

Disregarding Certain Criminal Convictions

Chapter 4 Part 5 Protection of Freedoms Act 2012

Application Form & Guidance Notes for Applicants



Home Office



GUIDANCE FOR APPLICANTS

This application form is for use by anyone seeking to make an application to the Secretary of State for the Home Department (“Home Secretary”) to have one or more of their convictions for offences, as listed in Chapter 4, Part 5 of the Protection of Freedoms Act 2012, formally disregarded.

The word “conviction” includes a conviction, caution, warning or reprimand unless otherwise specified.

AM I ELIGIBLE TO APPLY TO HAVE MY CONVICTION DISREGARDED?

You may only apply to have **your** conviction(s) disregarded. Applications made on behalf of a third party will not be accepted. Where you ask someone to help you to complete the application form, you must still sign to confirm that the details contained therein are accurate and complete to the best of your knowledge.

Convictions under the following provisions may be eligible to be disregarded:

- Section 12 of the Sexual Offences Act 1956
- Section 13 of the Sexual Offences Act 1956
- Section 61 of the Offences against the Person Act 1861
- Section 11 of the Criminal Law Amendment Act 1885

In addition, convictions under the following provisions (in respect of acts contrary to the provisions listed above) may also be eligible to be disregarded:

- Section 4 of the Vagrancy Act 1824
- Section 45 of the Naval Discipline Act 1866
- Section 41 of the Army Act 1881
- Section 41 of the Air Force Act 1917
- Section 70 of the Army Act 1955
- Section 70 of the Air Force Act 1955
- Section 42 of the Naval Discipline Act 1957

Applications relating to any other convictions will **not** be accepted.

In order for an eligible conviction to be disregarded it must appear to the Home Secretary that (a) all parties involved in the conduct constituting the offence consented to it and were aged 16 or over at the time the offence was committed, and (b) any such conduct now would not be an offence under section 71 of the Sexual Offences Act 2003.

COMPLETING THE APPLICATION FORM:

There are two sections to the application form:

Section A relates to your current personal details and **must** be completed in full in order for an application to be accepted. You only need to complete section A once per application, regardless of the number of convictions you are applying to have disregarded. Failure to provide the information requested in section A will result in your application being rejected.

Section B relates to your personal details at the time the offence was committed and the details of the offence itself. This section should be completed as fully as possible. If you are applying to have more than one conviction disregarded, please copy section B as many times as necessary and complete a separate section B for each conviction. This includes where you were convicted on the same occasion for more than one offence. The more information you provide, the easier it will be to locate relevant records and progress your application quickly.

The application form includes further guidance on how to complete each section. When complete, you should sign and date the application form at the bottom of section A and at the bottom of each section B completed. Please ensure that you have included copies of any materials or documents that you wish to submit in support of your application, along with evidence of your identity and current address, and return it to:

Chapter 4 Applications, SPPU, 4th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF
Or by e-mail to chapter4applications@homeoffice.gsi.gov.uk

CONFIRMING YOUR IDENTITY AND ADDRESS:

Criminal record information is sensitive personal information and its management is strictly governed. In order to safeguard the information and ensure that it is only disclosed to the person that it relates to, and processed only as far as necessary to progress your application, we require you to provide **copies** of two documents to confirm (a) your identity, and (b) your current address. Please **do not** send original documents as we are unable to return them to you. Further guidance on which documents are acceptable as evidence of your identity and address can be found in section A of the application form.

PROTECTING YOUR PERSONAL INFORMATION:

All information that you provide will be treated in the strictest confidence. We will never disclose the information to any person or organisation not involved in the process without your express consent to do so. If you would like us to contact someone else acting on your behalf in respect of this application, you should enclose a signed letter along with your application setting out the contact details of the person acting on your behalf and stating that you consent to us discussing your application with that individual / organisation.

We will retain details of your application for a period of 6 years to enable us to deal with any subsequent queries or legal challenges that may arise. It will not be accessed for any other purposes and all personal details will be deleted after this period.

It is **strongly recommended** that you keep all the official correspondence you receive in relation to this application, as a record of what has happened. Please note that it will not be possible to provide further copies of correspondence after your application has been completed and your personal details deleted.

WHAT HAPPENS NEXT?

On receipt of your completed application relevant details will be processed. If the matters raised in your application are not eligible to be disregarded you will receive a letter to that effect. In all other cases you will receive an acknowledgement that your application has been received and is being processed.

In order to process your application, the Home Office will contact all relevant data controllers (the Police, HM Courts & Tribunals Service and, if relevant, the Armed Forces Service Police) and request them to review their records and provide copies of any relevant documents to the Home Secretary to enable a decision to be made. Where an application raises complex issues, or where the available evidence is unclear or contradictory, it may be passed to an independent advisory panel which will consider the application carefully and make recommendations to the Home Secretary.

Once the Home Secretary has made a decision, you will be informed of the outcome. If your application is successful, the Home Secretary will write to the relevant data controllers and require them to delete or annotate their records accordingly. Each data controller will write to you to confirm that this has been done.

