
STATUTORY INSTRUMENTS

2010 No. 765

The Police Act 1997 (Criminal Records) (Jersey) Order 2010

Citation and commencement

1.—(1) This Order may be cited as the Police Act 1997 (Criminal Records) (Jersey) Order 2010.

(2) Subject to paragraphs (3) to (5) this Order comes into force on the day after the day on which it is made.

(3) Article 3(2)(a) (the extension of section 112 of the 1997 Act) and the modifications specified in paragraph 1 of Schedule 1 come into force on the day on which section 112 of the 1997 Act comes into force in England and Wales.

(4) Article 4(2)(d) (the extension of the repeal of section 113E of the 1997 Act) comes into force upon the ending of the second transitional period.

(5) The modifications specified in paragraph 2(b)(ii) of Schedule 2 come into force on the day on which section 170(2) of the Education and Inspections Act 2006⁽¹⁾ (prohibition on participation in management: supplementary) comes into force in England and Wales.

Interpretation

2.—(1) In this Order—

“the 1997 Act” means the Police Act 1997⁽²⁾;

“the 2006 Act” means the Safeguarding Vulnerable Groups Act 2006;

“the first transitional period” has the same meaning as in article 1(2) of the Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009⁽³⁾;

“Jersey” means the Bailiwick of Jersey and its adjacent territorial sea;

“the second transitional period” has the same meaning as in article 1(2) of the Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009.

(2) The Interpretation (Jersey) Law 1954 shall apply to this Order as if this Order were an enactment for the purposes of that Law.

Extension of Part 5 of the Police Act 1997 to Jersey

3.—(1) The following provisions of Part 5 (Certificates of criminal records, &c) of the 1997 Act, as amended by the Greater London Authority Act 1999⁽⁴⁾, the Police (Northern Ireland) Act 2000⁽⁵⁾, the Criminal Justice and Police Act 2001⁽⁶⁾, the Criminal Justice Act 2003⁽⁷⁾ and the

(1) 2006 c. 40.
(2) 1997 c. 50.
(3) S.I. 2009/2610.
(4) 1999 c. 29.
(5) 2000 c. 32.
(6) 2001 c. 16.
(7) 2003 c. 44.

Serious Organised Crime and Police Act 2005, extend to Jersey subject to the modifications specified in Schedules 1 and 3(8).

(2) The provisions are—

- (a) section 112(9) (criminal conviction certificates);
- (b) section 113A(10) (criminal record certificates);
- (c) section 113B(11) (enhanced criminal record certificates);
- (d) section 113E(12) (criminal record certificates: specified children’s and adults’ lists: urgent cases);
- (e) section 114(13) (criminal record certificates: Crown employment);
- (f) section 116(14) (enhanced criminal record certificates: judicial appointments and Crown employment);
- (g) section 117 (disputes about accuracy of certificates);
- (h) section 118(15) (evidence of identity);
- (i) section 119(16) (sources of information);
- (j) section 120(17) (registered persons);
- (k) section 120ZA(18) (regulations about registration);
- (l) section 122A(19) (delegation of functions of Secretary of State);
- (m) section 123 (offences: falsification, &c);
- (n) section 124(20) (offences: disclosure);
- (o) section 124A(21) (further offences: disclosure of information obtained in connection with delegated function);
- (p) section 125(22) (regulations);
- (q) section 126(23) (interpretation of Part 5);
- (r) section 127 (saving: disclosure of information and records).

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- (8) There have been other amendments to Part 5 of the 1997 Act but these are not extended to Jersey by this article.
 - (9) As amended by section 328 of and paragraphs 1 and 2 of Schedule 35 to the Criminal Justice Act 2003.
 - (10) As inserted by section 163(2) of the Serious Organised Crime and Police Act 2005.
 - (11) As inserted by section 163(2) of the Serious Organised Crime and Police Act 2005.
 - (12) As inserted by section 163(2) of the Serious Organised Crime and Police Act 2005.
 - (13) As amended by section 163(3) of and paragraphs 1 and 2 of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (14) As amended by section 328 of and paragraphs 1 and 5 of Schedule 35 to the Criminal Justice Act 2003 and section 163(3) of and paragraphs 1 and 3(b) of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (15) As amended by section 164 of the Serious Organised Crime and Police Act 2005.
 - (16) As amended by sections 325 and 423 of and paragraph 112 of Schedule 27 and Part 7 of Schedule 34 to the Greater London Authority Act 1999, section 134(2) of the Criminal Justice and Police Act 2001, and sections 163(3) and 165(1) of and paragraphs 1 and 4 of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (17) As amended by section 134(3) and (4) of the Criminal Justice and Police Act 2001, sections 328 and 332 of and paragraphs 1 and 6 of Schedule 35 and Part 11 of Schedule 37 to the Criminal Justice Act 2003, and section 163(3) of and paragraphs 1 and 6 of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (18) As inserted by section 328 of and paragraphs 1 and 7 of Schedule 35 to the Criminal Justice Act 2003 and amended by section 163(3) of and paragraphs 1 and 7 of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (19) As inserted by section 328 of and paragraphs 1 and 10 of Schedule 35 to the Criminal Justice Act 2003.
 - (20) As amended by section 163(3) of and paragraphs 1 and 12 of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (21) As inserted by section 328 of and paragraphs 1 and 11 of Schedule 35 to the Criminal Justice Act 2003 and amended by section 165(3) of the Serious Organised Crime and Police Act 2005.
 - (22) As amended by sections 328 and 332 of and paragraphs 1 and 12 of Schedule 35 and Part 11 of Schedule 37 to the Criminal Justice Act 2003 and paragraphs 1 and 14 of Schedule 14 to the Serious Organised Crime and Police Act 2005.
 - (23) As amended by section 78(1) of and paragraph 20(1), (2) and (3) of Schedule 6 to the Police (Northern Ireland) Act 2000 and section 166(2) of the Serious Organised Crime and Police Act 2005.

