



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

[^{F1}113A Criminal record certificates

- (1) The Secretary of State must issue a criminal record certificate to any individual who—
 - (a) makes an application ^{F2}..., and
 - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
 - (a) be countersigned by a registered person, and
 - (b) be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.

[But an application for a criminal record certificate need not be countersigned by a ^{F3}(2A) registered person if—

- (a) the application is transmitted to the Secretary of State electronically by a registered person who satisfies conditions determined by the Secretary of State, and
 - (b) it is transmitted in accordance with requirements determined by the Secretary of State.]
- (3) A criminal record certificate is a certificate which—
 - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, [^{F4}or
[^{F4}(or states that there is no such matter); and
 - (b) if the applicant is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 (c. 42), states that fact.]
 - (4) The Secretary of State must send a copy of a criminal record certificate to [^{F5}the registered person who countersigned][^{F5}whoever acted as the registered person in relation to] the application.

Status: Point in time view as at 28/02/2011. This version of this provision has been superseded.

Changes to legislation: Police Act 1997, Section 113A is up to date with all changes known to be in force on or before 05 June 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)

- (5) The Secretary of State may treat an application under this section as an application under section 113B if—
- (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
 - (b) the registered person provides him with the statement required by that subsection, and
 - (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under that section exceeds the fee paid in relation to the application under this section.
- [The Scottish Ministers need not issue a criminal record certificate under subsection (1) ^{F6}(5A) if the statement accompanying the application states that the purpose for which the certificate is required is the purpose mentioned in disclosure condition C (set out in section 55 of the Protection of Vulnerable Groups (Scotland) Act 2007) (asp 14).]
- (6) In this section—
- “central records” means such records of convictions [^{F7}and cautions][^{F7}, cautions or other information] held for the use of police forces generally as may be prescribed;
- “exempted question” means a question [^{F8}which—
- (a) so far as it applies to convictions, is a question] in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act; [^{F9}and—
 - (b) so far as it applies to cautions, is a question to which paragraph 3(3) or (4) of Schedule 2 to that Act has been excluded by an order of the Secretary of State under paragraph 4 of that Schedule;]
- “relevant matter” means—
- (a) a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction, [^{F10}and]
 - (b) a caution [^{F11}, including a caution that is spent for the purposes of Schedule 2 to that Act][^{F12}and
 - (c) a prescribed court order.]
- [The Secretary of State may by order amend the definitions of “central records” and ^{F13}(7) “relevant matter” in subsection (6).
- (8) The power to make an order under subsection (7) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order is laid before and approved by resolution of each House of Parliament.]
- [For the purposes of this Part a person acts as the registered person in relation to an ^{F14}(9) application for a criminal record certificate if the person—
- (a) countersigns the application, or
 - (b) transmits the application to the Secretary of State under subsection (2A).]
- [This section is subject to regulation 4 of the Safeguarding Vulnerable Groups Act 2006 ^{F15}(10) (Controlled Activity and Miscellaneous Provisions) Regulations 2010.]]

Status: Point in time view as at 28/02/2011. This version of this provision has been superseded.

Changes to legislation: Police Act 1997, Section 113A is up to date with all changes known to be in force on or before 05 June 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)

Textual Amendments

- F1** Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\)](#), [178\(4\)\(d\)\(8\)](#); S.S.I. 2006/166, [art. 2\(1\)\(c\)](#); S.I. 2006/378, [art. 7\(a\)](#); S.I. 2006/2182, [art. 2](#); S.I. 2007/3064, [art. 2](#); S.I. 2008/306, [art. 2](#); S.I. 2008/697, [art. 2\(a\)](#); S.I. 2015/188, [art. 2](#)
- F2** Words in s. 113A(1)(a) repealed (S.) (11.1.2008) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 79\(1\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); S.S.I. 2007/564, [art. 2](#), [sch.](#); and words repealed (E.W.N.I.) (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 97\(2\)](#), [116\(1\)](#), [Sch. 8 Pt. 8](#); S.I. 2010/125, [art. 2\(n\)\(u\)](#)
- F3** S. 113A(2A) inserted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), [arts. 1\(1\)](#), [3\(2\)](#)
- F4** Words in s. 113A(3) substituted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 78\(2\)\(a\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); S.S.I. 2011/157, [art. 2\(a\)](#) (with [art. 3](#))
- F5** Words in s. 113A(4) substituted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), [arts. 1\(1\)](#), [3\(3\)](#)
- F6** S. 113A(5A) inserted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [s. 101\(2\)](#), [sch. 4 para. 28](#) (with [ss. 90](#), [99](#)); S.S.I. 2011/157, [art. 2\(a\)](#) (with [art. 3](#))
- F7** Words in s. 113A(6) substituted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 78\(2\)\(b\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); S.S.I. 2011/157, [art. 2\(a\)](#) (with [art. 3](#))
- F8** Words in s. 113A(6) inserted (E.W.) (19.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 50\(3\)\(a\)](#), [153\(7\)](#); S.I. 2008/3260, [art. 2\(1\)\(b\)](#)
- F9** Words in s. 113A(6) inserted (E.W.) (19.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 50\(3\)\(b\)](#), [153\(7\)](#); S.I. 2008/3260, [art. 2\(1\)\(b\)](#)
- F10** Word in s. 113A(6) repealed (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 78\(2\)\(c\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); S.S.I. 2011/157, [art. 2\(a\)](#) (with [art. 3](#))
- F11** Words in s. 113A(6) inserted (E.W.) (19.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 50\(3\)\(c\)](#), [153\(7\)](#); S.I. 2008/3260, [art. 2\(1\)\(b\)](#)
- F12** Words in s. 113A(6) inserted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 78\(2\)\(d\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); S.S.I. 2011/157, [art. 2\(a\)](#) (with [art. 3](#))
- F13** S. 113A(7)(8) inserted (E.W.N.I.) (12.10.2009 for E.W., 12.10.2009 for N.I.) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), [s. 65](#), [Sch. 9 para. 14\(2\)](#) (with [ss. 51](#), [57\(3\)](#), [60\(4\)](#), [64\(5\)](#)); S.I. 2009/2610, [art. 2\(a\)](#) (with [arts. 4-23](#)); S.I. 2009/2611, [art. 2](#), [Sch](#)
- F14** S. 113A(9) inserted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), [arts. 1\(1\)](#), [3\(4\)](#)
- F15** S. 113A(10) inserted (E.W.) (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Controlled Activity and Miscellaneous Provisions\) Regulations 2010 \(S.I. 2010/1146\)](#), [regs. 1](#), [4\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 113A(1) excluded (E.W.) (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Controlled Activity and Miscellaneous Provisions\) Regulations 2010 \(S.I. 2010/1146\)](#), [regs. 1](#), [4\(1\)](#)
- C2** S. 113A(1)(a) modified (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), [arts. 1\(1\)](#), [21\(1\)](#)

Commencement Information

- I1** S. 113A in force at 1.4.2008 for N.I. by S.I. 2008/692, [art. 2\(b\)](#)

Status:

Point in time view as at 28/02/2011. This version of this provision has been superseded.

Changes to legislation:

Police Act 1997, Section 113A is up to date with all changes known to be in force on or before 05 June 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.