
STATUTORY INSTRUMENTS

2002 No. 233

POLICE

The Police Act 1997 (Criminal Records) Regulations 2002

Made - - - - *7th February 2002*
Laid before Parliament *7th February 2002*
Coming into force - - *1st March 2002*

The Secretary of State, in exercise of the powers conferred on him by the provisions which are specified in Schedule 1 to these Regulations, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) Regulations 2002 and shall come into force on 1st March 2002.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the Act” means the Police Act 1997 ^{M1};

“reprimand” means a reprimand given to a child or young person in accordance with section 65 of the Crime and Disorder Act 1998 ^{M2};

“volunteer” means a person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative;

“warning” means a warning given to a child or young person in accordance with section 65 of the Crime and Disorder Act 1998.

Marginal Citations

M1 1997 c. 50.

M2 1998 c. 37.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

Application form

3. The form set out in Schedule 2 to these Regulations, or a form to the like effect, is hereby prescribed for the purposes of sections 113(1)(a) (criminal record certificate), 114(1)(a) (criminal record certificate: Crown employment), 115(1)(a) (enhanced criminal record certificate) and 116(1)(a) (enhanced criminal record certificate: judicial appointment and Crown employment) of the Act.

[^{F1}Fees for criminal record certificates and enhanced criminal record certificates

4. The fee payable in relation to an application for the issue of a criminal record certificate or an enhanced criminal record certificate is prescribed as—

- (a) [^{F2}£26] in the case of a criminal record certificate;
- (b) £36 in the case of an enhanced criminal record certificate, and
- (c) where an urgent preliminary response is sought under section 113E (3)(b) of the Act, an additional £6 in each case;

save that no fee is payable in relation to an application made by a volunteer.]

Textual Amendments

- F1** Reg. 4 substituted for regs. 4, 4A (6.4.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2006 \(S.I. 2006/748\)](#), regs. 1(1), **2(a)**
- F2** Word in reg. 4(a) substituted (1.10.2009) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2009 \(S.I. 2009/2428\)](#), regs. 1(1), **2**

Fees for enhanced criminal record certificates

^{F3}**4A.**

Textual Amendments

- F3** Reg. 4 substituted for regs. 4, 4A (6.4.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2006 \(S.I. 2006/748\)](#), regs. 1(1), **2(a)**

Relevant matters: prescribed details

5. The following details of a relevant matter for the purposes of sections 113(3)(a) and 115(6)(a)(i) of the Act (including those provisions as applied by sections 114(3) and 116(3), respectively) are hereby prescribed—

- (a) in the case of a conviction within the meaning of the Rehabilitation of Offenders Act 1974 ^{M3}, including a spent conviction—
 - (i) the date of conviction;
 - (ii) the convicting court;
 - (iii) the offence; and
 - (iv) the method of disposal for the offence including details of any order made under Part 2 of the Criminal Justice and Court Services Act 2000 ^{M4},
- (b) in the case of a caution, reprimand or warning—
 - (i) the date of caution, reprimand or warning;

- (ii) the place where the caution, reprimand or warning was issued; and
- (iii) the offence which the person issued with a caution, reprimand or warning had admitted.

Marginal Citations

M3 1974 c. 53.

M4 2000 c. 43.

[^{F4}Enhanced criminal record certificates: prescribed purposes

5A. The purposes 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 Act are prescribed as follows, namely the purposes of—

- (a) considering the applicant’s suitability for a position which involves regularly caring for, training, supervising, or being solely in charge of, persons aged under 18;
- (b) considering the applicant’s suitability for a position which involves regularly caring for, training, supervising, or being in sole charge of, a person aged 18 or over who is a vulnerable adult within the meaning given by regulation 5B[^{F5}(1) to (5)] below;

[considering the applicant’s suitability for a position which is concerned with—

- ^{F6}(ba) (i) the provision of care services for vulnerable adults within the meaning given by regulation 5B (6) below; or
- (ii) the representation of, or advocacy services for, such adults, by a service which has been approved by the Secretary of State or created by or under any enactment, and which is of such a kind as to enable a person , in the course of his normal duties in that position , to have access to such adults when they are receiving such services;]

