

2010 No. 817

POLICE, ENGLAND AND WALES

**The Police Act 1997 (Criminal Records) (Amendment)
Regulations 2010**

<i>Made</i>	- - - -	<i>16th March 2010</i>
<i>Laid before Parliament</i>		<i>18th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 113B(2)(b), 113BA(1) and 113BB(1) of the Police Act 1997(a), makes the following Regulations.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) Regulations 2010 and shall come into force on 1st April 2010.

(2) In these Regulations—

“the 2002 Regulations” mean the Police Act 1997 (Criminal Records) Regulations 2002(b);
and

“the “2009 Regulations” mean the Police Act 1997 (Criminal Records) (No. 2) Regulations 2009(c).

(3) These Regulations extend to England and Wales.

Amendment of regulation 5A of the 2002 Regulations

2.—(1) Regulation 5A(d) of the 2002 Regulations (enhanced criminal record certificates: prescribed purposes) is amended as follows.

(2) After sub-paragraph (a) insert—

“(aa) considering the applicant’s suitability for any work which is a controlled activity relating to children within the meaning of section 21 of the Safeguarding Vulnerable Groups Act 2006(e);”.

(3) After sub-paragraph (ba) insert—

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- (a) 1997 c. 50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and was amended by S.I. 2009/203. Sections 113BA and 113BB were inserted by section 63(1) of, and paragraph 14(1) and (4) of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47). Sections 113BA and 113BB are modified by transitional provisions in S.I. 2009/2610.
- (b) S.I. 2002/233 as amended by S.I. 2003/137, 2003/520, 2003/1418, 2004/1759, 2005/347, 2006/748, 2006/2181, 2007/700, 2007/1892, 2007/3224, 2008/2143, 2009/460, 2009/1882 and 2009/2428.
- (c) S. I. 2009/1882.
- (d) Regulation 5A was inserted by S.I. 2006/748 and amended by S.I. 2006/2181, 2007/1892, 2007/3224, 2008/2143 and 2009/1882.
- (e) 2006 c. 47.

“(bb) considering the applicant’s suitability for any work which is a controlled activity relating to vulnerable adults within the meaning of section 22 of the Safeguarding Vulnerable Groups Act 2006;”.

(4) In sub-paragraph (y) omit the “or” after the semi-colon.

(5) After sub-paragraph (z) insert—

“; or

(za) considering the applicant’s suitability for work in a further education institution (within the meaning of section 140 of the Education Act 2002(a)) where the normal duties of that work involve regular contact with persons aged under 18.”.

Amendment of regulation 5 of the 2009 Regulations

3. In regulation 5 of the 2009 Regulations—

(a) after “(a)(ii),” insert “(aa),”; and

(b) for “or (z)” substitute “, (z) or (za)”.

Amendment of regulation 6 of the 2009 Regulations

4. In regulation 6 of the 2009 Regulations—

(a) after “(ba)(ii),” insert “(bb),”; and

(b) for “or (z)” substitute “, (z) or (za)”.

Home Office
16th March 2010

Meg Hillier
Parliamentary Under-Secretary of State

(a) 2002 c. 32.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 2010, prescribe three new purposes for which enhanced criminal record certificates can be obtained under section 113B of the Police Act 1997 (“the Act”) – assessing the suitability of individuals to work in a controlled activity in relation to children, to work in a controlled activity in relation to vulnerable adults or to work at a further education institution. Controlled activity is defined in the Safeguarding Vulnerable Groups Act 2006.

These Regulations also prescribe new cases in which suitability information, as defined in sections 113BA and 113BB of the Act, can be included on an enhanced criminal record certificate. Regulation 3 provides that suitability information relating to children can be included on an enhanced criminal record certificate when the purpose for which it was obtained was to assess the suitability of an individual to work in a controlled activity relating to children or at an institution within the further education sector.

Regulation 4 provides that suitability information relating to vulnerable adults can be included on an enhanced criminal record certificate when the purpose for which it was obtained was to assess the suitability of an individual to work in a controlled activity relating to vulnerable adults or at an institution within the further education sector.

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STATUTORY INSTRUMENTS

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