



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

Modifications etc. (not altering text)

- C1** Pt. 5 (ss. 112-127) explained (prosp) by 1998 c. 29, s. 56(4)
- C2** Pt. 5 power to apply (with modifications) conferred (E.W.) (7.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 163(4), 178(2)

112 Criminal conviction certificates.

- (1) The Secretary of State shall issue a criminal conviction certificate to any individual who—
- (a) makes an application in the prescribed [^{F1}manner and] form, and
 - (b) [^{F2}pays in the prescribed manner any prescribed fee]
- (2) A criminal conviction certificate is a certificate which—
- (a) gives the prescribed details of every conviction of the applicant which is recorded in central records, or
 - (b) states that there is no such conviction.
- (3) In this section—
- “central records” means such records of convictions held for the use of police forces generally as may be prescribed;
 - “conviction” means a conviction within the meaning of the ^{M1}Rehabilitation of Offenders Act 1974, other than a spent conviction.
- (4) Where an applicant has received a criminal conviction certificate, the Secretary of State may refuse to issue another certificate to that applicant during such period as may be prescribed.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in s. 112(1)(a) inserted (E.W.) (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 2](#); [S.I. 2004/81](#), art. 4(1)(2)(o)(i); and inserted (S.) (7.2.2006) by [The Police Act 1997 Amendment \(Scotland\) Order 2006 \(S.S.I. 2006/50\)](#), arts. 1(1), **2(1)(a)**
- F2** S. 112(1)(b) substituted (S.) (7.2.2006) by [The Police Act 1997 Amendment \(Scotland\) Order 2006 \(S.S.I. 2006/50\)](#), arts. 1(1), **2(1)(b)**

Commencement Information

- I1** S. 112 not in force at Royal Assent, see [s. 135\(1\)](#)

Marginal Citations

- M1** [1974 c. 53](#).

113 Criminal record certificates.

- ^{F3}(1) The Secretary of State shall issue a criminal record certificate to any individual who—
- (a) makes an application under this section in the prescribed ^{F4}manner and] form countersigned by a registered person, and
 - (b) pays ^{F5}in the prescribed manner] any fee that is payable in relation to the application under regulations made by the Secretary of State.

- (2) An application under this section must be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.

- (3) A criminal record certificate is a certificate which—
- (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, or
 - (b) states that there is no such matter.

- ^{F6}^{F7}(3A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant's ^{F8}^{F9}suitability to be employed, supplied to work, found work or given work in] a position (whether paid or unpaid) within subsection (3B), ^{F10}^{F11}or ^{F12}the suitability of the applicant, or of a person living in the same household as the applicant, to be a foster parent or] to adopt a child,] the criminal record certificate shall also state—

- (a) whether the applicant is included ^{F13}^{F14}in—
 - (i) the list kept under section 1 of the ^{M2}Protection of Children Act 1999;
[the list kept under section 1(1) of the Protection of Children
^{F15}(ia) (Scotland) Act 2003 (asp 5);]
 - ^{F16}^{F17}(ii)
 - ^{F16}^{F17}(iii)]

- ^{F18}^{F19}(b) if he is included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14), such details of his inclusion as may be prescribed;]

- ^{F20}^{F21}(c) whether he is subject to a direction under section 142 of the Education Act 2002; and

- (d) if he is subject to a direction under that section, such details of the circumstances in which it was given as may be prescribed, including the grounds on which it was given.]

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(3B) A position is within this subsection if it is—

- (a) a child care position within the meaning of the Protection of Children Act 1999;
- ^{F22}[(a) a child care position within the meaning of the Protection of Children (Scotland) Act 2003 (asp 5);]
- ^{F23}^{F24}(b) a position which involves work to which section 142 of the Education Act 2002 applies;]
- ^{F25}^{F26}(c)
- (d) a position of such other description as may be prescribed;
- ^{F27}^{F28}...]

^{F29}(3C) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant's suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) within subsection (3D), the criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under section 81 of the Care Standards Act 2000; and
- (b) if he is included in that list, such details of his inclusion as may be prescribed.

(3D) A position is within this subsection if it is—

- (a) a care position within the meaning of Part VII of the Care Standards Act 2000; or
- (b) a position of such other description as may be prescribed.]

^{F30}^{F31}(3E) The references in subsections (3A) and (3C) to ^{F32}considering the applicant's suitability to be employed, supplied to work, found work or given work in a position falling within subsection (3B) or (3D) include references to ^{F33}—

- (a) considering the applicant's] suitability to be registered—
 - ^{F34}(a)] under Part II of the Care Standards Act 2000 (establishments and ^{F34}(i)] agencies);
 - ^{F34}(b)] under Part IV of that Act (social care workers); ^{F35}or]
 - ^{F34}(ii)]
 - [under Part 3 of the Regulation of Care (Scotland) Act 2001 (asp 8)
 - ^{F36}(iii) (social workers); or]
 - ^{F34}(c)] ^{F37}for child minding or providing day care under section 71 of ^{F34}(iv)] the Children Act 1989] or Article 118 of the ^{M3}Children (Northern Ireland) Order 1995 (child minding and day care) ^{F38}; and
- (b) considering the applicant's application to have a care service, consisting of the provision of child minding or the day care of children, registered under Part 1 of the Regulation of Care (Scotland) Act 2001 (asp 8) (care services)].]

^{F39}^{F40}(3F) The references in subsections (3A) and (3C) to considering the applicant's suitability to be employed, supplied to work, found work or given work in a position falling within subsection (3B) or (3D) include references to considering, for the purposes of Part 10A of the Children Act 1989 (child minding and day care in England and Wales), his suitability—

- (a) to look after or be in regular contact with children under the age of eight, or

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- (b) in the case of an applicant for or holder of a certificate under section 79W of that Act, or a person prescribed under subsection (4) of that section, to look after children within the meaning of that section.]
- (4) The Secretary of State shall send a copy of a criminal record certificate to the registered person who countersigned the application.
- (5) In this section—
- “central records” means such records of convictions and cautions held for the use of police forces generally as may be prescribed;
- “exempted question” means a question in relation to which section 4(2)(a) or (b) of the ^{M4}Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4);
- “relevant matter” means—
- (i) a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction, and
- (ii) a caution.]

Textual Amendments

- F3** S. 113 repealed (1.4.2006 for S., 6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 163(1), 178(4)(d)(8), [Sch. 17 Pt. 2](#); S.S.I. 2006/166, art. 2(1)(c)(d); S.I. 2006/378, art. 7(a)(f)
- F4** Words in s. 113(1)(a) inserted (E.W.) (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 3\(2\)\(b\)](#); S.I. 2004/81, art. 4(1)(2)(o)(i)
- F5** Words in s. 113(1)(b) inserted (E.W.) (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 3\(2\)\(c\)](#); S.I. 2004/81, art. 4(1)(2)(o)(i)
- F6** S. 113(3A)(3B) insertion by 1999 c. 14, s. 8 extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), ss. [12\(1\)\(a\)](#), 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F7** S. 113(3A)(3B) inserted (E.W.N.I.) (12.3.2002 for E.W.) by 1999 c. 14, ss. 8(1), 14(2); S.I. 2002/1436, [art. 2](#)
- F8** S. 113(3A) substitution of words by 2000 c. 14, Sch. 4 para. 25(1) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), ss. [12\(1\)\(b\)](#), 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F9** Words in s. 113(3A) substituted (2.7.2001 for E, 1.4.2002 for W.) by 2000 c. 14, ss. 116, 122, [Sch. 4 para. 25\(1\)](#); S.I. 2001/2041, art. 2(1)(d)(i) (with transitional provisions and savings in art. 3, Sch.); S.I. 2002/920, [art. 3\(3\)\(d\)](#) (subject to art. 3(2)(4)-(10), Schs. 1-3)
- F10** S. 113(3A) insertion of words by 2000 c. 14, s. 104(2)(a) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), ss. [12\(1\)\(b\)](#), 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F11** Words in s. 113(3A) inserted (18.3.2002 for E.W.) by 2000 c. 14, ss. 104(2)(a), 122; S.I. 2002/629, [art. 2\(2\)\(b\)\(ii\)](#)
- F12** Words in s. 113(3A) substituted (1.6.2003 for E.W.) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. [135\(2\)](#), 148(1) (with [Sch. 4 paras. 6-8](#)); S.I. 2003/366, art. 2(5)(b)
- F13** S. 113(3A) substitution of words by 2000 c. 14, s. 102(1) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), ss. [12\(1\)\(b\)](#), 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F14** S. 113(3A)(a)(i)-(iii)(b) and word substituted (18.3.2002 for E.W.) for s. 113(3A)(b) and words by 2000 c. 14, ss. 102(1), 122; S.I. 2002/629, [art. 2\(2\)\(a\)](#)
- F15** S. 113(3A)(a)(ia) inserted (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), ss. [12\(2\)\(a\)](#), 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)

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- F16** S. 113(3A)(a)(ii)(iii) repealed (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 72(2)(a), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F17** S. 113(3A)(a)(ii)(iii) repeal by 2002 c. 32, Sch. 21 para. 72(2)(a) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F18** S. 113(3A)(b) substitution by 2002 c. 32, Sch. 21 para. 72(2)(b) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F19** S. 113(3A)(b) substituted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 72(2)(b)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F20** S. 113(3A)(c)(d) insertion by 2002 c. 32, Sch. 21 para. 72(2)(c) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F21** S. 113(3A)(c)(d) inserted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 72(2)(c)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F22** S. 113(3B)(aa) inserted (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(b)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F23** S. 113(3B)(b) substitution by 2002 c. 32, Sch. 21 para. 72(3)(a) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F24** S. 113(3B)(b) substituted (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 72(3)(a)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F25** S. 113(3B)(c) repealed (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 72(3)(b), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F26** S. 113(3B)(c) repeal by 2002 c. 32, Sch. 21 para. 72(3)(b) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F27** Words in s. 113(3B) repealed (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 72(3)(c), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
- F28** S. 113(3B) repeal of words by 2002 c. 32, Sch. 21 para. 72(3)(c) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F29** S. 113(3C)(3D) inserted (26.7.2004) by [Care Standards Act 2000 \(c. 14\)](#), **ss. 90(1)**, 122; S.I. 2004/1757, art. 2(b)
- F30** S. 113(3E) insertion by 2000 c. 14, s. 104(2)(b) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(b)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F31** S. 113(3E) inserted (E.W.) (18.3.2002 for specified purposes, 1.4.2002 for specified purposes, 1.4.2003 in so far as not already in force) by 2000 c. 14, **ss. 104(2)(b)**, 122; S.I. 2002/629, **art. 2(2)(b)(iii)(3)(b)**; S.I. 2003/933, art. 2(2)(i); S.I. 2003/501, art. 2(2)(c)
- F32** Words in s. 113(3E) inserted (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(c)(i)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F33** S. 113(3E)(a) inserted (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(c)(ii)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F34** S. 113(3E)(a)(i)(ii)(iv): s. 113(3E)(a)(b)(c) renumbered as s. 113(3E)(a)(i)(ii)(iv) (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(c)(iii)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)

