

## SCHEDULES

### SCHEDULE 9

#### AMENDMENTS

#### PART 2

#### OTHER AMENDMENTS

#### *Police Act 1997 (c. 50)*

- 14 (1) The Police Act 1997 is amended as follows.
- (2) In section 113A (criminal record certificates) after subsection (6) insert—
- “(7) The Secretary of State may by order amend the definitions of “central records” and “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.”
- (3) In section 113B (enhanced criminal record certificates), in subsection (2)(b) after “required” insert “for the purposes of an exempted question asked”.
- (4) After section 113B insert—

#### **“113BA Suitability information relating to children**

- (1) In such cases as are prescribed, an enhanced criminal record certificate must also include suitability information relating to children.
- (2) Suitability information relating to children is—
- (a) whether the applicant is barred from regulated activity relating to children;
- (b) if the applicant is barred from such activity, such details as are prescribed of the circumstances in which he became barred;
- (c) whether the applicant is subject to monitoring in relation to regulated activity relating to children;
- (d) whether the Independent Barring Board is considering whether to include the applicant in the children’s barred list in pursuance of paragraph 3 or 5 of Schedule 3 to the 2006 Act.
- (3) Expressions used in this section and in the 2006 Act have the same meaning in this section as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.

- (4) “The 2006 Act” means the Safeguarding Vulnerable Groups Act 2006.

### **113BB Suitability information relating to vulnerable adults**

- (1) In such cases as are prescribed, an enhanced criminal record certificate must also include suitability information relating to vulnerable adults.
- (2) Suitability information relating to vulnerable adults is —
- (a) whether the applicant is barred from regulated activity relating to vulnerable adults;
  - (b) if the applicant is barred from such activity, such details as are prescribed of the circumstances in which he became barred;
  - (c) whether the applicant is subject to monitoring in relation to regulated activity relating to vulnerable adults;
  - (d) whether the Independent Barring Board is considering whether to include the applicant in the adults' barred list in pursuance of paragraph 9 or 11 of Schedule 3 to the 2006 Act.
- (3) Expressions used in this section and in the 2006 Act have the same meaning in this section as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.
- (4) “The 2006 Act” means the Safeguarding Vulnerable Groups Act 2006.

### **113BC Suitability information: power to amend**

- (1) The Secretary of State may by order made by statutory instrument—
- (a) amend section 113BA for the purpose of altering the meaning of suitability information relating to children;
  - (b) amend section 113BB for the purpose of altering the meaning of suitability information relating to vulnerable adults.
- (2) Such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In section 114 (criminal record certificates: Crown employment), in subsection (3), for “Sections 113A(3) to (6) and 113C to 113F” substitute “Section 113A(3) to (6)”.
- (6) In section 116 (enhanced criminal record certificates: judicial appointments and Crown employment), in subsection (3), for “113C to 113F” substitute “113BA to 113BC”.
- (7) In section 119 (sources of information)—
- (a) in subsection (1), for the words from “his functions” to the end substitute “a relevant function”;
  - (b) before subsection (2) insert—
 

“(1B) The Secretary of State may require the chief officer of a police force to make available such information as he may specify for the purpose of determining, in relation to applications under section 113B, whether the police force is a relevant police force.”;
  - (c) in subsection (2) after “or 116” insert “or for the purposes of section 24 of the Safeguarding Vulnerable Groups Act 2006”;

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

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(d) after subsection (7) insert—

“(8) In this section a relevant function is a function of the Secretary of State —

- (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;
- (c) under section 24 of the Safeguarding Vulnerable Groups Act 2006 in relation to monitoring a person in relation to a regulated activity (within the meaning of that Act);
- (d) under paragraph 1, 2, 7 or 8 of Schedule 3 to that Act (considering whether criteria prescribed for the purpose of that paragraph apply to an individual).”