
STATUTORY INSTRUMENTS

2001 No. 2498

POLICE, ENGLAND AND WALES

**The Police Act 1997 (Criminal Records)
(Registration) (Amendment) Regulations 2001**

<i>Made</i>	- - - -	<i>11th July 2001</i>
<i>Laid before Parliament</i>		<i>19th July 2001</i>
<i>Coming into force</i>	- -	<i>13th August 2001</i>

The Secretary of State, in exercise of the powers conferred upon him by section 120(3) of the Police Act 1997 (1), hereby makes the following Regulations:

1. These Regulations may be cited as the Police Act 1997 (Criminal Records) (Registration) (Amendment) Regulations 2001 and shall come into force on 13th August 2001.

2.—(1) The Police Act 1997 (Criminal Records) (Registration) Regulations 2001 (2) shall be amended as follows.

(2) In regulation 3—

(a) for sub-paragraph (e) there shall be substituted the following sub-paragraph:

“(e) in the case of a registered body:

- (i) whether that body is likely to countersign applications under section 113 or 115 of the 1997 Act at the request of bodies or individuals asking exempted questions and, if so, the nature of those questions;
- (ii) the name and address of any individual for the time being nominated in accordance with regulation 3A below as being authorised to act for the body in relation to the countersigning of applications under Part V of the 1997 Act and any telephone or facsimile number or electronic mailing address which has been notified to the Secretary of State for communication purposes;
- (iii) the date on which the name of that individual was first listed in the register;
- (iv) the number assigned to that individual on being so listed; and
- (v) a specimen of the signature of that individual;” and

(b) in sub-paragraph (f) after “registered person” there shall be inserted “other than a body”.

(1) 1997 c. 50; section 120(3) was amended by section 134(4) of the Criminal Justice and Police Act 2001 (c. 16).
(2) S.I.2001/1194.

(3) After regulation 3 there shall be inserted the following regulation:

“Nomination of authorised individuals

3A.—(1) A body applying for registration under section 120 of the 1997 Act shall submit with the application the names of the individuals authorised to act for the body in relation to the countersigning of applications under Part V of that Act.

(2) A registered body shall submit to the Secretary of State the names of any individuals so authorised after the registration of the body, whether or not in substitution for any name previously submitted.

(3) The Secretary of State may refuse to accept, or to continue to accept, the nomination of an individual as so authorised if, in the opinion of the Secretary of State, that individual is not a suitable person to have access to information which has become, or is likely to become, available to him as a result of the registration of the body which nominated him.

(4) In determining for the purposes of this regulation whether an individual is a suitable person to have access to any information, the Secretary of State may have regard, in particular, to the matters specified in section 120A(3) of the 1997 Act(3).

(5) Where the Secretary of State refuses to accept, or to continue to accept, the nomination of an individual under this regulation, he shall notify the body concerned, and that body may submit the name of another individual in substitution.”.

(4) In regulation 5, after paragraph (1) there shall be inserted the following paragraph:

“(1A) There shall be payable by a registered person which is a body a fee of £5 in respect of the second and each subsequent name entered in the register in accordance with regulation 3(e)(ii) above.”.

11th July 2001

John Denham
Minister of State, Home Office

(3) Section 120A was inserted by section 134(1) of the Criminal Justice and Police Act 2001.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1997 (Criminal Records) (Registration) Regulations 2001 (the principal Regulations) in consequence of section 134 of the Criminal Justice and Police Act 2001. Regulation 3 of the principal Regulations is amended so as to require the names and certain other details of individuals nominated by a registered body to act as countersignatories for applications for certificates issued under Part V of the Police Act 1997 to be entered in the register kept under section 120 of that Act; and a new regulation 3A is inserted providing for the nomination by registered bodies of such individuals and for the Secretary of State to refuse such nominations on the grounds specified in regulation 3A(3). Regulation 5 is amended to provide for a fee of £5 to be payable for each additional name entered in the register.