



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

[^{F1}113A ^{F1}Criminal record certificates **E+W**

- (1) [^{F2}DBS] must issue a criminal record certificate to any individual who—
 - (a) makes an application ^{F3} ...,
[is aged 16 or over at the time of making the application,] and
^{F4}(aa)
 - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
 - (a) be countersigned by a registered person, and
 - (b) be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.

[But an application for a criminal record certificate need not be countersigned by a ^{F5}(2A) registered person if—

- (a) the application is transmitted to [^{F6}DBS] electronically by a registered person who satisfies conditions determined by [^{F6}DBS], and
 - (b) it is transmitted in accordance with requirements determined by [^{F6}DBS].]
- (3) A criminal record certificate is a certificate which—
 - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, or
 - (b) states that there is no such matter.

^{F7}(4)

- (5) [^{F8}DBS] may treat an application under this section as an application under section 113B if—

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- (a) in ^{F9}its opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
- (b) the registered person provides ^{F10}it with the statement required by that subsection, and
- (c) the applicant consents and pays to ^{F8}DBS the amount (if any) by which the fee payable in relation to an application under that section exceeds the fee paid in relation to the application under this section.

(6) In this section—

“central records” means such records of convictions and cautions held for the use of police forces generally as may be prescribed;

“exempted question” means a question ^{F11}which—

- (a) so far as it applies to convictions, is a question] in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act; ^{F12}and—
- (b) so far as it applies to cautions, is a question to which paragraph 3(3) or (4) of Schedule 2 to that Act has been excluded by an order of the Secretary of State under paragraph 4 of that Schedule;]

^{F13}“relevant matter”, in this section as it has effect in England and Wales, means—

(a) ^{F14}any of the following convictions]—

- (i) a conviction of an offence within subsection (6D);
- (ii) a conviction in respect of which a custodial sentence or a sentence of service detention was imposed; ^{F15}...
- (iii) a current conviction; ^{F16}or
- (iv) a conviction which is not a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974;]

(b) ^{F17}...

(c) a caution given in respect of an offence within subsection (6D) ^{F18}where the person was aged 18 or over on the date it was given];

(d) a current caution]^{F19};

(e) a caution which is not spent for the purposes of Schedule 2 to the Rehabilitation of Offenders Act 1974].

[The offences referred to in paragraphs (a)(i) and (c) of the definition of “relevant ^{F20}(6D) matter” in subsection (6), as it has effect in England and Wales, are as follows—

- (a) murder;
- (b) an offence under section 67(1A) of the Medicines Act 1968 (prescribing, etc. a medicinal product in contravention of certain conditions);
- (c) an offence under any of sections 126 to 129 of the Mental Health Act 1983;
- (d) an offence specified in the Schedule to the Disqualification from Caring for Children (England) Regulations 2002;
- (e) an offence specified in Schedule 15 to the Criminal Justice Act 2003 (specified offences for the purposes of Chapter 5 of Part 12 of that Act (dangerous offenders));
- (f) an offence under the following provisions of the Mental Capacity Act 2005—
 - (i) section 44 (ill-treatment or neglect);

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- (ii) paragraph 4 of Schedule 1 (applications and procedure for registration);
 - (iii) paragraph 4 of Schedule 4 (duties of attorney in event of incapacity of donor);
 - (g) an offence under section 7, 9 or 19 of the Safeguarding Vulnerable Groups Act 2006 (offences in respect of regulated activity);
 - (h) an offence specified in section 17(3)(a), (b) or (c) of the Health and Social Care Act 2008 (cancellation of registration), apart from an offence under section 76 of that Act (disclosure of confidential personal information);
 - (i) an offence specified in the Schedule to the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009;
 - (j) an offence specified in Schedule 2 or 3 to the Childcare (Disqualification) Regulations 2009;
 - (k) an offence which has been superseded (directly or indirectly) by an offence within paragraphs (a) to (j);
 - (l) an offence of—
 - (i) attempting or conspiring to commit any offence falling within paragraphs (a) to (k), or
 - (ii) inciting or aiding, abetting, counselling or procuring the commission of any such offence,or an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) committed in relation to any such offence;
 - (m) an offence under the law of Scotland or Northern Ireland or any territory outside the United Kingdom which corresponds to an offence under the law of England and Wales within any of paragraphs (a) to (l);
 - (n) any offence under section 42 of the Armed Forces Act 2006 in relation to which the corresponding offence under the law of England and Wales (within the meaning of that section) is an offence within any of paragraphs (a) to (l);
 - (o) an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 of which the corresponding civil offence (within the meaning of that Act) is an offence within any of paragraphs (a) to (l).
- (6E) For the purposes of the definition of “relevant matter” as it has effect in England and Wales—
- (a) “conviction” has the same meaning as in the Rehabilitation of Offenders Act 1974, and includes a spent conviction within the meaning of that Act;
 - (b) “caution” includes a caution which is spent for the purposes of Schedule 2 to that Act but excludes a disregarded caution within the meaning of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012;
 - (c) a person’s conviction is a current conviction if—
 - (i) the person was aged 18 or over on the date of the conviction and that date fell within the 11 year period ending with the day on which the certificate is issued, or
 - (ii) the person was aged under 18 on the date of conviction and that date fell within the period of 5 years and 6 months ending with the day on which the certificate is issued;
 - (d) a caution given to a person is a current caution if—

