Draft Order laid before Parliament under section 113A(8) of the Police Act 1997 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

POLICE, ENGLAND AND WALES

The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013

Made - - - - ***

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the powers conferred by section 113A(7) of the Police Act 1997(**1**).

In accordance with section 113A(8) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013 and shall come into force on the seventh day after the day on which it is made.

(2) This Order extends to England and Wales only.

Amendment to the Police Act 1997

2. The Police Act 1997 is amended as follows.

3. In section 113A(6)(**2**), for the definition of "relevant matter", substitute—

""relevant matter", in this section as it has effect in England and Wales, means—

(a) in relation to a person who has one conviction only—

(i) a conviction of an offence within subsection (6D);

(ii) a conviction in respect of which a custodial sentence or a sentence of service detention was imposed; or

(**1**) 1997 c. 50. Section 113A(7) and (8) have been inserted by paragraph 14(2) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47).

(**2**) Relevant amendments to section 113A(6) have been made by section 50 of the Criminal Justice and Immigration Act 2008 (c. 4) and paragraph 135 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9).

(iii) a current conviction;

(b) in relation to any other person, any conviction;

(c) a caution given in respect of an offence within subsection (6D);

(d) a current caution."

4. In section 113A(**3**), before subsection (7) insert—

"(6D) The offences referred to in paragraphs (a)(i) and (c) of the definition of "relevant matter" in subsection (6), as it has effect in England and Wales, are as follows—

(a) murder;

(b) an offence under section 67(1A) of the Medicines Act 1968(**4**) (prescribing, etc. a medicinal product in contravention of certain conditions);

(c) an offence under any of sections 126 to 129 of the Mental Health Act 1983(**5**);

(d) an offence specified in the Schedule to the Disqualification from Caring for Children (England) Regulations 2002(**6**);

(e) an offence specified in Schedule 15 to the Criminal Justice Act 2003(**7**) (specified offences for the purposes of Chapter 5 of Part 12 of that Act (dangerous offenders));

(f) an offence under the following provisions of the Mental Capacity Act 2005(**8**)—

(i) section 44 (ill-treatment or neglect);

(ii) paragraph 4 of Schedule 1 (applications and procedure for registration);

(iii) paragraph 4 of Schedule 4 (duties of attorney in event of incapacity of donor);

(g) an offence under section 7, 9 or 19 of the Safeguarding Vulnerable Groups Act 2006(**9**) (offences in respect of regulated activity);

(h) an offence specified in section 17(3)(a), (b) or (c) of the Health and Social Care Act 2008(**10**) (cancellation of registration), apart from an offence under section 76 of that Act (disclosure of confidential personal information);

(i) an offence specified in the Schedule to the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009(**11**);

(j) an offence specified in Schedule 2 or 3 to the Childcare (Disqualification) Regulations 2009(**12**);

(**3**) Subsections 113A(6A) to (6C) of the Police Act 1997 (c. 50) extend to Scotland only.
(**4**) 1968 c. 67. Section 67(1A) has been inserted by section 63(7) of the Health and Social Care Act 2001 (c. 15).
(**5**) 1983 c. 20. Section 126 has been amended by paragraph 17 of Schedule 1 to the Mental Health (Patients in the Community) Act 1995 (c. 52). Section 127 has been amended by paragraph 9(8) of Schedule 4 to the Care Standards Act 2000 (c. 14) and section 42 of, Part 5 of Schedule 11 to, the Mental Health Act 2007 (c. 12). Section 128 has been amended by paragraph 28 of Schedule 3 to the Mental Health Act 2007. Section 129 has been amended by paragraph 19 of Schedule 1 to the Mental Health (Patients in the Community) Act 1995 and paragraph 10 of Schedule 3 to the Health and Social Care Act 2008 (c. 14).
(**6**) S.I. 2002/635. A relevant amendment has been made by S.I. 2011/2581.
(**7**) 2003 c. 44. Schedule 15 has been amended by paragraph 65 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 63 of, and paragraph 48 of Schedule 6 to, the Serious Crime Act 2007 (c. 27), section 138 of the Coroners and Justice Act 2009 (c. 25), paragraph 6 of Schedule 1 to the Domestic Violence, Crime and Victims (Amendment) Act 2012 (c. 4), paragraph 147 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9) and paragraph 139 of Schedule 9 to the Protection of Freedoms Act 2012 (c.19).
(**8**) 2005 c. 9.
(**9**) 2006 c. 47. Sections 7, 9 and 19 have been amended respectively by paragraphs 47, 49 and 59 of Schedule 9, and by Schedule 10 to, the Protection of Freedoms Act 2012 (c. 9).
(**10**) 2008 c. 14.
(**11**) S.I. 2009/37. The Schedule has been amended by S.I. 2009/2610, 2010/1146 and 2012/2160.
(**12**) S.I. 2009/1547, amended by S.I. 2011/2581.