

2020 No. 359

POLICE, ENGLAND AND WALES

**The Police Act 1997 (Criminal Records) (Amendment)
Regulations 2020**

Made - - - - - *26th March 2020*

Laid before Parliament *27th March 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 113B(1)(b) and 125(1) and (5) of the Police Act 1997(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force on 28th March 2020.

(3) The insertion of regulation 4(2)(b) into the Police Act 1997 (Criminal Records) Regulations 2002(b) comes into force immediately after the coming into force of section 9(8) of the Coronavirus Act 2020(c) (compensation for emergency volunteers).

(4) These Regulations extend to England and Wales.

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

2. For regulation 4 of the Police Act 1997 (Criminal Records) Regulations 2002(d) (fees for criminal records certificates and enhanced criminal records certificates) substitute—

“4 Fees for criminal record certificates and enhanced criminal record certificates

(1) Subject to paragraph (2), the fee payable in relation to an application for the issue of a criminal record certificate or an enhanced criminal record certificate is prescribed as—

- (a) £23 in the case of a criminal record certificate;
- (b) £40 in the case of an enhanced criminal record certificate, and
- (c) where an urgent preliminary response is sought under section 113E(3)(b) of the Act, an additional £6 in each case.

(2) No fee is payable in relation to an application made—

(a) 1997 c. 50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15). There are amendments to section 113B, but none is relevant to these Regulations.
(b) S.I. 2002/233; relevant amending instruments are S.I. 2003/1418, S.I. 2006/748 and S.I. 2019/1107.
(c) 2020 c. 7.
(d) Regulation 4 was substituted by S.I. 2006/748 and amended by S.I. 2019/1107.

- (a) by a volunteer;
 - (b) by a person who is approved by the appropriate authority, or who the appropriate authority is considering approving, as an emergency volunteer in health or social care under section 9(8)(a) of the Coronavirus Act 2020 (compensation for emergency volunteers);
 - (c) by a person who is registered, or who the Registrar is considering registering, as a nurse, midwife or nursing associate (individually or as part of a specified group) under article 9A of the Nursing and Midwifery Order 2001 (temporary registration in emergencies involving loss of human life or human illness etc)(a);
 - (d) by a person who is registered, or who the Registrar is considering registering, as a member of a relevant profession (individually or as part of a specified group) under article 9A of the Health Professions Order 2001 (temporary registration in emergencies involving loss of human life or human illness etc)(b);
 - (e) by a person who is registered, or who the regulator is considering registering, as a social worker (individually or as part of a specified group) under regulation 12A of the Social Workers Regulations 2018 (temporary registration in emergencies involving loss of human life or human illness etc)(c);
 - (f) by a person who is registered, or who the registrar is considering registering, as a social worker (individually or as part of a specified group) under section 83A of the Regulation and Inspection of Social Care (Wales) Act 2016 (temporary registration in emergencies involving loss of human life or human illness etc)(d);
 - (g) by a person who is registered, or who the Registrar is considering registering, as a fully registered medical practitioner (individually or as part of a specified group) under section 18A of the Medical Act 1983 (temporary registration with regard to emergencies involving loss of human life or human illness etc)(e);
 - (h) by a person who is registered, or who the Registrar is considering registering, as a pharmacist or a pharmacy technician (individually or as part of a specified group) under article 34 of the Pharmacy Order 2010 (temporary entry with regard to emergencies involving loss of human life or human illness etc)(f);
 - (i) for the purposes of considering the applicant’s suitability for employment for the purposes of providing, or being engaged to provide, NHS health services or social care services in connection with, or in consequence of, the provision of care or treatment to a person who has, or is suspected of having, coronavirus disease as defined by section 1 of the Coronavirus Act 2020, whether or not in respect of that disease.
- (3) For the purposes of paragraph (2)(i)—
- (a) “NHS health services” means—
 - (i) in relation to England, any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 (Secretary of State’s duty to promote comprehensive health service)(g);
 - (ii) in relation to Wales, any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service (Wales) Act 2006 (Welsh Ministers’ duty to promote health service)(h);
 - (b) “social care services” means—

(a) S.I. 2002/253. This Order was modified by paragraph 1 of Schedule 1 to the Coronavirus Act 2020 (c. 7).
 (b) S.I. 2002/254. This Order was modified by paragraph 2 of Schedule 1 to the Coronavirus Act 2020.
 (c) S.I. 2018/893. These Regulations were modified by paragraph 1 of Schedule 5 to the Coronavirus Act 2020.
 (d) 2016 anaw 2. This Act was modified by paragraph 2 of Schedule 5 to the Coronavirus Act 2020.
 (e) 1983 c. 54. Section 18A was inserted by S.I. 2008/1774.
 (f) S.I. 2010/231.
 (g) 2006 c. 41. Section 1 was substituted by section 1 of the Health and Social Care Act 2012 (c. 7).
 (h) 2006 c. 42.

