
STATUTORY INSTRUMENTS

2009 No. 460

POLICE, ENGLAND AND WALES

The Police Act 1997 (Criminal Records) Regulations 2009

Made - - - - *3rd March 2009*
Laid before Parliament *5th March 2009*
Coming into force - - *1st April 2009*

The Secretary of State, in exercise of the powers conferred on her by section 113B(9) and (11)(c) and section 118(2) of the Police Act 1997(1), makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) Regulations 2009 and shall come into force on 1st April 2009.

(2) These Regulations extend to England and Wales.

Enhanced criminal record certificates: police forces

2. For the purposes of section 113B of the Police Act 1997 (enhanced criminal records)—

- (a) the Criminal Records Bureau must be treated as if it were a police force;
- (b) any reference to the chief officer of police, in relation to the Criminal Records Bureau, is to be taken to be the Chief Executive of the Criminal Records Bureau;
- (c) the Scottish Crime and Drug Enforcement Agency must be treated as if it were a police force;
- (d) any reference to the chief officer of police, in relation to the Scottish Crime and Drug Enforcement Agency, is to be taken to be the Director General of the Scottish Crime and Drug Enforcement Agency.

Amendment of the Police Act 1997 (Criminal Records) Regulations 2002

3.—(1) The Police Act 1997 (Criminal Records) Regulations 2002(2) are amended as follows:

(2) In regulation 10 (enhanced criminal record certificates: relevant police forces), after subparagraph (c) insert—

(1) 1997 c. 50; section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and amended by S.I. 2009/203.

(2) S.I. 2002/233; regulation 10 was amended by S.I. 2006/2181, S.I. 2006/748 and S.I. 2009/203.

- “(ca) the Criminal Records Bureau if—
- (i) there is no UK residence address within the last 5 years provided on the application; and
 - (ii) no other police force appears to the Secretary of State to be relevant to the application.”
- (3) In regulation 11(2) (evidence of identity: fingerprinting), for sub-paragraph (b) substitute—
- “(b) either—
- (i) that he proposes to attend at a police station (“the specified police station”) for the purpose of having his fingerprints taken, or
 - (ii) that he proposes to have his fingerprints taken by the registered person countersigning or acting as the registered person in relation to his application under this Part.”
- (4) After regulation 11(2) insert the following paragraph—
- “(2A) But a person can only have his fingerprints taken under paragraph (2)(b)(ii) with the consent of the Secretary of State.”

Home Office
3rd March 2009

Meg Hillier
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 2009, make provision in relation to certificates of criminal records etc under Part V of the Police Act 1997 (“the 1997 Act”).

Regulation 2 prescribes the Criminal Records Bureau and the Scottish Crime and Drug Enforcement Agency as police forces for the purposes of section 113B of the 1997 Act. The effect of this is to confer on those bodies functions of providing information in relation to applications for enhanced criminal record certificates.

Regulation 3(2) provides that the Criminal Records Bureau is prescribed as a relevant police force for the purposes of an application for an enhanced criminal records certificate only in circumstances where the application made shows no UK residence address in the last 5 years and where no other police force appears to be relevant to the application.

Regulation 3(3) and (4) provides that an applicant for a criminal record certificate or an enhanced criminal record certificate can, with the consent of the Secretary of State, choose to have his fingerprints taken by a person registered under section 120 of the 1997 Act (such as a prospective employer) rather than at a police station in order to provide evidence of his identity.