[^{F7}(c) obtaining or holding an operating licence under Part 5 of the Gambling Act 2005 for the purposes of that Act;

- (d) obtaining or holding a personal licence under Part 6 of the Gambling Act 2005 for the purposes of that Act;
- (e) considering an individual’s suitability for a position as Commissioner for the Gambling Commission and for any office or employment in the Commissioners’ service;]
- (f) obtaining or holding a licence under section 5 or 6 of the National Lottery etc Act 1993 (running or promoting lotteries);
- (g) registration under section 71 of the Children Act 1989, registration for child minding or providing day care under Part XA of that Act, or registration under, or the holding of a certificate under, section 79W of that Act;

[registration under Chapters 2, 3 or 4 of Part 3 of the Childcare Act 2006 (regulation of ^{F8}(ga) provision of childcare in England);]

- (h) registration under Part II of the Care Standards Act 2000 (establishments and agencies);
- (i) registration under Part IV of that Act (social care workers);
- (j) placing children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the Children (Northern Ireland) Order 1995 or the exercise of any duty under or by virtue of , section 68 of that Act or article 108 of that Order (welfare of privately fostered children);

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Changes to legislation: There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

- (k) a decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002 as to a person's suitability to adopt a child;
- (l) considering an individual's suitability to be included in, or to remain in, the health service list specified in regulation 5C(1) below;
- (m) considering—
 - (i) the suitability of a director of a body corporate to be included in, or to remain in, sub-paragraph (b) or (c) of that list;
 - (ii) the suitability of a member of a limited liability partnership to be included in, or to remain in, sub-paragraph (c) of that list, or
 - (iii) the suitability of a member of the body of persons controlling a body corporate (whether or not a limited liability partnership) to be included in, or to remain in, sub-paragraph (d) of that list;
- (n) considering an individual's suitability to be included in, or to remain in, the health service list specified in regulation 5C(2) below, or
- [^{F9}(o) considering the suitability of an individual for—
 - (i) a position as a member of the governing body of an educational institution within the meaning given by section 42 of the Criminal Justice and Court Services Act 2000, or
 - (ii) a position in a school within the meaning given by section 4 of the Education Act 1996.]
- [^{F10}(p) considering an individual's suitability for working in the [^{F11}the Department for Children, Schools and Families], the Office for Standards in Education, Children's Services and Skills or in the Government Offices for the English Regions with access to sensitive or personal information about children or vulnerable adults;
- (q) considering an individual's suitability for any office, employment or other work which is concerned with the establishment or operation of a database under section 12 of the Children Act 2004, and which is of such a kind as to enable the holder of that office or employment, or the person engaged in that work, to have access to information included in the database;
- (r) considering an individual's suitability for any office, employment or other work which is of such a kind that the person is or may be permitted or required to be given access to a database under section 12 of the Children Act 2004;
- (s) considering an individual's suitability for any work which is normally concerned with the provision of any form of information, advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other form of electronic communication including the internet and mobile telephone text messaging;
- (t) considering an individual's suitability for a position as chairman, member or member of staff (including considering the suitability of any person seconded to serve as a member of staff) of the Independent Barring Board;
- (u) considering an individual's suitability for a position working within the Public Guardianship Office, (to be known as the Office of the Public Guardian from October 2007), with access to data relating to children and vulnerable adults;
- (v) considering an individual's suitability for the position of Commissioner for Older People in Wales, or that of his deputy, or for considering the suitability of any person appointed by the Commissioner to assist him in the discharge of his functions or authorised to discharge his functions on his behalf;

- (w) considering an individual's suitability for any employment or other work where the normal duties:
- (i) involve caring for, training, supervising, or being solely in charge of, persons aged under 18 serving in the naval, military or air forces of the Crown; or
 - (ii) include supervising or managing a person employed or working in a capacity referred to in paragraph (i).]

