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STATUTORY INSTRUMENTS

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**2004 No. 1759**

**POLICE, ENGLAND AND WALES**

**The Police Act 1997 (Criminal Records)  
(Amendment) (No. 2) Regulations 2004**

<i>Made</i>	- - - -	<i>8th July 2004</i>
<i>Laid before Parliament</i>		<i>9th July 2004</i>
<i>Coming into force</i>	- -	<i>26th July 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 113(3C)(b), 115(6B)(b), 125(1) and (5) of the Police Act 1997<sup>(1)</sup>, and having regard to the meaning of “prescribed” in section 126 of that Act, hereby makes the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) (No. 2) Regulations 2004 and shall come into force on 26th July 2004.

(2) In these Regulations “the 2002 Regulations” means the Police Act 1997 (Criminal Records) Regulations 2002<sup>(2)</sup>.

(3) These Regulations extend to England and Wales.

**Amendment to the 2002 Regulations**

2. The following regulation shall be substituted for regulation 8 of the 2002 Regulations—

**“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<sup>(3)</sup> 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

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(1) 1977 c. 50; sections 113(3C)(b) and 115(6B)(b) are inserted by sections 90(1) and (2) of the Care Standards Act 2000 (c. 14).  
(2) S.I.2002/233; amendments have been made by S.I. 2003/137, 2003/520, 2003/1418 and 2004/367.  
(3) 2000 c. 14.

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- (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.”

Home Office  
8th July 2004

*Hazel Blears*  
Minister of State

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Police Act 1997 (Criminal Records) Regulations 2002 which make detailed provisions in relation to applications for criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997.

By virtue of section 81 of the Care Standards Act 2000, the Secretary of State is under a duty to keep a list of individuals who are considered unsuitable to work with vulnerable adults. A new regulation 8 is substituted which specifies the details of information drawn from the list kept under section 81 of the Care Standards Act 2000, which will appear on criminal record certificates and enhanced criminal record certificates.