



# Police Act 1997

## 1997 CHAPTER 50

### PART V **U.K.**

#### CERTIFICATES OF CRIMINAL RECORDS, &C.

#### 117 Disputes about <sup>[F1]</sup>accuracy of certificates][<sup>[F1]</sup>certificates and up-date information]. **E+W**

- (1) Where an applicant for a certificate under any of sections 112 to 116 believes that the information contained in the certificate is inaccurate he may make an application [<sup>[F2]</sup>in writing] to [<sup>[F3]</sup>the Secretary of State][<sup>[F3]</sup>DBS] for a new certificate.
- [<sup>[F4]</sup>(1A) Where any person other than the applicant believes that the information contained in a certificate under any of sections 112 to 116 is inaccurate, that person may make an application in writing to [<sup>[F5]</sup>DBS] for a decision as to whether or not the information is inaccurate.]
- [<sup>[F6]</sup>(1A) Where any person other than the applicant believes that the information contained in a certificate under any of sections 112 to 116 is inaccurate, that person may make an application in writing to the Department for a decision as to whether or not the information is inaccurate.]
- [<sup>[F7]</sup>(1B) Where a person believes that the wrong up-date information has been given under section 116A in relation to the person's certificate, the person may make an application in writing to [<sup>[F8]</sup>DBS] for corrected up-date information.]
- (2) [<sup>[F9]</sup>The Secretary of State][<sup>[F9]</sup>DBS] shall consider any application under this section; and where [<sup>[F10]</sup>he][<sup>[F10]</sup>it] is of the opinion that the information in the certificate is inaccurate [<sup>[F11]</sup>, or that the wrong up-date information has been given,][<sup>[F10]</sup>he][<sup>[F10]</sup>it] shall issue a new certificate [<sup>[F12]</sup>or (as the case may be) corrected up-date information].
- [<sup>[F13]</sup>(2A) In this section—
- “corrected up-date information”, in relation to a certificate, means information which includes—

*Status: Point in time view as at 01/07/2016. This version of this provision has been superseded.*

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- (a) information that the wrong up-date information was given in relation to the certificate on a particular date, and
- (b) new up-date information in relation to the certificate,  
“up-date information” has the same meaning as in section 116A.]

[<sup>F14</sup>(3) An application under this section may, in particular, request a review of any information contained in a certificate by virtue of section 113B(4).

[<sup>F15</sup>(4) The Scottish Ministers, on receiving such a request, must ask the chief officer of the relevant police force who provided that information to reconsider whether—

- (a) the chief officer still reasonably believes that information to be relevant for the purpose in respect of which it was requested, and
- (b) in the chief officer’s opinion, that information still ought to be included in the certificate.]]

[<sup>F16</sup>(5) This section does not apply to any information which could be the subject of an application under section 116ZB(2).]

#### Textual Amendments

- F1** Words in s. 117 title substituted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 108(2)** (with s. 97); S.I. 2013/1180, art. 2(e)(i)
- F2** Words in s. 117(1) repealed (S.) (11.1.2008) by Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), **ss. 79(2), 101(2)** (with ss. 90, 99); S.S.I. 2007/564, art. 2, sch.
- F3** Words in s. 117(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(h)** (with Pt. 4)
- F4** S. 117(1A) 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), **ss. 82(4), 120** (with s. 97); S.I. 2012/2234, art. 2(u)
- F5** Words in s. 117(1A) 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(h)** (with Pt. 4)
- F6** S. 117(1A) inserted (N.I.) (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), **ss. 40(4), 106(2)**; S.R. 2015/358, art. 2(e)
- F7** S. 117(1B) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 108(3)** (with s. 97); S.I. 2013/1180, art. 2(e)(i)
- F8** Words in s. 117(1B) 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(h)** (with Pt. 4)
- F9** Words in s. 117(2) 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(h)** (with Pt. 4)
- F10** Word in s. 117(2) 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), **40** (with Pt. 4)
- F11** Words in s. 117(2) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 108(4)(a)** (with s. 97); S.I. 2013/1180, art. 2(e)(i)
- F12** Words in s. 117(2) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 108(4)(b)** (with s. 97); S.I. 2013/1180, art. 2(e)(i)
- F13** S. 117(2A) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 108(5)** (with s. 97); S.I. 2013/1180, art. 2(e)(i)
- F14** S. 117(3)(4) inserted (S.) (11.1.2008) by Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14), s. 101(2), **sch. 4 para. 33** (with ss. 90, 99); S.S.I. 2007/564, art. 2, sch.

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- F15** S. 117(4) substituted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **3(5)(a)** (with arts. 5-10, 12)
- F16** S. 117(5) inserted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **3(5)(b)** (with arts. 5-10, 12)

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**Commencement Information**

- I1** S. 117 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), **art. 2**  
S. 117 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), **art. 4**
- I2** S. 117 in force at 1.4.2008 for N.I. by [S.I. 2008/692](#), **art. 2(i)**

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