

CRIMINAL JUSTICE AND POLICE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 6: Minor and Consequential Amendments relating to NCIS and NCS

Part 6: Miscellaneous and supplemental

Registration for criminal records purposes

Section 134: Registration for criminal records purposes

389. Under Part 5 of the Police Act 1997, persons will be able to apply for a certificate, at one of three levels. Certificates will show information held about the applicant on police records and also, in the case of persons working with young people under the age of 18, or with vulnerable adults, information from lists held by the Department of Health and the Department for Education and Employment of people considered unsuitable to work with children or vulnerable adults. Applications for the two higher levels of certificates will need to be countersigned by a person who is registered for that purpose. This section makes additional provision with regard to people applying for such registration.
390. *Subsection (1)* introduces a new section 120A into the Police Act 1997.
- Section 120A(1) empowers the Secretary of State (in practice, the Criminal Records Bureau acting on behalf of the Secretary of State) to refuse to register a person if it is considered that registration is likely to result in information becoming available to someone who is considered unsuitable to have access.
 - Section 120A(2) further empowers the Secretary of State to remove from the register a person whose registration is likely to make it possible for information to become available to someone who is considered unsuitable, or where that person's registration has resulted in information becoming known to someone unsuitable.
 - Section 120A(3) provides that, in reaching a decision to refuse registration, or to remove someone from the register, the Secretary of State may have regard to pertinent information, including information from the lists held by the Department of Health and the Department for Education and Employment, or information supplied by the police.
 - Section 120A(4) imposes a duty on the police to respond as soon as practicable to a request for information.
391. *Subsection (2)* makes three changes to section 119 of the 1997 Act:
- By paragraph (a), there is a new requirement in section 119(1) of the Act for the police to make information available from police records in relation to registration matters.

*These notes refer to the Criminal Justice and Police Act
2001 (c.16) which received Royal Assent on 11th May 2001*

- By paragraph (b), a new subsection (1A) to section 119 requires information to be made available from lists held by the Department of Health and the Department for Education and Employment.
 - Paragraph (c) extends the current requirement in section 119(3) for payment to be made to the police for information provided, to registration matters.
392. *Subsection (3)* makes the duty to include persons in the register, under section 120(2) of the 1997 Act, subject to the new section 120A.
393. *Subsection (4)* amends section 120(3) of the 1997 Act so that regulations about the maintenance of the register may also provide for
- the nomination of persons authorised to act on behalf of a body in countersigning applications (paragraph (aa)); and
 - refusal to accept, or to continue to accept, the nomination of such a person (paragraph (ab)).