
STATUTORY INSTRUMENTS

2014 No. 2122

POLICE, ENGLAND AND WALES

**The Police Act 1997 (Criminal Records)
(Amendment) (No. 3) Regulations 2014**

<i>Made</i>	- - - -	<i>5th August 2014</i>
<i>Laid before Parliament</i>		<i>8th August 2014</i>
<i>Coming into force</i>	- -	<i>1st September 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 113B(2)(b) and 125 of the Police Act 1997(1), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) (No. 3) Regulations 2014 and come into force on 1st September 2014.

(2) These Regulations extend to England and Wales.

Amendment of the Police Act 1997 (Criminal Records) Regulations 2002

2.—(1) The Police Act 1997 (Criminal Records) Regulations 2002(2) are amended as follows.

(2) In regulation 2, after the definition of “childcare”, insert—

““childcare premises” means any premises on which childcare is provided;

“childminder agency” has the meaning given by section 98(1) of the Childcare Act 2006(3);”.

(3) In regulation 5C, after paragraph (l) insert—

“(m) registration as a childminder agency under Chapter 2A or 3A of Part 3 of the Childcare Act 2006;

(n) considering the applicant’s suitability to manage a childminder agency;

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- (1) [1997 c. 50](#). Section 113B(2) was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 ([c. 15](#)) and amended by section 63(1) of, and paragraph 14(1) and (3) of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 ([c. 47](#)).
- (2) [S.I. 2002/233](#). Regulation 2 has been amended by [S.I. 2009/1882](#), [2010/2582](#), [2012/523](#) and [2013/1194](#). Regulation 5C was inserted by [S.I. 2013/2669](#) and has been amended by [S.I. 2014/955](#).
- (3) [2006 c. 21](#). The definition of “childminder agency” was inserted into section 98(1) of the Childcare Act 2006 ([c. 21](#)) by paragraph 62 of Schedule 4 to the Children and Families Act 2014 ([c. 6](#)) (“the 2014 Act”). There are other relevant amendments made to Part 3 of the 2006 Act by section 84 of, and Schedule 4 to, the 2014 Act, which come into force in accordance with [S.I. 2014/889](#).

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- (o) considering the applicant’s suitability to work for a childminder agency in any capacity which requires the applicant to enter childcare premises and enables that person, in the normal course of duties, to have contact with children for whom childcare is provided or access to sensitive or personal information about children for whom childcare is provided.”.

5th August 2014

Taylor of Holbeach
Parliamentary Under-Secretary of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) Regulations 2002 (“the 2002 Regulations”) to add to the list of prescribed purposes for which an enhanced criminal record certificate may be required in accordance with a statement made by a registered person under section 113B(2)(b) of the Police Act 1997.

Regulation 2(3) of these Regulations amends the 2002 Regulations to provide for applicants to apply for an enhanced criminal record certificate in relation to registration as a childminder agency. The amendments also provide for applicants to apply for an enhanced criminal record certificate in relation to considering their suitability to manage a childminder agency and also to consider their suitability to work for a childminder agency in circumstances where the applicant is required to enter childcare premises and, in the normal course of his or her duties, to have contact with children for whom childcare is provided or access to sensitive or personal information about children for whom childcare is provided.