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- F35** Word in s. 113(3E)(a)(ii) repealed (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(c)(iv)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F36** S. 113(3E)(a)(iii) inserted (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(c)(v)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F37** Words in s. 113(3E)(c) substituted (E.) (20.1.2003) for the words "for child minding or providing day care under Part XA of the Children Act 1989" by [The Education Act 2002 \(Modification of Provisions\) \(No. 2\) \(England\) Regulations 2002 \(S.I. 2002/2953\)](#), **reg. 3**
- F38** S. 113(3E)(b) and word inserted (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(2)(c)(vi)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F39** S. 113(3F) insertion by 2002 c. 32, Sch. 13 para. 7(3) extended to Scotland (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(1)(c)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- F40** S. 113(3F) inserted (1.10.2002 except in relation to W., 19.12.2002 otherwise) by [Education Act 2002 \(c. 32\)](#), s. 152, **Sch. 13 para. 7(3)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1

Modifications etc. (not altering text)

- C3** S. 113(3A)(a): power to modify conferred (S.) (10.1.2005) by [Protection of Children \(Scotland\) Act 2003 \(asp 5\)](#), **ss. 12(3)**, 22(2); S.S.I. 2004/522, art. 2(1) (as substituted by S.S.I. 2004/556, art. 2)
- C4** S. 113(3E)(c) modified (W.) (19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), **reg. 8**

Commencement Information

- I2** S. 113 partly in force; s. 113 not in force at Royal Assent, see s. 135(1); s. 113 in force for E.W. at 1.3.2002 and in force for S. at 25.4.2002 by [S.I. 2002/413](#), **art. 2** and [S.S.I. 2002/124](#), **art. 4**

Marginal Citations

- M2** 1999 c. 14.
M3 [S.I. 1995/755 \(N.I. 2\)](#).
M4 1974 c. 53.

[^{F41}113A Criminal record certificates

- (1) The Secretary of State must issue a criminal record certificate to any individual who—
 - (a) makes an application in the prescribed manner and form, and
 - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
 - (a) be countersigned by a registered person, and
 - (b) be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.
- (3) A criminal record certificate is a certificate which—
 - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, or
 - (b) states that there is no such matter.
- (4) The Secretary of State must send a copy of a criminal record certificate to the registered person who countersigned the application.
- (5) The Secretary of State may treat an application under this section as an application under section 113B if—

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- (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
 - (b) the registered person provides him with the statement required by that subsection, and
 - (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under that section exceeds the fee paid in relation to the application under this section.
- (6) In this section—
- “central records” means such records of convictions and cautions held for the use of police forces generally as may be prescribed;
 - “exempted question” means a question in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act;
 - “relevant matter” means—
 - (a) a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction, and
 - (b) a caution.

Textual Amendments

F41 Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\), 178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(a); [S.I. 2006/2182](#), art. 2; [S.I. 2007/3064](#), art. 2; [S.I. 2008/306](#), art. 2; [S.I. 2008/697](#), art. 2(a); [S.I. 2015/188](#), art. 2

113B Enhanced criminal record certificates

- (1) The Secretary of State must issue an enhanced criminal record certificate to any individual who—
 - (a) makes an application in the prescribed manner and form, and
 - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
 - (a) be countersigned by a registered person, and
 - (b) be accompanied by a statement by the registered person that the certificate is required for a prescribed purpose.
- (3) An enhanced criminal record certificate is a certificate which—
 - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records and any information provided in accordance with subsection (4), or
 - (b) states that there is no such matter or information.
- (4) Before issuing an enhanced criminal record certificate the Secretary of State must request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—

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- (a) might be relevant for the purpose described in the statement under subsection (2), and
 - (b) ought to be included in the certificate.
- (5) The Secretary of State must also request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
 - (a) might be relevant for the purpose described in the statement under subsection (2),
 - (b) ought not to be included in the certificate, in the interests of the prevention or detection of crime, and
 - (c) can, without harming those interests, be disclosed to the registered person.
- (6) The Secretary of State must send to the registered person who countersigned the application—
 - (a) a copy of the enhanced criminal record certificate, and
 - (b) any information provided in accordance with subsection (5).
- (7) The Secretary of State may treat an application under this section as an application under section 113A if in his opinion the certificate is not required for a purpose prescribed under subsection (2).
- (8) If by virtue of subsection (7) the Secretary of State treats an application under this section as an application under section 113A, he must refund to the applicant the amount (if any) by which the fee paid in relation to the application under this section exceeds the fee payable in relation to an application under section 113A.
- (9) In this section—
 - “central records”, “exempted question”, and “relevant matter” have the same meaning as in section 113A;
 - “relevant police force”, in relation to an application under this section, means a police force which is a relevant police force in relation to that application under regulations made by the Secretary of State.
- (10) For the purposes of this section references to a police force include any of the following—
 - (a) the Royal Navy Regulating Branch;
 - (b) the Royal Marines Police;
 - (c) the Royal Military Police;
 - (d) the Royal Air Force Police;
 - (e) the Ministry of Defence Police;
 - (f) the National Criminal Intelligence Service;
 - (g) the National Crime Squad;
 - (h) the British Transport Police;
 - (i) the Civil Nuclear Constabulary;
 - (j) the States of Jersey Police Force;
 - (k) the salaried police force of the Island of Guernsey;
 - (l) the Isle of Man Constabulary;
 - (m) a body with functions in any country or territory outside the British Islands which correspond to those of a police force in any part of the United Kingdom,
 and any reference to the chief officer of a police force includes the person responsible for the direction of a body mentioned in this subsection.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (11) For the purposes of this section each of the following must be treated as if it were a police force—
- (a) the Commissioners for Her Majesty's Revenue and Customs (and for this purpose a reference to the chief officer of a police force must be taken to be a reference to any one of the Commissioners);
 - (b) the Serious Organised Crime Agency (and for this purpose a reference to the chief officer of a police force must be taken to be a reference to the Director General of the Agency);
 - (c) such other department or body as is prescribed (and regulations may prescribe in relation to the department or body the person to whom a reference to the chief officer is to be taken to be).

Textual Amendments

F41 Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\), 178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166, art. 2\(1\)\(c\)](#); [S.I. 2006/378, art. 7\(a\)](#); [S.I. 2006/2182, art. 2](#); [S.I. 2007/3064, art. 2](#); [S.I. 2008/306, art. 2](#); [S.I. 2008/697, art. 2\(a\)](#); [S.I. 2015/188, art. 2](#)

113C Criminal record certificates: suitability relating to children

- (1) If an application under section 113A or 113B is accompanied by a children's suitability statement the criminal record certificate or enhanced criminal record certificate (as the case may be) must also state—
- (a) whether the applicant is included in a specified children's list;
 - (b) if he is included in such a list, such details of his inclusion as may be prescribed;
 - (c) whether he is subject to a specified children's direction;
 - (d) if he is subject to such a direction, the grounds on which it was given and such details as may be prescribed of the circumstances in which it was given.
- (2) A children's suitability statement is a statement by the registered person that the certificate is required for the purpose of considering—
- (a) the applicant's suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) within subsection (5),
 - (b) the applicant's suitability to be a foster parent or to adopt a child,
 - (c) the applicant's suitability to be a child's special guardian for the purposes of sections 14A and 14C of the Children Act 1989,
 - (d) the applicant's suitability to have a child placed with him by virtue of section 70 of the Children (Scotland) Act 1995 or by virtue of section 5(2), (3) and (4) of the Social Work (Scotland) Act 1968, or
 - (e) the suitability of a person living in the same household as the applicant to be a person mentioned in paragraph (b) or (c) or to have a child placed with him as mentioned in paragraph (d).
- (3) Each of the following is a specified children's list—
- (a) the list kept under section 1 of the Protection of Children Act 1999;

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the list kept under section 1(1) of the Protection of Children (Scotland) Act 2003;
 - (c) the list kept under Article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
 - (d) any list kept for the purposes of regulations under Article 70(2)(e) or 88A(2)(b) of the Education and Libraries (Northern Ireland) Order 1986;
 - (e) any such other list as the Secretary of State specifies by order if he thinks that the list corresponds to a list specified in paragraphs (a) to (c) and is kept in pursuance of ^{F42}the law of] a country or territory outside the United Kingdom.
- (4) Each of the following is a specified children's direction—
- (a) a direction under section 142 of the Education Act 2002;
 - (b) anything which the Secretary of State specifies by order which he thinks corresponds to such a direction and which is done for the purposes of the law of Scotland or of Northern Ireland or of a country or territory outside the United Kingdom.
- (5) A position falls within this subsection if it is any of the following—
- (a) a child care position within the meaning of the Protection of Children Act 1999;
 - (b) a child care position within the meaning of the Protection of Children (Scotland) Act 2003;
 - (c) a child care position within the meaning of Chapter 1 of Part 2 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
 - (d) a position, employment or further employment in which may be prohibited or restricted by regulations under Article 70(2)(e) or 88A(2)(b) of the Education and Libraries (Northern Ireland) Order 1986;
 - (e) a position which involves work to which section 142 of the Education Act 2002 applies;
 - (f) a position of such other description as may be prescribed.
- (6) An order under subsection (4)(b) may make such modifications of subsection (1)(d) as the Secretary of State thinks necessary or expedient in consequence of the order.

