



Police Act 1997

1997 CHAPTER 50

PART V

CERTIFICATES OF CRIMINAL RECORDS, &C.

126 Interpretation of Part V.

(1) In this Part—

“caution” means a caution given to a person in England and Wales or Northern Ireland in respect of an offence which, at the time when the caution is given, he has admitted;

“certificate” means any one or more documents issued in response to a particular application [^{F1}but does not include any documents issued in response to—

- (a) a request under section 116A(1),
- (b) an application as mentioned in section 116A(4)(a) or (5)(a), or
- (c) a request under section 120AC or 120AD];

“chief officer” means—

- (i) a chief officer of police of a police force in England and Wales,
- (ii) [^{F2}the chief constable of the Police Service of Scotland, and]
- (iii) the Chief Constable of the [^{F3}Police Service of Northern Ireland];

[^{F4}“DBS” means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;]

[^{F5}“the Department” means the Department of Justice in Northern Ireland;]

“government department” includes a Northern Ireland department;

“Minister of the Crown” includes a Northern Ireland department;

[^{F6}“office-holder in the Scottish Administration” has the same meaning as in the Scotland Act 1998 (c. 46);]

“police authority” means—

- (i) [^{F7}the Scottish Police Authority, and]
- (ii) the [^{F8}Northern Ireland Policing Board];

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“police force” means—

- (i) a police force in Great Britain, and
- (ii) the [^{F3}Police Service of Northern Ireland] and the [^{F3}Police Service of Northern Ireland Reserve];

“prescribed” shall be construed in accordance with section 125(1);

[^{F9}“protected conviction” is to be construed in accordance with section 126ZA;]

[^{F10}“tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.]

- (2) In the application of this Part to Northern Ireland, a reference to the ^{M1}Rehabilitation of Offenders Act 1974, or to a provision of that Act, shall be construed as a reference to the ^{M2}Rehabilitation of Offenders (Northern Ireland) Order 1978 or, as the case may be, to the corresponding provision of that order.
- [^{F11}(3) In the application of this Part to Northern Ireland a reference to the Safeguarding Vulnerable Groups Act 2006, or to a provision of that Act, shall be construed as a reference to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or, as the case may be, to the corresponding provision of that Order.]
- [^{F12}(3) In the application of this Part to Scotland references to the Secretary of State must be construed as references to the Scottish Ministers.
- (4) Subsection (3) does not apply to section 118(2A)(d) or 124A(1) and (2).]

Textual Amendments

- F1** Words in s. 126(1) inserted (E.W.) (10.9.2012 immediately after the coming into force of the Safeguarding Vulnerable Groups (Miscellaneous Amendments) Order 2012 (S.I. 2012/2157) for specified purposes, 17.6.2013 in so far as not already in force) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, Sch. 9 para. 118 (with s. 97); S.I. 2012/2234, art. 2(aa)(xiii); S.I. 2013/1180, art. 2(e)(iv); and inserted (N.I.) (2.11.2015 for specified purposes) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 5 para. 19\(2\)](#); S.R. 2015/358, art. 2(m)(viii)
- F2** Words in s. 126 substituted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 1 para. 6\(7\)\(a\)](#); and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 14\(8\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in s. 126(1) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(2\)\(a\)\(b\)](#); S.R. 2001/396, art. 2, [Sch.](#)
- F4** Words in s. 126(1) 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), [47](#) (with Pt. 4)
- F5** Words in s. 126(1) inserted (N.I.) (2.11.2015 for specified purposes) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 5 para. 19\(3\)](#); S.R. 2015/358, art. 2(m)(viii)
- F6** Words in s. 126(1) inserted (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), [sch. 4 para. 41](#) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 3)
- F7** Words in s. 126(1) substituted (E.W.N.I.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 1 para. 6\(7\)\(b\)](#); and (S.) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [sch. 7 para. 14\(8\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F8** Words in s. 126(1) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(3\)](#); S.R. 2001/396, art. 2, [Sch.](#)

Changes to legislation: Police Act 1997, Section 126 is up to date with all changes known to be in force on or before 25 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) View outstanding changes

