

**2012 No. 523**

**POLICE, ENGLAND AND WALES**

**The Police Act 1997 (Criminal Records) (Amendment)  
Regulations 2012**

<i>Made</i>	- - - -	<i>23rd February 2012</i>
<i>Laid before Parliament</i>		<i>29th February 2012</i>
<i>Coming into force</i>	- -	<i>26th March 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 113B(2)(b), 113BA(1) and 113BB(1) of the Police Act 1997(a), makes the following Regulations.

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Police Act 1997 (Criminal Records) (Amendment) Regulations 2012 and shall come into force on 26th March 2012.

(2) In these Regulations—

“the 2002 Regulations” mean the Police Act 1997 (Criminal Records) Regulations 2002(b);  
and

“the 2009 Regulations” mean the Police Act 1997 (Criminal Records) (No. 2) Regulations 2009(c).

(3) These Regulations extend to England and Wales.

**Amendment of regulation 2 of the 2002 Regulations**

2. After the definition of “reprimand” in regulation 2(d) of the 2002 Regulations (interpretation) insert—

““taxi driver licence” means a licence granted under—

- (i) section 46 of the Town Police Clauses Act 1847(e);
- (ii) section 8 of the Metropolitan Public Carriage Act 1869(f);
- (iii) section 9 of the Plymouth City Council Act 1975(g);

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- (a) 1997 c. 50. Section 113B was inserted by section 162(2) of the Serious Organised Crime and Police Act 2005 (c. 15) and was amended by section 63(1) of, and paragraph 14(1) and (3) of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47) and by S.I. 2009/203. Sections 113BA and 113BB were inserted by section 63(1) of, and paragraph 14(1) and (4) of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 and were amended by section 81 of the Policing and Crime Act 2009 (c. 26).
- (b) S.I. 2002/233 as amended by S.I. 2003/137, 2003/520, 2003/1418, 2004/1759, 2005/347, 2006/748, 2006/2181, 2007/700, 2007/1892, 2007/3224, 2008/2143, 2009/460, 2009/1882, 2009/2428, 2010/817, 2010/2702 and 2011/719.
- (c) S.I. 2009/1882 as amended by S.I. 2010/817.
- (d) Regulation 2 was amended by S.I. 2009/1882 and 2010/2582.
- (e) 1847 c. 89.
- (f) 1869 c. 115.
- (g) 1975 c. xx.

- (iv) section 51 of the Local Government (Miscellaneous Provisions) Act 1976(a);  
or  
(v) section 13 of the Private Hire Vehicles (London) Act 1998(b);”.

#### **Amendment of regulation 5A of the 2002 Regulations**

3.—(1) Regulation 5A(c) of the 2002 Regulations (enhanced criminal record certificates: prescribed purposes) is amended as follows.

(2) After sub-paragraph (za) insert—

“(zb) considering the applicant’s suitability to obtain or hold a taxi driver licence.”

#### **Amendment of regulation 5 of the 2009 Regulations**

4. In regulation 5 of the 2009 Regulations for “or (za)” substitute “, (za) or (zb)”.

#### **Amendment of regulation 6 of the 2009 Regulations**

5. In regulation 6 of the 2009 Regulations for “or (za)” substitute “, (za) or (zb)”.

Home Office  
23rd February 2012

*Lynne Featherstone*  
Parliamentary Under-Secretary of State

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Police Act 1997 (Criminal Records) Regulations 2002 and the Police Act 1997 (Criminal Records) (No. 2) Regulations 2009 to enable an application for an enhanced criminal record certificate (including suitability information relating to both children and adults) to be made for the purpose of assessing the applicant’s suitability to obtain or hold a taxi driver licence.

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- (a) 1976 c. 57.  
(b) 1998 c. 34.  
(c) Regulation 5A was inserted by S.I. 2006/748; there are other amending instruments but none is relevant to these Regulations.

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