

2001 No. 1194

POLICE

**The Police Act 1997 (Criminal Records) (Registration)
Regulations 2001**

Made - - - - 23rd March 2001

Laid before Parliament 2nd April 2001

Coming into force 1st May 2001

The Secretary of State, in exercise of the powers conferred upon him by section 120(3) of the Police Act 1997(a), hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Registration) Regulations 2001 and shall come into force on 1st May 2001.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations, the expression:

“1997 Act” means the Police Act 1997;

“register” means the register maintained by the Secretary of State for the purposes of Part V of the 1997 Act.

The register

3. There shall be included in the register the following information:

- (a) the name and address of each registered person and any telephone or facsimile number or electronic mailing address which has been notified to the Secretary of State for communication purposes;
- (b) the date on which the name of that person was first listed in the register;
- (c) the number assigned to that person on being so listed;
- (d) the nature of the exempted questions, if any, that that person is likely to ask;
- (e) in the case of a registered body, whether that body is likely to countersign applications under section 113 or 115 of the 1997 Act(b) at the request of bodies or individuals asking exempted questions and, if so, the nature of those questions; and

(a) 1997 c.50.

(b) Sections 113 and 115 were amended by section 8 of the Protection of Children Act 1999 (c.14) and by sections 90 and 102 of the Care Standards Act 2000 (c.14).

- (f) in respect of each registered person, a specimen of any signature which will be used by that person for the purposes of counter-signing applications under section 113 or 115 of the 1997 Act.

Removal from the register

4.—(1) Subject to paragraphs (2) to (5) below, the Secretary of State may remove from the register any person who, in the opinion of the Secretary of State, is no longer likely to wish to counter-sign applications under section 113 or 115 of the 1997 Act.

(2) Before removing a person from the register, the Secretary of State shall notify that person in writing that he is of that opinion and the reasons for that opinion and shall inform that person of his right to make representations under paragraph (3) below.

(3) A person who has been notified in accordance with paragraph (2) above may, within 28 days of the service of such notice, make representations in writing to the Secretary of State as to why he should not be removed from the register and the Secretary of State shall consider any such representations.

(4) After considering such representations, the Secretary of State shall inform the registered person:

- (a) that he is of the opinion that that person is unlikely to wish to counter-sign applications under section 113 or 115 of the 1997 Act and the reasons for that opinion and that the person will be removed from the register at the end of a further period of 28 days; or
- (b) that he does not propose to take any further action under this regulation.

(5) If no representations are received within the period mentioned in paragraph (3) above, the Secretary of State may remove the person from the register at the end of that period.

(6) Where:

- (a) the Secretary of State is satisfied, in the case of a registered person other than a body, that the person has died or is incapable, by reason of physical or mental impairment, of counter-signing applications under section 113 or 115 of the 1997 Act; or
- (b) the registered person has requested that the Secretary of State remove that person from the register,

paragraphs (2) to (5) above shall not apply.

Fees

5.—(1) The fee payable by a person on application for inclusion in the register shall be £300.

(2) There shall be payable by a registered person a fee of £5 in respect of the second and each subsequent signature a specimen of which is entered against the name of that registered person in accordance with regulation 3(f) above.

Home Office
23rd March 2001

Jack Straw
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend only to England and Wales, provide for:

- (a) the information to be included in the register maintained by the Secretary of State under section 120 of the Police Act 1997 (registered persons);
- (b) the removal, subject to prescribed safeguards, of persons from that register; and
- (c) the payment of a fee of £300 for inclusion in that register and £5 for each additional signature recorded in the register for the purposes of counter-signing applications for criminal record and enhanced criminal record certificates.

STATUTORY INSTRUMENTS

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