Textual Amendments

- F4** Regs. 5A-5C inserted (6.4.2006) by The Police Act 1997 (Criminal Records) (Amendment) Regulations 2006 (S.I. 2006/748), regs. 1(1), 2(b), **Sch.**
- F5** Words in reg. 5A(b) inserted (1.9.2006) by The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2006 (S.I. 2006/2181), regs. 1(2), **2(a)**
- F6** Reg. 5A(ba) inserted (1.9.2006) by The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2006 (S.I. 2006/2181), regs. 1(2), **2(b)**
- F7** Reg. 5A(c)-(e) substituted (26.7.2007) by The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2007 (S.I. 2007/1892), regs. 1(1), **2(2)**
- F8** Reg. 5A(ga) inserted (1.9.2008) by The Police Act 1997 (Criminal Records) (Amendment) Regulations 2008 (S.I. 2008/2143), regs. 1(1), **2(2)**
- F9** Reg. 5A(o) substituted (1.9.2006) by The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations 2006 (S.I. 2006/2181), regs. 1(2), **2(c)**
- F10** Reg. 5A(p)-(w) inserted (26.7.2007) by The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2007 (S.I. 2007/1892), regs. 1(1), **2(3)**
- F11** Words in reg. 5A(p) substituted (12.12.2007) by The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007 (S.I. 2007/3224), art. 1(2), **Sch. para. 31**

Vulnerable Adult

5B.—(1) The reference to a vulnerable adult in regulation 5A(b) above is a reference to a person who is receiving services of a type listed in paragraph (2) below and who, in consequence of a condition of a type listed in paragraph (3) below, has a disability of a type listed in paragraph (4) below.

- (2) The services are—
- (a) accommodation and nursing or personal care in a care home;
 - (b) personal care or nursing or support to live independently in his own home;
 - (c) any services provided by an independent hospital, independent clinic, independent medical agency or National Health Service body;
 - (d) social care services, or
 - (e) any services provided in an establishment catering for a person with learning difficulties.
- (3) The conditions are—
- (a) a learning or physical disability;
 - (b) a physical or mental illness, chronic or otherwise, including an addiction to alcohol or drugs, or
 - (c) a reduction in physical or mental capacity.
- (4) The disabilities are—

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- (a) a dependency on others in the performance of, or a requirement for assistance in the performance of, basic physical functions;
- (b) severe impairment in the ability to communicate with others, or
- (c) impairment in a person's ability to protect himself from assault, abuse or neglect.

(5) In [^{F12}paragraphs (1) to (4) above] “care home”, “independent clinic”, “independent hospital”, “independent medical agency” and “National Health Service body” all have the same meaning as in the Care Standards Act 2000.

[^{F13}(6) The references to vulnerable adults in regulation 5(ba) above are references to persons aged 18 or over who have one or more conditions of the following types, namely—

- (a) a substantial learning or physical disability;
- (b) a physical or mental illness or mental disorder, chronic or otherwise, including an addiction to alcohol or drugs; or
- (c) a significant reduction in physical or mental capacity.]

Textual Amendments

- F4** Regs. 5A-5C inserted (6.4.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2006 \(S.I. 2006/748\)](#), regs. 1(1), 2(b), **Sch.**
- F12** Words in reg. 5B(5) substituted (1.9.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(2), **2(d)**
- F13** Reg. 5B(6) inserted (1.9.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(2), **2(e)**

Health Service lists

5C.—(1) The list referred to in regulation 5A (l) above is any list prepared for the purposes of Part 2 of the National Health Service Act 1977 of—

- (a) medical practitioners undertaking to provide general medical services;
- (b) persons undertaking to provide general dental services;
- (c) persons undertaking to provide general ophthalmology services, or
- (d) persons undertaking to provide pharmaceutical services.

(2) The list referred to in regulation 5A (n) above is any list prepared by a Primary Care Trust or Health Authority under—

- (a) section 28DA of the National Health Service Act 1977 () or section 8ZA of the National Health Service Act 1977 () or section 8ZA of the National Health Service (Primary Care) Act 1997 (lists of persons who may perform personal medical or personal dental services), or
- (b) section 43D of the 1977 Act (supplementary lists),

or any list corresponding to a list referred to in sub-paragraph (a) above prepared by a Primary Care Trust or Health Authority by virtue of regulations made under section 41 of the Health and Social Care Act 2001 (which provides for the application of enactments in relation to local pharmaceutical services).]