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- (i) the person was aged 18 or over on the date it was given and that date fell within the 6 year period ending with the day on which the certificate is issued, ^{F21}...
- ^{F21}(ii)
- (e) “custodial sentence” and “sentence of service detention” have the same meaning as in section 5(8) of the Rehabilitation of Offenders Act 1974.
- (6F) Section 139(1) and (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (which amends section 5(8) of the Rehabilitation of Offenders Act 1974) is to be treated for the purposes of subsection (6E)(e) as being in force when subsection (6E) (e) comes into force.]
- [The Secretary of State may by order amend the definitions of “central records” and ^{F22}(7) “relevant matter” in subsection (6).
- (8) The power to make an order under subsection (7) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order is laid before and approved by resolution of each House of Parliament.]
- [For the purposes of this Part a person acts as the registered person in relation to an ^{F23}(9) application for a criminal record certificate if the person—
- (a) countersigns the application, or
- (b) transmits the application to [^{F24}DBS] under subsection (2A).]
- ^{F25}(10)

Textual Amendments

- F1** Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 163(2)**, 178(4)(d)(8); [S.S.I. 2006/166](#), art. 2(1)(c); [S.I. 2006/378](#), art. 7(a); [S.I. 2006/2182](#), art. 2; [S.I. 2007/3064](#), art. 2; [S.I. 2008/306](#), art. 2; [S.I. 2008/697](#), art. 2(a); [S.I. 2015/188](#), art. 2
- F2** Words in s. 113A(1) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **37(b)** (with Pt. 4)
- F3** Words in s. 113A(1)(a) repealed (S.) (11.1.2008) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), **ss. 79(1)**, 101(2) (with ss. 90, 99); [S.S.I. 2007/564](#), art. 2, sch.; and words repealed (E.W.N.I.) (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 97(2), 116(1), **Sch. 8 Pt. 8**; [S.I. 2010/125](#), art. 2(n)(u)
- F4** S. 113A(1)(aa) inserted (E.W.) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), **ss. 80(1)**, 120 (with s. 97); [S.I. 2012/2234](#), art. 2(s) (with art. 5)
- F5** S. 113A(2A) inserted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), arts. 1(1), **3(2)**
- F6** Words in s. 113A(2A) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **37(b)** (with Pt. 4)
- F7** S. 113A(4) repealed (E.W.) (17.6.2013) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 79(2)(a), 120, **Sch. 10 Pt. 6** (with s. 97); [S.I. 2013/1180](#), art. 2(a)

