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

D R A F T S T A T U T O R Y I N S T R U M E N T S

2023 No.

POLICE, ENGLAND AND WALES

The Police Act 1997 (Criminal Record Certificates: Relevant Matter) (Amendment) (England and Wales) Order 2023

Made - - - -	***
Coming into force - -	***

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

In accordance with section 113A(8) of that Act, a draft of this Order 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 Matter) (Amendment) (England and Wales) Order 2023 and comes into force on the 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. In section 113A(6)(**b**) of the Police Act 1997, the definition of "relevant matter", as it has effect in England and Wales, is amended as follows—

(a) at the end of paragraph (a)(ii), omit "or";

(b) after paragraph (a)(iii) insert—

"or

(iv) a conviction which is not a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974;";

(c) after paragraph (d) insert—

";

(**a**) 1997 c. 50. Section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15). Subsections (7) and (8) were inserted, in relation to England and Wales, by section 63(1) of, and paragraph 14(1) and (2) of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47). There are other amendments to section 113A that are not relevant to this Order.

(**b**) Relevant amendments to section 113A(6) were made by section 50(1) and (3) of the Criminal Justice and Immigration Act 2008 (c. 4), S.I. 2013/1200 and S.I. 2020/1364.

(e) a caution which is not spent for the purposes of Schedule 2 to the Rehabilitation of Offenders Act 1974".

Name
Parliamentary Under Secretary of State
Home Office

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the definition of "relevant matter", as it has effect in England and Wales, in section 113A of the Police Act 1997 (c. 50). A relevant matter is a matter which, if it is recorded in central records, must be disclosed by the Disclosure and Barring Service in response to an application for a criminal record certificate or an enhanced criminal record certificate. The amendments made by this Order ensure that a conviction or caution that is not spent within the meaning of the Rehabilitation of Offenders Act 1974 (c. 53) will always be disclosed on such certificates.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector or community bodies is foreseen.

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