Textual Amendments

- F4** Regs. 5A-5C inserted (6.4.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2006 \(S.I. 2006/748\)](#), regs. 1(1), 2(b), [Sch.](#)

List kept under section 1 of the Protection of Children Act 1999: prescribed details

6.—(1) In the case of an applicant included in the list kept under section 1 of the Protection of Children Act 1999 ^{M5} the following details are hereby prescribed for the purposes of sections 113(3A)(b) and 115(6A)(b) of the Act ^{M6}—

- [^{F14}(a) the fact that he is included in the list;]
- (b) whether the person is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000;
 - (c) whether any appeal against inclusion in the list is pending;
 - (d) whether the inclusion in the list is provisional; and
 - (e) whether or not [^{F15}he] may not be employed or, as the case may be, should cease to be employed in a childcare position with a childcare organisation in accordance with section 7 of the Protection of Children Act 1999.

(2) In this regulation “childcare position” and “childcare organisation” have the same meanings as in section 12 of the Protection of Children Act 1999 ^{M7}.

Textual Amendments

- F14** Reg. 6(1)(a) substituted (31.3.2003) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 3\) Regulations 2003 \(S.I. 2003/520\)](#), regs. 1(2), [2\(2\)](#)
- F15** Word in reg. 6(1)(e) substituted (31.3.2003) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 3\) Regulations 2003 \(S.I. 2003/520\)](#), regs. 1(2), [2\(3\)](#)

Marginal Citations

- M5** 1999 c. 14.
- M6** Sections 113(3A) and 115(6A) were inserted by section 8(1), (2) of the Protection of Children Act 1999 respectively. Section 113(3A) was amended by sections 102(1), 104(1), (2)(a), 116 and Schedule 4, paragraph 25(1) of the [Care Standards Act 2000 \(c. 14\)](#). Section 115(6A) was amended by sections 102(2), 104(1), (3)(b), 116 and Schedule 4, paragraph 25(b) of the Care Standards Act 2000.
- M7** Section 12 of the Protection of Children Act 1999 was amended by section 74 and Schedule 7, Part II, paragraphs 154 and 158 of the [Criminal Justice and Court Services Act 2000 \(c. 43\)](#).

[^{F16}Directions made under section 142 of the Education Act 2002: prescribed details]

7. [^{F16}In the case of an applicant subject to a direction made under section 142 of the Education Act 2002 the following details are hereby prescribed for the purposes of sections 113(3A)(d) and 115(6A)(d) of the Act—

- (a) the fact that he is subject to such a direction;
- (b) the date the direction was given;
- (c) details of any prohibition or restriction on his employment; and
- (d) the grounds on which the direction was made, and, where the grounds are misconduct, details of the misconduct.]

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002. (See end of Document for details)

Textual Amendments

F16 Reg. 7 substituted (31.3.2003 for W., 1.6.2003 for E.) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 3\) Regulations 2003 \(S.I. 2003/520\)](#), regs. 1(3), 3

[^{F17} **List kept under section 81 of the Care Standards Act 2000: prescribed details**

8.—(1) In the case of an applicant included in the list kept under section 81 of the Care Standards Act 2000 the following details are hereby prescribed for the purposes of sections 113(3C)(b) and 115(6B)(b) of the Act—

- (a) the fact that he is included in the list;
- (b) whether the inclusion in the list is provisional;
- (c) whether any appeal against inclusion in the list is pending; and
- (d) the fact that the person included in the list is prohibited from working in a care position.

(2) In this regulation “care position” has the same meaning as in Part VII of the Care Standards Act 2000.]

Textual Amendments

F17 Reg. 8 substituted (26.7.2004) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) \(No. 2\) Regulations 2004 \(S.I. 2004/1759\)](#), regs. 1(1), 2

[^{F18} **Criminal record certificates: suitability relating to adults: prescribed positions**

8A. The following positions are prescribed for the purposes of section 113D(4) of the Act (criminal record certificates: suitability relating to adults), namely the positions referred to in regulation 5A(ba) above (position concerned with the provision of care services to vulnerable adults or with representing, or providing advocacy services to, such adults) and regulation 5A(v) above (position of Commissioner for Older People in Wales, or that of his deputy or persons appointed by the Commissioner to assist in the discharge of his functions or authorised to discharge his functions on his behalf).]

