
STATUTORY INSTRUMENTS

2002 No. 233

POLICE

The Police Act 1997 (Criminal Records) Regulations 2002

Made - - - - *7th February 2002*
Laid before Parliament *7th February 2002*
Coming into force - - *1st March 2002*

The Secretary of State, in exercise of the powers conferred on him by the provisions which are specified in Schedule 1 to these Regulations, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) Regulations 2002 and shall come into force on 1st March 2002.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the Act” means the Police Act 1997(1);

“reprimand” means a reprimand given to a child or young person in accordance with section 65 of the Crime and Disorder Act 1998(2);

“volunteer” means a person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative;

“warning” means a warning given to a child or young person in accordance with section 65 of the Crime and Disorder Act 1998.

Application form

3. The form set out in Schedule 2 to these Regulations, or a form to the like effect, is hereby prescribed for the purposes of sections 113(1)(a) (criminal record certificate), 114(1)(a) (criminal record certificate: Crown employment), 115(1)(a) (enhanced criminal record certificate) and 116(1)(a) (enhanced criminal record certificate: judicial appointment and Crown employment) of the Act.

(1) 1997 c. 50.
(2) 1998 c. 37.

Fees for criminal record certificates and enhanced criminal record certificates

4. The fee payable in relation to an application for the issue of a criminal record certificate or an enhanced criminal record certificate is hereby prescribed as £12 save that no fee is payable in relation to an application made by a volunteer.

Relevant matters: prescribed details

5. The following details of a relevant matter for the purposes of sections 113(3)(a) and 115(6)(a)(i) of the Act (including those provisions as applied by sections 114(3) and 116(3), respectively) are hereby prescribed—

- (a) in the case of a conviction within the meaning of the Rehabilitation of Offenders Act 1974(3), including a spent conviction—
 - (i) the date of conviction;
 - (ii) the convicting court;
 - (iii) the offence; and
 - (iv) the method of disposal for the offence including details of any order made under Part 2 of the Criminal Justice and Court Services Act 2000(4),
- (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.

List kept under section 1 of the Protection of Children Act 1999: prescribed details

6.—(1) In the case of an applicant included in the list kept under section 1 of the Protection of Children Act 1999(5) the following details are hereby prescribed for the purposes of sections 113(3A)(b) and 115(6A)(b) of the Act(6)—

- (a) the fact that a person with the same name and date of birth as the applicant is included on the list;
- (b) whether the person is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000;
- (c) whether any appeal against inclusion in the list is pending;
- (d) whether the inclusion in the list is provisional; and
- (e) whether or not the person may not be employed or, as the case may be, should cease to be employed in a childcare position with a childcare organisation in accordance with section 7 of the Protection of Children Act 1999.

(2) In this regulation “childcare position” and “childcare organisation” have the same meanings as in section 12 of the Protection of Children Act 1999(7).

(3) 1974 c. 53.

(4) 2000 c. 43.

(5) 1999 c. 14.

(6) Sections 113(3A) and 115(6A) were inserted by section 8(1), (2) of the Protection of Children Act 1999 respectively. Section 113(3A) was amended by sections 102(1), 104(1), (2)(a), 116 and Schedule 4, paragraph 25(1) of the Care Standards Act 2000 (c. 14). Section 115(6A) was amended by sections 102(2), 104(1), (3)(b), 116 and Schedule 4, paragraph 25(b) of the Care Standards Act 2000.

(7) Section 12 of the Protection of Children Act 1999 was amended by section 74 and Schedule 7, Part II, paragraphs 154 and 158 of the Criminal Justice and Court Services Act 2000 (c. 43).

List kept for the purposes of regulations made under subsection (6) of section 218 of the Education Reform Act 1988: prescribed details

7.—(1) In the case of an applicant included in the list kept for the purposes of regulations made under subsection (6) of section 218 of the Education Reform Act 1988⁽⁸⁾ the following details are hereby prescribed for the purposes of sections 113(3A)(b) and 115(6A)(b) of the Act—

- (a) the fact that a person with the same name as the applicant is included on the list;
- (b) the date of inclusion on the list;
- (c) the grounds on which the person is included on the list;
- (d) whether the person is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000; and
- (e) details of any prohibition or restriction on the person’s employment including the date of imposition of the prohibition or restriction.

