
EXPLANATORY NOTE

(This note is not part of the Order)

Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 (“the Act”) makes provision for a person who has a conviction or caution for a specific offence (in particular one under section 12 or 13 of the Sexual Offences Act 1956 (c. 69) in relation to offences of buggery and gross indecency between men) to apply to the Secretary of State to have that conviction or caution disregarded. Section 92 of the Act sets out the circumstances in which such an application will be successful.

This Order, made under section 95 of the Act, prescribes which records of convictions and cautions are relevant official records which will be deleted should an application for a disregard be successful. When an application is successful, section 95 provides that the Secretary of State shall direct the relevant data controller of relevant official records to delete those records. Article 2 of this Order prescribes which official records, in addition to the names database, are relevant official records for this purpose. Article 3 prescribes the relevant data controllers in relation to those relevant official records. Article 4 makes provision, in accordance with section 95 of the Act, for records to be annotated rather than deleted.