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STATUTORY INSTRUMENTS

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**2002 No. 233**

**The Police Act 1997 (Criminal Records) Regulations 2002**

**[<sup>F1</sup><sup>F2</sup>Work with children]**

**5C.** [<sup>F3</sup>The circumstances referred to in regulation 5A(a) are]—

- (a) considering the applicant's suitability to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012;
- (b) considering the applicant's suitability to engage in any activity which is a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
- (c) a decision made by an adoption agency within the meaning of section 2 of the Adoption and Children Act 2002, or the compiling of a report for the authority making a decision in respect of an application to be a special guardian within the meaning of section 14A of the Children Act 1989, as to a person's suitability to adopt a child or be a special guardian, including obtaining information in respect of any person aged 18 years or over living in the same household as the prospective adopter or special guardian;
- (d) registration for child minding or providing day care under Part 2 of the Children and Families (Wales) Measure 2010, including assessing the suitability of any person to have regular contact with a child who is—
  - (i) aged 16 or over and living on the premises at which the child minding or day care is being or is to be provided;
  - (ii) aged 16 or over and working, or who will be working, on the premises at which the child minding or day care is being or is to be provided at times when such child minding or day care is being or is to be provided;
- (e) registration under Chapters 2, 3 or 4 of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England), including assessing the suitability of any person to have regular contact with a child who is—
  - (i) aged 16 or over and living on the premises at which the childcare is being or is to be provided;
  - (ii) aged 16 or over and working on the premises at which the childcare is being or is to be provided at times when such childcare is being or is to be provided;
- (f) 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 67 of that Act or Article 108 of that Order (welfare of privately fostered children), including obtaining information in respect of any person who is—
  - (i) aged 18 or over and living in the same household as a person who is, or who wishes to be approved as, a foster parent within the meaning of section 53(7)(a) or (b) of the Safeguarding Vulnerable Groups Act 2006;

- (ii) aged 16 or over and living in the same household as a person who fosters, or intends to foster, a child privately within the meaning of section 66(1) of the Children Act 1989 or who is otherwise a private foster parent within the meaning of section 53(7) (c) and (8) of the Safeguarding Vulnerable Groups Act 2006;
- (g) obtaining information in respect of any person who is aged 16 or over and who lives in the same household as an individual who is having or who has had their suitability assessed for the purposes of—
  - (i) engaging in any activity which is regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012;
  - (ii) working in a further education institution (within the meaning of section 140 of the Education Act 2002) where the normal duties of that work involve regular contact with children; or
  - (iii) working in a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with children where that individual, and the person who lives in the same household, live on the premises where that activity or work would normally take place;
- <sup>F4</sup>(h) .....
- (i) work done infrequently which, if done frequently, would be regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 or as it had effect immediately before the coming into force of section 64 of the Protection of Freedoms Act 2012;
- (j) registration under Part II of the Care Standards Act 2000 (establishments and agencies); [ registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016
- <sup>F5</sup>(ja) (regulated services);]
- (k) registration under [<sup>F6</sup>Part 4 of the Regulation and Inspection of Social Care (Wales) Act 2016] (social care workers);
- (l) considering the applicant’s suitability for work in a further education institution (within the meaning of section 140 of the Education Act 2002) or a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010) where the normal duties of that work involve regular contact with persons aged under 18.
- [ registration as a childminder agency under Chapter 2A or 3A of Part 3 of the Childcare
- <sup>F7</sup>(m) Act 2006;
- (n) considering the applicant’s suitability to manage a childminder agency;
- (o) considering the applicant’s suitability to work for a childminder agency in any capacity which requires the applicant to enter childcare premises and enables that person, in the normal course of duties, to have contact with children for whom childcare is provided or access to sensitive or personal information about children for whom childcare is provided.]]

**Textual Amendments**

**F1** Reg. 5C inserted (2.12.2013) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2013 \(S.I. 2013/2669\)](#), regs. 1(1), 2(3), **Sch.**

**F2** Reg. 5C heading substituted (6.5.2014) by [The Police Act 1997 \(Criminal Records\) \(Amendment No. 2\) Regulations 2014 \(S.I. 2014/955\)](#), regs. 1(1), **2(4)(a)**

- F3** Words in reg. 5C substituted (6.5.2014) by The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2014 (S.I. 2014/955), regs. 1(1), **2(4)(b)**
- F4** Reg. 5C(h) omitted (6.5.2014) by virtue of The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2014 (S.I. 2014/955), regs. 1(1), **2(4)(c)**
- F5** Reg. 5C(ja) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018 (S.I. 2018/48), reg. 1(2), **Sch. 1 para. 7(3)**
- F6** Words in reg. 5C(k) substituted (3.4.2017) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2017 (S.I. 2017/52), reg. 1(2), **Sch. 1 para. 3(2)**
- F7** Reg. 5C(m)-(o) inserted (1.9.2014) by The Police Act 1997 (Criminal Records) (Amendment) (No. 3) Regulations 2014 (S.I. 2014/2122), regs. 1(1), **2(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) Regulations 2002, Section 5C.