Textual Amendments

- F41** Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 163(2)**, 178(4)(d)(8); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(a); [S.I. 2006/2182](#), art. 2; [S.I. 2007/3064](#), art. 2; [S.I. 2008/306](#), art. 2; [S.I. 2008/697](#), art. 2(a); [S.I. 2015/188](#), art. 2
- F42** Words in s. 113C(3)(e) inserted (1.1.2006) by [The Serious Organised Crime and Police Act 2005 \(Amendment\) Order 2005 \(S.I. 2005/3496\)](#), **arts. 1(1)**, 6(1)

113D Criminal record certificates: suitability relating to adults

- (1) If an application under section 113A or 113B is accompanied by an adults' suitability statement the criminal record certificate or enhanced criminal record certificate (as the case may be) must also state—
- (a) whether the applicant is included in a specified adults' list;

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) if he is included in such a list, such details of his inclusion as may be prescribed.
- (2) An adults' suitability statement is a statement by the registered person that the certificate is required for the purpose of considering the applicant's suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) falling within subsection (4).
- (3) Each of the following is a specified adults' list—
 - (a) the list kept under section 81 of the Care Standards Act 2000;
 - (b) the list kept under Article 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
 - (c) any such other list as the Secretary of State specifies by order if he thinks that the list corresponds to a list specified in paragraph (a) or (b) and is kept in pursuance of the law of Scotland or of a country or territory outside the United Kingdom.
- (4) A position falls within this subsection if it is any of the following—
 - (a) a care position within the meaning of Part 7 of the Care Standards Act 2000;
 - (b) a care position within the meaning of Part 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
 - (c) a position concerned with providing a care service (as defined by section 2(1) of the Regulation of Care (Scotland) Act 2001);
 - (d) a position of such other description as may be prescribed.

Textual Amendments

F41 Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\), 178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(a); [S.I. 2006/2182](#), art. 2; [S.I. 2007/3064](#), art. 2; [S.I. 2008/306](#), art. 2; [S.I. 2008/697](#), art. 2(a); [S.I. 2015/188](#), art. 2

113E Criminal record certificates: specified children's and adults' lists: urgent cases

- (1) Subsection (2) applies to an application under section 113A or 113B if—
 - (a) it is accompanied by a children's suitability statement,
 - (b) the registered person requests an urgent preliminary response, and
 - (c) the applicant pays in the prescribed manner such additional fee as is prescribed in respect of the application.
- (2) The Secretary of State must notify the registered person—
 - (a) if the applicant is not included in a specified children's list, of that fact;
 - (b) if the applicant is included in such a list, of the details prescribed for the purposes of section 113C(1)(b) above;
 - (c) if the applicant is not subject to a specified children's direction, of that fact;
 - (d) if the applicant is subject to such a direction, of the grounds on which the direction was given and the details prescribed for the purposes of section 113C(1)(d) above.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Subsection (4) applies to an application under section 113A or 113B if—
- (a) it is accompanied by an adults' suitability statement,
 - (b) the registered person requests an urgent preliminary response, and
 - (c) the applicant pays in the prescribed manner such additional fee as is prescribed in respect of the application.
- (4) The Secretary of State must notify the registered person either—
- (a) that the applicant is not included in a specified adults' list, or
 - (b) that a criminal record certificate or enhanced criminal record certificate will be issued in due course.
- (5) In this section—
- “criminal record certificate” has the same meaning as in section 113A;
 - “enhanced criminal record certificate” has the same meaning as in section 113B;
 - “children's suitability statement” “, specified children's direction” and “specified children's list” have the same meaning as in section 113C;
 - “adults' suitability statement” and “specified adults' list” have the same meaning as in section 113D.

Textual Amendments

F41 Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\), 178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(a); [S.I. 2006/2182](#), art. 2; [S.I. 2007/3064](#), art. 2; [S.I. 2008/306](#), art. 2; [S.I. 2008/697](#), art. 2(a); [S.I. 2015/188](#), art. 2

113F Criminal record certificates: supplementary

- (1) References in sections 113C(2) and 113D(2) to considering the applicant's suitability to be employed, supplied to work, found work or given work in a position falling within section 113C(5) or 113D(4) include references to considering—
- (a) for the purposes of Part 10A of the Children Act 1989 (child minding and day care in England and Wales), the applicant's suitability to look after or be in regular contact with children under the age of eight;
 - (b) for the purposes of that Part of that Act, in the case of an applicant for or holder of a certificate under section 79W of that Act, or a person prescribed under subsection (4) of that section, his suitability to look after children within the meaning of that section;
 - (c) the applicant's suitability to be registered for child minding or providing day care under section 71 of the Children Act 1989 or Article 118 of the Children (Northern Ireland) Order 1995 (child minding and day care);
 - (d) for the purposes of section 3 of the Teaching and Higher Education Act 1998 (registration of teachers with the General Teaching Council for England or the General Teaching Council for Wales) or of section 6 of the Teaching Council (Scotland) Act 1965 (registration of teachers with the General Teaching Council for Scotland), the applicant's suitability to be a teacher;

Status: Point in time view as at 01/04/2006.

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- (e) the applicant's suitability to be registered under Part 2 of the Care Standards Act 2000 (establishments and agencies);
 - (f) the applicant's suitability to be registered under Part 4 of that Act (social care workers);
 - (g) the applicant's suitability to be registered under Part 1 of the Regulation of Care (Scotland) Act 2001 (applications by persons seeking to provide a care service);
 - (h) the applicant's suitability to be registered under Part 3 of that Act (social workers and other social service workers);
 - (i) the applicant's application to have a care service, consisting of the provision of child minding or the day care of children, registered under Part 1 of that Act (care services);
 - (j) the applicant's suitability to be registered under Part 1 of the Health and Personal Social Services Act (Northern Ireland) 2001 (social care workers);
 - (k) the applicant's suitability to be registered under Part 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (regulation of establishments and agencies).
- (2) The power to make an order under section 113C or 113D is exercisable by statutory instrument, but no such order may be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (3) If the power mentioned in subsection (2) is exercised by the Scottish Ministers, the reference in that subsection to each House of Parliament must be construed as a reference to the Scottish Parliament.]

Textual Amendments

F41 Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\), 178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(a); [S.I. 2006/2182](#), art. 2; [S.I. 2007/3064](#), art. 2; [S.I. 2008/306](#), art. 2; [S.I. 2008/697](#), art. 2(a); [S.I. 2015/188](#), art. 2

114 Criminal record certificates: Crown employment.

- (1) The Secretary of State shall issue a criminal record certificate to any individual who—
- (a) makes an application under this section in the prescribed ^{F43}manner and] form, and
 - (b) ^{F44}pays in the prescribed manner any prescribed fee]
- (2) An application under this section must be accompanied by a statement by a Minister of the Crown that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for an appointment by or under the Crown.
- (3) ^{F45}[Section 113(3) to (5)]^{F45}Sections 113A(3) to (6) and 113C to 113F] shall apply in relation to this section with any necessary modifications.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F43** Words in s. 114(1)(a) inserted (S.) (7.2.2006) by [The Police Act 1997 Amendment \(Scotland\) Order 2006 \(S.S.I. 2006/50\)](#), arts. 1(1), **2(3)(a)**
- F44** S. 114(1)(b) substituted (S.) (7.2.2006) by [The Police Act 1997 Amendment \(Scotland\) Order 2006 \(S.S.I. 2006/50\)](#), arts. 1(1), **2(3)(b)**
- F45** Words in s. 114(3) substituted (1.4.2006 for S., 6.4.2006 for E.W., 1.4.2008 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 2**; [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2008/697](#), art. 2(e)

Commencement Information

- I3** S. 114 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), **art. 2**
S. 114 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), **art. 4**

115 Enhanced criminal record certificates. **E+W+N.I.**

- (1) The Secretary of State shall issue an enhanced criminal record certificate to any individual who—
 - (a) makes an application under this section in the prescribed [^{F46}manner and] form countersigned by a registered person, and
 - (b) pays [^{F47}in the prescribed manner] any fee that is payable in relation to the application under regulations made by the Secretary of State.
- (2) An application under this section must be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question asked [^{F48}for such purposes as may be prescribed under this subsection].
- (3) A position is within this subsection if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.
- (4) A position is within this subsection if—
 - (a) it is of a kind specified in regulations made by the Secretary of State, and
 - (b) it involves regularly caring for, training, supervising or being in sole charge of persons aged 18 or over.
- (5) The matters referred to in subsection (2)(b) are—
 - (a) a certificate for the purposes of sections 19 or 27(1) or (5) of the ^{M5}Gaming Act 1968 (gaming);
 - (b) a certificate of consent, or a licence, for any purpose of Schedule 2 to that Act (licences);
 - (c) registration or certification in accordance with Schedule 1A, 2 or 2A to the ^{M6}Lotteries and Amusements Act 1976 (societies, schemes and lottery managers);
 - (d) a licence under section 5 or 6 of the ^{M7}National Lottery etc. Act 1993 (running or promoting lotteries);
 - [^{F49}(da) a personal licence under the Licensing Act 2003;]
 - (e) registration under section 71 of the ^{M8}Children Act 1989 [^{F50}registration for child minding or providing day care under Part XA of that Act [^{F51}, or the holding of a certificate under section 79W of that Act,] or registration under] Article 118 of the ^{M9}Children (Northern Ireland) Order 1995 (child minding and day care);

Status: Point in time view as at 01/04/2006.

