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STATUTORY INSTRUMENTS

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**2009 No. 3297**

**The Police Act 1997 (Criminal Records and  
Registration) (Guernsey) Regulations 2009**

**PART 3**

**Registration**

**The register**

**12.** There shall be included in the register the following information:

- (a) the name and address of the registered person and any telephone or facsimile number or electronic mailing address which has been notified to the Secretary of State for communication purposes;
- (b) the date on which the name of that person was first listed in the register;
- (c) the number assigned to that person on being listed
- (d) the nature of the exempted question, if any, that that person is likely to ask;
- (e) in the case of the registered body—
  - (i) whether that body is likely to countersign applications under section 113A or 113B or transmit applications under section 113A(2A) or 113B(2A) of the Act at the request of bodies or individual asking exempted question and, if so, the nature of those questions;
  - (ii) the name and address of any individual for the time being nominated in accordance with regulation 13 below as being authorised to act for the body in relation to the countersigning or transmission of applications under Part 5 of the Act and any telephone or facsimile number or electronic mailing address which has been notified to the Secretary of State for communication purposes;
  - (iii) the date on which the name of that individual was first listed on the register;
  - (iv) the number assigned to that individual on being listed; and
  - (v) a specimen of the signature of that individual.

**Nomination of authorised individuals**

**13.—(1)** The body applying for registration under section 120 of the Act shall submit with the application the names of the individuals authorised to act for the body in relation to the countersigning or the transmission of applications under Part 5 of the Act.

(2) The registered body shall submit to the Secretary of State the names of any individuals so authorised after the registration of the body, whether or not in substitution for any name previously submitted.

(3) The Secretary of State may refuse to accept, or continue to accept, the nomination of an individual as so authorised if, in the opinion of the Secretary of State, that individual is not a suitable

person to have access to information which has become, or is likely to become, available to him as a result of the registration of the body which nominated him.

(4) Where the Secretary of State refuses to accept, or to continue to accept, the nomination of an individual under this regulation, he shall notify the body concerned, and that body may submit the name of another individual in substitution.

#### **Fee on application for inclusion in the register**

14. The fee payable by a person on application for inclusion in the register shall be £300.

#### **Additional fees**

15. In respect of the second and each subsequent name entered in the register in accordance with regulation 12(e)(ii) above, the fee payable shall be £5.

#### **Conditions attached to registration**

16. The person's registration shall be subject to the following conditions:

- (a) payment of the fee referred to in regulation 14 above;
- (b) the fee payable under regulation 15 above in respect of the second and each subsequent name entered in the register shall be invoiced by the Secretary of State to the person and payable on account within 15 days of the invoice date;
- (c) the fee payable in relation to an application under section 113A or 113B of the Act which is accompanied by a statement under section 113A(2)(b) or 113B(2)(b) of the Act shall be invoiced by the Secretary of State and payable on account within 15 days of the invoice date;
- (d) where the registered person has made a statement under section 113A(2)(b) or 113B(2)(b) of the Act in relation to an application for a criminal record certificate or an enhanced criminal record certificate, any charge levied in connection with the services it provides under Part 5 of the Act shall be—
  - (i) notified in writing to the Secretary of State who may publish details of any such charge in such manner as he thinks fit; and
  - (ii) set out in any documentation the registered person publishes which relates to the services it provides under Part 5 of the Act;
- (e) prior to submitting an application for a criminal record certificate or an enhanced criminal record certificate to the Secretary of State, the registered person shall use all reasonable endeavours to ensure that—
  - (i) the mandatory data fields are completed to the Secretary of State's satisfaction on the form prescribed in Schedule 1 to these regulations and that the data supplied is accurate;
  - (ii) the certificate is requested for an exempted question or prescribed purpose as the case may be; and
  - (iii) if the application for a criminal record certificate or an enhanced criminal record certificate is made by a volunteer, the application falls within the definition of a volunteer in these regulations;
- (f) prior to making a statement under section 113A(2)(b) or 113B(2)(b) of the Act in relation to an application for a criminal record certificate or an enhanced criminal record certificate, a registered person or his authorised agent shall verify the identity of the applicant and in

- so doing comply with such conditions as the Secretary of State thinks fit and has notified to the registered person in writing;
- (g) where the registered person uses the services of another person to verify the identity of applicants, the registered person shall—
- (i) ensure the suitability of that person to conduct such checks;
  - (ii) provide appropriate training and guidance to that person; and
  - (iii) ensure that that person discharges his duties in accordance with such conditions as the Secretary of State thinks fit under sub-paragraph (f) above;
- (h) any change of the details in the information recorded on the register shall be notified to the Secretary of State.