



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

Criminal records

134 Registration for criminal records purposes

(1) After section 120 of the 1997 Act there shall be inserted—

“120A Refusal and cancellation of registration

- (1) The Secretary of State may refuse to include a person in the register maintained for the purposes of this Part if it appears to him that the registration of that person is likely to make it possible for information to become available to an individual who, in the Secretary of State’s opinion, is not a suitable person to have access to that information.
- (2) The Secretary of State may remove a person from the register if it appears to the Secretary of State—
 - (a) that the registration of that person is likely to make it possible for information to become available to an individual who, in the Secretary of State’s opinion, is not a suitable person to have access to that information; or
 - (b) that the registration of that person has resulted in information becoming known to such an individual.
- (3) In determining for the purposes of this section whether an individual is a suitable person to have access to any information, the Secretary of State may have regard, in particular, to—
 - (a) any information relating to that person which concerns a relevant matter;

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Criminal records. (See end of Document for details)

- (b) whether that person is included in any list mentioned in section 113(3A) or (3C); and
 - (c) any information provided to the Secretary of State under subsection (4).
- (4) It shall be the duty of the chief officer of any police force to comply, as soon as practicable after receiving it, with any request by the Secretary of State to provide the Secretary of State with information which—
- (a) is available to the chief officer;
 - (b) relates to—
 - (i) an applicant for registration;
 - (ii) a registered person; or
 - (iii) an individual who is likely to have access to information in consequence of the countersigning of applications by a particular applicant for registration or by a particular registered person;
- and
- (c) concerns a matter which the Secretary of State has notified to the chief officer to be a matter which, in the opinion of the Secretary of State, is relevant to the determination of the suitability of individuals for having access to the information that may be provided in consequence of the countersigning of applications under this Part.
- (5) In this section “relevant matter” has the same meaning as in section 113.”
- (2) In section 119 of that Act (sources of information)—
- (a) in subsections (1) and (4) (supply of information to the Secretary of State for the purposes of applications under Part V), for “for the purposes of an application under this Part” there shall be substituted “for the purpose of enabling him to carry out his functions under this Part in relation to—
 - (a) any application for a certificate or for registration; or
 - (b) the determination of whether a person should continue to be a registered person.”;
 - (b) after subsection (1) there shall be inserted—

“(1A) Any person who keeps a list mentioned in section 113(3A) or (3C) above shall make the contents of that list available to the Secretary of State for the purpose of enabling him to carry out his functions under this Part in relation to—

 - (a) any application for a certificate or for registration; or
 - (b) the determination of whether a person should continue to be a registered person.”
- and
- (c) in subsection (3) (payment for information provided under subsection (2)), for “subsection (2)” there shall be substituted “ section 120A(4) or subsection (2) of this section ”.
- (3) [^{F1}In section 120(2) of that Act (duty to grant registration), after “Subject to” there shall be inserted “ section 120A and ”.]
- (4) [^{F2}In section 120(3) of that Act (regulations about registration), after paragraph (a) there shall be inserted—

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- “(aa) the nomination, in the case of a body corporate or unincorporate, of the individuals authorised to act for the body in relation to the countersigning of applications under this Part;
- (ab) the refusal by the Secretary of State, on such grounds as may be specified in or determined under the regulations, to accept or to continue to accept the nomination of a person as so authorised;”.]

Textual Amendments

- F1** S. 134(3) repealed (E.W.) (6.4.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, [Sch. 37 Pt. 11](#); [S.I. 2006/751](#), [art. 2](#)
- F2** S. 134(4) repealed (E.W.) (6.4.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 332, 336, [Sch. 37 Pt. 11](#); [S.I. 2006/751](#), [art. 2](#)

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