
STATUTORY INSTRUMENTS

2010 No. 2702

POLICE, ENGLAND AND WALES

**The Police Act 1997 (Criminal Records)
(Amendment No. 2) Regulations 2010**

<i>Made</i>	- - - -	<i>8th November 2010</i>
<i>Laid before Parliament</i>		<i>10th November 2010</i>
<i>Coming into force</i>	- -	<i>6th December 2010</i>

The Secretary of State, in the exercise of the powers conferred by section 113B(9) of the Police Act 1997(1), makes the following Regulations.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2010 and shall come into force on 6th December 2010.

(2) In these Regulations “the 2002 Regulations” mean the Police Act 1997 (Criminal Records) Regulations 2002(2).

(3) These Regulations extend to England and Wales.

Amendment of regulation 10 of the 2002 Regulations

2.—(1) Regulation 10(3) of the 2002 Regulations (enhanced criminal record certificates: relevant police forces) is amended as follows.

(2) For sub-paragraph (a) substitute—

“(a) where information is held in relation to the applicant in the record of convictions and cautions held for the use of police forces generally, the police force in whose area the applicant currently resides;”.

(3) Omit sub-paragraph (aa).

(4) For sub-paragraph (b) substitute—

(1) 1997 c. 50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and was amended by section 63(1) of, and paragraph 14 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47), section 378 of, and paragraph 149 to Schedule 16 to, the Armed Forces Act 2006 (c. 52) and S.I. 2009/203.
(2) S.I. 2002/233 as amended by S.I. 2003/137, 2003/520, 2003/1418, 2004/1759, 2005/347, 2006/748, 2006/2181, 2007/700, 2007/1892, 2007/3224, 2008/2143, 2009/460, 2009/1882, 2009/2428 and 2010/817.
(3) Regulation 10 was amended by S.I. 2006/748, 2006/2181 and 2009/460.

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“(b) where it appears to the Secretary of State that information is held by a police force in relation to the applicant other than in the record of convictions and cautions held for the use of police forces generally, the police force which appears to be holding that information;”.

(5) Omit sub-paragraphs (ba) to (bd).

(6) For sub-paragraph (c) substitute—

“(c) where the application is made in relation to a prescribed purpose which is to be carried out primarily at the applicant’s place of residence, the police force in whose area the applicant currently resides;”.

(7) Omit sub-paragraph (ca).

Home Office
8th November 2010

Lynne Featherstone
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 6th December 2010, amend the Police Act 1997 (Criminal Records) Regulations 2002.

Regulation 2 amends the definition of “relevant police force” for the purposes of enhanced criminal records certificates issued under the Police Act 1997.

This means that when an application for an enhanced criminal record certificate is made, the Secretary of State must send the details of the application to the police force for the area in which the applicant currently resides in two situations. The first is when there is conviction or caution information held on the applicant and the second is when the position for which the certificate was applied will be primarily carried out in the applicant’s home. In cases in which any police force holds other (non conviction or caution) information, the Secretary of State must send the details of the application to the police force holding that information. This replaces the previous address-based system of sending the details of the application to every force in whose area the applicant had resided for the previous five years irrespective of whether any information was held in relation to the applicant by any police force.