(2) If the ground on which an applicant is included on the list kept for the purposes of regulations made under subsection (6) of section 218 of the Education Reform Act 1988 is misconduct then any certificate issued shall show details of the misconduct.

List kept by the Secretary of State or the National Assembly for Wales of persons disqualified under section 470 or 471 of the Education Act 1996: prescribed details

8. In the case of an applicant included in the list kept by the Secretary of State or the National Assembly for Wales of persons disqualified under section 470 or 471 of the Education Act 1996⁽⁹⁾ the following details are hereby prescribed for the purposes of sections 113(3A)(b) and 115(6A)(b) of the Act—

- (a) the fact that a person with the same name as the applicant is included on the list;
- (b) the date of inclusion on the list;
- (c) the grounds upon which the person was disqualified under section 470 or 471 of the Education Act 1996;
- (d) brief reasons for the disqualification; and
- (e) whether the person is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000.

Central records: prescribed details

9. Information in any form relating to convictions, cautions, reprimands and warnings on a names index held by the Police Information Technology Organisation for the use of constables is hereby prescribed as “central records” for the purposes of section 113(5) of the Act (including that provision as applied by sections 114(3), 115(6) and 116(3)).

Enhanced criminal record certificates: relevant police forces

10. 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 5 years preceding the date of the application;

⁽⁸⁾ 1988 c. 40.

⁽⁹⁾ 1996 c. 56.

- (b) the Police Service of Northern Ireland if the applicant resides or has resided within the period of 5 years preceding the date of the application within Northern Ireland;
- (c) 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) or (b) above determines;
- (d) any police force that the Secretary of State determines to be relevant to the application.

Evidence of identity: fingerprinting

11.—(1) Where the Secretary of State requires an application under Part V of the Act to be supported by evidence of identity in the form of fingerprints then the place at which they are to be taken is to be determined in accordance with paragraphs (2) and (3) below and he shall notify the applicant—

- (a) of his requirement; and
- (b) of the fact that any fingerprints taken from the applicant and provided to the Secretary of State in pursuance of the requirement may be the subject of a speculative search.

(2) Any applicant in receipt of such notification shall notify the Secretary of State of whether he wishes to proceed with his application and, if so, notify the Secretary of State—

- (a) that he consents to the taking of his fingerprints; and
- (b) of the police station (“the specified police station”) that he proposes to attend at for the purposes of having his fingerprints taken.

(3) The Secretary of State may require the police officer in charge of the specified police station, or any other police station he reasonably determines, to take the applicant’s fingerprints at the specified station at such reasonable time as the officer may direct and notify to the applicant.

(4) Fingerprints taken in connection with an application under Part V of the Act must be destroyed as soon as is practicable after the identity of the applicant is established to the satisfaction of the Secretary of State.

(5) If fingerprints are destroyed—

- (a) any copies of the fingerprints shall also be destroyed; and
- (b) any chief officer of police controlling access to computer data relating to the fingerprints shall make access to the data impossible, as soon as it is practicable to do so.

(6) Any applicant who asks to be allowed to witness the destruction of his fingerprints or copies of them shall have a right to witness it.

(7) If—

- (a) paragraph (5)(b) above falls to be complied with; and
- (b) the applicant to whose fingerprints the data relates asks for a certificate that it has been complied with,

such a certificate shall be issued to him, not later than the end of the period of three months beginning with the day on which he asks for it, by the responsible chief officer of police or a person authorised by him or on his behalf for the purposes of this regulation.

(8) In the case of an applicant under the age of 18 years the consent of the applicant’s parent or guardian to the taking of the applicant’s fingerprints is also required.

(9) In this regulation—

“speculative search” has the same meaning as in Part V of the Police and Criminal Evidence Act 1984⁽¹⁰⁾; and

(10) 1984 c. 60.

“responsible chief officer of police” means the chief officer of police in whose area the computer data were put on to the computer.

Fees payable to police authorities for information provided to the Secretary of State

12. The Secretary of State shall pay to the appropriate police authority the fee shown in Schedule 3 to these Regulations in respect of each request he makes to the chief officer of a police force for the provision of information under section 115 or 116 of the Act.

Home Office
7th February 2002

John Denham
Minister of State

Status: This is the original version (as it was originally made).