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- F8** Words in s. 113A(5) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **37(b)** (with Pt. 4)
- F9** Word in s. 113A(5)(a) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. **1(1)**, 38(a) (with Pt. 4)
- F10** Word in s. 113A(5)(b) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **38(b)** (with Pt. 4)
- F11** Words in s. 113A(6) inserted (E.W.) (19.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **50(3)(a)**, 153(7); S.I. 2008/3260, art. 2(1)(b)
- F12** Words in s. 113A(6) inserted (E.W.) (19.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **50(3)(b)**, 153(7); S.I. 2008/3260, art. 2(1)(b)
- F13** Words in s. 113A(6) substituted (E.W.) (29.5.2013) by [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) \(England and Wales\) Order 2013 \(S.I. 2013/1200\)](#), arts. 1(1), **3**
- F14** Words in s. 113A(6) substituted (E.W.) (28.11.2020) by [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) \(England and Wales\) Order 2020 \(S.I. 2020/1364\)](#), arts. 1(1), **2(a)(i)**
- F15** Word in s. 113A(6) omitted (E.W.) (28.10.2023) by virtue of [The Police Act 1997 \(Criminal Record Certificates: Relevant Matter\) \(Amendment\) \(England and Wales\) Order 2023 \(S.I. 2023/1153\)](#), art. **2(a)**, reg. 1(1)
- F16** Words in s. 113A(6) inserted (E.W.) (28.10.2023) by [The Police Act 1997 \(Criminal Record Certificates: Relevant Matter\) \(Amendment\) \(England and Wales\) Order 2023 \(S.I. 2023/1153\)](#), art. **2(b)**, reg. 1(1)
- F17** Words in s. 113A(6) omitted (E.W.) (28.11.2020) by virtue of [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) \(England and Wales\) Order 2020 \(S.I. 2020/1364\)](#), arts. 1(1), **2(a)(ii)**
- F18** Words in s. 113A(6) inserted (E.W.) (28.11.2020) by [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) \(England and Wales\) Order 2020 \(S.I. 2020/1364\)](#), arts. 1(1), **2(a)(iii)**
- F19** Words in s. 113A(6) inserted (E.W.) (28.10.2023) by [The Police Act 1997 \(Criminal Record Certificates: Relevant Matter\) \(Amendment\) \(England and Wales\) Order 2023 \(S.I. 2023/1153\)](#), art. **2(c)**, reg. 1(1)
- F20** S. 113A(6D)-(6F) inserted (E.W.) (29.5.2013) by [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) \(England and Wales\) Order 2013 \(S.I. 2013/1200\)](#), arts. 1(1), **4**
- F21** S. 113A(6E)(d)(ii) and word omitted (E.W.) (28.11.2020) by virtue of [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) \(England and Wales\) Order 2020 \(S.I. 2020/1364\)](#), arts. 1(1), **2(b)**
- F22** S. 113A(7)(8) inserted (E.W.N.I.) (12.10.2009 for E.W., 12.10.2009 for N.I.) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, **Sch. 9 para. 14(2)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2610, art. 2(a) (with arts. 4-23); S.I. 2009/2611, art. 2, Sch
- F23** S. 113A(9) inserted (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), arts. 1(1), **3(4)**
- F24** Words in s. 113A(9) substituted (E.W.) (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **37(b)** (with Pt. 4)
- F25** S. 113A(10) repealed (E.W.) (10.9.2012 immediately after the coming into force of the [Safeguarding Vulnerable Groups \(Miscellaneous Amendments\) Order 2012 \(S.I. 2012/2157\)](#)) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 36, **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(i)

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Modifications etc. (not altering text)

- C8** S. 113A(1) excluded (E.W.) (31.3.2010) by [The Safeguarding Vulnerable Groups Act 2006 \(Controlled Activity and Miscellaneous Provisions\) Regulations 2010 \(S.I. 2010/1146\)](#), regs. 1, **4(1)**
- C9** S. 113A(1)(a) modified (E.W.) (2.3.2009) by [The Police Act 1997 \(Criminal Records\) \(Electronic Communications\) Order 2009 \(S.I. 2009/203\)](#), arts. 1(1), **21(1)**

[^{F1}113A Criminal record certificates **N.I.**

- (1) The Secretary of State must issue a criminal record certificate to any individual who—
- (a) makes an application ^{F3} ...,
 - ^{F26}(aa) [except in prescribed circumstances, is aged 16 or over at the time of making the application,] and
 - (b) pays in the prescribed manner any prescribed fee.
- (2) The application must—
- (a) be countersigned by a registered person, and
 - (b) be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.
- [But an application for a criminal record certificate need not be countersigned by a ^{F27}(2A) registered person if—
- (a) the application is transmitted to the Department electronically by a registered person who satisfies conditions determined by the Department, and
 - (b) it is transmitted in accordance with requirements determined by the Department.]
- (3) A criminal record certificate is a certificate which—
- (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, or
 - (b) states that there is no such matter.
- ^{F28}(4)
- (5) The Secretary of State may treat an application under this section as an application under section 113B if—
- (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
 - (b) the registered person provides him with the statement required by that subsection, and
 - (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under that section exceeds the fee paid in relation to the application under this section.
- (6) In this section—
- “central records” means such records of convictions and cautions held for the use of police forces generally as may be prescribed;
- “exempted question” means a question in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act;

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[^{F29}“relevant matter”, in this section as it has effect in Northern Ireland, means—

- (a) [^{F30}any of the following convictions]—
- (i) a conviction of an offence within subsection (6D);
 - (ii) a conviction in respect of which a sentence of imprisonment, a sentence of service detention or custodial order was imposed;
^{F31} ...
 - (iii) a current conviction; [^{F32}or]
 - (iv) [^{F33}a current conviction of any offence, except an offence within subsection (6D), stated by a court to be aggravated under section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021;]
- (b) ^{F34} ...
- (c) a caution, restorative caution, diversionary youth conference or informed warning given in respect of an offence within subsection (6D);
- (d) a current caution, restorative caution, diversionary youth conference or informed warning.]