EFFECT OF DISREGARD:

Once the Home Secretary has given notice that a conviction has been disregarded and a period of 14 days thereafter has elapsed, a successful applicant will be treated in all circumstances as though the offence had never occurred and need not disclose it for any purpose. Official records relating to the conviction that are held by prescribed organisations will be deleted or, where appropriate, annotated to this effect as soon as possible thereafter.

WHAT IF I DISAGREE WITH THE HOME SECRETARY'S DECISION?

If you disagree with the decision reached by the Home Secretary and either have further evidence to submit or consider that an error was made on your initial application form, you should contact the Home Office so that your application can be reviewed. If you consider that the final decision reached in relation to your application is wrong, you have the right under the provisions of the Protection of Freedoms Act 2012 to seek leave to appeal the decision to the High Court.

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Section A: Personal details

Your current personal details:

Forename(s):

Surname:

Date of Birth:

Place of Birth:

You must confirm your identity by enclosing a copy of one of the identity credentials listed in the guidance notes.

Your current address:

Property No. / name:

Street / Road:

Town / City:

County:

Postcode:

You must confirm your address by enclosing a copy of one of the verification documents listed in the guidance notes opposite.

Your preferred method of communication:

Post (as address above)

Post (alternative address - please state below)

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Email (please state e-mail address below)

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How many convictions are you applying to have disregarded?

Declaration:

I confirm that the information I have provided is correct to the best of my knowledge. I understand that the information I have provided may be stored and shared with other relevant organisations, and prescribed records searched, only as far as necessary to process my application.

Current personal details:

Enter your current details. If your name has changed since you were convicted, enter your former name in section B.

We need to confirm your identity before accessing your records. Please enclose a copy of one of the following documents:

- Passport (biographical data page)
- Driving licence (photo card and / or paper counterpart)
- HM Forces ID card
- Firearms licence
- Birth / Adoption certificate

Current address details:

Enter your current address details, including your postcode.

To confirm your address, please enclose a recent copy of one of the following documents:

- Bank / Building Society statement
- Utility bill
- Credit / store card statement
- Benefits letter / statement
- Council Tax bill

Preferred method of communication:

Indicate how you wish to be contacted about the progress and outcome of your application. Unless you specify otherwise we will write to your current address.

Number of convictions:

Enter the total number of convictions that you are applying to have disregarded. You must complete a separate section B for each conviction. The word "conviction" includes a conviction, caution, warning or reprimand unless otherwise specified.

Signed

Date

Your stated personal details at the time of conviction (if different):

Forename(s)
Surname:
Date of Birth:

Armed Forces service number (if applicable):

Service No

Your stated address at the time of conviction (if different):

Property No. / name:
Street / Road:
Town / City:
County:
Postcode:

Details of the conviction you are applying to have disregarded:

Date of arrest:
Date of charge (if different):
Offence for which convicted:
Relevant police force / station:
Type of disposal: conviction*/ caution* / warning* / reprimand*
(*delete)
If cautioned, which police station / date:
If convicted, which court / date:
Court Criminal Record Case No

Additional Information:

I am* / am not* (*delete) attaching copies of further materials / documentation in support of my application.

If you are submitting copies of further materials / documentation, please list them below:

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Former personal details:

If different from those recorded in section A, enter details of any other forename(s), surname(s) or date of birth that you may have used at the time the offence was committed.

Armed Forces service number:

If the conviction you are applying to have disregarded relates to a service offence and / or occurred whilst you were in the Armed Forces, enter your Armed Forces service number. This will assist the Ministry of Defence in locating relevant records.

Former address details:

If different from the details recorded in section A, enter details of your address, including postcode, at the time the offence was committed.

Details of your conviction:

Enter as much detail as you are able to remember about the circumstances of your arrest and conviction. The more detail you are able to provide, the more quickly we are likely to be able to identify and consider all relevant records.

The word “conviction” includes a conviction, caution, warning or reprimand unless otherwise specified.

Additional Information:

You may submit copies of additional materials and documentation in support of your application. Please note that you should not send originals as we are unable to return additional materials and documents to you. If you are submitting additional papers, please list them here.

Circumstances of the offence:

In order for the Home Secretary to assess whether your application meets the criteria set out in the Protection of Freedoms Act 2012, please provide concise details of the circumstances of the original offence that you were convicted of. Please indicate if you were made subject to any police notification arrangements.

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I confirm that, to the best of my knowledge, the conviction that I am here applying to have disregarded under the provision of Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 related to an offence committed by two or more consenting parties who were, at the time of the offence, aged 16 or over. I also confirm, to the best of my knowledge, that the conviction that I am here applying to have disregarded does not relate to an offence committed in a public lavatory (which continues to be an offence under section 71 of the Sexual Offences Act 2003). I understand that information I provide in support of my application will be checked against police and other official records.

Signed:

Date:

Thank you for completing this form. Please now return it, along with copies of your identity credential and address verification, and any other supporting materials or documentation, to:

Chapter 4 Applications, SPPU, 4th Floor Fry Building, 2 Marsham Street, London, SW1P 4DF

Or by e-mail to chapter4applications@homeoffice.gsi.gov.uk