

SCHEDULE 1

Article 3

Modifications to provisions of Part 5 of the Police Act 1997

1. In section 112 (criminal conviction certificates)—
  - (a) in subsection (1)(a) omit “in the prescribed manner and form”;
  - (b) in subsection (3)—
    - (i) in the definition of “central records”, after “records of convictions” insert “and conditional cautions”,
    - (ii) in the appropriate place insert—

““conditional caution” means a caution given under section 22 of the Criminal Justice Act 2003 (c. 44) or section 66A of the Crime and Disorder Act 1998 (c. 37), other than one that is spent for the purposes of Schedule 2 to the Rehabilitation of Offenders Act 1974 (c. 53);”.
2. In section 113A (criminal record certificates)—
  - (a) in subsection (1)(a) omit “in the prescribed manner and form”;
  - (b) after subsection (2) insert—

“(2A) But an application for a criminal record certificate need not be countersigned by a registered person if—

    - (a) the application is transmitted to the Secretary of State electronically by a registered person who satisfies conditions determined by the Secretary of State, and
    - (b) it is transmitted in accordance with requirements determined by the Secretary of State.”;
  - (c) in subsection (4) for “the registered person who countersigned” substitute “whoever acted as the registered person in relation to”;
  - (d) in subsection (6)—
    - (i) for the definition of “exempted question” substitute—

““exempted question” means a question which—

      - (a) so far as it applies to convictions, is a question in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4) of that Act; and—
      - (b) so far as it applies to cautions, is a question to which paragraph 3(3) or (4) of Schedule 2 to that Act has been excluded by an order of the Secretary of State under paragraph 4 of that Schedule;”;
    - (ii) for the definition of “relevant matter” substitute—

““relevant matter” means—

      - (a) a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction, and
      - (b) a caution, including a caution that is spent for the purposes of Schedule 2 to that Act.”;
  - (e) after subsection (7)(1) insert—

---

(1) Paragraph 14(1) and (2) of Schedule 9 to the 2006 Act, which is extended to Jersey by Article 4, inserted new subsections (7) and (8) into section 113A but new subsection (8) is omitted by paragraph 2(a) of Schedule 2 to this Order.

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

“(8) For the purposes of this Part a person acts as the registered person in relation to an application for a criminal record certificate if the person—

- (a) countersigns the application, or
- (b) transmits the application to the Secretary of State under subsection (2A).”.

**3.** In section 113B (enhanced criminal record certificates)—

- (a) in subsection (1)(a) omit “in the prescribed manner and form”;
- (b) after subsection (2) insert—
  - “(2A) But an application for an enhanced criminal record certificate need not be countersigned by a registered person if—
  - (a) the application is transmitted to the Secretary of State electronically by a registered person who satisfies conditions determined by the Secretary of State, and
  - (b) it is transmitted in accordance with requirements determined by the Secretary of State.”;
- (c) in subsection (6) for “the registered person who countersigned” substitute “whoever acted as the registered person in relation to”;
- (d) after subsection (11) insert—
  - “(12) For the purposes of this Part a person acts as the registered person in relation to an application for an enhanced criminal record certificate if the person—
  - (a) countersigns the application, or
  - (b) transmits the application to the Secretary of State under subsection (2A).”.

**4.—(1)** In the heading to section 113E (criminal records certificates: specified children’s and adults’ lists: urgent cases) omit “children’s and”.

- (2) In section 113E (criminal records certificates: specified adults’ lists: urgent cases)—
  - (a) omit subsections (1) and (2);
  - (b) in subsection (3)—
    - (i) omit “113A or”,
    - (ii) for paragraph (a) substitute—
      - “(a) it is made in a case prescribed under section 113BB(1)”**(2)**;
  - (c) in subsection (5) omit the definitions of “children’s suitability statement”, “specified children’s direction”, “specified children’s list”, “adults’ suitability statement” and “specified adults’ list”;
  - (d) after subsection (5) insert—
    - “(5A) For the purposes of this section each of the following is a specified adults’ list—
    - (a) the list kept under section 81 of the Care Standards Act 2000 (c. 14);
    - (b) the adults’ barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006 (c. 47);
    - (c) the adults’ barred list maintained under article 6 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)).”.

---

(2) Section 113BB was inserted by paragraph 14(1) and (4) of Schedule 9 to the 2006 Act, which is extended to Jersey by Article 4 subject to the modifications specified in Schedules 2 and 3 to this Order.

5. In section 114(1)(a) (criminal record certificates: Crown employment) omit “in the prescribed form”.

6. In section 116(1)(a) (enhanced criminal record certificates: judicial appointments and Crown employment) omit “in the prescribed form”.

7. In section 118 (evidence of identity)—

(a) in subsection (1) omit “or 120”;

(b) after subsection (2) insert—

“(2ZA) For the purpose of applications from persons resident in Jersey, “prescribed” in subsection (2)(a) and (b) means prescribed by Order of the Minister for Home Affairs.”;

(c) after subsection (2A)(d) insert—

“(da) by the Jersey Passport Office;

(db) by a Parish authority or by the States of Jersey for the purposes of the licensing and registration of motorists and motor vehicles;

(dc) by the Social Security Department of the States of Jersey in connection with keeping records of social security numbers;”;

(d) in subsections (3) and (4) in each place where it occurs for “Regulations” substitute “An Order”.

8. In section 119 (sources of information)—

(a) for subsection (1A) substitute—

(a) “(1A) The Secretary of State may require the Independent Safeguarding Authority to make available specified information for the purpose of enabling the Secretary of State to carry out functions under this Part in relation to any application for a certificate.

