
STATUTORY INSTRUMENTS

2012 No. 2591

**The Police Act 1997 (Criminal Records)
(Jersey) (Amendment) Order 2012**

Citation and commencement

1.—(1) This Order may be cited as the Police Act 1997 (Criminal Records) (Jersey) (Amendment) Order 2012.

(2) This Order comes into force on the day after the day on which it is registered by the Royal Court of Jersey.

(3) Notwithstanding paragraph (2)—

(a) any provision extended as specified in paragraph (2) of article 4 and any provision in any Part extended as specified in paragraphs (3) to (6) of article 4 (subject to the modifications specified in Schedules 1 to 5 of this Order) does not have effect in Jersey until the day that provision comes into force in England and Wales;

(b) paragraph (4) of Schedule 1 shall have effect in Jersey when the extensions and modifications specified in paragraphs (3) to (6) of article 4 have effect in Jersey.

Interpretation

2.—(1) In this Order—

“the 2010 Order” means the Police Act 1997 (Criminal Records) (Jersey) Order 2010⁽¹⁾;

“the 2012 Act” means the Protection of Freedoms Act 2012;

“Jersey” means the Bailiwick of Jersey and its adjacent territorial sea.

(2) The Interpretation (Jersey) Law 1954 shall apply to this Order as if this Order were an enactment for the purposes of that Law.

Amendment of the 2010 Order

3.—(1) The 2010 Order is amended as follows.

(2) In article 1(4), for “upon the ending of the second transitional period” substitute “on such day as the Minister for Home Affairs for Jersey may by Order appoint”.

(3) In article 2(1), the definitions of “the first transitional period” and “the second transitional period” are omitted.

(4) Articles 6, 7 and 8 are revoked.

(5) In paragraph 17(a)(i) of Schedule 1, for “in England and Wales, Northern Ireland, Guernsey or the Isle of Man” substitute “in England and Wales, Northern Ireland, the Isle of Man, Guernsey or Jersey”.

(6) Schedule 3 is revoked.

Extension of Part 5 of, and Schedules 9 and 10 to, the Protection of Freedoms Act 2012 to Jersey

4.—(1) The following provisions of Part 5 (Safeguarding of vulnerable groups, criminal records, etc.) of the 2012 Act extend to Jersey subject to the modifications specified in Schedule 1.

(2) The provisions are—

- (a) section 79 (restriction on information provided to certain persons);
- (b) section 80 (minimum age for applicants for certificates or to be registered);
- (c) section 82 (enhanced criminal record certificates: additional safeguards);
- (d) section 83 (up-dating certificates);
- (e) section 84 (criminal conviction certificates: conditional cautions);
- (f) section 87 (formation and constitution of DBS);
- (g) section 88 (transfer of functions to DBS and dissolution of ISA);
- (h) section 89 (orders under section 88).

(3) Part 6 of Schedule 9 (Safeguarding of vulnerable groups) to the 2012 Act extends to Jersey subject to the modifications specified in Schedule 2.

(4) Part 7 of Schedule 9 (Criminal records) to the 2012 Act extends to Jersey subject to the modifications specified in Schedule 3.

(5) Part 5 of Schedule 10 (Safeguarding of vulnerable groups) to the 2012 Act extends to Jersey subject to the modifications specified in Schedule 4.

(6) Part 6 of Schedule 10 (Criminal records) to the 2012 Act extends to Jersey subject to the modifications specified in Schedule 5.

Subordinate legislation made under extended provisions

5. Any order or regulations made by the Secretary of State under the provisions extended to Jersey by this Order shall not have effect in Jersey until the order or regulations, having been communicated to the Bailiff of Jersey for registration by the Royal Court, have been so registered; and they shall come into force on the day following registration or the day of coming into force specified in the order or regulations, whichever is the later.

Richard Tilbrook
Clerk of the Privy Council