



# Police Act 1997

## 1997 CHAPTER 50

### PART V

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

#### 122 Code of practice.

- (1) The Secretary of State shall publish, and may from time to time revise, a code of practice in connection with the use of information provided to <sup>[F1]</sup>, or the discharge of any function by, registered persons under this Part.
- (2) The Secretary of State shall lay before Parliament the code of practice under this section as soon as practicable after publication and after revision.
- (3) <sup>[F2]</sup>The Secretary of State may refuse to issue a certificate under section <sup>[F3]</sup>113A or 113B] if he believes that the <sup>[F4]</sup>registered person who countersigned][<sup>[F4]</sup>person who acted as the registered person in relation to] the application]—  
<sup>[F2]</sup>Subsection (3A) applies if the Secretary of State thinks that the <sup>[F4]</sup>registered person who countersigned][<sup>[F4]</sup>person who acted as the registered person in relation to] an application for a certificate under section 113A or 113B]—
  - (a) has failed to comply with the code of practice under this section, or
  - (b) <sup>[F5]</sup>countersigned][<sup>[F5]</sup>acted as the registered person] at the request of a body which, or individual who, has failed to comply with the code of practice.

<sup>[F6]</sup>(3A) The Secretary of State may—

- (a) refuse to issue the certificate;
- (b) suspend the registration of the person;
- (c) cancel the registration of the person.

(3B) Section 120AB applies if the Secretary of State proposes to suspend or cancel a person's registration under subsection (3A) above as it applies if he proposes to suspend or cancel a person's registration by virtue of section 120AA.]

<sup>[F7]</sup>(4) Where the Scottish Ministers have reason to believe that—

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*Status: Point in time view as at 02/03/2009. This version of this provision has been superseded.*  
**Changes to legislation:** Police Act 1997, Section 122 is up to date with all changes known to be in force on or before 04 July 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)

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- (a) a registered person; or  
(b) a body or individual at whose request a registered person has countersigned or is likely to countersign an application under section [F8 113A or 113B],  
has failed to comply with the code of practice, they may remove the registered person from the register or impose conditions on him as respects his continuing to be listed in the register]

#### Textual Amendments

- F1** Words in s. 122(1) inserted (S.) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 70(7)(a)**, 89(2); [S.S.I. 2003/288](#), **art. 2**, **sch.**
- F2** Words in s. 122(3) substituted (E.W.N.I.) (20.1.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), **ss. 29(3)**, 65 (with **ss. 51**, 57(3), 60(4), 64(5)); [S.I. 2009/39](#), **art. 2(1)(d)**
- F3** Words in s. 122(3) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 11**; [S.S.I. 2006/166](#), **art. 2(1)(e)**; [S.I. 2006/378](#), **art. 7(c)**; [S.I. 2007/3341](#), **art. 2(d)**
- F4** Words in s. 122(3) substituted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), **arts. 1(1)**, **10(a)**
- F5** Words in s. 122(3)(b) substituted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), **arts. 1(1)**, **10(b)**
- F6** S. 122(3A)(3B) inserted (E.W.N.I.) (20.1.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), **ss. 29(4)**, 65 (with **ss. 51**, 57(3), 60(4), 64(5)); [S.I. 2009/39](#), **art. 2(1)(d)**
- F7** S. 122(4) added (S.) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 70(7)(b)**, 89(2); [S.S.I. 2003/288](#), **art. 2**, **sch.**
- F8** Words in s. 122(4)(b) substituted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 11**; [S.S.I. 2006/166](#)

#### Commencement Information

- I1** S. 122(1)(2) in force at 19.3.2001 for E.W. by [S.I. 2001/1097](#), **art. 2(1)**; s. 122(3) in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), **art. 2**  
S. 122(1)(2) in force at 1.1.2002 for S. by [S.S.I. 2001/482](#), **art. 2(1)**; s. 122(3) in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), **art. 4**
- I2** S. 122 in force at 3.12.2007 for N.I. by [S.I. 2007/3342](#), **art. 2(f)**

**Status:**

Point in time view as at 02/03/2009. This version of this provision has been superseded.

**Changes to legislation:**

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