[The offences referred to in paragraphs (a)(i) and (c) of the definition of “relevant ^{F35}(6D) matter” in subsection (6), as it has effect in Northern Ireland, are as follows—

- (a) The following offences—
- (i) Abducting girl under 18 with intention of marriage;
 - (ii) Abducting girl under 18;
 - (iii) Affray;
 - (iv) Breach of the peace;
 - (v) False imprisonment;
 - (vi) Going armed so as to terrify the public;
 - (vii) Indecency – outraging public decency;
 - (viii) Kidnapping;
 - (ix) Manslaughter;
 - (x) Murder;
 - (xi) Publishing obscene libel;
 - (xii) Publishing/exhibiting/selling indecent/obscene things;
 - (xiii) Rape;
 - (xiv) Riot;
 - (xv) Rout (incipient riot); and
 - (xvi) Unlawful assembly.
- (b) an offence under section 1 of the Unlawful Drilling Act 1819;
- (c) an offence under section 10 or 11 of the Slave Trade Act 1824;
- (d) an offence under section 2 or 3 of the Tumultuous Risings (Ireland) Act 1831;
- (e) an offence under section 35 of the Malicious Damage Act 1861;
- (f) an offence under section 32, 33, 34, 58, 59 or 64 of the Offences Against the Person Act 1861;
- (g) an offence under section 26 of the Criminal Justice Act (Northern Ireland) 1945;
- (h) an offence under section 2 of the Nuclear Installations Act 1965;

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- (i) an offence under section 13, 13A or 13B of the Criminal Justice Act (Northern Ireland) 1966;
- (j) an offence under section 5(1) of the Criminal Law Act (NI) 1967;
- (k) an offence under section 25 or 30 of the Children and Young Persons Act (Northern Ireland) 1968;
- (l) an offence under section 7(2)(a), 52, 58(2)(a), 58(2)(b), 63(b), 67 or 67 (1A) of the Medicines Act 1968;
- (m) an offence under section 1, 2 or 3 of the Protection of Persons and Property Act (Northern Ireland) 1969;
- (n) an offence under section 7 of the Public Order Amendment Act (Northern Ireland) 1970;
- (o) an offence under section 4(2), 5(2), 5(3), 6(2), 8, 9, 11, 12, 13, 18, 19, 20 or 23 of the Misuse of Drugs Act 1971;
- (p) an offence under section 1 of the Biological Weapons Act 1974;
- (q) an offence under section 2 of the Criminal Jurisdiction Act 1975;
- (r) an offence under Article 5 of the Poisons (Northern Ireland) Order 1976;
- (s) an offence under Article 4 or 5 of the Criminal Damage (Northern Ireland) Order 1977;
- (t) an offence under Article 19 of the Criminal Damage (Compensation) (Northern Ireland) Order 1977;
- (u) an offence under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977;
- (v) an offence under section 50 of the Customs and Excise Management Act 1979;
- (w) an offence under section 6(2) or section 7(2) of the Aviation Security Act 1982;
- (x) an offence under Article 5, 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983;
- (y) an offence under sections 1A to 1D or 2 of the Nuclear Material (Offences) Act 1983;
- (z) an offence under section 38 of the Public Order Act 1986;
- (aa) an offence under Article 11, 28, 29, 31, 58, 58ZA or 59 of the Adoption (Northern Ireland) Order 1987;
- (bb) an offence under Article 9, 10, 11, 12, 13, 18(3), 22 or 23 of the Public Order (Northern Ireland) Order 1987;
- (cc) an offence under section 139, 139A, or 141 of the Criminal Justice Act 1988;
- (dd) an offence under Article 3, 4 or 5 of the Crossbows (Northern Ireland) Order 1988;
- (ee) an offence under section 12, 18 or 19 of the Criminal Justice (International Cooperation) Act 1990;
- (ff) an offence under Article 68 or 132 of the Children (Northern Ireland) Order 1995;
- (gg) an offence under Article 11A or 12B of the Road Traffic (Northern Ireland) Order 1995;
- (hh) an offence under Article 53 or 54 of the Criminal Justice (Northern Ireland) Order 1996;
- (ii) an offence under section 2 or 11 of the Chemical Weapons Act 1996;
- (jj) an offence specified in the Schedule to the Disqualification for Caring for Children Regulations (Northern Ireland) 1996;

