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

2020 No

POLICE, ENGLAND AND WALES

The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2020

Made - - - - 2020

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(**a**).

In accordance with section 113A(8) of that Act, a draft of this instrument has been laid before and approved by 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 2020 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. Section 113A of the Police Act 1997 is amended as follows—

(a) in subsection (6)(**b**), in the definition of "relevant matter" as it has effect in England and Wales—

(i) in paragraph (a), for "in relation to a person who has one conviction only" substitute "any of the following convictions";

(ii) omit paragraph (b); and

(iii) in paragraph (c), after "subsection (6D)" insert "where the person was aged 18 or over on the date it was given";

(b) in subsection (6E)(**c**), for the purposes of the definition of "relevant matter" omit paragraph (d)(ii) and the preceding "or".

(**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) and paragraph 14(1) and (2) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47).

(**b**) Relevant amendments to subsection (6) were made by section 50 of the Criminal Justice and Immigration Act 2008 (c. 4), paragraph 135 of Schedule 9 to the Protection of Freedoms Act 2012 (c. 9) and S.I. 2013/1200.

(**c**) Subsection (6E) was inserted by S.I. 2013/1200.

Name
Parliamentary Under Secretary for 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 Order removes youth cautions from the scope of the definition of relevant matter so that they will no longer be subject to mandatory disclosure in criminal records certificates. These changes also apply to youth warnings and reprimands which are treated the same as youth cautions.

The Order also removes the "multiple conviction rule" from the definition. The multiple conviction rule provides that where a person has more than one conviction, all their convictions (regardless of their nature) must be disclosed. As a result of these changes, the fact that a person has more than one conviction will no longer mean that all of their convictions will be automatically disclosed on criminal records certificates.

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

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