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- [^{F52}(ea) registration under Part II of the Care Standards Act 2000 (establishments and agencies);
 - (eb) registration under Part IV of that Act (social care workers);]
 - (f) the placing of children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the ^{M10}Children (Northern Ireland) Order 1995 or the exercise of any duty under or by virtue of section 67 of that Act or Article 108 of that Order (welfare of privately fostered children);
 - (g) the approval of any person as a foster carer by virtue of section 5(2), (3) and (4) of the ^{M11}Social Work (Scotland) Act 1968, the exercise by a local authority of their functions under the ^{M12}Foster Children (Scotland) Act 1984 or the placing of children with foster parents by virtue of section 70 of the ^{M13}Children (Scotland) Act 1995 (disposal of referral by children's hearing).
 - [^{F53}(h) a decision made by an adoption agency within the meaning of [^{F54}section 2 of the Adoption and Children Act 2002] as to a person's suitability to adopt a child.]
- (6) An enhanced criminal record certificate is a certificate which—
- (a) gives—
 - (i) the prescribed details of every relevant matter relating to the applicant which is recorded in central records, and
 - (ii) any information provided in accordance with subsection (7), or
 - (b) states that there is no such matter or information.
- [^{F55}(6A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant's suitability for a position (whether paid or unpaid) falling within subsection (3B) of section 113, [^{F56}or [^{F57}the suitability of the applicant, or of a person living in the same household as the applicant, to be a foster parent or] to adopt a child.], the enhanced criminal record certificate shall also state—
- (a) whether the applicant is included [^{F58} in—
 - (i) the list kept under section 1 of the ^{M14}Protection of Children Act 1999;
 - ^{F59}(ii)
 - ^{F59}(iii)
 - [^{F60}(b) if he is included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14), such details of his inclusion as may be prescribed;]]
 - [whether he is subject to a direction under section 142 of the Education Act 2002; and
 - ^{F61}(c) (d) if he is subject to a direction under that section, such details of the circumstances in which it was given as may be prescribed, including the grounds on which it was given.]]
- [^{F62}(6B) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant's suitability to be employed, supplied to work, found work or given work in a position (whether paid or unpaid) falling within subsection (3D) of section 113, the enhanced criminal record certificate shall also state—
- (a) whether the applicant is included in the list kept under section 81 of the Care Standards Act 2000; and
 - (b) if he is included in that list, such details of his inclusion as may be prescribed.]

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F63}(6BA) The references in subsections (6A) and (6B) to considering the applicant's suitability to be employed, supplied to work, found work or given work in a position falling within section 113(3B) or (3D) include references to considering, for the purposes of Part 10A of the Children Act 1989 (child minding and day care in England and Wales) his suitability—
- (a) to look after or be in regular contact with children under the age of eight, or
 - (b) in the case of an applicant for or holder of a certificate under section 79W of that Act, or a person prescribed under subsection (4) of that section, to look after children within the meaning of that section.]
- [^{F64}(6C) This subsection applies to an individual included or seeking inclusion in any list prepared for the purposes of Part 2 of the National Health Service Act 1977 (c. 49) of—
- (a) medical practitioners undertaking to provide general medical services,
 - (b) persons undertaking to provide general dental services,
 - (c) persons undertaking to provide general ophthalmic services, or
 - (d) persons undertaking to provide pharmaceutical services.
- (6D) This subsection applies to an individual who is—
- (a) a director of a body corporate included or seeking inclusion in a list referred to in subsection (6C)(b) or (c),
 - (b) a member of a limited liability partnership included or seeking inclusion in a list referred to in subsection (6C)(c),
 - (c) a member of the body of persons controlling a body corporate (whether or not a limited liability partnership) included or seeking inclusion in a list referred to in subsection (6C)(d).
- (6E) This subsection applies to an individual included or seeking inclusion in any list prepared by a [F17Primary Care Trust or] Health Authority under—
- (a) section 28DA of the National Health Service Act 1977 or section 8ZA of the National Health Service (Primary Care) Act 1997 (lists of persons who may perform personal medical services or personal dental services), or
 - (b) section 43D of the 1977 Act (supplementary lists),
- and to an individual included or seeking inclusion in any list corresponding to a list referred to in paragraph (a) prepared by a [^{F65}Primary Care Trust or] Health Authority by virtue of regulations made under section 41 of the Health and Social Care Act 2001 (which provides for the application of enactments in relation to local pharmaceutical services).]
- (7) Before issuing an enhanced criminal record certificate the Secretary of State shall request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
- (a) might be relevant for the purpose described in the statement under subsection (2), and
 - (b) ought to be included in the certificate.
- (8) The Secretary of State shall also request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
- (a) might be relevant for the purpose described in the statement under subsection (2),
 - (b) ought not to be included in the certificate, in the interests of the prevention or detection of crime, and

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- (c) can, without harming those interests, be disclosed to the registered person.
- (9) The Secretary of State shall send to the registered person who countersigned an application under this section—
- (a) a copy of the enhanced criminal record certificate, and
- (b) any information provided in accordance with subsection (8).
- (10) In this section—
- “central records”, “exempted question” and “relevant matter” have the same meaning as in section 113; and
- “relevant police force”, in relation to an application under this section, means a police force which is a relevant police force in relation to that application under regulations made by the Secretary of State.

Extent Information

- E1** This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

- F46** Words in s. 115(1)(a) inserted (E.W.) (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 4\(2\)\(b\)](#); S.I. 2004/81, art. 4(1)(2)(o)(i)
- F47** Words in s. 115(1)(b) inserted (E.W.) (29.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 4\(2\)\(c\)](#); S.I. 2004/81, art. 4(1)(2)(o)(i)
- F48** Words in s. 115(2) substituted (E.W.) for s. 115(2)(a)-(c) (29.1.2004 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 4\(3\)](#); S.I. 2004/81, art. 4(1)(2)(o)(ii)
- F49** S. 115(5)(da) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 116](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F50** Words in s. 115(5)(e) substituted (2.7.2001 for E., 1.4.2002 for W.) by [2000 c. 14](#), ss. 116, 122, [Sch. 4 para. 25\(2\)\(a\)](#); S.I. 2001/2041, [art. 2\(2\)\(d\)\(i\)](#) (with transitional provisions and savings in [art. 3](#), [Sch.](#)); S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)
- F51** Words in s. 115(5)(e) inserted (E.W.) (1.10.2002 except in relation to W., 19.12.2002 otherwise) by [Education Act 2002 \(c. 32\)](#), s. 152, [Sch. 13 para. 8\(2\)](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#); S.I. 2002/3185, art. 4, [Sch. Pt. 1](#)
- F52** S. 115(5)(ea)(eb) inserted (E.W.) (1.4.2002 for specified purposes for E.W., 1.4.2003 in so far as not already in force for E.W.) by [2000 c. 14](#), ss. 104(3)(a)(i), 122; S.I. 2002/629, [art. 2\(3\)\(c\)](#); S.I. 2003/501, [art. 2\(2\)\(c\)](#); S.I. 2003/933, [art. 2\(2\)\(i\)](#)
- F53** S. 115(5)(h) inserted (18.3.2002 for E.W.) by [2000 c. 14](#), ss. 104(3)(a)(ii), 122; S.I. 2002/629, [art. 2\(2\)\(b\)\(iv\)](#)
- F54** Words in s. 115(5)(h) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), [Sch. 3 para. 93](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, art. 2(o)
- F55** S. 115(6A) inserted (E.W.N.I.) (12.3.2002 for E.W.) by [1999 c. 14](#), ss. 8(2), 14(2); S.I. 2002/1436, [art. 2](#)
- F56** Words in s. 115(6A) inserted (18.3.2002 for E.W.) by [2000 c. 14](#), ss. 104(3)(b), 122; S.I. 2002/629, [art. 2\(2\)\(b\)\(v\)](#)
- F57** Words in s. 115(6A) substituted (1.6.2003 for E.W.) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 135(3), 148(1) (with [Sch. 4 paras. 6-8](#)); S.I. 2003/366, art. 2(5)(b)
- F58** S. 115(6A)(a)(i)-(iii)(b) and word substituted (18.3.2002 for E.W.) for s. 115(6A)(b) and words by [2000 c. 14](#), ss. 102(2), 122; S.I. 2002/629, [art. 2\(2\)\(a\)](#)
- F59** S. 115(6A)(a)(ii)(iii) repealed (31.3.2003 for W., 1.6.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 73\(a\)](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, [Sch. Pt. II](#); S.I. 2003/1115, art. 3

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F60	S. 115(6A)(b) substituted (31.3.2003 for W., 1.6.2003 for E.) by Education Act 2002 (c. 32) , s. 216(4), Sch. 21 para. 73(b) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
F61	S. 115(6A)(c)(d) inserted (31.3.2003 for W., 1.6.2003 for E.) by Education Act 2002 (c. 32) , s. 216(4), Sch. 21 para. 73(c) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/1115, art. 3
F62	S. 115(6B) inserted (26.7.2004) by Care Standards Act 2000 (c. 14) , ss. 90(2) , 122; S.I. 2004/1757, art. 2(b)
F63	S. 115(6BA) inserted (E.W.) (1.10.2002 except in relation to W., 19.12.2002 otherwise) by virtue of Education Act 2002 (c. 32) , s. 152, Sch. 13 para. 8(3) (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 ; S.I. 2002/3185, art. 4, Sch. Pt. 1
F64	S. 115(6C)-(6E) inserted (E.W.) (1.4.2002 for E., 1.7.2002 for W.) by 2001 c. 15 , s. 19(3) (with ss. 64(9), 65(4)); S.I. 2002/1095, art. 2(3), Sch. (with art. 3); S.I. 2002/1475, art. 2(1), Sch. Pt. 1
F65	Words in s. 115(6E) inserted (E.W.) (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17) , s. 2(5), Sch. 2 Pt. 2 para. 64 ; S.I. 2002/2478, art. 3(1)(d)
Modifications etc. (not altering text)	
C5	S. 115 modified (temp.) (E.) (1.4.2004) by The General Medical Services and Personal Medical Services Transitional and Consequential Provisions Order 2004 (S.I. 2004/865) , arts. 1(1), 116 (with art. 1(3))
Commencement Information	
I4	S. 115 partly in force; s. 115 not in force at Royal Assent, see s. 135(1); s. 115 in force for E.W. at 1.3.2002 by S.I. 2002/413 , art. 2 ; s. 115(4) in force for S. at 11.3.2002 by S.S.I. 2002/124 , art. 3 and s. 115 otherwise in force for S. at 25.4.2002 by S.S.I. 2002/124 , art. 4
Marginal Citations	
M5	1968 c. 65 .
M6	1976 c. 32 .
M7	1993 c. 39 .
M8	1989 c. 41 .
M9	S.I. 1995/755 (N.I. 2) .
M10	S.I. 1995/755 (N.I. 2) .
M11	1968 c. 49 .
M12	1984 c. 56 .
M13	1995 c. 36 .
M14	1999 c. 14 .