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- (kk) an offence under section 1 or 2 of the Knives Act 1997;
- (ll) an offence under Article 4, 5(6), 6 or 7(5) of the Protection from Harassment (Northern Ireland) Order 1997;
- (mm) an offence under section 2 of the Landmines Act 1998;
- (nn) an offence under section 35 of the Criminal Justice and Courts Services Act 2000;
- (oo) an offence under section 11, 12, 15, 16, 17, 18, 38B, 39, 58, 60 or paragraph 37 of Schedule 4 to the Terrorism Act 2000;
- (pp) an offence under section 52, 54, 67, 79, 80 or 114 of the Anti-terrorism, Crime and Security Act 2001;
- (qq) an offence under section 58 or 59 of the International Criminal Court Act 2001;
- (rr) an offence under Article 17 of the Criminal Injuries Compensation (Northern Ireland) Order 2002;
- (ss) an offence under section 327, 328, 329, 330, 331, 332, 333A or 342 of the Proceeds of Crime Act 2002;
- (tt) an offence under Article 12, 15(2)(a)-(e), 24 to 28 or 42 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;
- (uu) an offence under Article 30 or 46 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003;
- (vv) an offence stated by a court to be aggravated by hostility under Article 2 of the Criminal Justice (No 2) (Northern Ireland) Order 2004;
- (ww) an offence under Article 3, 24, 37, 39, 40, 41, 42, 45, 61, 62, 63 or 67 of the Firearms (Northern Ireland) Order 2004;
- (xx) an offence under section 1 or 2 of the Terrorism Act 2006;
- (yy) an offence under paragraph 1 of Schedule 1 to the Violent Crime Reduction Act 2006;
- (zz) an offence under section 47 of the Wireless Telegraphy Act 2006;
- (aaa) an offence under Article 11, 13 or 23 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007;
- (bbb) an offence under section 27, paragraph 8 of Schedule 3 or paragraph 12 of Schedule 4 to the Justice and Security (Northern Ireland) Act 2007;
- (ccc) an offence under Schedule 1 or Schedule 2 of the Criminal Justice (Northern Ireland) Order 2008;
- (ddd) an offence under Article 68, 69 or 73 of the Sexual Offences (Northern Ireland) Order 2008;
- (eee) an offence under section 71 of the Coroners and Justice Act 2009;
- [^{F36}(fff) an offence under article 240 or 241 of the Air Navigation Order 2016;]
- (ggg) an offence specified in the Schedule to the Safeguarding Vulnerable Groups (Prescribed Criteria and Miscellaneous Provisions) Regulations (Northern Ireland) 2009;
- (hhh) an offence under section 2 of the Cluster Munitions (Prohibitions) Act 2010;
- (iii) an offence under section 93 of the Justice Act (Northern Ireland) 2011;
- (jjj) an offence under regulation 255 of the Human Medicines Regulations 2012;
- (kkk) an offence which has been superseded (directly or indirectly) by an offence within paragraphs (a) to (jjj);
- (lll) an offence of –

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extentS - Scotland extentN.I. - Northern Ireland extent

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- (i) attempting or conspiring to commit any offence falling within paragraphs (a) to (kkk), or inciting or aiding, abetting, counselling or procuring the commission of any such offence, or
 - (ii) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or committing serious crime) committed in relation to any such offence;
 - (mmm) an offence under the law of England, Scotland or Wales or any territory outside the United Kingdom which corresponds to an offence under the law of Northern Ireland within any of the paragraphs (a) to (lll);
 - (nnn) an offence under section 42 of the Armed Forces Act 2006 in relation to which the corresponding offence under the law of Northern Ireland (within the meaning of that section) is an offence corresponding with any of the paragraphs (a) to (lll); ^{F37}...
 - (ooo) an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 of which the corresponding civil offence (within the meaning of those Acts) is an offence within any of the paragraphs (a) to (lll) [^{F38}];
 - ^{F39} [(ppp) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021;
 - (qqq) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 stated by a court to be aggravated under section 8 of that Act;
 - (rrr) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 stated by a court to be aggravated under section 9 of that Act; and
 - (sss) any offence within this subsection (6D) stated by a court to be aggravated under section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.]
- (6E) For the purposes of the definition of “relevant matter” as it has effect in Northern Ireland–
- (a) “conviction” has the same meaning as in the Rehabilitation of Offenders (Northern Ireland) Order 1978 and includes a spent conviction within the meaning of that Order;
 - (b) a person’s conviction is a current conviction if–
 - (i) the person was aged 18 or over on the date of the conviction and that date fell within the 11 year period ending with the day on which the certificate is issued, or
 - (ii) the person was [^{F40}aged under 18] on the date of conviction and that date fell within the period of 5 years and 6 months ending with the day on which the certificate is issued;
 - (c) a caution or restorative caution given to a person is a current caution or restorative caution if–
 - (i) the person was aged 18 or over on the date it was given and that date fell within the 6 year period ending with the day on which the certificate is issued, or
 - (ii) the person was aged under 18 on the day it was given and that date fell within the 2 year period ending with the day on which the certificate is issued;