SCHEDULE 1

Enabling Powers

These Regulations are made under the following provisions of the Police Act 1997—

- (a) sections 113(1)(b); 114(1)(b); 115(1)(b) and (10); 116(1)(b); 118(3) and 125(5); and
- (b) having regard to the meaning of “prescribed” in sections 113(1)(a), (3)(a), (3A)(b) and (5); 114(1)(a); 115(1)(a), (6)(a)(i) and (6A)(b); 116(1)(a); 118(2)(a) and 119(3).

SCHEDULE 2

Disclosure Application Form



Criminal Records Bureau

An Executive Agency of the Home Office

PO Box 165, Liverpool L69 3J7



Form Ref

Disclosure Type

Please complete sections A-H in BLOCK CAPITALS; it is important that you use BLACK INK. The Disclosure Application Form Guidance Notes will help you complete this form. However, if you need additional help please contact the application line on 0870 90 90 844

Applicant's details	
1	Title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other
2	Surname
3	Forename(s)
4	Current address
5	
6	Town/City
7	County
8/9	Postcode <input type="checkbox"/> At current address since <input type="checkbox"/> (month and year)
10/11	Date of birth <input type="checkbox"/> Male <input type="checkbox"/> Female
12	National Insurance number
Details of position for which disclosure is being requested	
13	Position applied for
14	Organisation name
	Organisation address
15	Address
16	
17	Town/City
18	County
19	Postcode

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Additional personal details	
20	Surname at birth (if different)
21	Used until (year)
22	Any other surname used
25/24	Used from used to (year)
26	Any other forename(s) used
26/27	Used from used to (year)
Place of Birth Please enter town/city names and county/district names in full as recorded on your Birth Certificate	
28	Town/City
29	County/District
30/31	Reside in the UK Yes No If no, please state country
32	Nationality
33	Home telephone number
34	Work telephone number
35	Preferred contact number and time
Previous addresses Provide your most recent addresses where you have lived the last 5 years. Use continuation sheet if necessary.	
36	Address
37	
38	Town/City
39	County
40/41	Postcode County
42/43	Period at previous address From date To date (month and year)
Additional information This information will help us to process your application more quickly.	
44	Current marital status Single Married Divorced Widowed Separated Other
47	Number of financially dependent children under age 18
48/49	Bank/Building Society account Sort code Account number
50	Employment status Employer Self Employed Part-time Unemployed Student Other
51	Occupancy status Owner occupier Joint occupier Living with partner Renting Other
52	Mother's maiden name

005 43 00000 0001

Referee details		Please provide details of an appropriate referee who has known your professionalism of person(s) for at least 25 days.				
53	Title	Mr	Mrs	Miss	Ms	Other
54	Referee surname					
55	Referee (forename(s))					
56	Referee occupation					
57	Home address					
58						
59	Town/City					
60	County					
61	Postcode					
62	Home telephone number					
63	Relationship to applicant	Family/Guardian	Other			
64	Number of years known					
Payment						
65						
Declaration and Consent						
After you have checked the information provided in Sections A-C, please complete Section H and sign the application form in the spaces provided.						
66	Do you have any (unspent) criminal convictions?	Yes	No			
67	Please cross (tick) box if you have supplied additional information with this application.	<input type="checkbox"/>	<input type="checkbox"/>			
68	Declaration by Applicant I confirm that the information that I have provided in support of this application is complete and true and understand that knowingly to make a false statement for this purpose is a criminal offence.	Signature of applicant (please sign in the box provided)				
69	Consent of Applicant I consent to the CRB checking the details I have provided in support of this application against the data sources specified in the rules for guidance, or under to verify my identity and process this application. These details may be recorded and used to assist other organisations in identity verification purposes.	Signature of applicant to indicate consent (please sign in the box provided)				
70						
71						
After you have signed the form, please send it to the person who asked you to apply for a Disclosure - DO NOT return the form to the CRB at this stage.						