F111 **115 Enhanced criminal record certificates.** S

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Extent Information	
E4	This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only
Textual Amendments	
F111	S. 115 repealed (1.4.2006 for S., 6.4.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15) , ss. 163(1) , 178(4)(d)(8) , Sch. 17 Pt. 2 ; S.S.I. 2006/166, art. 2(1)(c)(d); S.I. 2006/378, art. 7(a)(f)

Status: Point in time view as at 01/04/2006.

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116 Enhanced criminal record certificates: judicial appointments and Crown employment.

- (1) The Secretary of State shall issue an enhanced criminal record certificate to any individual who—
 - (a) makes an application under this section in the prescribed [^{F66}manner and] form, and
 - (b) [^{F67}pays in the prescribed manner any prescribed fee]
- (2) An application under this section must be accompanied by a statement by a Minister of the Crown, or a person nominated by a Minister of the Crown, that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for—
 - (a) a judicial appointment, or
 - (b) an appointment by or under the Crown to a position [^{F68}to which subsection (3) or (4) of section 115 applies][^{F68}of such description as may be prescribed].
- (3) [^{F69}Section 115(6) to (10)][^{F69}Sections 113B(3) to (11) and 113C to 113F] shall apply in relation to this section with any necessary modifications.

Textual Amendments

- F66** Words in s. 116(1)(a) inserted (S.) (7.2.2006) by [The Police Act 1997 Amendment \(Scotland\) Order 2006 \(S.S.I. 2006/50\)](#), arts. 1(1), **2(4)(a)**
- F67** S. 116(1)(b) substituted (S.) (7.2.2006) by [The Police Act 1997 Amendment \(Scotland\) Order 2006 \(S.S.I. 2006/50\)](#), arts. 1(1), **2(4)(b)**
- F68** Words in s. 116(2)(b) substituted (E.W.N.I.) (29.1.2004 for specified purposes for E.W., 6.4.2006 for E.W. in so far as not already in force, 1.4.2008 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 35 para. 5**; S.I. 2004/81, art. 4(1)(2)(o)(ii); S.I. 2006/751, art. 2(c)(i); S.I. 2008/694, art. 2
- F69** Words in s. 116(3) substituted (1.4.2006 for S., 6.4.2006 for E.W., 1.4.2008 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 3(b)**; S.S.I. 2006/166, art. 2(1)(e); S.I. 2006/378, art. 7(c); S.I. 2008/697, art. 2(e)

Commencement Information

- I5** S. 116 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), **art. 2**
S. 116 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), art. 4

117 Disputes about accuracy of certificates.

- (1) Where an applicant for a certificate under any of sections 112 to 116 believes that the information contained in the certificate is inaccurate he may make an application in writing to the Secretary of State for a new certificate.
- (2) The Secretary of State shall consider any application under this section; and where he is of the opinion that the information in the certificate is inaccurate he shall issue a new certificate.

Commencement Information

- I6** S. 117 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), **art. 2**
S. 117 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), **art. 4**

Status: Point in time view as at 01/04/2006.

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118 Evidence of identity.

- (1) The Secretary of State may refuse to issue a certificate under this Part, or to consider an application under section 117 [^{F70}or 120], unless the application is supported by such evidence of identity as he may require.
- (2) In particular, the Secretary of State may refuse to issue a certificate or consider an application unless the applicant—
 - (a) has his fingerprints taken at such place and in such manner as may be prescribed, and
 - (b) pays the prescribed fee to such person as may be prescribed.
- [^{F71}(2A) For the purpose of verifying evidence of identity supplied in pursuance of subsection (1) the Secretary of State may obtain such information as he thinks is appropriate from data held—
 - (a) by the United Kingdom Passport Agency;
 - (b) by the Driver and Vehicle Licensing Agency;
 - (c) by Driver and Vehicle Licensing Northern Ireland;
 - (d) by the Secretary of State in connection with keeping records of national insurance numbers;
 - (e) by such other persons or for such purposes as is prescribed.]
 - (3) Regulations dealing with the taking of fingerprints may make provision requiring their destruction in specified circumstances and by specified persons.
 - (4) Regulations prescribing a fee for the purposes of subsection (2)(b) shall make provision for a refund in cases of an application under section 117 where a new certificate is issued.

Textual Amendments

- F70** Words in s. 118(1) inserted (1.7.2005 for S., 1.7.2005 for E.W., 1.4.2008 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 164\(2\), 178\(4\)\(d\)\(8\); S.S.I. 2005/358, art. 2\(c\); S.I. 2005/1521, art. 3\(3\)\(a\); S.I. 2008/697, art. 2\(b\)](#)
- F71** S. 118(2A) inserted (1.7.2005 for S., 1.7.2005 for E.W., 1.4.2008 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 164\(3\), 178\(4\)\(d\)\(8\); S.S.I. 2005/358, art. 2\(c\); S.I. 2005/1521, art. 3\(3\)\(a\); S.I. 2008/697, art. 2\(b\)](#)

Commencement Information

- I7** S. 118 in force at 1.3.2002 for E.W. by [S.I. 2002/413, art. 2](#)
S. 118 in force at 25.4.2002 for S. by [S.S.I. 2002/124, art. 4](#)

119 Sources of information.

- (1) Any person who holds records of convictions or cautions for the use of police forces generally shall make those records available to the Secretary of State [^{F72}for the purposes of an application [^{F73}(whether for a certificate or for registration)] under this Part.] [^{F72}for the purpose of enabling him to carry out his functions under this Part in relation to—
 - (a) any application for a certificate or for registration; or
 - (b) the determination of whether a person should continue to be a registered person.]

Status: Point in time view as at 01/04/2006.

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- [^{F74}(1A) Any person who keeps a list mentioned in [^{F75}section 113(3A) or (3C)][^{F75}section 113C(3) or 113D(3)] above shall make the contents of that list available to the Secretary of State for the purpose of enabling him to carry out his functions under this Part in relation to—
- (a) any application for a certificate or for registration; or
 - (b) the determination of whether a person should continue to be a registered person.]
- (2) Where the chief officer of a police force receives a request under section [^{F76}115][^{F76}113B] or 116 he shall comply with it as soon as practicable.
- (3) The Secretary of State shall pay to the appropriate police authority, ^{F77}... [^{F78}the prescribed fee][^{F78}such fee as he thinks appropriate] for information provided in accordance with [^{F79}subsection (2)][^{F79}section 120A(4) or subsection (2) of this section].
- (4) Any person who holds records of fingerprints for the use of police forces generally shall make those records available to the Secretary of State [^{F72}for the purposes of an application under this Part.][^{F72}for the purpose of enabling him to carry out his functions under this Part in relation to—
- (a) any application for a certificate or for registration; or
 - (b) the determination of whether a person should continue to be a registered person.]
- (5) No proceedings shall lie against the Secretary of State by reason of an inaccuracy in the information made available or provided to him in accordance with this section.
- [^{F80}(6) For the purposes of this section references to a police force include any body mentioned in subsections (10)(a) to (i) and (11) of section 113B and references to a chief officer must be construed accordingly.
- (7) In the case of such a body the reference in subsection (3) to the appropriate police authority must be construed as a reference to such body as is prescribed.]

Textual Amendments

- F72** Words in s. 119(1)(4) substituted (E.W.N.I.) (19.6.2001) by 2001 c. 16, s. 134(2)(a); S.I. 2001/2223, art. 2(1)(c)
- F73** Words in s. 119(1) inserted (S.) (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 70(4), 89(2); S.S.I. 2003/288, art. 2, sch.
- F74** S. 119(1A) inserted (E.W.N.I.) (19.6.2001) by 2001 c. 16, s. 134(2)(b); S.I. 2001/2223, art. 2(1)(c)
- F75** Words in s. 119(1A) substituted (1.4.2006 for S., 6.4.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(4)(e)(8), Sch. 14 para. 4(a); S.S.I. 2006/166, art. 2(1)(e); S.I. 2006/378, art. 7(c)
- F76** Word in s. 119(2) substituted (1.4.2006 for S., 6.4.2006 for E.W.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(4)(e)(8), Sch. 14 para. 4(b); S.S.I. 2006/166, art. 2(1)(e); S.I. 2006/378, art. 7(c)
- F77** Words in s. 119 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 112, Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
- F78** Words in s. 119(3) substituted (1.7.2005 for E.W., 1.4.2006 for S., 1.4.2008 for N.I.) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 165(1)(a), 178(4)(d)(8); S.I. 2005/1521, art. 3(3)(b); S.S.I. 2006/166, art. 2(1)(c); S.I. 2008/697, art. 2(c)

Status: Point in time view as at 01/04/2006.

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- F79** Words in s. 119(3) substituted (E.W.N.I.) (19.6.2001) by [2001 c. 16](#), s. 134(2)(c); [S.I. 2001/2223](#), art. 2(1)(c)
- F80** S. 119(6)(7) inserted (1.4.2006 for S., 6.4.2006 for E.W., 1.4.2008 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 165\(1\)\(b\)](#), [178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(d); [S.I. 2008/697](#), art. 2(c)

Commencement Information

- I8** S. 119 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), [art. 2](#)
S. 119 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), [art. 4](#)

[^{F81}119A Further sources of information: Scotland

- (1) Any person who holds, in Scotland, records of convictions for the use of police forces generally shall make those records available to the Scottish Ministers for the purpose of enabling them to carry out their functions under this Part in relation to the determination of whether a person should continue to be a person registered under section 120.
- (2) Where a person holds records of convictions or cautions for the use of police forces generally (but is not required by subsection (1) or section 119(1) to make those records available to the Scottish Ministers) the Scottish Ministers may request that person to make those records available to them; and they may also request that information kept [^{F82}in a list mentioned in section 113C(3) or 113D(3)] be made so available.
- (3) In subsection (1), “person” does not include—
 - (a) a public body; or
 - (b) a holder of a public office,
 unless that person is a Scottish public authority (as defined in section 126(1) of the Scotland Act 1998 (c. 46)).
- (4) This section is without prejudice to section 119; and subsection (5) of that section shall apply in relation to records made available in accordance with this section as it does in relation to information made available in accordance with that section.]