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- (d) a diversionary youth conference given to a person is a current diversionary youth conference if the person was aged under 18 on the date it was given and that date fell within the 2 year period ending with the day on which the certificate is issued;
- (e) an informed warning given to a person is a current informed warning if the date on which it was given fell within the 1 year period ending with the day on which the certificate is issued;
- (f) “sentence of imprisonment”, “sentence of service detention” and “custodial order” have the same meaning as in Articles 2 and 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978.]

[The Secretary of State may by order amend the definitions of “central records” and ^{F22}(7) “relevant matter” in subsection (6).

- (8) The power to make an order under subsection (7) is exercisable by statutory instrument, but no such order may be made unless a draft of the instrument containing the order is laid before and approved by resolution of each House of Parliament.]

[For the purposes of this Part a person acts as the registered person in relation to an ^{F41}(9) application for a criminal record certificate if the person—

- (a) countersigns the application, or
- (b) transmits the application to the Department under subsection (2A).]]

Textual Amendments

- F1** Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\)](#), [178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), [art. 2\(1\)\(c\)](#); [S.I. 2006/378](#), [art. 7\(a\)](#); [S.I. 2006/2182](#), [art. 2](#); [S.I. 2007/3064](#), [art. 2](#); [S.I. 2008/306](#), [art. 2](#); [S.I. 2008/697](#), [art. 2\(a\)](#); [S.I. 2015/188](#), [art. 2](#)
- F3** Words in s. 113A(1)(a) repealed (S.) (11.1.2008) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 79\(1\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); [S.S.I. 2007/564](#), [art. 2](#), [sch.](#); and words repealed (E.W.N.I.) (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 97\(2\)](#), [116\(1\)](#), [Sch. 8 Pt. 8](#); [S.I. 2010/125](#), [art. 2\(n\)\(u\)](#)
- F22** S. 113A(7)(8) inserted (E.W.N.I.) (12.10.2009 for E.W., 12.10.2009 for N.I.) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), [s. 65](#), [Sch. 9 para. 14\(2\)](#) (with [ss. 51](#), [57\(3\)](#), [60\(4\)](#), [64\(5\)](#)); [S.I. 2009/2610](#), [art. 2\(a\)](#) (with [arts. 4-23](#)); [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)
- F26** S. 113A(1)(aa) inserted (N.I.) (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), [ss. 38\(1\)](#), [106\(2\)](#); [S.R. 2015/358](#), [art. 2\(c\)](#)
- F27** S. 113A(2A) inserted (N.I.) (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), [ss. 44\(1\)](#), [106\(2\)](#); [S.R. 2015/358](#), [art. 2\(f\)](#)
- F28** S. 113A(4) repealed (N.I.) (2.11.2015) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), [ss. 37\(1\)\(b\)](#), [106\(2\)](#), [Sch. 9 Pt. 3](#); [S.R. 2015/358](#), [art. 2\(a\)](#)
- F29** Words in s. 113A(6) substituted (N.I.) (14.4.2014) by [The Police Act 1997 \(Criminal Record Certificates Relevant Matters\) \(Amendment\) Order \(Northern Ireland\) 2014 \(S.R. 2014/100\)](#), [arts. 1](#), [3](#)
- F30** Words in s. 113A(6) substituted (N.I.) (9.11.2021) by [The Police Act 1997 \(Criminal Record Certificates: Relevant Matters\) \(Amendment\) Order \(Northern Ireland\) 2021 \(S.R. 2021/156\)](#), [arts. 1](#), [2\(a\)](#)
- F31** Word in s. 113A(6)(a)(ii) deleted (N.I.) (22.9.2022) by [The Police Act 1997 \(Criminal Record Certificates: Relevant Matters\) \(Amendment\) Order \(Northern Ireland\) 2022 \(S.R. 2022/145\)](#), [arts. 1](#), [3\(a\)](#)