Textual Amendments

F18 Reg. 8A substituted (1.9.2008) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2008 \(S.I. 2008/2143\)](#), regs. 1(1), 3

[^{F19} **Central records: prescribed details**

9. Information in any form relating to convictions, cautions, reprimands and warnings on a names database held by the National Policing Improvement Agency for the use of constables is prescribed as “central records” for the purposes of section 113A(6) of the Police Act 1997 (including that provision as applied by sections 114(3) and 116(3)).]

Textual Amendments

- F19** Reg. 9 substituted (1.4.2007) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2007 \(S.I. 2007/700\)](#), regs. 1(1), 2

Enhanced criminal record certificates: relevant police forces

10. For the purposes of an application for an enhanced criminal record certificate “relevant police force” means—

- (a) the police force maintained for the police area in England and Wales or Scotland within which the applicant resides or has resided within the period of 5 years preceding the date of the application;
- [^{F20}(aa) the British Transport Police;]
- (b) the Police Service of Northern Ireland if the applicant resides or has resided within the period of 5 years preceding the date of the application within Northern Ireland;
- [^{F21}(ba) the States of Jersey Police Force if the applicant resides or has resided within the period of five years preceding the application within Jersey;
- (bb) the salaried police force of the Island of Guernsey if the applicant resides or has resided within the period of five years preceding the application within Guernsey;
- (bc) the Isle of Man Constabulary if the applicant resides or has resided within the period of five years preceding the application within the Isle of Man;
- (bd) such of the police forces referred to in sub-paragraphs (a) to (bc) above as appear to the Secretary of State to be in possession of information regarding the applicant;]
- (c) such other police force as the chief officer of police of a police force identified as a relevant police force by virtue of paragraphs (a)[^{F22}, (aa) or (b)] above determines;
- [^{F23}(ca) the Criminal Records Bureau if—
 - (i) there is no UK residence address within the last 5 years provided on the application; and
 - (ii) no other police force appears to the Secretary of State to be relevant to the application.]
- (d) any police force that the Secretary of State determines to be relevant to the application.

Textual Amendments

- F20** Reg. 10(aa) inserted (25.9.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(3), 2(g)(i)
- F21** Reg. 10(ba)-(bd) inserted (6.4.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2006 \(S.I. 2006/748\)](#), regs. 1(1), 2(c)
- F22** Words in reg. 10(c) substituted (25.9.2006) by [The Police Act 1997 \(Criminal Records\) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(3), 2(g)(ii)
- F23** Reg. 10(ca) inserted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), 3(2)

Evidence of identity: fingerprinting

11.—(1) Where the Secretary of State requires an application under Part V of the Act to be supported by evidence of identity in the form of fingerprints then the place at which they are to be

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taken is to be determined in accordance with paragraphs (2) and (3) below and he shall notify the applicant—

- (a) of his requirement; and
- (b) of the fact that any fingerprints taken from the applicant and provided to the Secretary of State in pursuance of the requirement may be the subject of a speculative search.

(2) Any applicant in receipt of such notification shall notify the Secretary of State of whether he wishes to proceed with his application and, if so, notify the Secretary of State—

- (a) that he consents to the taking of his fingerprints; and

[^{F24}(b) either—

- (i) that he proposes to attend at a police station (“the specified police station”) for the purpose of having his fingerprints taken, or
- (ii) that he proposes to have his fingerprints taken by the registered person countersigning or acting as the registered person in relation to his application under this Part.]

[^{F25}(2A) But a person can only have his fingerprints taken under paragraph (2)(b)(ii) with the consent of the Secretary of State.]

(3) The Secretary of State may require the police officer in charge of the specified police station, or any other police station he reasonably determines, to take the applicant’s fingerprints at the specified station at such reasonable time as the officer may direct and notify to the applicant.