Textual Amendments

- F81** S. 119A inserted (S.) (1.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), [ss. 70\(5\)](#), [89\(2\)](#); [S.S.I. 2006/168](#), art. 2
- F82** Words in s. 119A(2) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. [178\(4\)\(e\)\(8\)](#), [Sch. 14 para. 5](#); [S.S.I. 2006/166](#), art. 2(1)(e)

120 Registered persons. **E+W+N.I.**

- (1) For the purposes of this Part a registered person is a person who is listed in a register to be maintained by the Secretary of State for the purposes of this Part.
- (2) Subject to [^{F83}section 120A and] regulations under subsection (3), the Secretary of State shall include in the register any person who applies to him in writing to be registered and satisfies the conditions in subsections (4) to (6).

^{F84}(3)

Status: Point in time view as at 01/04/2006.

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- (4) A person applying for registration under this section must be—
 - (a) a body corporate or unincorporate,
 - (b) a person appointed to an office by virtue of any enactment, or
 - (c) an individual who employs others in the course of a business.
- (5) A body applying for registration under this section must satisfy the Secretary of State that it—
 - (a) is likely to ask exempted questions, or
 - (b) is likely to countersign applications under section 113 or 115 at the request of bodies or individuals asking exempted questions.
- (6) A person, other than a body, applying for registration under this section must satisfy the Secretary of State that he is likely to ask exempted questions.
- (7) In this section “exempted question” has the same meaning as in section 113.

Textual Amendments

F83 Words in s. 120(2) inserted (E.W.N.I.) (19.6.2001) by [2001 c. 16, s. 134\(3\)](#); [S.I. 2001/2223, art. 2\(1\)\(c\)](#)

F84 S. 120(3) repealed (29.1.2004 for E.W., 3.12.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 35 para. 6\(3\), Sch. 37 Pt. 11](#); [S.I. 2004/81, art. 4\(1\)\(2\)\(p\)](#); [S.I. 2007/3340, art. 2\(b\)](#)

Modifications etc. (not altering text)

C6 This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Commencement Information

I9 S. 120(3) in force for E.W. at 19.3.2001 and s. 120(1)(2)(4)-(7) in force for E.W. at 1.5.2001 by [S.I. 2001/1097, art. 2](#)

S. 120(3) in force for S. at 1.1.2002 and s. 120(1)(2)(4)-(7) in force for S. at 1.2.2002 by [S.S.I. 2001/482, art. 2](#)

120 Registered persons. **S**

- (1) For the purposes of this Part a registered person is a person who is listed in a register to be maintained by the Secretary of State for the purposes of this Part.
- (2) Subject to ^{F112}[section 120A and] regulations under subsection (3), the Secretary of State shall include in the register any person who applies to him in writing to be registered and satisfies the conditions in subsections (4) to (6).
- (3) The Secretary of State may make regulations about the maintenance of the register; and regulations may, in particular, provide for—
 - (a) the information to be included in the register,
 - ^{F113}(aa) the nomination by—
 - (i) a body corporate or unincorporate; or
 - (ii) a person appointed to an office by virtue of an enactment,whether that body or person is registered or applying to be registered, of an individual to act for it or, as the case may be, him in relation to the countersigning of applications under this Part;

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- (ab) the refusal by the Scottish Ministers, on such grounds as may be specified in or determined under the regulations, to accept or to continue to accept any nomination made by virtue of this subsection;
 - (ac) as to the period which must elapse before any person refused registration or removed from the register may apply to be included in the register;]
 - (b) the removal from the register of persons who are, in the opinion of the Secretary of State, no longer likely to wish to countersign applications under section ^{F114}113A or 113B], and
 - (c) the payment of fees.
- (4) A person applying for registration under this section must be—
- (a) a body corporate or unincorporate,
 - (b) a person appointed to an office by virtue of any enactment, or
 - (c) an individual who employs others in the course of a business.
- (5) A body applying for registration under this section must satisfy the Secretary of State that it—
- (a) is likely to ask exempted questions, or
 - (b) is likely to countersign applications under section ^{F115}113A or 113B] at the request of bodies or individuals asking exempted questions.
- (6) A person, other than a body, applying for registration under this section must satisfy the Secretary of State that he is likely to ask exempted questions.
- (7) In this section “exempted question” has the same meaning as in section ^{F116}113A].

Extent Information

- E5** This version of this provision extends to Scotland only; a separate version has been created for England and Wales and Northern Ireland only

Textual Amendments

- F112** Words in s. 120(2) inserted (S.) (1.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 70(6)(a)**, 89(2); [S.S.I. 2006/168](#), **art. 2**
- F113** S. 120(3)(aa)-(ac) inserted (S.) (1.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 70(6)(b)**, 89(2); [S.S.I. 2006/168](#), **art. 2**
- F114** Words in s. 120(3)(b) substituted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 6(a)**; [S.S.I. 2006/166](#), **art. 2(1)(e)**; [S.I. 2007/3341](#), **art. 2(d)**
- F115** Words in s. 120(5)(b) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 6(b)**; [S.S.I. 2006/166](#), **art. 2(1)(e)**; [S.I. 2006/378](#), **art. 7(c)**; [S.I. 2007/3341](#), **art. 2(d)**
- F116** Word in s. 120(7) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 6(c)**; [S.S.I. 2006/166](#), **art. 2(1)(e)**; [S.I. 2006/378](#), **art. 7(c)**; [S.I. 2007/3341](#), **art. 2(d)**

Commencement Information

- I17** S. 120(3) in force at 19.3.2001 for E.W. and s. 120(1)(2)(4)-(7) in force at 1.5.2001 for E.W. by [S.I. 2001/1097](#), **art. 2**
- S. 120(3) in force at 1.1.2002 for S. and s. 120(1)(2)(4)-(7) in force at 1.2.2002 for S. by [S.S.I. 2001/482](#), **art. 2**

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F85}120A Refusal and cancellation of registration **E+W+N.I.**

- (1) The Secretary of State may refuse to include a person in the register maintained for the purposes of this Part if it appears to him that the registration of that person is likely to make it possible for information to become available to an individual who, in the Secretary of State's opinion, is not a suitable person to have access to that information.
- (2) The Secretary of State may remove a person from the register if it appears to the Secretary of State—
 - (a) that the registration of that person is likely to make it possible for information to become available to an individual who, in the Secretary of State's opinion, is not a suitable person to have access to that information; or
 - (b) that the registration of that person has resulted in information becoming known to such an individual.
- ^{F86}(3) In determining for the purposes of this section whether an individual is a suitable person to have access to any information, the Secretary of State may have regard, in particular, to—
 - (a) any information relating to that person which concerns a relevant matter;
 - (b) whether that person is included in any list mentioned in section 113(3A) or (3C) [^{F87}or (3EA)] [^{F88}or (3EC)]; and
 - (c) any information provided to the Secretary of State under subsection (4).
- (4) It shall be the duty of the chief officer of any police force to comply, as soon as practicable after receiving it, with any request by the Secretary of State to provide the Secretary of State with information which—
 - (a) is available to the chief officer;
 - (b) relates to—
 - (i) an applicant for registration;
 - (ii) a registered person; or
 - (iii) an individual who is likely to have access to information in consequence of the countersigning of applications by a particular applicant for registration or by a particular registered person;and
 - (c) concerns a matter which the Secretary of State has notified to the chief officer to be a matter which, in the opinion of the Secretary of State, is relevant to the determination of the suitability of individuals for having access to the information that may be provided in consequence of the countersigning of applications under this Part.
- (5) In this section “relevant matter” has the same meaning as in section 113.]

Extent Information

- E2** This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

- F85** S. 120A inserted (E.W.N.I.) (19.6.2001) by 2001 c. 16, s. 134(1); S.I. 2001/2223, art. 2(1)(c)
- F86** S. 120A(3) applied (13.8.2001) by S.I. 2001/1194, reg. 3A(4) (as inserted by S.I. 2001/2498, reg. 2(3))
- F87** Words in s. 120A(3)(b) inserted (N.I.) (1.4.2005) by The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (S.I. 2003/417), arts. 1(3), 17(6); S.R. 2005/104, art. 2

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F88 Words in s. 120A(3)(b) inserted (N.I.) (1.4.2005) by [The Protection of Children and Vulnerable Adults \(Northern Ireland\) Order 2003 \(S.I. 2003/417\)](#), arts. 1(3), **47(5)**; S.R. 2005/104, art. 2

[^{F117}120A] Refusal and cancellation of registration: Scotland S

- (1) The Scottish Ministers may refuse to include a person in, or may remove a person from, a register maintained under section 120 for the purposes of this Part if it appears to them that the registration of that person is likely to make it possible for information to become available to an individual who, in their opinion, is not a suitable person to have access to that information.
- (2) The Scottish Ministers may also remove a person from any such register if it appears to them that the registration of that person has resulted in information becoming known to such an individual.
- (3) In determining, for the purposes of this section, whether an individual is a suitable person to have access to information, the Scottish Ministers may have regard, in particular, to—
 - (a) any information relating to the individual which concerns a relevant matter (“relevant matter” having the same meaning as in section [^{F118}113A]);
 - (b) whether that person is included in any list mentioned in section [^{F119}113C(3) or 113D(3)];
 - (c) any information provided to them under subsection (4);
 - (d) any information provided to them by the chief officer of a police force in England and Wales or Northern Ireland in response to a request by them for such information as is available to that officer, relates to any such matter as is mentioned in paragraph (b) of subsection (4) and concerns such matter as is mentioned in paragraph (c) of that subsection;
 - (e) anything which has been done—
 - (i) under subsection (1) or (2) or section 122(3); or
 - (ii) in England and Wales or Northern Ireland under the provisions of this Act which apply in England and Wales or Northern Ireland and correspond to subsection (1) or (2),
 and any information on the basis of which that thing was done.
- (4) A chief constable of a police force in Scotland shall comply, as soon as practicable after receiving it, with any request by the Scottish Ministers to provide them with information which—
 - (a) is available to him;
 - (b) relates to—
 - (i) an applicant for registration under section 120;
 - (ii) a person so registered;
 - (iii) an individual who is likely to have access to information in consequence of the countersigning of applications by a particular applicant for such registration or by a particular person so registered;
 and
 - (c) concerns a matter which they have notified the chief constable is a matter which in their opinion is relevant to the determination of the suitability of individuals for having access to information which may be provided by virtue of this Part.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) The Scottish Ministers shall pay to a police authority [^{F120}such fee as they consider appropriate].

