

2010 No. 2700

POLICE

**The Police Act 1997 (Criminal Records) (Guernsey)
(Amendment) Regulations 2010**

Made - - - - *8th November 2010*

Coming into force - - *6th December 2010*

The Secretary of State, in exercise of the powers conferred by section 113B(9) of the Police Act 1997(a) as extended by the Police Act 1997 (Criminal Records) (Guernsey) Order 2009(b) makes the following regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Guernsey) (Amendment) Regulations 2010 and shall come into force on 6th December 2010.

(2) These Regulations extend to Guernsey.

Amendment of regulation 10 of the Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009

2.—(1) Regulation 10 of the Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009(c) is amended as follows.

(2) For sub-paragraph (a) substitute—

“(a) where information is held in relation to the applicant in the record of convictions and cautions held for the use of police forces generally, the police force in whose area the applicant currently resides;”.

(3) For sub-paragraph (b) substitute—

“(b) where it appears to the Secretary of State that information is held by a police force in relation to the applicant other than in the record of convictions and cautions held for the use of police forces generally, the police force which appears to be holding that information;”.

(4) For sub-paragraph (c) substitute—

“(c) where the application is made in relation to a prescribed purpose which is to be carried out primarily at the applicant’s place of residence, the police force in whose area the applicant currently resides;”.

(5) Omit sub-paragraphs (d) to (i).

(a) 1997 c. 50. Section 113B(9) was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15).
(b) S.I. 2009/3215.
(c) S.I. 2009/3297.

Home Office
8th November 2010

Lynne Featherstone
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 6th December 2010, amend the Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009.

Regulation 2 amends the definition of “relevant police force” for the purposes of enhanced criminal records certificates issued under the Police Act 1997.

This means that when an application for an enhanced criminal record certificate is made, the Secretary of State must send the details of the application to the police force for the area in which the applicant currently resides in two situations. The first is when there is conviction or caution information held on the applicant and the second is when the position for which the certificate was applied will be primarily carried out in the applicant’s home. In cases in which any police force holds other (non conviction or caution) information, the Secretary of State must send the details of the application to the police force holding that information. This replaces the previous address-based system of sending the details of the application to every force in whose area the applicant had resided for the previous five years irrespective of whether any information was held in relation to the applicant by any police force.

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