(4) Fingerprints taken in connection with an application under Part V of the Act must be destroyed as soon as is practicable after the identity of the applicant is established to the satisfaction of the Secretary of State.

(5) If fingerprints are destroyed—

- (a) any copies of the fingerprints shall also be destroyed; and
- (b) any chief officer of police controlling access to computer data relating to the fingerprints shall make access to the data impossible, as soon as it is practicable to do so.

(6) Any applicant who asks to be allowed to witness the destruction of his fingerprints or copies of them shall have a right to witness it.

(7) If—

- (a) paragraph (5)(b) above falls to be complied with; and
- (b) the applicant to whose fingerprints the data relates asks for a certificate that it has been complied with,

such a certificate shall be issued to him, not later than the end of the period of three months beginning with the day on which he asks for it, by the responsible chief officer of police or a person authorised by him or on his behalf for the purposes of this regulation.

(8) In the case of an applicant under the age of 18 years the consent of the applicant’s parent or guardian to the taking of the applicant’s fingerprints is also required.

(9) In this regulation—

“speculative search” has the same meaning as in Part V of the Police and Criminal Evidence Act 1984 ^{M8}; and

“responsible chief officer of police” means the chief officer of police in whose area the computer data were put on to the computer.

Textual Amendments

- F24** Reg. 11(2)(b) substituted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), **3(3)**
- F25** Reg. 11(2A) inserted (1.4.2009) by [The Police Act 1997 \(Criminal Records\) Regulations 2009 \(S.I. 2009/460\)](#), regs. 1(1), **3(4)**

Marginal Citations

- M8** 1984 c. 60.

[^{F26}Exception to unlawful disclosure provisions

Textual Amendments

- F26** Reg. 12 inserted (1.9.2006) by [The Police Act 1997 \(Criminal Records \) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(2), **2(h)**

12.—(1) The following purpose is specified for the purposes of subsection (6) (e) and (f) of section 124 of the Act (exceptions to prohibition of disclosure beyond a registered body), namely disclosure by an employment agency or an employment business, whether or not in response to an exempted question, for the purpose of consideration,

- (a) by an educational institution, within the meaning given by section 42 of the Criminal Justice and Court Services Act 2000, or
- (b) by an institution within the further education sector , within the meaning given by section 91(3) of the Further and Higher Education Act 1992 ,

of a person's suitability for a position at that institution.

(2) In paragraph (1) above the references to an employment agency and an employment business are references to such an agency or business within the meanings given by section 13 of the Employment Agencies Act 1973.]

Textual Amendments

- F26** Reg. 12 inserted (1.9.2006) by [The Police Act 1997 \(Criminal Records \) \(Amendment No.2\) Regulations 2006 \(S.I. 2006/2181\)](#), regs. 1(2), **2(h)**

Home Office

Minister of State

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SCHEDULE 1

Enabling Powers

These Regulations are made under the following provisions of the Police Act 1997—

- (a) sections 113(1)(b); 114(1)(b); 115(1)(b) and (10); 116(1)(b); 118(3) and 125(5); and
- (b) having regard to the meaning of “prescribed” in sections 113(1)(a), (3)(a), (3A)(b) and (5); 114(1)(a); 115(1)(a), (6)(a)(i) and (6A)(b); 116(1)(a); 118(2)(a) and 119(3).

[^{F27}SCHEDULE 2]

Textual Amendments

F27 Sch. 2 omitted in part (17.2.2003) by virtue of [The Police Act 1997 \(Criminal Records\)\(Amendment No. 2\) Regulations 2003 \(S.I. 2003/137\)](#), regs. 1, 3

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Disclosure Application Form



Criminal Records Bureau
An Executive Agency
of the Home Office

PO Box 165,
Liverpool L69 3JD



Form Ref

Disclosure Type

Please complete sections A-H in BLOCK CAPITALS; it is important that you use BLACK INK
The Disclosure Application Form Guidance Notes will help you complete this form,
however, if you need additional help please contact the application line on 0870 90 90 844


