

**2013 No. 1196**

**FEES AND CHARGES**

**The Protection of Freedoms Act 2012 (Consequential  
Amendments) No.2 Order 2013**

<i>Made</i> - - - -	<i>20th May 2013</i>
<i>Laid before Parliament</i>	<i>23rd May 2013</i>
<i>Coming into force</i> - -	<i>17th June 2013</i>

The Secretary of State, in the exercise of the powers conferred by section 115(3) and (4) of the Protection of Freedoms Act 2012(a), makes the following Order.

**Citation and commencement**

1. This Order may be cited as the Protection of Freedoms Act 2012 (Consequential Amendments) No.2 Order 2013 and shall come into force on 17th June 2013.

**Amendment to the Police Act 1997 (Criminal Records) (Fees) Order 2004**

2.—(1) The Police Act 1997 (Criminal Records) (Fees) Order 2004(b) is amended as follows.

(2) In article 2(1)—

- (a) after “paragraph (3)” insert “and (4)”;  
(b) for “Secretary of State” substitute “Disclosure and Barring Service”.

(3) For article 2(2) substitute—

“(2) The powers to fix fees are those in—

- (a) section 113A(1)(b) of the Police Act 1997(c);
- (b) section 113B(1)(b) of the Police Act 1997;
- (c) section 114(1)(b) of the Police Act 1997;
- (d) section 116(1)(b) of the Police Act 1997; and
- (e) section 116A(4)(b) and (5)(b) of the Police Act 1997.”

(4) In article 2(3), for “Secretary of State” substitute “Disclosure and Barring Service”.

(5) After article 2(3) insert—

“(4) The functions are those of the Disclosure and Barring Service providing to volunteers up-date information (within the meaning of section 116A of the Police Act 1997) in relation to a criminal record certificate or an enhanced criminal record certificate.”

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(a) 2012 c. 9.

(b) S.I. 2004/1007.

(c) 1997 c. 50. Sections 113A and 113B were inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15). Section 116A will be inserted by section 83 of the Protection of Freedoms Act 2012 when it is brought into force.

Home Office  
20th May 2013

*Taylor of Holbeach*  
Parliamentary Under-Secretary of State

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Police Act 1997 (Criminal Records) (Fees) Order 2004, which specifies functions which the Secretary of State may recover the costs of when setting fees for issuing criminal record certificates and enhanced criminal record certificates, to update references to provisions in the Police Act 1997. The functions are the issuing of criminal record certificates and enhanced criminal record certificates to volunteers. This Order provides, in particular, that the costs of issuing up-date information (within the meaning of section 116A of the Police Act 1997) to volunteers are to be taken into account when determining the amount of any fees specified for providing such up-date information.

This Order also replaces references to “Secretary of State” with “Disclosure and Barring Service”, following the transfer of functions relating to the provision of criminal record certificates and enhanced criminal record certificates from the Secretary of State to that body.

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£4.00

E6642 05/2013 136642T 19585

ISBN 978-0-11-153957-6



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