Extension of the Safeguarding Vulnerable Groups Act 2006 to Jersey

4.—(1) The following provisions of the 2006 Act extend to Jersey subject to the modifications specified in Schedules 2 and 3.

(2) The provisions are—

- (a) section 28(24) (independent monitor);
- (b) section 63 (amendments and repeals);
- (c) Schedule 9 (amendments), paragraph 14(25) (Police Act 1997 (c. 50));
- (d) Schedule 10 (repeals), entry in relation to section 113E of the 1997 Act(26).

Extension of the Armed Forces Act 2006 to Jersey

5.—(1) The following provisions of the Armed Forces Act 2006 extend to Jersey.

(2) The provisions are—

- (a) section 378(1) (minor and consequential amendments and repeals);
- (b) Schedule 16 (minor and consequential amendments), paragraph 149(27) (Police Act 1997 (c. 50)).

Modifications that have effect for a limited period

6.—(1) Part 1 of Schedule 3 specifies modifications that have effect from the date referred to in article 1(2) until the end of the first transitional period.

(2) The modification to section 119(1A) of the 1997 Act specified in paragraph 1 of Schedule 3 has effect instead of the modification specified in paragraph 8(a) of Schedule 1.

(3) The modifications to paragraph 14(4) of Schedule 9 to the 2006 Act specified in paragraph 2(a) of Schedule 3 have effect instead of the modifications specified in paragraph 2(b)(ii) of Schedule 2.

(4) The modifications to paragraph 14(4) of Schedule 9 to the 2006 Act specified in paragraph 2(b) of Schedule 3 have effect in addition to the modifications specified in paragraph 2(b) of Schedule 2.

7.—(1) Part 2 of Schedule 3 specifies modifications that have effect from the date referred to in article 1(2) until the end of the second transitional period.

(2) Those modifications have effect in addition to the modifications specified in paragraph 2 of Schedule 2.

8.—(1) Part 3 of Schedule 3 specifies modifications that have effect for the second transitional period.

(2) The modifications to paragraph 14(4) of Schedule 9 to the 2006 Act specified in paragraph 4(a) of Schedule 3 have effect instead of the modifications specified in paragraph 2(b)(ii) of Schedule 2.

(3) The modifications to paragraph 14(4) of Schedule 9 specified in paragraph 4(b) of Schedule 3 have effect in addition to the modifications specified in paragraph 2(b) of Schedule 2.

(24) Section 28 inserted new section 119B (independent monitor) into the 1997 Act.

(25) Paragraph 14 of Schedule 9 amended the 1997 Act. Sub-paragraph (2) amended section 113A; sub-paragraph (3) amended section 113B; sub-paragraph (4) inserted new sections 113BA (suitability information relating to children), 113BB (suitability information relating to vulnerable adults) and 113BC (suitability information: power to amend); sub-paragraph (5) amended section 114(3); sub-paragraph (6) amended section 116(3); sub-paragraph (7) amended section 119.

(26) Schedule 10 also repealed other provisions in the 1997 Act and in other enactments but none are relevant to this Order.

(27) Paragraph 149 of Schedule 16 amended section 113B(10) of the 1997 Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Subordinate legislation made under extended provisions

9. Any order or regulations made by the Secretary of State under the provisions extended to Jersey by this Order shall not have effect in Jersey until the order or regulations, having been communicated to the Bailiff of Jersey for registration in the Royal Court, have been so registered; and they shall come into force on the day following registration or the day of coming into force specified in the order or regulations, whichever is the later.

Judith Simpson
Clerk of the Privy Council