A		Applicant's details	
1	Title	Mr <input checked="" type="checkbox"/>	Mrs <input checked="" type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input checked="" type="checkbox"/> Other <input type="checkbox"/>
2	Surname		
3	Forename(s)		
4	Current address		
5			
6	Town/City		
7	County		
8/9	Postcode	At current address since	MM/YYYY (month and year)
10/11	Date of birth	DD/MM/YYYY	Male <input checked="" type="checkbox"/> Female <input checked="" type="checkbox"/>
12	National Insurance number		
B		Details of position for which Disclosure is being requested	
13	Position applied for		
14	Organisation name		
	Organisation address		
15	Address		
16			
17	Town/City		
18	County		
19	Postcode		

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C Additional personal details	
20	Surname at birth (if different)
21	Used until <input type="text"/> (year)
22	Any other surname used
23/24	Used from <input type="text"/> used to <input type="text"/> (year)
25	Any other forename(s) used
26/27	Used from <input type="text"/> used to <input type="text"/> (year)
Place of Birth <i>Please enter town/city names and county/district names in full as recorded on your Birth Certificate</i>	
28	Town/City
29	County/District
30/31	Born in the UK Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> If no, please state country <input type="text"/>
32	Nationality
33	Home telephone number
34	Work telephone number
35	Preferred contact number and time
D Previous addresses <i>Provide your most recent addresses where you have lived the last 5 years; use continuation sheet if necessary</i>	
36	Address
37	
38	Town/City
39	County
40/41	Postcode <input type="text"/> Country <input type="text"/>
42/45	Period at previous address From date <input type="text"/> To date <input type="text"/> (month and year)
E Additional information <i>This information will help us to process your application more quickly</i>	
46	Current marital status Single <input checked="" type="checkbox"/> Married <input checked="" type="checkbox"/> Divorced <input checked="" type="checkbox"/> Widowed <input checked="" type="checkbox"/> Separated <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>
47	Number of financially dependent children under age 18 <input type="text"/>
48/49	Bank/Building Society account Sort code <input type="text"/> Account number <input type="text"/>
50	Employment status Cross ONE box only Employed <input checked="" type="checkbox"/> Self Employed <input checked="" type="checkbox"/> Part-time Employed <input checked="" type="checkbox"/> Unemployed <input checked="" type="checkbox"/> Student <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>
51	Occupancy status Cross ONE box only Owner occupier <input checked="" type="checkbox"/> Joint occupier <input checked="" type="checkbox"/> Living with parent <input checked="" type="checkbox"/> Renting <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>
52	Mother's maiden name <input type="text"/>

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F Referee details		Please provide details of an appropriate referee who has known you professionally or personally for at least 2 years	
53	Title	Mr <input checked="" type="checkbox"/>	Mrs <input checked="" type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input checked="" type="checkbox"/> Other <input type="checkbox"/>
54	Referee surname		
55	Referee forename(s)		
56	Referee occupation		
57	Home address		
58			
59	Town/City		
60	County		
61	Postcode		
62	Home telephone number		
63	Relationship to applicant	Parent/Guardian <input checked="" type="checkbox"/>	Other <input checked="" type="checkbox"/>
64	Number of years known		
G Payment			
65			
H Applicant declaration and consent			
After you have checked the information provided in Sections A-G, please complete Section H and sign the application form in the space(s) provided.			
66	Do you have any unspent criminal convictions?	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
67	Please cross this box if you have supplied additional information with this application	<input checked="" type="checkbox"/>	
68	<p>Declaration by Applicant I confirm that the information that I have provided in support of this application is complete and true and understand that knowingly to make a false statement for this purpose is a criminal offence.</p>	<p>Signature of applicant (please sign in the box provided)</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	
69	<p>Consent of Applicant I consent to the CRB checking the details I have provided in support of this application against the data sources specified in the notes for guidance, in order to verify my identity and process this application. These details may be recorded and used to assist other organisations for identity verification purposes.</p>	<p>Signature of applicant to indicate consent (please sign in the box provided)</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	
70			
<p>After you have signed the form please send it to the person who asked you to apply for a Disclosure - DO NOT return the form to the CRB at this stage.</p>			