- F9** Words in s. 126(1) inserted (S.) (8.2.2016) by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 Remedial (No. 2) Order 2015 (S.S.I. 2015/423), arts. 1(2), **3(6)** (with arts. 5-10, 12)
- F10** Words in s. 126(1) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 11**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F11** S. 126(3) added (N.I.) (12.10.2009) by The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351), art. 1(3), **Sch. 7 para. 3** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/304, art. 3(a)
- F12** S. 126(3)(4) inserted (1.7.2005 for S., 1.7.2005 for E.W., 3.12.2007 for N.I.) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 166(2)**, 178(4)(d)(8); S.S.I. 2005/358, art. 2(d); S.I. 2005/1521, art. 3(3)(c); S.I. 2007/3341, art. 2(c)

Commencement Information

- I1** S. 126 in force at 1.3.2002 for E.W. by S.I. 2002/413, **art. 2**
S. 126 in force at 25.4.2002 for S. by S.S.I. 2002/124, **art. 4**
- I2** S. 126 in force at 3.12.2007 for N.I. by S.I. 2007/3342, **art. 2(1)**

Marginal Citations

- M1** 1974 c. 53.
M2 S.I. 1978/1908 (N.I. 27).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 112(2A) inserted by [2011 c. 24 \(N.I.\) s. 101](#)
- s. 112(2A) inserted by [2009 c. 26 s. 93](#) (This amendment not applied to [legislation.gov.uk](#). S. 93 repealed (10.9.2012) without ever being in force by 2012 c. 9, ss. 79(1), 120, Sch. 10 Pt. 6; S.I. 2012/2234, art. 2(cc))
- s. 113(3)(e) words inserted by [S.S.I. 2006/50 art. 2\(2\)](#)
- s. 113(3G) inserted by [2002 c. 32 Sch. 12 para. 14](#)
- s. 113(3G) inserted by 2002 c. 32, Sch. 12 para. 14 (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 113(3EA)(3EB) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(4\)](#)
- s. 113(3EC)(3ED) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(3\)](#)
- s. 113(4A) inserted by [2003 c. 44 Sch. 35 para. 3\(3\)](#)
- s. 113(4A) insertion by 2003 c. 44, Sch. 35 para. 3(3) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 113A(6A)-(6C) inserted by [2011 asp 1 s. 188\(b\)](#)
- s. 115(5)(ec) inserted by [2002 c. 32 Sch. 12 para. 15\(2\)](#)
- s. 115(5)(ec) inserted by 2002 c. 32, Sch. 12 para. 15(2) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(5)(ga) inserted by [2001 c. 12 s. 21](#) (Amendment not applied to [legislation.gov.uk](#). S. 21 repealed (6.4.2006 for E.W.) by 2003 c. 44, Sch. 37 Pt. 11; S.I. 2006/751, art. 2(d))
- s. 115(6BB) inserted by [2002 c. 32 Sch. 12 para. 15\(3\)](#)
- s. 115(6BB) inserted by 2002 c. 32, Sch. 12 para. 15(3) (as extended) by [2003 asp 5 s. 12\(1\)\(c\)](#)
- s. 115(6EA) inserted by [S.I. 2003/417 \(N.I.\) art. 17\(5\)](#)
- s. 115(6EB) inserted by [S.I. 2003/417 \(N.I.\) art. 47\(4\)](#)
- s. 115(9A)(9B) inserted by [2003 c. 44 Sch. 35 para. 4\(5\)](#)
- s. 115(9A)(9B) insertion by 2003 c. 44, Sch. 35 para. 4(5) extended to N.I. by [2005 c. 15 s. 167\(a\)](#)
- s. 118(2ZA) inserted by [2009 c. 26 s. 95](#)
- s. 118(2ZA) words substituted by [S.I. 2012/3006 art. 37\(j\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 118(2ZA) by 2009 c. 26, s. 95 is still prospective)
- s. 121(a) inserted by [2006 asp 10 s. 3\(8\)\(a\)](#)
- Sch. 8A para. 34G inserted by [S.I. 2024/374 Sch. 5 para. 3](#)
- Sch. 8B para. 102(ea) inserted by [2023 c. 47 s. 3\(2\)](#)