



# Protection of Children Act 1999

## 1999 CHAPTER 14

### *General*

#### **8 Searches of both lists under Part V of Police Act 1997.**

[<sup>F1</sup>(1) After subsection (3) of section 113 of the <sup>M1</sup>Police Act 1997 (criminal record certificates) there shall be inserted the following subsections—

“(3A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability for a position (whether paid or unpaid) within subsection (3B), the criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, or the list kept for the purposes of regulations made under section 218(6) of the <sup>M2</sup>Education Reform Act 1988; and
- (b) if he is included in either list, such details of his inclusion as may be prescribed, including (in the case of the latter list) the grounds on which he is so included.

(3B) A position is within this subsection if it is—

- (a) a child care position within the meaning of the Protection of Children Act 1999;
- (b) a position employment or further employment in which may be prohibited or restricted by regulations made under subsection (6) of section 218 of the <sup>M3</sup>Education Reform Act 1988;
- (c) a position such that the holder’s access to persons aged under 19 may be prohibited or restricted by regulations under subsection (6A) of that section; or
- (d) a position of such other description as may be prescribed;

and the reference to employment or further employment in paragraph (b) shall be construed in accordance with subsection (13) of that section.”

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*Changes to legislation: Protection of Children Act 1999, Section 8 is up to date with all changes known to be in force on or before 04 August 2023. 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*

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(2) After subsection (6) of section 115 of that Act (enhanced criminal record certificates) there shall be inserted the following subsection—

“(6A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability for a position (whether paid or unpaid) falling within subsection (3B) of section 113, the enhanced criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, or the list kept for the purposes of regulations made under section 218(6) of the Education Reform Act 1988; and
- (b) if he is included in either list, such details of his inclusion as may be prescribed, including (in the case of the latter list) the grounds on which he is so included.”]

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**Textual Amendments**

**F1** S. 8 repealed (6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 17 Pt. 2](#); [S.I. 2006/378, art. 7\(f\)](#)

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**Commencement Information**

**II** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 14(2); s. 8 in force at 12.3.2002 for E.W. by [S.I. 2002/1436, art. 2](#)

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**Marginal Citations**

**M1** 1997 c.50.

**M2** 1988 c.40.

**M3** 1988 c.40.

**Changes to legislation:**

Protection of Children Act 1999, Section 8 is up to date with all changes known to be in force on or before 04 August 2023. 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.

[View outstanding changes](#)

**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. 2B(7)(vi) inserted by [2002 c. 38 Sch. 3 para. 94](#)