- (i) in relation to England—
 - (aa) adult social services as defined in section 97(1) of the Health and Social Care Act 2008 (general interpretation)(a) and services which are the same as services which could be provided by a local authority in exercise of any of its adult social services functions as defined in section 97(1) of the Health and Social Care Act 2008, whoever provides them, and
 - (bb) services provided or commissioned in relation to children by a local authority in the exercise of its social services functions as defined in section 1A of the Local Authority Social Services Act 1970 (meaning of “social services functions”)(b) and the duties described in sections 23C to 24D of the Children Act 1989 (duties in relation to relevant former children and other young persons)(c);
- (ii) in relation to Wales, services provided or commissioned by a local authority in Wales in the exercise of its social services functions as defined in section 143 of, and Schedule 2 to, the Social Services and Well-being (Wales) Act 2014 (social services functions of local authorities)(d) and services which are the same as services which could be provided by a local authority in Wales in exercise of any of its social services functions, whoever provides them.”.

Victoria Atkins
Parliamentary Under Secretary of State
Home Office

26th March 2020

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the prescribed fees in the Police Act 1997 (Criminal Records) Regulations 2002 (S.I. 2002/233) to extend the categories of people who are not required to pay a fee when applying for a criminal record certificate or an enhanced criminal record certificate. This includes emergency volunteers, nurses, pharmacists, other healthcare professional and social workers who are temporarily or otherwise registered under relevant legislation, including that

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- (a) 2008 c. 14. Section 97(1) was amended by paragraphs 154 and 166 of Schedule 5 and paragraphs 108 and 109 of Schedule 14 to the Health and Social Care Act 2012 and S.I. 2012/961.
 - (b) 1970 c. 42. Section 1A was inserted by section 102(3) of the Local Government Act 2000 (c. 22).
 - (c) 1989 c. 41. Section 23C was inserted by section 2(1) and (4) of the Children (Leaving Care) Act 2000 (c. 35) and amended by section 21(1) to (3) of the Children and Young Persons Act 2008 (c. 23) and S.I. 2016/413. Section 23CZA was inserted by section 98(1) and (2) of the Children and Families Act 2014 (c. 6) and amended by S.I. 2016/413. Section 23CZB was inserted by section 3(1) and (2) of the Children and Social Work Act 2017 (c. 16). Section 23CA was inserted by section 22(2) of the Children and Young Persons Act 2008 and amended by section 3(1) and (3) of the Children and Social Work Act 2017 and S.I. 2016/413. Sections 23D and 23E were inserted by section 3 of the Children (Leaving Care) Act 2000. Section 23D was amended by section 23(1) of the Children and Young Persons Act 2008, section 3(1) and (4) of the Children and Social Work Act 2017 and S.I. 2016/413. Section 23E was amended by section 3 of the Children and Social Work Act 2017, section 22(3), (4) and (5) of the Children and Young Persons Act 2008, section 82 of, and paragraph 65(1) and (2) of Schedule 3 to, the Children and Families Act 2014 and S.I. 2016/413. Sections 24 to 24C were inserted by section 4(1) of the Children (Leaving Care) Act 2000. Section 24 was amended by section 139(1) of, and paragraphs 50, 54 and 60 of Schedule 3 to, the Adoption and Children Act 2002 (c. 38), section 55(2) of, and paragraphs 47 and 49(a) of Schedule 5 to, the Health and Social Care Act 2012 (c. 7), section 34 of, and paragraphs 75 and 76 of Schedule 4 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), S.I. 2007/961, S.I. 2010/1158 and S.I. 2016/413. Section 24A was amended by sections 116(3) and 139(1) of, and paragraphs 54 and 61 of Schedule 3 to, the Adoption and Children Act 2002 and S.I. 2006/413. Section 24B was amended by section 139(1) of, and paragraphs 54 and 62 of Schedule 3 to, the Adoption and Children Act 2002, section 23(2) of the Children and Young Persons Act 2008 and S.I. 2016/413. Section 24C was amended by section 55(2) of, and paragraphs 47 and 50 of Schedule 5 to, the Health and Social Care Act 2012, section 34 of, and paragraphs 75 and 77 of Schedule 4 to, the Health and Social Care (Community Health and Standards) Act 2003, S.I. 2007/961, S.I. 2010/1158 and S.I. 2016/413. Section 24D was inserted by section 5 of the Children (Leaving Care) Act 2000 and amended by section 117(1) of the Adoption and Children Act 2002 and S.I. 2016/413.
 - (d) 2014 anaw 4. Schedule 2 was amended by paragraph 22 of Schedule 3 to the Housing Wales Act 2014 (2014 anaw 7) and S.I. 2016/413.

modified by the Coronavirus Act 2020 (c. 7), and persons employed in connection with the provision of care and treatment of coronavirus disease.

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.

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