
STATUTORY INSTRUMENTS

2010 No. 1087

**The Police Act 1997 (Criminal Records and
Registration) (Jersey) Regulations 2010**

PART 2

Applications for criminal record and enhanced criminal record certificates

Fees for criminal record certificates and enhanced criminal record certificates

3. The fee payable in relation to an application for the issue of a criminal record certificate or an enhanced criminal record certificate is prescribed as—

- (a) £26 in the case of a criminal record certificate;
- (b) £36 in the case of an enhanced criminal record certificate, and an additional £6 where an urgent preliminary response is sought under section 113E(3)(b);

save that no fee is payable in relation to an application made by a volunteer.

Relevant matter: prescribed details

4. The following details of a relevant matter are prescribed for the purposes of sections 113A(3)(a) and 113B(3)(a) of the Act (including those provisions as applied by sections 114(3) and 116(3))—

- (a) in the case of a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction—
 - (i) the date of conviction;
 - (ii) the convicting court; and
 - (iii) the offence;
- (b) in the case of a caution, reprimand or warning—
 - (i) the date of caution, reprimand or warning;
 - (ii) the place where the caution, reprimand or warning was issued; and
 - (iii) the offence which the person issued with a caution, reprimand or warning had admitted.

Enhanced criminal record certificates: prescribed purposes

5. Purposes which correspond to purposes which are prescribed in regulation 5A of the Police Act (1997) (Criminal Records) Regulations 2002(1) are prescribed purposes for the purpose of section 113B(2)(b) of the Act.

(1) S.I. 2002/233; regulation 5A was inserted by S.I. 2006/748 and amended by S.I. 2006/2181, 2007/1892, 2007/3224, 2008/2143, 2009/1882 and is prospectively amended by S.I. 2010/817.

Suitability information relating to children

6. Cases which correspond to cases which are prescribed in regulation 5 of the Police Act 1997 (Criminal Records) (No. 2) Regulations 2009(2) are prescribed cases for the purpose of section 113BA(1) of the Act.

Suitability information relating to vulnerable adults

7. Cases which correspond to cases which are prescribed in regulation 6 of the Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 are prescribed cases for the purpose of section 113BB(1) of the Act.

Central records: prescribed details

8. Information in any form relating to convictions, cautions, reprimands and warnings on a names database held by the National Policing Improvement Agency for the use of constables is prescribed as “central records” for the purposes of section 113A(6) of the Act (including that provision as applied by sections 113B(9), 114(3) and 116(3)).

Enhanced criminal record certificates: relevant police forces

9. For the purposes of an application for an enhanced criminal record certificate “relevant police force” means—

- (a) the police force maintained for the police area in England and Wales or Scotland within which the applicant resides or has resided within the period of five years preceding the date of the application;
- (b) the British Transport Police;
- (c) the Police Service of Northern Ireland if the applicant resides or has resided within the period of five years preceding the date of the application within Northern Ireland;
- (d) the State of Jersey Police Force if the applicant resides or has resided within the period of five years preceding the application within Jersey;
- (e) the salaried police force of the Island of Guernsey if the applicant resides or has resided within the period of five years preceding the application within Guernsey;
- (f) the Isle of Man Constabulary if the applicant resides or has resided within the period of five years preceding the application within the Isle of Man;
- (g) such of the police forces referred to in sub-paragraphs (a) to (f) above as appear to the Secretary of State to be in possession of information regarding the applicant;
- (h) such other police force as the chief officer of police of a police force identified as a relevant police force by virtue of paragraphs (a) to (f) above determines;
- (i) the Criminal Records Bureau if—
 - (i) there is no UK residence address within the last five years provided on the application; and
 - (ii) no other police force appears to the Secretary of State to be relevant to the application;
- (j) any police force that the Secretary of State determines to be relevant to the application.

Exception to unlawful disclosure provisions

10.—(1) The following purpose is specified in accordance with section 124(6)(f) of the Act, namely disclosure by an employment agency or employment business, whether or not in response to an exempted question, for the purpose of consideration—

- (a) by an educational institution, within the meaning given by section 42 of the Criminal Justice and Court Services Act 2000⁽³⁾;
- (b) by an institution within the further education sector, within the meaning given by section 91(3) of the Further and Higher Education Act 1992⁽⁴⁾; or
- (c) by an equivalent institution in Jersey;

of a person's suitability for a position at that institution.

(2) In paragraph (1) above the reference to an employment agency and an employment business are references to such an agency or business within the meanings given by section 13 of the Employment Agencies Act 1973⁽⁵⁾ or an equivalent agency or business in Jersey.

(3) 2000 c. 43.
(4) 1992 c. 13.
(5) 1973 c. 35.