
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitory provision in connection with the coming into force of section 72(1) of the Protection of Freedoms Act 2012 (c. 9) (“the 2012 Act”). When section 72 of the 2012 Act is brought into force, it will supersede the operation of section 113E(1) and (2) of the Police Act 1997 (c. 50) (“the 1997 Act”) (as inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15)). This Order makes transitory provision in relation to the operation of section 113E pending the commencement of section 72 of the 2012 Act.

Where an application is made under the 1997 Act for an enhanced criminal record certificate which is eligible for a check of the children’s and/or adults’ barred lists, section 113E of that Act provides for checks of those lists in urgent cases. A person included in a barred list is barred from engaging in regulated activity with the relevant group. Section 72(1) of the 2012 Act inserts a replacement regime into the Safeguarding Vulnerable Groups Act 2006 (c. 47) (“the 2006 Act”) for the provision of barring information.

Article 2 of this Order ensures that when section 113E(1) and (2) of the 1997 Act is in operation, certain employers of people seeking to work with children in urgent cases will be able to request barred list checks before receiving enhanced criminal record certificates. This provision will have effect until section 72(1) of the 2012 Act, insofar as it inserts the replacement regime under section 30A of the 2006 Act, is brought into force.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.