[For the purposes of this section references to a police force include any body
^{F121}(6) mentioned in subsections (10)(a) to (i) and (11) of section 113B and references to a chief officer must be construed accordingly.]

[In the case of such a body the reference in subsection (5) to a police authority must be
^{F122}(7) construed as a reference to such body as is prescribed.]]

Extent Information

E6 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F117 S. 120A inserted (S.) (1.4.2006) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 70(2)**, 89(2); [S.S.I. 2006/168](#), **art. 2**

F118 Word in s. 120A(3)(a) substituted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 9(a)**; [S.S.I. 2006/166](#), **art. 2(1)(e)**

F119 Words in s. 120A(3)(b) substituted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 9(b)**; [S.S.I. 2006/166](#), **art. 2(1)(e)**

F120 Words in s. 120A(5) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 166(1)**, 178(4)(d)(8); [S.S.I. 2006/166](#), **art. 2(1)(c)**

F121 S. 120A(6) inserted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 165(2)**, 178(4)(d)(8); [S.S.I. 2006/166](#), **art. 2(1)(c)**

F122 S. 120A(7) inserted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 9(c)**; [S.S.I. 2006/166](#), **art. 2(1)(e)**

[^{F89}120Z~~Regulations about registration~~

- (1) The Secretary of State may by regulations make further provision about registration.
- (2) Regulations under this section may in particular make provision for—
 - (a) the payment of fees,
 - (b) the information to be included in the register,
 - (c) the registration of any person to be subject to conditions,
 - (d) the nomination by—
 - (i) a body corporate or unincorporate, or
 - (ii) a person appointed to an office by virtue of any enactment,
of the individuals authorised to act for it or, as the case may be, him in relation to the countersigning of applications under this Part, and
 - (e) the refusal by the Secretary of State, on such grounds as may be specified in or determined under the regulations, to accept or to continue to accept the nomination of a person as so authorised.
- (3) The provision which may be made by virtue of subsection (2)(c) includes provision—
 - (a) for the registration or continued registration of any person to be subject to prescribed conditions or, if the regulations so provide, such conditions as the Secretary of State thinks fit, and
 - (b) for the Secretary of State to vary or revoke those conditions.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) The conditions imposed by virtue of subsection (2)(c) may in particular include conditions—
- (a) requiring a registered person, before he countersigns an application at an individual's request, to verify the identity of that individual in the prescribed manner,
 - (b) requiring an application under section 113 or 115 to be transmitted by electronic means to the Secretary of State by the registered person who countersigns it, and
 - (c) requiring a registered person to comply with any code of practice for the time being in force under section 122.]

Textual Amendments

F89 S. 120ZA inserted (29.1.2004 for E.W., 3.12.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 7](#); [S.I. 2004/81](#), art. 4(1)(2)(o)(i); [S.I. 2007/3340](#), art. 2(b)

121 Performance by constables on central service in Scotland of functions under this Part.

In Scotland a constable engaged on central service (within the meaning of section 38 of the ^{M15}Police (Scotland) Act 1967) may perform functions under this Part (other than functions [^{F90}under section 114(2), 115(4) or (10), 116(2), 122(1) or (2) or 125][^{F90} in relation to the making of regulations or orders]) on behalf of the Secretary of State; and without prejudice to the application of subsection (5) of section 119 in respect of any other person performing functions on behalf of the Secretary of State, that subsection shall apply in respect of any constable performing functions by virtue of this section as the subsection applies in respect of the Secretary of State.

Textual Amendments

F90 Words in s. 121 substituted (1.4.2006 for S., 6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 10](#); [S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c)

Commencement Information

I10 S. 121 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), art. 2
S. 121 in force at 25.4.2002 for S. by [S.I. 2002/124](#), art. 4

Marginal Citations

M15 [1967 c. 77](#).

122 Code of practice.

- (1) The Secretary of State shall publish, and may from time to time revise, a code of practice in connection with the use of information provided to [^{F91}, or the discharge of any function by,] registered persons under this Part.
- (2) The Secretary of State shall lay before Parliament the code of practice under this section as soon as practicable after publication and after revision.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) The Secretary of State may refuse to issue a certificate under section [F92113 or 115][F92113A or 113B] if he believes that the registered person who countersigned the application—

- (a) has failed to comply with the code of practice under this section, or
- (b) countersigned at the request of a body which, or individual who, has failed to comply with the code of practice.

[F93(4) Where the Scottish Ministers have reason to believe that—

- (a) a registered person; or
- (b) a body or individual at whose request a registered person has countersigned or is likely to countersign an application under section [F94113 or 115][F94113A or 113B],

has failed to comply with the code of practice, they may remove the registered person from the register or impose conditions on him as respects his continuing to be listed in the register]

Textual Amendments

- F91** Words in s. 122(1) inserted (S.) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 70\(7\)\(a\), 89\(2\); S.S.I. 2003/288, art. 2, sch.](#)
- F92** Words in s. 122(3) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(4\)\(e\)\(8\), Sch. 14 para. 11; S.S.I. 2006/166, art. 2\(1\)\(e\); S.I. 2006/378, art. 7\(c\); S.I. 2007/3341, art. 2\(d\)](#)
- F93** S. 122(4) added (S.) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 70\(7\)\(b\), 89\(2\); S.S.I. 2003/288, art. 2, sch.](#)
- F94** Words in s. 122(4)(b) substituted (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(4\)\(e\)\(8\), Sch. 14 para. 11; S.S.I. 2006/166](#)

Commencement Information

- I11** S. 122(1)(2) in force at 19.3.2001 for E.W. by [S.I. 2001/1097, art. 2\(1\)](#); s. 122(3) in force at 1.3.2002 for E.W. by [S.I. 2002/413, art. 2](#)
- S. 122(1)(2) in force at 1.1.2002 for S. by [S.S.I. 2001/482, art. 2\(1\)](#); s. 122(3) in force at 25.4.2002 for S. by [S.S.I. 2002/124, art. 4](#)

[F95122A Delegation of functions of Secretary of State

- (1) The Secretary of State may, to such extent and subject to such conditions as he thinks fit, delegate any relevant function of his under this Part to such person as he may determine.
- (2) A function is relevant for the purposes of subsection (1) if it does not consist of a power—
- (a) to make regulations, or
 - (b) to publish or revise a code of practice or to lay any such code before Parliament.
- (3) A delegation under subsection (1) may be varied or revoked at any time.]

Status: Point in time view as at 01/04/2006.

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Textual Amendments

F95 S. 122A inserted (29.1.2004 for E.W., 3.12.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 35 para. 10](#); S.I. 2004/81, art. 4(1)(2)(o)(i); S.I. 2007/3340, art. 2(b)

123 Offences: falsification, &c.

- (1) A person commits an offence if, with intent to deceive, he—
 - (a) makes a false certificate under this Part,
 - (b) alters a certificate under this Part,
 - (c) uses a certificate under this Part which relates to another person in a way which suggests that it relates to himself, or
 - (d) allows a certificate under this Part which relates to him to be used by another person in a way which suggests that it relates to that other person.
- (2) A person commits an offence if he knowingly makes a false statement for the purpose of obtaining, or enabling another person to obtain, a certificate under this Part.
- (3) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

Commencement Information

I12 S. 123 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), [art. 2](#)
 S. 123 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), [art. 4](#)

124 Offences: disclosure.

- (1) A member, officer or employee of a body registered under section 120 commits an offence if he discloses information provided following an application under section ^{F96}113 or 115] ^{F96}113A or 113B] unless he discloses it, in the course of his duties,—
 - (a) to another member, officer or employee of the registered body,
 - (b) to a member, officer or employee of a body at the request of which the registered body countersigned the application, or
 - (c) to an individual at whose request the registered body countersigned the relevant application.
- (2) Where information is provided under section ^{F97}113 or 115] ^{F97}113A or 113B] following an application countersigned at the request of a body which is not registered under section 120, a member, officer or employee of the body commits an offence if he discloses the information unless he discloses it, in the course of his duties, to another member, officer or employee of that body.
- (3) Where information is provided under section ^{F98}113 or 115] ^{F98}113A or 113B] following an application countersigned by or at the request of an individual—
 - (a) the individual commits an offence if he discloses the information unless he discloses it to an employee of his for the purpose of the employee's duties, and

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- (b) an employee of the individual commits an offence if he discloses the information unless he discloses it, in the course of his duties, to another employee of the individual.
- (4) Where information provided under section [F99 113 or 115][F99 113A or 113B] is disclosed to a person and the disclosure—
 - (a) is an offence under this section, or
 - (b) would be an offence under this section but for subsection (5) or (6)(a), (d), (e) or (f),the person to whom the information is disclosed commits an offence (subject to subsections (5) and (6)) if he discloses it to any other person.
- (5) Subsections (1) to (4) do not apply to a disclosure of information provided in accordance with section [F100 115(8)][F100 113B(5)] which is made with the written consent of the chief officer who provided the information.
- (6) Subsections (1) to (4) do not apply to a disclosure of information contained in a certificate under section [F101 113 or 115][F101 113A or 113B] which is made—
 - (a) with the written consent of the applicant for the certificate, or
 - (b) to a government department, or
 - (c) to a person appointed to an office by virtue of any enactment, or
 - (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
 - (e) for the purposes of answering an exempted question (within the meaning of section [F102 113][F102 113A]) of a kind specified in regulations made by the Secretary of State, or
 - (f) for some other purpose specified in regulations made by the Secretary of State.
- (7) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale, or to both.

Textual Amendments

- F96** Words in s. 124(1) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 12\(a\)](#); [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)
- F97** Words in s. 124(2) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 12\(a\)](#); [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)
- F98** Words in s. 124(3) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 12\(a\)](#); [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)
- F99** Words in s. 124(4) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 12\(a\)](#); [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)
- F100** Word in s. 124(5) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 12\(b\)](#); [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)
- F101** Words in s. 124(6) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 12\(a\)](#); [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)

Status: Point in time view as at 01/04/2006.