(b) In this section “Independent Safeguarding Authority” has the same meaning as in the Safeguarding Vulnerable Groups Act 2006.”(3);

(b) in subsection (3) omit “section 120A(4) or”;

(c) in subsection (4) for paragraphs (a) and (b) substitute “any application for a certificate”;

(d) in subsection (6) for “(i)” substitute “(l)”.

9. In section 120 (registered persons)—

(a) in subsection (2)—

(i) omit “and 120AA and to section 120A”;

(ii) in paragraph (b) for “subsections (4) to (6), and” substitute “subsections (4) and (5).”;

(iii) omit paragraph (c);

(b) for subsection (4) substitute—

“(4) The only person that may apply for registration under this section is the Minister for Home Affairs.”;

(c) in subsection (5)—

(i) for “A body” substitute “The Minister for Home Affairs when”;

(ii) for “it” substitute “he”;

(iii) for paragraph (b) substitute—

---

(3) Section 81 of the Policing and Crime Act 2009 (c. 26) amended the 2006 Act to rename the Independent Barring Board as the Independent Safeguarding Authority.

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

- “(b) is likely to act as the registered person in relation to applications under section 113A or 113B at the request of bodies or individuals asking exempted questions.”;
- (d) omit subsection (6).
- 10.** In section 120ZA (regulations about registration)—
- (a) in subsection (2)(d)—
- (i) for sub-paragraphs (i) and (ii) substitute “the Minister for Home Affairs”,
  - (ii) omit “it or, as the case may be,”,
  - (iii) after “under this Part” insert “or the transmitting of applications under section 113A(2A) or 113B(2A)”;
- (b) in subsection (3)(a) omit “or continued registration”;
- (c) in subsection (4)—
- (i) in paragraph (a) for “he countersigns” substitute “acting as the registered person in relation to”,
  - (ii) in paragraph (b) for “registered person who countersigns it” substitute “person who acts as the registered person in relation to the application.”,
  - (iii) omit paragraph (c) and the word “and” immediately preceding it.
- 11.** In section 122A(2) (delegation of functions of Secretary of State) for paragraphs (a) and (b) substitute “to make regulations”.
- 12.** In section 123(3) (offences; falsification &c),-
- (a) omit “summary”; and
  - (b) for “level 5” substitute “level 4”.
- 13.** In section 124 (offences: disclosure)—
- (a) in subsection (1)(b) and (c) for “countersigned” substitute “acted as the registered person in relation to”;
  - (b) in subsection (2) for “countersigned” substitute “in relation to which the person who acted as the registered person did so”;
  - (c) in subsection (3) for “countersigned by or at the request of an individual” substitute “in relation to which the person who acted as the registered person did so at the request of an individual”;
  - (d) in subsection (7) omit “summary”.
- 14.** In section 124A (further offences: disclosure of information obtained in connection with delegated functions)—
- (a) in subsection (4) omit “summary” and for “51 weeks” substitute “six months”;
  - (b) omit subsection (5); and
  - (c) in subsection (6) for “(i)” substitute “(l)”.
- 15.** For section 125 (regulations) substitute—
- “**125.**—(1) Subject to section 118(2ZA), anything authorised or required by any provision of this Part to be prescribed shall be prescribed by regulations made by the Secretary of State.
- (2) Regulations under this Part may make different provision for different cases.”.

16. Before section 126 insert—

**“Form of Applications**

**125B.**—(1) The Secretary of State may determine the form, manner and contents of an application for the purposes of any provision of this Part.

(2) A determination may, in particular, impose requirements about the form or manner in which an electronic application is to be signed or countersigned.”.

17. In section 126 (interpretation of Part 5)—

(a) in subsection (1)—

(i) in the definition of “caution”, for “in England and Wales or Northern Ireland” substitute “in England and Wales, Northern Ireland, Guernsey or the Isle of Man”,

(ii) in the definition of “chief officer”, at the end of sub-paragraph (ii) insert—

“, and

(iv) the chief officer of the salaried Police Force of the Island of Guernsey, and

(v) the chief officer of the States of Jersey Police Force, and

(vi) the Chief Constable of the Isle of Man Constabulary;”,

(iii) in the definition of “government department”, after “a Northern Ireland department” insert “and any department of the States of Jersey”,

(iv) after the definition of “government department” insert the following definition—

““Minister for Home Affairs” means the Minister for Home Affairs for Jersey;”,

(v) omit the definition of “Minister of the Crown”,

(vi) in the definition of “police force”, at the end of sub-paragraph (ii) insert—

“and

(iii) the salaried Police Force of the Island of Guernsey, and

(iv) the States of Jersey Police Force, and

(v) the Isle of Man Constabulary;”,

(vii) after the definition of “prescribed” insert the following definition—

““standard scale” means the standard scale for the time being in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993.”;

(b) for subsection (2) substitute—

“(2) Subject to subsection (2A), a reference to an Act, or to a provision of an Act, shall be construed as a reference to that Act or provision, as the case may be, as it has effect in England and Wales from time to time.

(2A) A reference to a provision of this Act extended to Jersey by Order in Council shall be construed as a reference to that provision as it has effect in Jersey.”;

(c) for subsections (3) and (4) substitute the following—

“(3) The Subordinate Legislation (Jersey) Law 1960 applies to Orders made by the Minister for Home Affairs under this Part of this Act as if this Act were an enactment for the purposes of that Law.”.

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