the CRB checking the details I have provided in support of this application against the data sources specified in the notes for guidance, in order to verify my identity and process this application. These details may be recorded and used to assist other organisations for identity verification purposes.</p> | <p><b>Signature of applicant to indicate consent</b><br/>(please sign in the box provided)</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div> |  |
| 70   |    |  |  |
| After you have signed the form please send it to the person who asked you to apply for a Disclosure - DO NOT return the form to the CRB at this stage. |   |  |  |

SPSL 4 G CRBDNF 11/01

*Changes to legislation: There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)*

**SECTIONS X-Z MUST NOT BE COMPLETED BY APPLICANT**

|          |  |  |  |
|----------|--|--|--|
| <b>X</b> | <b>Evidence of identity seen by the employer/volunteering organisation/Registered Body</b>   |  | <i>(Please refer to the Code of Practice and your guidance notes)</i>  |
| 1/2      | Passport number  | <input type="text"/>   | Date of birth <input type="text"/>   |
| 3/4      | Nationality  | <input type="text"/>   | Issue date <input type="text"/>  |
| 5/6      | Driving licence number   | <input type="text"/>   | Date of birth <input type="text"/>   |
| 7/8      | Licence type   | Paper <input checked="" type="checkbox"/> Photocard <input checked="" type="checkbox"/>  | Licence valid from <input type="text"/>  |
| 9        | Country of issue   | UK <input checked="" type="checkbox"/> Other <input type="text"/>  |  |
| 10/11    | Birth Certificate Date of Birth  | <input type="text"/>   | Issue date <input type="text"/>  |
| 12       | Country of issue   | UK <input checked="" type="checkbox"/> Other <input type="text"/>  |  |
| 13/14    | Marriage Certificate Issue date  | <input type="text"/>   | P45 or P80 National Insurance number <input type="text"/>  |
| 15       | Current address details checked against documentation  | Yes <input checked="" type="checkbox"/>  |  |
| 16       | Evidence seen and checked by   | Name <input type="text"/>  |  |
| <b>Y</b> | <b>Statement by Registered Person</b>  |  | <i>(Please refer to the Code of Practice and your guidance notes)</i>  |
| 1/2      | Registered Body number   | <input type="text"/>   | Countersignatory number <input type="text"/>   |
| 3/4      | The position involves working with children  | <input checked="" type="checkbox"/>  | The position involves regular contact with vulnerable adults <input checked="" type="checkbox"/>   |
| 5        | The category code for this position is   | <input type="text"/>   |  |
| 6/7      | The level of criminal record check required in respect of this application is  | Standard <input checked="" type="checkbox"/> Enhanced <input checked="" type="checkbox"/>  |  |
| 8        | Registered Body to pay   | On account <input checked="" type="checkbox"/> Payment enclosed <input checked="" type="checkbox"/> Volunteer-no payment due <input checked="" type="checkbox"/> |  |
| 9        | <b>Declaration by Registered Person</b><br>I certify that this application is required for the purpose of asking an exempted question under the terms of The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and that the checks requested are in accordance with the relevant legislation, as specified in the guidance notes. I confirm that the information that I have provided in support of this application is complete and true and understand that knowingly to make a false statement for this purpose is a criminal offence. |  | Signature of Registered Person<br>(please sign in the box provided)<br><div style="border: 1px solid black; height: 60px; width: 100%;"></div> |
| 10       | Date of countersignature   | <input type="text"/>   |  |
| <b>Z</b> | <b>Official use only</b>   |  |  |
| 1        | Correct payment received   | Cheque <input checked="" type="checkbox"/> Postal order <input checked="" type="checkbox"/>  |  |
| 2        |  | Examined by:   | <div style="border: 1px solid black; height: 60px; width: 100%;"></div>  |



F89 SCHEDULE 3 E+W

Fees payable to police authorities

**Textual Amendments**

**F89** Sch. 3 omitted (6.4.2006) by virtue of The Police Act 1997 (Criminal Records) (Amendment) Regulations 2006 (S.I. 2006/748), regs. 1(1), 2(d)

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make detailed provisions in relation to applications for criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997.

Regulation 2 defines terms used in the Regulations.

Regulation 3 requires an application for the issue of a criminal record certificate or an enhanced criminal record certificate to be made on the form, or one to like effect, set out in Schedule 2 to the Regulations. Regulation 4 specifies the fee for such an application as £12 save that no fee is payable when the applicant is a volunteer as defined in regulation 2.

Regulation 5 specifies the details of convictions and cautions, reprimands and warnings which appear on criminal record certificates and enhanced criminal record certificates.

Regulations 6, 7 and 8 specify the details of information drawn from lists kept under section 1 of the Protection of Children Act 1999, section 218(6) of the Education Reform Act 1988 and sections 470 and 471 of the Education Act 1996 respectively, which will appear on criminal record certificates and enhanced criminal record certificates.

Regulation 9 specifies the sources of information comprising central records of convictions, cautions, reprimands and warnings. Regulation 10 defines relevant police force for the purposes of section 115 of the Police Act 1997.

Regulation 11 makes provisions in relation to the taking of fingerprints from applicants where the Secretary of State requires them for the purposes of ascertaining the identity of an applicant.

Regulation 12 specifies the fees to be paid to police authorities who maintain police forces that have been requested to supply information in relation to an application for an enhanced criminal record certificate.

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002.