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F102 Word in s. 124(6)(e) substituted (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), **Sch. 14 para. 12(c)**; [S.S.I. 2006/166](#), art. 2(1)(e); [S.I. 2006/378](#), art. 7(c); [S.I. 2007/3341](#), art. 2(d)

Commencement Information

I13 S. 124 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), **art. 2**
 S. 124 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), **art. 4**

[^{F103}**124A Further offences: disclosure of information obtained in connection with delegated function** **E+W+N.I.**]

- (1) Any person who is engaged in the discharge of functions conferred by this Part on the Secretary of State commits an offence if he discloses information which has been obtained by him in connection with those functions and which relates to a particular person unless he discloses the information, in the course of his duties,—
 - (a) to another person engaged in the discharge of those functions,
 - (b) to the chief officer of a police force in connection with a request under this Part to provide information to the Secretary of State, or
 - (c) to an applicant or registered person who is entitled under this Part to the information disclosed to him.
- (2) Where information is disclosed to a person and the disclosure—
 - (a) is an offence under subsection (1), or
 - (b) would be an offence under subsection (1) but for subsection (3)(a), (d) or (e),
 the person to whom the information is disclosed commits an offence if he discloses it to any other person.
- (3) Subsection (1) does not apply to a disclosure of information which is made—
 - (a) with the written consent of the person to whom the information relates,
 - (b) to a government department,
 - (c) to a person appointed to an office by virtue of any enactment,
 - (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
 - (e) for some other purpose specified in regulations made by the Secretary of State.
- (4) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 3 on the standard scale, or to both.
- (5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (4) to 51 weeks is to be read as a reference to 6 months.]

Extent Information

E3 This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only

Textual Amendments

F103 S. 124A inserted (29.1.2004 for E.W., 3.12.2007 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 35 para. 11**; [S.I. 2004/81](#), art. 4(1)(2)(o)(i); [S.I. 2007/3340](#), art. 2(b)

Status: Point in time view as at 01/04/2006.

Changes to legislation: Police Act 1997, Part V is up to date with all changes known to be in force on or before 12 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F104}124A] Review of certain decisions as to registration **S**

- (1) Where the Scottish Ministers decide to refuse to include a person in the register maintained for the purposes of this Part or, other than by virtue of section 120(3)(b), to remove him from that register they shall notify him in writing of that decision and of their reason for so deciding and shall send a copy of that notification to the Secretary of State.
- (2) If the person considers that the information upon which the decision was based may have been inaccurate he may, by written notice to the Scottish Ministers setting out his reason for so considering, require them to review the decision; and they shall notify him in writing of the results of their review and of any consequential change in the decision and shall send a copy of—
 - (a) the notice; and
 - (b) the notification,to the Secretary of State.
- (3) Any notification given by the Scottish Ministers under subsection (1) or (2) shall include information as to the provisions of any regulations made under section 120(3)(ac).
- (4) The Scottish Ministers may, for the purposes of this section, make regulations as to procedure; and such regulations may, in particular, make provision in relation to—
 - (a) information to be included in any notification under subsection (1) or (2); and
 - (b) the period within which—
 - (i) a requirement may be made under subsection (2); or
 - (ii) a decision under subsection (1) is to be implemented.]

Extent Information

- E7** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F104** Ss. 124A, 124B inserted (S.) (1.4.2006 for the insertion of s. 124A) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#), **ss. 70(8)**, 89(2); S.S.I. 2006/168, [art. 2](#)

[^{F104}124B] Scottish annotated list of certificated persons

- (1) The Scottish Ministers shall maintain an annotated list for the purposes of this Part and shall include in that list all persons to whom a criminal record certificate, or as the case may be an enhanced criminal record certificate, has been issued under any of sections 113 to 116 of this Act.
- (2) The Scottish Ministers may make regulations about the maintenance of the list; and such regulations may, in particular, provide for—
 - (a) the information to be included in the list;
 - (b) the details to be provided, for the purposes of this section, by persons applying to be issued a criminal record certificate or enhanced criminal record certificate or countersigning any such application;
 - (c) the procedure to be followed as respects the exercise of such discretion as is afforded them by subsection (3).

Status: Point in time view as at 01/04/2006.

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- (3) The Scottish Ministers may, as respects a person included in the list, if they are satisfied that it is appropriate to do so, notify the registered person who countersigned his application for the certificate in question (or on whose behalf that application was countersigned) or whomever else made the requisite statement which accompanied that application, about any relevant matter relating to the listed person (“relevant matter” having the same meaning as in section 113(5)) of which they become aware after issuing that certificate.
- (4) The Scottish Ministers are not to be satisfied as is mentioned in subsection (3) unless they are satisfied that the exempted question for the purpose of which the certificate was required remains relevant for the person to whom notification would, under that subsection, be given.
- (5) Regulations under paragraph (c) of subsection (2)—
 - (a) shall provide for there to be an opportunity for a listed person to make representations as respects whether the Scottish Ministers should be satisfied as is mentioned in subsection (3) and require them to have regard to those representations before giving notification under that subsection; and
 - (b) may require the person who would receive that notification (not being a person who is a Minister of the Crown) to provide them with such information as is in his possession and to which it would be appropriate for them to have regard as respects the exercise of the discretion mentioned in that paragraph.]

Textual Amendments

F104 Ss. 124A, 124B inserted (S.) (1.4.2006 for the insertion of s. 124A) by [Criminal Justice \(Scotland\) Act 2003](#) (asp 7), **ss. 70(8), 89(2)**; [S.S.I. 2006/168](#), art. 2

125 Regulations.

- (1) Anything authorised or required by any provision of this Part to be prescribed shall be prescribed by regulations made by the Secretary of State.
- (2) Regulations under this Part shall be made by statutory instrument.
- (3) ^{F105}A statutory instrument which contains (whether alone or with other provisions) regulations made by virtue of section 115(4) shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.]
- (4) A statutory instrument ^{F106}to which subsection (3) does not apply] shall be subject to annulment pursuant to a resolution of either House of Parliament.
- (5) Regulations under this Part may make different provision for different cases.
- ^{F107}(6) If the power mentioned in subsection (1) is exercised by the Scottish Ministers, the reference in subsection (3) to each House of Parliament must be construed as a reference to the Scottish Parliament.]

Textual Amendments

F105 S. 125(3) repealed (1.4.2006 for S.) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), **Sch. 17 Pt. 2**; [S.S.I. 2006/166](#), **art. 2(1)(d)**; and repealed (6.4.2006 for E.W., 3.12.2007

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for N.I.) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 35 para. 12(a), **Sch. 37 Pt. 11**; S.I. 2006/751, **art. 2(c)(d)(i)(ii)**; S.I. 2007/3340, **art. 2(b)**

F106 Words in s. 125(4) repealed (1.4.2006 for S.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.S.I. 2006/166, **art. 2(1)(d)**; and repealed (6.4.2006 for E.W., 3.12.2007 for N.I.) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 35 para. 12(b), **Sch. 37 Pt. 11**; S.I. 2006/751, **art. 2(c)(d)(i)(ii)**; S.I. 2007/3340, **art. 2(b)**

F107 S. 125(6) added (1.4.2006 for S., 6.4.2006 for E.W., 3.12.2007 for N.I.) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(4)(e)(8), **Sch. 14 para. 14**; S.S.I. 2006/166, **art. 2(1)(e)**; S.I. 2006/378, **art. 7(c)**; S.I. 2007/3341, **art. 2(d)**

Commencement Information

I14 S. 125 in force at 19.3.2001 for E.W. by S.I. 2001/1097, **art. 2(1)**
S. 125 in force at 1.1.2002 for S. by S.S.I. 2001/482, **art. 2(1)**

126 Interpretation of Part V.

(1) In this Part—

“caution” means a caution given to a person in England and Wales or Northern Ireland in respect of an offence which, at the time when the caution is given, he has admitted;

“certificate” means any one or more documents issued in response to a particular application;

“chief officer” means—

- (i) a chief officer of police of a police force in England and Wales,
- (ii) a chief constable of a police force in Scotland, and
- (iii) the Chief Constable of the [^{F108}Police Service of Northern Ireland];

“government department” includes a Northern Ireland department;

“Minister of the Crown” includes a Northern Ireland department;

“police authority” means—

- (i) a police authority for an area in Great Britain or a joint police board (within the meaning of the ^{M16}Police (Scotland) Act 1967), and
- (ii) the [^{F109}Northern Ireland Policing Board];

“police force” means—

- (i) a police force in Great Britain, and
- (ii) the [^{F108}Police Service of Northern Ireland] and the [^{F108}Police Service of Northern Ireland Reserve];

“prescribed” shall be construed in accordance with section 125(1).

(2) In the application of this Part to Northern Ireland, a reference to the ^{M17}Rehabilitation of Offenders Act 1974, or to a provision of that Act, shall be construed as a reference to the ^{M18}Rehabilitation of Offenders (Northern Ireland) Order 1978 or, as the case may be, to the corresponding provision of that order.

[^{F110}(3) In the application of this Part to Scotland references to the Secretary of State must be construed as references to the Scottish Ministers.

(4) Subsection (3) does not apply to section 118(2A)(d) or 124A(1) and (2).]

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Textual Amendments

- F108** Words in s. 126(1) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(2\)\(a\)\(b\)](#); S.R. 2001/396, [art. 2](#), [Sch.](#)
- F109** Words in s. 126(1) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(3\)](#); S.R. 2001/396, [art. 2](#), [Sch.](#)
- F110** S. 126(3)(4) inserted (1.7.2005 for S., 1.7.2005 for E.W., 3.12.2007 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 166\(2\)](#), [178\(4\)\(d\)\(8\)](#); S.S.I. 2005/358, [art. 2\(d\)](#); S.I. 2005/1521, [art. 3\(3\)\(c\)](#); S.I. 2007/3341, [art. 2\(c\)](#)

Commencement Information

- I15** S. 126 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), [art. 2](#)
S. 126 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), [art. 4](#)

Marginal Citations

- M16** [1967 c. 77](#).
- M17** [1974 c. 53](#).
- M18** [S.I. 1978/1908 \(N.I. 27\)](#).

127 Saving: disclosure of information and records.

Nothing in sections 112 to 119 shall be taken to prejudice any power which exists apart from this Act to disclose information or to make records available.

Commencement Information

- I16** S. 127 in force at 1.3.2002 for E.W. by [S.I. 2002/413](#), [art. 2](#)
S. 127 in force at 25.4.2002 for S. by [S.S.I. 2002/124](#), [art. 4](#)

Status:

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