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- F32** Word in s. 113A(6)(a)(iii) inserted (N.I.) (22.9.2022) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 (S.R. 2022/145), arts. 1, **3(b)**
- F33** S. 113A(6)(a)(iv) inserted (N.I.) (22.9.2022) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 (S.R. 2022/145), arts. 1, **3(c)**
- F34** Words in s. 113A(6) omitted (N.I.) (9.11.2021) by virtue of The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021 (S.R. 2021/156), arts. 1, **2(b)**
- F35** S. 113A(6D)(6E) inserted (N.I.) (14.4.2014) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2014 (S.R. 2014/100), arts. 1, **4**
- F36** S. 113A(6D)(fff) substituted (N.I.) (25.8.2016) by The Air Navigation Order 2016 (S.I. 2016/765), art. 1, **Sch. 14 para. 2(a)** (with arts. 17-23, 274(2)-(4))
- F37** Word in s. 113A(6D) deleted (N.I.) (22.9.2022) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 (S.R. 2022/145), **art. 4(a)**, reg. 1
- F38** Word in s. 113A(6D) substituted (N.I.) (22.9.2022) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 (S.R. 2022/145), **art. 4(b)**, reg. 1
- F39** S. 113A(6D) inserted (N.I.) (22.9.2022) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 (S.R. 2022/145), **art. 4(c)**, reg. 1
- F40** Words in s. 113A(6E)(b)(ii) substituted (N.I.) (8.7.2014) by The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment No. 2) Order (Northern Ireland) 2014 (S.R. 2014/207), arts. 1, **2**
- F41** S. 113A(9) inserted (N.I.) (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 5 para. 1(3)**; S.R. 2015/358, art. 2(m)(i)

Commencement Information

- I1** S. 113A in force at 1.4.2008 for N.I. by S.I. 2008/692, **art. 2(b)**

[^{F1}113A Criminal record certificates **S**

- (1) The Secretary of State must issue a criminal record certificate to any individual who—
 - (a) makes an application ^{F3}..., and
 - (b) pays in the prescribed manner any prescribed fee.
 - (2) The application must—
 - (a) be countersigned by a registered person, and
 - (b) be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.
 - (3) A criminal record certificate is a certificate which—
 - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, [^{F42}(or states that there is no such matter); and
 - (b) if the applicant is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 (c. 42), states that fact.]
- [But a criminal record certificate must not give the details of a relevant matter if—
- ^{F43}(3A)
 - (a) those details were excluded from another criminal record certificate by virtue of an order under section 116ZB(9)(b), and
 - (b) it appears to the Scottish Ministers that the application under subsection (1) is made for the same purpose for which the application for the other certificate was made.]

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^{F44}(4)

(5) The Secretary of State may treat an application under this section as an application under section 113B if—

- (a) in his opinion the certificate is required for a purpose prescribed under subsection (2) of that section,
- (b) the registered person provides him with the statement required by that subsection, and
- (c) the applicant consents and pays to the Secretary of State the amount (if any) by which the fee payable in relation to an application under that section exceeds the fee paid in relation to the application under this section.

^{F45}(5A) [The Scottish Ministers need not issue a criminal record certificate under subsection (1) if the statement accompanying the application states that the purpose for which the certificate is required is the purpose mentioned in disclosure condition C (set out in section 55 of the Protection of Vulnerable Groups (Scotland) Act 2007) (asp 14).]

(6) In this section—

“central records” means such records of convictions [^{F46}, cautions or other information] held for the use of police forces generally as may be prescribed;

[^{F47}“conviction” means a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction,]

“exempted question” means a question in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act;

“relevant matter” means—

- (a) [^{F48}a conviction which is not a protected conviction,
- (b) a caution which is not spent by virtue of schedule 3 of the Rehabilitation of Offenders Act 1974, and]
- (c) [^{F49}a prescribed court order.]]

