STATUTORY INSTRUMENTS

2024 No. 1112

POLICE

The Police Act 1997 (Criminal Records and Registration) (Guernsey) (Amendment) Regulations 2024

Made - - - -	*5th November 2024*
Laid before Parliament	*7th November 2024*
Coming into force - -	*2nd December 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 112(1)(b), 113A(1)(b), 113B(1)(b) and 125(1) and (5) of the Police Act 1997(**a**) as extended to Guernsey by the Police Act 1997 (Criminal Records) (Guernsey) Order 2009(**b**) and sections 116A(4)(b) and 116A(5)(b) of that Act as extended to Guernsey by the Police Act 1997 (Criminal Records) (Guernsey) (Amendment) Order 2012(**c**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records and Registration) (Guernsey) (Amendment) Regulations 2024 and come into force on 2nd December 2024.

(2) These Regulations extend to Guernsey.

Amendments to the Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009

2.—(1) The Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009(**d**) are amended as follows.

(2) For regulation 4 (fees for criminal record certificates and enhanced criminal record certificates) substitute—

(**a**) 1997 c. 50. Section 112 was amended by S.I. 2012/3006. There are other amending instruments but none is relevant. Sections 113A and 113B were inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and amended by paragraph 1 of Schedule 8 to the Policing and Crime Act 2009 (c. 26), by section 80(1) of the Protection of Freedoms Act 2012 (c. 9) and by S.I. 2012/3006. Section 116A was inserted by section 83 of the Protection of Freedoms Act 2012 and amended by S.I. 2012/3006. Section 125 was amended by S.I. 2005/3496. There are other amending instruments but none is relevant.

(**b**) S.I. 2009/3215. Article 3 extended sections 113A, 113B and 125 of the Police Act 1997 to Guernsey with modifications. The modifications are made in Schedule 1 to the Order. The Order was amended by S.I. 2012/1762.

(**c**) S.I. 2012/1762. Article 4 extended section 116A of the Police Act 1997 to Guernsey, by virtue of extending section 83 of the Protection of Freedoms Act 2012.

(**d**) S.I. 2009/3297, amended by S.I. 2011/718, 2019/1275 and 2022/289.

"Fees for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates

4. The fee payable in relation to an application for the issue of a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate is prescribed as—

(a) £21.50 in the case of a criminal conviction certificate;

(b) £21.50 in the case of a criminal record certificate;

(c) £49.50 in the case of an enhanced criminal record certificate, and an additional £6 where an urgent preliminary response is sought under section 113E(3)(b),

save that no fee is payable in relation to an application made by a volunteer.".

3. After regulation 4 (fees for criminal conviction certificates, criminal record certificates and enhanced criminal record certificates) insert—

"Fees for requesting up-date information under section 116A of the Act

4A.—(1) Subject to paragraph (2) below, the fee payable in relation to an application for a certificate to be subject to up-date arrangements under section 116A of the Act is prescribed as—

(a) £16 in the case of a fee as mentioned in section 116A(4)(b) of the Act;

(b) £16 in the case of a fee as mentioned in section 116A(5)(b) of the Act.

(2) No fee is payable in relation to—

(a) an application made by a volunteer;

(b) an application for a criminal conviction certificate, a criminal record certificate or an enhanced criminal record certificate to be subject to up-date arrangements where the person making the request already holds any such a certificate that is subject to up-date arrangements.".

Jess Phillips
Parliamentary Under Secretary of State
Home Office

5th November 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert a new fee and amend other fees set out in the Police Act 1997 (Criminal Records and Registration) (Guernsey) Regulations 2009 (S.I. 2009/3297) ("the 2009 Regulations").

Regulation 2 substitutes a new regulation 4 into the 2009 Regulations which includes fees for criminal conviction certificates (also known as basic certificates) and increases the fees for criminal record certificates (also known as standard certificates) and enhanced criminal record certificates. These amendments will align the fee charged for a Disclosure and Barring Service application in Guernsey to its equivalent in England and Wales.

Regulation 3 inserts a new regulation 4A into the 2009 Regulations which sets out fees for requesting up-date information under section 116A of the Police Act 1997 (c.50).

The amended fees apply to applications for basic certificates, standard certificates, enhanced criminal record certificates and the up-date service in Guernsey.

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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