
STATUTORY INSTRUMENTS

2022 No. 979

POLICE, ENGLAND AND WALES

**The Police Act 1997 (Criminal Records)
(Amendment No. 2) Regulations 2022**

	<i>at 11.58 a.m. on</i>
	<i>22nd September</i>
<i>Made</i> - - - -	<i>2022</i>
	<i>at 3.00 p.m. on 22nd</i>
<i>Laid before Parliament</i>	<i>September 2022</i>
<i>Coming into force</i> - -	<i>13th October 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 113B(2)(b), 113BA(1), 113BB(1) and 125(1) of the Police Act 1997(1).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2022 and come into force on 13th October 2022.

(2) These Regulations extend to England and Wales.

Amendments to the Police Act 1997 (Criminal Records) Regulations 2002

2.—(1) The Police Act 1997 (Criminal Records) Regulations 2002(2) are amended as follows.

(2) In regulation 5A (enhanced criminal record certificates: prescribed purposes) after paragraph (zf) insert—

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- (1) 1997 c. 50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and amended by Part 8 of Schedule 8 to the Policing and Crime Act 2009 (c. 26), section 80(1) of the Protection of Freedoms Act 2012 (c. 9), Part 2 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), articles 2 and 4(1) and 4(2) of S.I. 2009/203 and articles 36 and 37 of S.I. 2012/3006. ‘Registered Persons’ is defined in section 120 of the Police Act 1997 (c. 50), which has been amended by Schedule 35 to the Criminal Justice Act 2003 (c.44), section 163 of the Serious Organised Crime and Police Act 2005 (c. 15), section 80(2) of and Part 7 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9) and articles 36 and 37 of S.I. 2012/3006. Section 113BA and 113BB were inserted by paragraphs 14(1) and 14(4) of Part 2 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47) and amended by Part 6 of Schedule 9 and Part 5 of Schedule 10 to the Protection of Freedoms Act 2012 (c. 9). There are other amending instruments, but none are relevant. Section 125 was inserted by section 151 of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12) and has been amended by Schedules 35 and 37 to the Criminal Justice Act 2003. There are other amending instruments, but none are relevant.
- (2) S.I. 2002/233. Regulation 5A was inserted by S.I. 2006/748 and has been amended by S.I. 2006/2181, 2007/1892, 2007/3224, 2008/2143, 2009/1882, 2010/817, 2010/1836, 2012/523, 2012/979, 2012/2114, 2012/3006, 2012/3016, 2013/1194, 2013/2669 and 2014/955.

“(zg) 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(3), 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.”.

Amendments to the Police Act 1997 (Criminal Records) (No. 2) Regulations 2009

3.—(1) The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009(4) are amended as follows.

(2) In regulation 5 (suitability information relating to children) after paragraph (g) insert—

“(h) 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.”.

(3) In regulation 6 (suitability information relating to vulnerable adults) after paragraph (c) insert—

“(d) 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.”.

Mims Davies
Parliamentary Under Secretary of State
Home Office

At 11.58 a.m. on 22nd September 2022

(3) The rules in relation to the Homes for Ukraine Sponsorship Scheme are laid down under section 3(2) of the Immigration Act 1971 (c. 77) and are set out at UKR 11.1 to UKR 20.2 of the Appendix Ukraine Scheme to the Immigration Rules (HC 395) Immigration Rules - Immigration Rules Appendix Ukraine Scheme - Guidance - GOV.UK (www.gov.uk) (as at 22 August 2022). Hard copies can be obtained from the Guidance, Rules and Forms Team at the Home Office, 2 Marsham Street London SW1P 4DF. The Homes for Ukraine Sponsor Guidance can be found at Homes for Ukraine: sponsor guidance - GOV.UK (www.gov.uk) (as at 5 August 2022). Hard copies can be obtained from the Department for Levelling Up, Housing and Communities, 2 Marsham Street London SW1P 4DF.

(4) S.I. 2009/1882. Regulations 5 and 6 were substituted by S.I. 2012/2114.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) Regulations 2002 (“the 2002 Regulations”) to insert a new prescribed purpose 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 Police Act 1997.

The 2002 Regulations make detailed provision in relation to applications for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates under Part 5 of the Police Act 1997. Regulation 5A of the 2002 Regulations prescribes the purposes for which an enhanced criminal record certificate can be required.

Regulation 2(2) of these Regulations amends Regulation 5A of the 2002 Regulations to add a further purpose in relation to whom an exempted question may be asked for the purpose of an enhanced criminal record certificate. The purpose is considering whether a person who is a current or potential sponsor meets or continues to meet the requirements for approval to provide accommodation to a person who has applied for or been granted permission to enter or stay in the United Kingdom in accordance with Appendix Ukraine Scheme of the Immigration Rules. This includes assessing the suitability of any person who is over the age of 16, who resides with the current or potential sponsor, to have regular contact with the 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 (“the new prescribed purpose”).

Regulation 3(2) and (3) of these Regulations also amend the Police Act (Criminal Records) (No. 2) Regulations 2009 to insert the new prescribed purpose for which suitability information in relation to children (Regulation 5) and vulnerable adults (Regulation 6) must be included in an enhanced criminal record certificate.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.