
STATUTORY INSTRUMENTS

2012 No. 1762

**The Police Act 1997 (Criminal Records)
(Guernsey) (Amendment) Order 2012**

Citation and commencement

1.—(1) This Order may be cited as the Police Act 1997 (Criminal Records) (Guernsey) (Amendment) Order 2012.

(2) This Order comes into force on the day after the day on which it is made.

(3) Notwithstanding paragraph (2) —

(a) any provision extended as specified in paragraph (2) of article 4 and any provision in any Part extended as specified in paragraphs (3) to (6) of article 4 (subject to the modifications specified in Schedules 1 to 5 of this Order) does not have effect in Guernsey until the day that provision comes into force in England and Wales;

(b) paragraph (4) of Schedule 1 shall have effect in Guernsey when the extensions and modifications specified in paragraphs (3) to (6) of article 4 have effect in Guernsey.

Interpretation

2. In this Order—

“the 2009 Order” means the Police Act 1997 (Criminal Records) (Guernsey) Order 2009⁽¹⁾;

“the 2012 Act” means the Protection of Freedoms Act 2012;

“Guernsey” means the Bailiwick of Guernsey and its adjacent territorial sea.

Amendment of the 2009 Order

3.—(1) The 2009 Order is amended as follows.

(2) In article 1(4) for “upon the ending of the second transitional period” substitute “on such day as the Home Department of the States of Guernsey may by Order appoint”.

(3) Article 2(c) and (e) are omitted.

(4) Articles 6, 7 and 8 are revoked.

(5) In paragraph 15(a)(i) of Schedule 1 for “in England and Wales, Northern Ireland or Guernsey” substitute “in England and Wales, Northern Ireland, the Isle of Man, Jersey or Guernsey”.

(6) In paragraph 15(a)(ii) of Schedule 1 for—

“, and

(iv) the chief officer of the salaried Police Force of the Island of Guernsey, and

(v) the chief officer of the States of Jersey Police Force;”

substitute—

“, and

- (iv) the chief officer of the salaried Police Force of the Island of Guernsey, and
 - (v) the chief officer of the States of Jersey Police Force, and
 - (vi) the Chief Constable of the Isle of Man Constabulary;”.
- (7) In paragraph 15(a)(v) of Schedule 1 for—
- “and
- (iii) the salaried Police Force of the Island of Guernsey, and
 - (iv) the State of Jersey Police Force;”
- substitute—
- “and
- (iii) the salaried Police Force of the Island of Guernsey, and
 - (iv) the States of Jersey Police Force, and
 - (vi) the Isle of Man Constabulary;”.
- (8) Schedule 3 is revoked.
- Extension of Part 5 of, and Schedules 9 and 10 to, the Protection of Freedoms Act 2012 to Guernsey**
- 4.—(1) The following provisions of Part 5 (Safeguarding of vulnerable groups, criminal records, etc.) of the 2012 Act extend to Guernsey subject to the modifications specified in Schedule 1.
- (2) The provisions are—
- (a) section 79 (restriction on information provided to certain persons);
 - (b) section 80 (minimum age for applicants for certificates or to be registered);
 - (c) section 82 (enhanced criminal record certificates: additional safeguards);
 - (d) section 83 (up-dating certificates);
 - (e) section 84 (criminal conviction certificates: conditional cautions);
 - (f) section 87 (formation and constitution of DBS);
 - (g) section 88 (transfer of functions to DBS and dissolution of ISA);
 - (h) section 89 (orders under section 88).
- (3) Part 6 of Schedule 9 (Safeguarding of vulnerable groups) to the 2012 Act extends to Guernsey subject to the modifications specified in Schedule 2.
- (4) Part 7 of Schedule 9 (Criminal records) to the 2012 Act extends to Guernsey subject to the modifications specified in Schedule 3.
- (5) Part 5 of Schedule 10 (Safeguarding of vulnerable groups) to the 2012 Act extends to Guernsey subject to the modifications specified in Schedule 4.
- (6) Part 6 of Schedule 10 (Criminal records) to the 2012 Act extends to Guernsey subject to the modifications specified in Schedule 5.

Subordinate legislation made under extended provisions

5. Any order or regulations made by the Secretary of State under the provisions extended to Guernsey by this Order shall not have effect in Guernsey until the order or regulations have been registered on the Records of the Island of Guernsey.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Richard Tilbrook
Clerk of the Privy Council