Textual Amendments

- F1** Ss. 113A-113F inserted (1.4.2006 for S. except for the insertion of s. 113E, 6.4.2006 for E.W. for specified purposes, 25.9.2006 for E.W. for specified purposes, 12.11.2007 for E.W. for specified purposes, 29.2.2008 for E.W. for specified purposes, 1.4.2008 for N.I., 9.3.2015 for E.W. for specified purposes) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 163\(2\)](#), [178\(4\)\(d\)\(8\)](#); [S.S.I. 2006/166](#), [art. 2\(1\)\(c\)](#); [S.I. 2006/378](#), [art. 7\(a\)](#); [S.I. 2006/2182](#), [art. 2](#); [S.I. 2007/3064](#), [art. 2](#); [S.I. 2008/306](#), [art. 2](#); [S.I. 2008/697](#), [art. 2\(a\)](#); [S.I. 2015/188](#), [art. 2](#)
- F3** Words in s. 113A(1)(a) repealed (S.) (11.1.2008) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 79\(1\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); [S.S.I. 2007/564](#), [art. 2](#), [sch.](#); and words repealed (E.W.N.I.) (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 97\(2\)](#), [116\(1\)](#), [Sch. 8 Pt. 8](#); [S.I. 2010/125](#), [art. 2\(n\)\(u\)](#)
- F42** Words in s. 113A(3) substituted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), [ss. 78\(2\)\(a\)](#), [101\(2\)](#) (with [ss. 90](#), [99](#)); [S.S.I. 2011/157](#), [art. 2\(a\)](#) (with [art. 3](#))
- F43** S. 113A(3A) inserted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), [arts. 1\(2\)](#), [3\(2\)\(a\)](#) (with [arts. 5-10](#), [12](#))

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- F44** S. 113A(4) repealed (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **3(2)(b)** (with arts. 5-10, 12)
- F45** S. 113A(5A) inserted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), **sch. 4 para. 28** (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 3)
- F46** Words in s. 113A(6) substituted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), **ss. 78(2)(b)**, 101(2) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 3)
- F47** Words in s. 113A(6) inserted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **3(2)(c)(i)** (with arts. 5-10, 12)
- F48** Words in s. 113A(6) substituted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **3(2)(c)(ii)** (with arts. 5-10, 12)
- F49** Words in s. 113A(6) inserted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), **ss. 78(2)(d)**, 101(2) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 3)

Status:

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Police Act 1997, Section 113A is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 113A(4) words substituted by [2015 c. 9 \(N.I.\) Sch. 5 para. 1\(2\)](#)
- s. 113A(6) words inserted by [2011 asp 1 s. 188\(a\)](#)
- s. 113A(6D)(aa) words inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 51](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 112(2A) inserted by [2011 c. 24 \(N.I.\) s. 101](#)
- s. 112(2A) inserted by [2009 c. 26 s. 93](#) (This amendment not applied to [legislation.gov.uk](#). S. 93 repealed (10.9.2012) without ever being in force by 2012 c. 9, ss. 79(1), 120, Sch. 10 Pt. 6; S.I. 2012/2234, art. 2(cc))
- s. 113(3)(e) words inserted by [S.S.I. 2006/50 art. 2\(2\)](#)
- s. 113(3G) inserted by [2002 c. 32 Sch. 12 para. 14](#)
- s. 113(3G) inserted by 2002 c. 32, Sch. 12 para. 14 (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 113(3EA)(3EB) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(4\)](#)
- s. 113(3EC)(3ED) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(3\)](#)
- s. 113(4A) inserted by [2003 c. 44 Sch. 35 para. 3\(3\)](#)
- s. 113(4A) insertion by 2003 c. 44, Sch. 35 para. 3(3) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 113A(6A)-(6C) inserted by [2011 asp 1 s. 188\(b\)](#)
- s. 115(5)(ec) inserted by [2002 c. 32 Sch. 12 para. 15\(2\)](#)
- s. 115(5)(ec) inserted by 2002 c. 32, Sch. 12 para. 15(2) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(5)(ga) inserted by [2001 c. 12 s. 21](#) (Amendment not applied to [legislation.gov.uk](#). S. 21 repealed (6.4.2006 for E.W.) by 2003 c. 44, Sch. 37 Pt. 11; S.I. 2006/751, art. 2(d))
- s. 115(6BB) inserted by [2002 c. 32 Sch. 12 para. 15\(3\)](#)
- s. 115(6BB) inserted by 2002 c. 32, Sch. 12 para. 15(3) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(6EA) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(5\)](#)
- s. 115(6EB) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(4\)](#)
- s. 115(9A)(9B) inserted by [2003 c. 44 Sch. 35 para. 4\(5\)](#)
- s. 115(9A)(9B) insertion by 2003 c. 44, Sch. 35 para. 4(5) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 118(2ZA) inserted by [2009 c. 26 s. 95](#)

- s. 118(2ZA) words substituted by [S.I. 2012/3006 art. 37\(j\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 118(2ZA) by 2009 c. 26, s. 95 is still prospective)
- s. 121(a) inserted by [2006 asp 10 s. 3\(8\)\(a\)](#)
- Sch. 8A para. 34G inserted by [S.I. 2024/374 Sch. 5 para. 3](#)
- Sch. 8B para. 102(ea) inserted by [2023 c. 47 s. 3\(2\)](#)