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SECTIONS X-Z MUST NOT BE COMPLETED BY APPLICANT

Evidence of identity seen by the employer (or licensing organisation/Registered Body)		Please refer to the Guidance Pages and your guidance notes	
32	Passport number		Date of birth
34	Nationality		Issue date
36	Driving licence number		Date of birth
78	Licence type	Paper Photocard	Licence valid from
9	Country of issue	UK Other	
12/11	Birth Certificate		Issue date
12	Date of birth		
12	Country of issue	UK Other	
12/14	Marriage Certificate		PSG or P90 Allocation Issuing number
15	Issue date		
15	Current evidence details checked against documentation	Yes	
16	Evidence seen and checked by	Name	
Statement by Registered Person		Please refer to the Guidance Pages and your guidance notes	
12	Registered Body number	Commutatory number	
34	The position involves working with children	The position involves regular contact with vulnerable adults	
5	The category code for this position is		
67	The level of criminal record check required in respect of this application is	Standard	Enhanced
9	Registered Body to pay	On account	Payment withdrawal
			Virtualisation payment due
9	Declaration by Registered Person I certify that this applicant is a registered person for the purpose of asking an emergency question under the terms of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and that the checks requested are in accordance with the relevant legislation, as specified in the guidance notes. I confirm that the information that I have provided in support of this application is complete and true and understand that knowingly to make a false statement for this purpose is a criminal offence		Signature of Registered Person (please sign in the box provided)
10	Date of signature		
Official use only			
1	Correct payment received	Charges	Postal order
2	Examined by:		

SCHEDULE 3

Fees payable to police authorities

Police Force	Fee per request
Avon & Somerset	£1.94
Bedfordshire	£3.72
Cambridgeshire	£3.04
Cheshire	£3.29
City of London	£3.99
Cleveland	£2.97
Cumbria	£2.57
Derbyshire	£3.11
Devon & Cornwall	£2.35
Dorset	£2.83
Durham	£2.18
Dyfed-Powys	£2.72
Essex	£3.11
Gloucestershire	£2.94
Greater Manchester	£3.26
Gwent	£4.31
Hampshire	£2.45
Hertfordshire	£3.11
Humberside	£2.40
Kent	£3.11
Lancashire	£2.73
Leicestershire	£2.95
Lincolnshire	£2.62
Merseyside	£2.89
Metropolitan	£9.86
Norfolk	£3.30
North Wales	£3.29
North Yorkshire	£2.45
Northamptonshire	£2.97
Northumbria	£2.31
Nottinghamshire	£2.48
South Wales	£2.49

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Police Force	Fee per request
South Yorkshire	£3.16
Staffordshire	£2.48
Suffolk	£4.04
Surrey	£2.77
Sussex	£2.83
Thames Valley	£2.54
Warwickshire	£2.45
West Mercia	£2.27
West Midlands	£1.98
West Yorkshire	£3.50
Wiltshire	£2.72
Police Service of Northern Ireland	£2.95
Central Scotland	£2.50
Dumfries & Galloway	£2.50
Fife	£2.50
Grampian	£2.50
Lothian & Borders	£2.50
Northern	£2.50
Strathclyde	£2.50
Tayside	£2.50

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make detailed provisions in relation to applications for criminal record certificates and enhanced criminal record certificates under Part V of the Police Act 1997.

Regulation 2 defines terms used in the Regulations.

Regulation 3 requires an application for the issue of a criminal record certificate or an enhanced criminal record certificate to be made on the form, or one to like effect, set out in Schedule 2 to the Regulations. Regulation 4 specifies the fee for such an application as £12 save that no fee is payable when the applicant is a volunteer as defined in regulation 2.

Regulation 5 specifies the details of convictions and cautions, reprimands and warnings which appear on criminal record certificates and enhanced criminal record certificates.

Regulations 6, 7 and 8 specify the details of information drawn from lists kept under section 1 of the Protection of Children Act 1999, section 218(6) of the Education Reform Act 1988 and sections 470 and 471 of the Education Act 1996 respectively, which will appear on criminal record certificates and enhanced criminal record certificates.

Regulation 9 specifies the sources of information comprising central records of convictions, cautions, reprimands and warnings. Regulation 10 defines relevant police force for the purposes of section 115 of the Police Act 1997.

Regulation 11 makes provisions in relation to the taking of fingerprints from applicants where the Secretary of State requires them for the purposes of ascertaining the identity of an applicant.

Regulation 12 specifies the fees to be paid to police authorities who maintain police forces that have been requested to supply information in relation to an application for an enhanced criminal record certificate.