



# Police Act 1997

## 1997 CHAPTER 50

### PART V

#### CERTIFICATES OF CRIMINAL RECORDS, &C.

#### 119 Sources of information.

- (1) Any person who holds records of convictions [<sup>F1</sup>or cautions][<sup>F1</sup>, cautions or other information] for the use of police forces generally shall make those records available to [<sup>F2</sup>the Secretary of State][<sup>F2</sup>DBS][<sup>F3</sup> for the purposes of an application [<sup>F4</sup>(whether for a certificate or for registration)] under this Part.][<sup>F3</sup>for the purpose of enabling [<sup>F5</sup>him][<sup>F5</sup>it] to carry out [<sup>F6</sup>his functions under this Part in relation to—
- (b) the determination of whether a person should continue to be a registered person.]  
[<sup>F6</sup>a relevant function]]
- [<sup>F7</sup>(1ZA) Any person who holds records of convictions or cautions for the use of police forces generally must make those records available to the Disclosure and Barring Service for the purpose of enabling it to carry out its functions under paragraph 1, 2, 7 or 8 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.]
- [<sup>F8</sup>(1A) [<sup>F9</sup>The Secretary of State may require the [<sup>F10</sup>Disclosure and Barring Service] to make available specified information for the purpose of enabling the Secretary of State to carry out functions under this Part in relation to—
- (a) any application for a certificate or for registration; or
- (b) the determination of whether a person should continue to be a registered person.]]
- [<sup>F11</sup>(1B) [<sup>F12</sup>The Secretary of State][<sup>F12</sup>DBS] may require the chief officer of a police force to make available such information as [<sup>F13</sup>he][<sup>F13</sup>it] may specify for the purpose of [<sup>F14</sup>determining, in relation to applications under section 113B, whether the police force is a relevant police force][<sup>F14</sup>deciding whether to make a request to that chief officer under section 113B(4)].]

*Status: Point in time view as at 01/12/2012. This version of this provision has been superseded.*

*Changes to legislation: Police Act 1997, Section 119 is up to date with all changes known to be in force on or before 11 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. (See end of Document for details)*

- (2) Where the chief officer of a police force receives a request under section [F15 113B] or 116 F16 ... he shall comply with it as soon as practicable.
- (3) [F17 The Secretary of State][F17 DBS] shall pay to the appropriate [F18 local policing body or] police authority, F19 ... [F20 such fee as [F21 he][F21 the Secretary of State] thinks appropriate] for information provided in accordance with [F22 subsection (2)][F22 section 120A(4) or subsection (2) of this section].
- (4) Any person who holds records of fingerprints for the use of police forces generally shall make those records available to [F23 the Secretary of State][F23 DBS][F23 for the purposes of an application under this Part.][F23 for the purpose of enabling [F24 him][F24 it] to carry out [F25 his][F25 its] functions under this Part in relation to—
- (a) any application for a certificate or for registration; or
  - (b) the determination of whether a person should continue to be a registered person.]
- [F26 (4A) DBS may require the Secretary of State to provide it with the information and advice specified in section 113CD(2) to (6) for the purpose of enabling DBS to carry out its functions under section 113CD.]
- (5) No proceedings shall lie against [F27 the Secretary of State][F27 DBS][F28 or the Disclosure and Barring Service] by reason of an inaccuracy in the information made available or provided to [F29 him][F29 it][F30 or it] in accordance with this section.
- [F31 (6) For the purposes of this section references to a police force include any body mentioned in subsections (10)(a) to (i) and (11) of section 113B and references to a chief officer must be construed accordingly.
- (7) In the case of such a body the reference in subsection (3) to the appropriate [F32 local policing body or] police authority must be construed as a reference to such body as is prescribed.]
- [F33 (8) In this section a relevant function is a function of [F34 the Secretary of State][F34 DBS]—
- (a) under this Part in relation to any application for a certificate or for registration;
  - (b) under this Part in relation to the determination of whether a person should continue to be a registered person;
  - F35 (c) .....
  - (d) [F36 under paragraph 1, 2, 7 or 8 of Schedule 3 to [F37 the Safeguarding Vulnerable Groups Act 2006] (considering whether criteria prescribed for the purpose of that paragraph apply to an individual).]

#### Textual Amendments

- F1** Words in s. 119(1) substituted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\), ss. 78\(3\), 101\(2\)](#) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 3)
- F2** Words in s. 119(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\(k\)](#) (with Pt. 4)
- F3** Words in s. 119(1)(4) substituted (E.W.N.I.) (19.6.2001) by [2001 c. 16, s. 134\(2\)\(a\)](#); S.I. 2001/2223, art. 2(1)(c)
- F4** Words in s. 119(1) inserted (S.) (27.6.2003) by [Criminal Justice \(Scotland\) Act 2003 \(asp 7\), ss. 70\(4\), 89\(2\)](#); S.S.I. 2003/288, art. 2, sch.
- F5** Word in s. 119(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\(1\), 42\(a\)](#) (with Pt. 4)

*Status: Point in time view as at 01/12/2012. This version of this provision has been superseded.*

*Changes to legislation: Police Act 1997, Section 119 is up to date with all changes known to be in force on or before 11 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. (See end of Document for details)*

