

**2007 No. 1892**

**POLICE, ENGLAND AND WALES**

**The Police Act 1997 (Criminal Records) (Amendment No. 2)  
Regulations 2007**

<i>Made</i> - - - -	<i>29th June 2007</i>
<i>Laid before Parliament</i>	<i>3rd July 2007</i>
<i>Coming into force</i> - -	<i>26th July 2007</i>

The Secretary of State makes the following Regulations in exercise of the power conferred by section 113B(2)(b) of the Police Act 1997(a):

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations 2007 and shall come into force on 26th July 2007.

(2) These Regulations extend to England and Wales.

**Amendment of the 2002 Regulations**

2.—(1) Regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002(b) is amended as follows—

(2) For paragraphs (c)-(e) substitute—

- “(c) obtaining or holding an operating licence under Part 5 of the Gambling Act 2005(c) for the purposes of that Act;
- (d) obtaining or holding a personal licence under Part 6 of the Gambling Act 2005 for the purposes of that Act;
- (e) considering an individual’s suitability for a position as Commissioner for the Gambling Commission(d) and for any office or employment in the Commissioners’ service;”.

(3) After paragraph (o) insert—

- “(p) considering an individual’s suitability for working in the Department for Education and Skills, the Office for Standards in Education, Children’s Services and Skills(e) or in the Government Offices for the English Regions with access to sensitive or personal information about children or vulnerable adults;

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(a) 1997 c.50. Section 113B of the Police Act 1997 was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15).  
(b) S.I. 2002/233; which was inserted by S.I. 2006/748 and amended by S.I. 2006/2181.  
(c) 2005 c.19.  
(d) The Gambling Commission is established by section 20 of the Gambling Act 2005.  
(e) The Office for Standards in Education, Children’s Services and Skills is established by section 112 of the Education and Inspections Act 2006 (c.40).

- (q) considering an individual's suitability for any office, employment or other work which is concerned with the establishment or operation of a database under section 12 of the Children Act 2004(a), and which is of such a kind as to enable the holder of that office or employment, or the person engaged in that work, to have access to information included in the database;
- (r) considering an individual's suitability for any office, employment or other work which is of such a kind that the person is or may be permitted or required to be given access to a database under section 12 of the Children Act 2004;
- (s) considering an individual's suitability for any work which is normally concerned with the provision of any form of information, advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other form of electronic communication including the internet and mobile telephone text messaging;
- (t) considering an individual's suitability for a position as chairman, member or member of staff (including considering the suitability of any person seconded to serve as a member of staff) of the Independent Barring Board(b);
- (u) considering an individual's suitability for a position working within the Public Guardianship Office, (to be known as the Office of the Public Guardian from October 2007)(c), with access to data relating to children and vulnerable adults;
- (v) considering an individual's suitability for the position of Commissioner for Older People in Wales(d), or that of his deputy, or for considering the suitability of any person appointed by the Commissioner to assist him in the discharge of his functions or authorised to discharge his functions on his behalf;
- (w) considering an individual's suitability for any employment or other work where the normal duties:
  - (i) involve caring for, training, supervising, or being solely in charge of, persons aged under 18 serving in the naval, military or air forces of the Crown; or
  - (ii) include supervising or managing a person employed or working in a capacity referred to in paragraph (i)."

Home Office  
29th June 2007

*Liam Byrne*  
Minister of State

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(a) 2004 c.31.  
 (b) The Independent Barring Board is established by section 1 of the Safeguarding Vulnerable Groups Act 2006 (c.47). Section 1 is not yet in force.  
 (c) The Public Guardianship Office is an Executive Agency of the Ministry of Justice, and was established in 2001. The Office of the Public Guardian is established by section 57 of the Mental Capacity Act 2005 (c.9).  
 (d) The Commissioner for Older People in Wales is established by section 1 of the Commissioner for Older People (Wales) Act 2006 (c.30).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002 to extend the purposes in respect of which applications for enhanced criminal record certificates can be made and to account for the coming into force of the Gambling Act 2005.

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STATUTORY INSTRUMENTS

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