
STATUTORY INSTRUMENTS

2009 No. 1882

**The Police Act 1997 (Criminal
Records) (No. 2) Regulations 2009**

Amendment of regulation 5A of the 2002 Regulations

3.—(1) Regulation 5A of the 2002 Regulations is amended as follows.

(2) For paragraph (a) substitute—

“(a) considering the applicant’s suitability—

- (i) 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⁽¹⁾, or
- (ii) for a position which otherwise involves regularly caring for, training, supervising or being solely in charge of, persons aged under 18;”.

(3) For paragraph (b) substitute—

“(b) considering the applicant’s suitability—

- (i) to engage in any activity which is a regulated activity relating to vulnerable adults within the meaning of Part 2 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006, or
- (ii) for a position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006;”.

(4) Omit paragraph (ba)(i).

(5) In paragraph (ba)(ii) for “such adults” insert “vulnerable adults within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006”.

(6) For paragraph (g) substitute—

“(g) registration for child minding or providing day care under Part XA⁽²⁾ of the Children Act 1989, including assessing the suitability of any person to have regular contact with children 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;”.

(7) In paragraph (ga) after “(regulation of provision of childcare in England)” insert—

“, including assessing the suitability of any person to have regular contact with children who is—

- (i) aged 16 or over and living on the premises at which the childcare is being or is to be provided;

(1) 2006 c.47.

(2) Part XA was inserted by the Care Standards Act 2000 (c. 14).

- (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;”.
- (8) In paragraph (j) for “section 68” substitute “section 67” and after “(welfare of privately fostered children)” insert—
- “, 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;”.
- (9) In paragraph (k) after “suitability to adopt a child” insert “, including obtaining information in respect of any person aged 18 years or over living in the same household as the prospective adopter;”.
- (10) Omit paragraphs (l), (m), (n) and (o).
- (11) Omit paragraphs (s) and (t).
- (12) In paragraph (v) omit “considering an individual’s suitability for the position of Commissioner for Older People in Wales, or that of his deputy, or for” and after “Commissioner” insert “for Older People in Wales”.
- (13) Omit paragraph (w).
- (14) After paragraph (w) insert—
- “(x) considering the applicant’s suitability for work as a person who provides immigration advice or services as defined in section 82(1) of the Immigration and Asylum Act 1999⁽³⁾ and is—
- (i) a registered person under Part 5 of that Act, or
- (ii) a person who acts on behalf of and under the supervision of such a registered person, or
- (iii) a person who is exempt by section 84(4)(a) to (c) of that Act;
- (y) considering the applicant’s suitability to obtain or retain a licence under regulation 5 of the Misuse of Drugs Regulations 2001⁽⁴⁾ or under Article 3(2) of Regulation 2004/273/EC⁽⁵⁾ or under Article 6(1) of Regulation 2005/111/EC⁽⁶⁾ where the question relates to any person who as a result of his role in the body concerned is required to be named in the application for such a licence (or would have been so required if that person had had that role at the time the application was made); or
- (z) considering the applicant’s suitability for any office or employment or other work in the Criminal Records Bureau.”

Commencement Information

II [Reg. 3](#) in force at 12.10.2009, see [reg. 1\(1\)](#)

⁽³⁾ 1999 c. 33.

⁽⁴⁾ S.I. 2001/3998.

⁽⁵⁾ O.J. No. L 47 18.2.2004, p.1.

⁽⁶⁾ O.J. No. L 22, 26.1.2005, p.1.

Changes to legislation: There are currently no known outstanding effects for the The Police Act 1997 (Criminal Records) (No. 2) Regulations 2009, Section 3. (See end of Document for details)

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