- F6** Words in s. 119(1) substituted (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(7)(a) (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.](#)
- F7** S. 119(1ZA) inserted (N.I.) (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), [52\(2\)](#) (with Pt. 4)
- F8** S. 119(1A) substituted (10.9.2012 for E.W.N.I.) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 118](#); S.I. 2012/2235, art. 2(c)
- F9** S. 119(1A) omitted (E.W.) (1.12.2012) by virtue of [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), [50\(2\)](#) (with Pt. 4)
- F10** Words in s. 119(1A) substituted (N.I.) (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), [13\(1\)\(2\)\(c\)](#) (with Pt. 4)
- F11** S. 119(1B) inserted (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\(7\)\(b\)](#) (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.](#)
- F12** Words in s. 119(1B) 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\(k\)](#) (with Pt. 4)
- F13** Word in s. 119(1B) 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), [42\(b\)](#) (with Pt. 4)
- F14** Words in s. 119(1B) substituted (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. 110\(3\)](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(viii)
- F15** Word in s. 119(2) substituted (1.4.2006 for S., 6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(4)(e)(8), [Sch. 14 para. 4\(b\)](#); S.S.I. 2006/166, art. 2(1)(e); S.I. 2006/378, art. 7(c)
- F16** Words in s. 119(2) repealed (E.W.N.I.) (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. 40(2), [Sch. 10 Pt. 5](#) (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(i)
- F17** Words in s. 119(3) 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\(k\)](#) (with Pt. 4)
- F18** Words in s. 119(3) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 223](#); S.I. 2011/3019, art. 3, Sch. 1
- F19** Words in s. 119 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 112, [Sch. 34 Pt. VII](#) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, [Sch.](#)
- F20** Words in s. 119(3) substituted (1.7.2005 for E.W., 1.4.2006 for S., 1.4.2008 for N.I.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. [165\(1\)\(a\)](#), 178(4)(d)(8); S.I. 2005/1521, art. 3(3)(b); S.S.I. 2006/166, art. 2(1)(c); S.I. 2008/697, art. 2(c)
- F21** Words in s. 119(3) substituted (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), [42\(c\)](#) (with Pt. 4)
- F22** Words in s. 119(3) substituted (E.W.N.I.) (19.6.2001) by 2001 c. 16, s. 134(2)(c); S.I. 2001/2223, art. 2(1)(c)
- F23** Words in s. 119(4) 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\(k\)](#) (with Pt. 4)
- F24** Word in s. 119(4) 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), [42\(d\)\(i\)](#) (with Pt. 4)
- F25** Word in s. 119(4) 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), [42\(d\)\(ii\)](#) (with Pt. 4)

*Status: Point in time view as at 01/12/2012. This version of this provision has been superseded.*

*Changes to legislation: Police Act 1997, Section 119 is up to date with all changes known to be in force on or before 11 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. (See end of Document for details)*

- F26** S. 119(4A) inserted (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), **50(3)** (with Pt. 4)
- F27** Words in s. 119(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(k)** (with Pt. 4)
- F28** Words in s. 119(5) inserted (N.I.) (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), **52(3)(a)** (with Pt. 4)
- F29** Word in s. 119(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), **42(e)** (with Pt. 4)
- F30** Words in s. 119(5) inserted (N.I.) (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), **52(3)(b)** (with Pt. 4)
- F31** S. 119(6)(7) inserted (1.4.2006 for S., 6.4.2006 for E.W., 1.4.2008 for N.I.) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 165(1)(b)**, 178(4)(d)(8); S.S.I. 2006/166, art. 2(1)(c); S.I. 2006/378, art. 7(d); S.I. 2008/697, art. 2(c)
- F32** Words in s. 119(7) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 223**; S.I. 2011/3019, art. 3, Sch. 1
- F33** S. 119(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(7)(d)** (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.
- F34** Words in s. 119(8) 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(k)** (with Pt. 4)
- F35** S. 119(8)(c) repealed (E.W.N.I.) (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. 40(3)(a), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(i)
- F36** S. 119(8)(d) omitted (N.I.) (1.12.2012) by virtue of The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **52(4)** (with Pt. 4)
- F37** Words in s. 119(8)(d) substituted (E.W.N.I.) (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. 40(3)(b), **Sch. 10 Pt. 5** (with s. 97); S.I. 2012/2234, art. 2(aa)(bb)(i)

#### Modifications etc. (not altering text)

- C1** S. 119 modified (temp.) (N.I.) (with application in accordance with arts. 2, 5 of the amending Order) by Safeguarding Vulnerable Groups (Regulated Activity, Transitional Provisions and Commencement No. 4) Order (Northern Ireland) 2009 (S.R. 2009/304), **art. 8**

#### Commencement Information

- I1** S. 119 in force at 1.3.2002 for E.W. by S.I. 2002/413, **art. 2**  
S. 119 in force at 25.4.2002 for S. by S.S.I. 2002/124, **art. 4**
- I2** S. 119 in force at 1.4.2008 for N.I. by S.I. 2008/692, **art. 2(k)**

**Status:**

Point in time view as at 01/12/2012. This version of this provision has been superseded.

**Changes to legislation:**

Police Act 1997, Section 119 is up to date with all changes known to be in force on or before 11 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.