



# 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;
- [<sup>F11</sup>(aa) the provision of up-date information under section 116A;] or
- (b) the determination of whether a person should continue to be a registered person.]]
- [<sup>F12</sup>(1B) [<sup>F13</sup>The Secretary of State][<sup>F13</sup>DBS] may require the chief officer of a police force to make available such information as [<sup>F14</sup>he][<sup>F14</sup>it] may specify for the purpose of [<sup>F15</sup>determining, in relation to applications under section 113B, whether the police force is a relevant police force][<sup>F15</sup>deciding whether to make a request to that chief officer under section 113B(4)].]

*Status: Point in time view as at 17/12/2021.*

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- (2) Where the chief officer of a police force receives a request under section [F16]113B] or 116 [F17]... he shall comply with it as soon as practicable.
- [F18](2A) Where, in connection with the provision of up-date information under section 116A, the chief officer of a police force receives a request for information of the kind mentioned in section 113B(4), the chief officer of police must comply with it as soon as practicable.]
- [F19](2A) But the chief constable of the Police Service of Scotland may provide information mentioned in section 113B(4) relating to a time when the applicant was under 12 years of age only where—
- (a) the independent reviewer determines, on a review under section 18 of the Age of Criminal Responsibility (Scotland) Act 2019, that the information ought to be included in the certificate and—
    - (i) no appeal under section 20 of that Act is taken, or
    - (ii) such an appeal having been taken, the sheriff confirms the determination under section 20(3)(a), or
  - (b) the sheriff, on an appeal under section 20, determines under section 20(3)(b) that the information ought to be included in the certificate.]
- [F20](2B) Subsection (2A) (as inserted by section 10(1) of the 2019 Act) applies in relation to the following persons as it applies in relation to the chief constable of the Police Service of Scotland—
- (a) the chief constable of—
    - (i) a police force in England and Wales;
    - (ii) the Police Service of Northern Ireland;
    - (iii) the Ministry of Defence Police;
    - (iv) the British Transport Police;
    - (v) the Civil Nuclear Constabulary;
  - (b) the Provost Marshal of—
    - (i) the Royal Navy Police;
    - (ii) the Royal Military Police;
    - (iii) the Royal Air Force Police;
  - (c) the Director General of the National Crime Agency.]
- (3) [F21]The Secretary of State][F21]DBS] shall pay to the appropriate [F22]local policing body or] police authority, [F23]... [F24]such fee as [F25]he][F25]the Secretary of State] thinks appropriate] for information provided in accordance with [F26]subsection (2)][F26]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 [F27]the Secretary of State][F27]DBS][F28] for the purposes of an application under this Part.[F29] for the purpose of enabling [F28]him][F28]it] to carry out [F29]his][F29]its] functions under this Part in relation to—
- (a) any application for a certificate or for registration;
  - [F30] [ any application as mentioned in section 116A(4)(a) or (5)(a);] or
  - (b) the determination of whether a person should continue to be a registered person.]

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[<sup>F31</sup>(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.]

[<sup>F32</sup>(4A) The Department of Justice may provide to the Disclosure and Barring Service any information it holds for the purposes of this Part in order to enable the Disclosure and Barring Service to determine whether, in relation to any person, paragraph 1, 2, 3, 5, 7, 8, 9 or 11 of Schedule 1 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 applies or appears to apply.]

(5) No proceedings shall lie against [<sup>F33</sup>the Secretary of State][<sup>F33</sup>DBS][<sup>F34</sup>or the Disclosure and Barring Service] by reason of an inaccuracy in the information made available or provided to [<sup>F35</sup>him][<sup>F35</sup>:it][<sup>F36</sup>or it] in accordance with this section.

[<sup>F37</sup>(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 [<sup>F38</sup>local policing body or] police authority must be construed as a reference to such body as is prescribed.]

[<sup>F39</sup>(7A) In this section, “independent reviewer” means the independent reviewer appointed under section 12 of the Age of Criminal Responsibility (Scotland) Act 2019.]

[<sup>F40</sup>(8) In this section a relevant function is a function of [<sup>F41</sup>the Secretary of State][<sup>F41</sup>DBS]—

(a) under this Part in relation to any application for a certificate or for registration;  
[ under this Part in relation to any request under section 116A(1);]

<sup>F42</sup>(aa)

(b) under this Part in relation to the determination of whether a person should continue to be a registered person;

<sup>F43</sup>(c)

(d) [<sup>F44</sup>under paragraph 1, 2, 7 or 8 of Schedule 3 to [<sup>F45</sup>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)
- 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)

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- 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(1A)(aa) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 110(2)** (with s. 97); S.I. 2013/1180, art. 2(e)(ii)
- F12** 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.
- F13** 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)
- F14** 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)
- F15** 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)**; and substituted (N.I.) (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 5 para. 8(3)**; S.R. 2015/358, **art. 2(m)(iii)**
- F16** 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)
- F17** 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)
- F18** S. 119(2A) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 110(4)** (with s. 97); S.I. 2013/1180, art. 2(e)(ii)
- F19** S. 119(2A) inserted (S.) (30.11.2020) by Age of Criminal Responsibility (Scotland) Act 2019 (asp 7), **ss. 10(1)(a)**, 84(2); S.S.I. 2020/369, reg. 2, sch.
- F20** S. 119(2B) inserted (17.12.2021) by The Age of Criminal Responsibility (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2021 (S.I. 2021/1458), arts. 1(1), **4(1)**
- F21** 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)
- F22** 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
- F23** 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.**
- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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)

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- F28** 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)
- F29** 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)
- F30** S. 119(4)(aa) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 110(5)** (with s. 97); S.I. 2013/1180, art. 2(e)(ii)
- F31** 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)
- F32** S. 119(4A) inserted (N.I.) (2.11.2015) by Justice Act (Northern Ireland) 2015 (c. 9), **ss. 45**, 106(2); S.R. 2015/358, art. 2(g)
- F33** 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)
- F34** 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)
- F35** 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)
- F36** 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)
- F37** 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)
- F38** 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
- F39** S. 119(7A) inserted (S.) (30.11.2020) by Age of Criminal Responsibility (Scotland) Act 2019 (asp 7), **ss. 10(1)(b)**, 84(2); S.S.I. 2020/369, reg. 2, sch.
- F40** 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.
- F41** 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)
- F42** S. 119(8)(aa) inserted (E.W.) (17.6.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 110(6)** (with s. 97); S.I. 2013/1180, art. 2(e)(ii)
- F43** 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)
- F44** 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)
- F45** 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**

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#### **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)**

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