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SECTIONS X-Z MUST NOT BE COMPLETED BY APPLICANT

X	Evidence of identity seen by the employer/volunteering organisation/Registered Body		(Please refer to the Code of Practice and your guidance notes)
1/2	Passport number	<input type="text"/>	Date of birth <input type="text"/>
3/4	Nationality	<input type="text"/>	Issue date <input type="text"/>
5/6	Driving licence number	<input type="text"/>	Date of birth <input type="text"/>
7/8	Licence type	Paper <input checked="" type="checkbox"/> Photocard <input checked="" type="checkbox"/>	Licence valid from <input type="text"/>
9	Country of issue	UK <input checked="" type="checkbox"/> Other <input type="text"/>	
10/11	Birth Certificate Date of Birth	<input type="text"/>	Issue date <input type="text"/>
12	Country of issue	UK <input checked="" type="checkbox"/> Other <input type="text"/>	
13/14	Marriage Certificate Issue date	<input type="text"/>	P45 or P80 National Insurance number <input type="text"/>
15	Current address details checked against documentation	Yes <input checked="" type="checkbox"/>	
16	Evidence seen and checked by	Name <input type="text"/>	
Y	Statement by Registered Person		(Please refer to the Code of Practice and your guidance notes)
1/2	Registered Body number	<input type="text"/>	Countersignatory number <input type="text"/>
3/4	The position involves working with children	<input checked="" type="checkbox"/>	The position involves regular contact with vulnerable adults <input checked="" type="checkbox"/>
5	The category code for this position is	<input type="text"/>	
6/7	The level of criminal record check required in respect of this application is	Standard <input checked="" type="checkbox"/> Enhanced <input checked="" type="checkbox"/>	
8	Registered Body to pay	On account <input checked="" type="checkbox"/> Payment enclosed <input checked="" type="checkbox"/> Volunteer-no payment due <input checked="" type="checkbox"/>	
9	Declaration by Registered Person I certify that this application is required for the purpose of asking an exempted question under the terms of The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and that the checks requested are in accordance with the relevant legislation, as specified in the guidance notes. I confirm that the information that I have provided in support of this application is complete and true and understand that knowingly to make a false statement for this purpose is a criminal offence.		Signature of Registered Person (please sign in the box provided) <div style="border: 1px solid black; width: 100%; height: 50px; margin-top: 5px;"></div>
10	Date of countersignature	<input type="text"/>	
Z	Official use only		
1	Correct payment received	Cheque <input checked="" type="checkbox"/> Postal order <input checked="" type="checkbox"/>	
2		Examined by:	<div style="border: 1px solid black; width: 100%; height: 50px;"></div>

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F28 SCHEDULE 3

Fees payable to police authorities

Textual Amendments

F28 Sch. 3 omitted (6.4.2006) by virtue of The Police Act 1997 (Criminal Records) (Amendment) Regulations 2006 (S.I. 2006/748), regs. 1(1), 2(d)

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make detailed provisions in relation to applications for criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997.

Regulation 2 defines terms used in the Regulations.

Regulation 3 requires an application for the issue of a criminal record certificate or an enhanced criminal record certificate to be made on the form, or one to like effect, set out in Schedule 2 to the Regulations. Regulation 4 specifies the fee for such an application as £12 save that no fee is payable when the applicant is a volunteer as defined in regulation 2.

Regulation 5 specifies the details of convictions and cautions, reprimands and warnings which appear on criminal record certificates and enhanced criminal record certificates.

Regulations 6, 7 and 8 specify the details of information drawn from lists kept under section 1 of the Protection of Children Act 1999, section 218(6) of the Education Reform Act 1988 and sections 470 and 471 of the Education Act 1996 respectively, which will appear on criminal record certificates and enhanced criminal record certificates.

Regulation 9 specifies the sources of information comprising central records of convictions, cautions, reprimands and warnings. Regulation 10 defines relevant police force for the purposes of section 115 of the Police Act 1997.

Regulation 11 makes provisions in relation to the taking of fingerprints from applicants where the Secretary of State requires them for the purposes of ascertaining the identity of an applicant.

Regulation 12 specifies the fees to be paid to police authorities who maintain police forces that have been requested to supply information in relation to an application for an enhanced criminal record certificate.

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002.