

2023 No. 435

POLICE, ENGLAND AND WALES

The Police Act 1997 (Criminal Records) (Amendment and Saving Provision) Regulations 2023

<i>Made</i>	- - - -	<i>17th April 2023</i>
<i>Laid before Parliament</i>		<i>19th April 2023</i>
<i>Coming into force</i>	- -	<i>11th May 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 113A(1)(b), 113B(1)(b), 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 and Saving Provision) Regulations 2023 and come into force on 11th May 2023.

(2) These Regulations extend to England and Wales.

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

2.—(1) Regulation 4 (fees for criminal record certificates and enhanced criminal record certificates) of the Police Act 1997 (Criminal Records) Regulations 2002(b) is amended as follows.

(2) For paragraph (2) substitute—

“(2) No fee is payable in relation to an application made by a volunteer.”

(3) Omit paragraph (3).

Saving provision

3. The amendments made by regulation 2(2) and (3) are of no effect in relation to an application for a criminal record certificate or enhanced criminal record certificate made before the date on which these Regulations come into force.

Sarah Dines
Parliamentary Under Secretary of State
Home Office

17th April 2023

(a) 1997 c. 50. Sections 113A and 113B were inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15). There are other amendments to sections 113A and 113B, but none are relevant to these Regulations. Section 125 has been amended by Schedule 37 to the Criminal Justice Act 2003 (c. 44) and Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15). There are other amendments to section 125, but none are relevant to these Regulations.

(b) S.I. 2002/233. Regulation 4 was substituted by S.I. 2020/359 and amended by S.I. 2022/303. There are other amending instruments, but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) Regulations 2002 (S.I. 2002/233) to change the categories of people who are eligible for a free criminal record certificate or enhanced criminal record certificate.

Regulation 2(2) limits 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 to volunteers. Regulation 2(3) omits definitions that are no longer required following the amendment made by regulation 2(2). Regulation 3 clarifies that the amendments do not apply to any application for a criminal record certificate or an enhanced criminal record certificate made before these Regulations come into force.

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

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£4.90

<http://www.legislation.gov.uk/id/uksi/2023/435>

ISBN 978-0-34-824723-7



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