



Policing and Crime Act 2009

2009 CHAPTER 26

PART 8

MISCELLANEOUS

CHAPTER 1

SAFEGUARDING VULNERABLE GROUPS AND CRIMINAL RECORDS

Criminal records etc

96 Registered persons

- (1) Section 120A of the Police Act 1997 (refusal and cancellation of registration), as inserted by section 134 of the Criminal Justice and Police Act 2001 (c. 16), is amended as follows.
- (2) In subsection (3) (matters to which Secretary of State may have regard in considering suitability of persons likely to have access to information) for paragraph (b) substitute—
 - “(b) any information relating to the person of a kind specified in subsection (3A);”.
- (3) After subsection (3) insert—
 - “(3A) The information is—
 - (a) whether the person is barred from regulated activity;
 - (b) if the person is barred from such activity, such details as are prescribed of the circumstances in which the person became barred;
 - (c) whether the Independent Safeguarding Authority is considering whether to include the person in a barred list in pursuance of paragraph 3, 5, 9 or 11 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006;

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 96. (See end of Document for details)

- (d) whether the person is subject to a direction under section 167A of the Education Act 2002 (prohibition on participation in management of independent school).
- (3B) Subsection (3C) applies if—
- (a) the Secretary of State receives an application for registration, and
 - (b) it appears to the Secretary of State that the registration is likely to make it possible for information to become available to an individual who the Independent Safeguarding Authority is considering whether to include in a barred list as mentioned in subsection (3A)(c).
- (3C) The Secretary of State may postpone consideration of the application until the Authority has decided whether to include the individual in the barred list.
- (3D) Expressions used in subsections (3A) to (3C) and in the Safeguarding Vulnerable Groups Act 2006 have the same meaning in those subsections as in that Act, except that “prescribed” must be construed in accordance with section 125 of this Act.”
- (4) After subsection (6) insert—
- “(7) The Secretary of State may by order made by statutory instrument amend subsection (3A) for the purpose of altering the information specified in that subsection.
 - (8) Such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

II S. 96 in force at 10.9.2012 for E.W.N.I. by S.I. 2012/2235, art. 2(a)

Changes to legislation:

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