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## **Regina (L) v Commissioner of Police of the Metropolis**

**(2007) Times, 28 March**

*Police -- disclosure -- relevant information -- supplementary material allowed in enhanced criminal record certificate*

### **Court of Appeal**

**Published March 28, 2007**

**Before Lord Justice Longmore, Lady Justice Smith and Lord Justice Moore-Bick**

**Judgment March 1, 2007**

Information considered relevant for the purposes of a statement accompanying an application for an enhanced criminal record certificate and which ought to be included need not relate solely to criminal matters.

The Court of Appeal so stated when dismissing the appeal by L against the refusal by Mr Justice Munby (unreported [2006] EWHC 482 (Admin)) of judicial review of a decision of the Commissioner of Police of the Metropolis to disclose information relating to her on an enhanced criminal record certificate issued on December 16, 2004.

L was employed by an agency providing staff to schools. She sought a post supervising children in school break times. She applied for an enhanced criminal record certificate which was issued and contained information supplied by the police relating to her son's activities and her alleged lack of ability to adequately care for and supervise him. The employer terminated her contract.

Miss Beverley Lang, QC and Ms Charlotte Kilroy for L; Miss Fiona Barton for the commissioner; Mr Rabinder Singh, QC, for the Secretary of State for the Home Department, intervening.

### **LORD JUSTICE LONGMORE**

said that the authoritative decision on the meaning and effect of section 115(7) of the Police Act 1997 was *R (X) v Chief Constable of West Midlands Police* ([2005] 1 All ER 610; [2005] 1 WLR 65).

The applicant raised the issue whether under section 115(7) "relevant information" included information about past conduct which, even if proved, would not constitute a criminal offence or reveal a risk that a criminal offence would be committed in the future.

She submitted that (i) section 115(7) required that before issue of the certificate the police had to provide any information which, in the chief police officer's opinion, might be relevant under section 115(2); (ii) the certifi-

cate was required for the purposes of an exempted question, namely, one to be answered without regard to any restriction relating to spent convictions or to any circumstances ancillary thereto; thus the information could relate only to criminal matters.

In his Lordship's judgment, that would be an unduly restrictive interpretation of the words "any information which might be relevant" in section 115(7).

The statement was the trigger for the provision of information which could only be provided in circumstances where the application was accompanied by a statement that the certificate was required for the purposes of an exempted question.

Once that trigger existed the only restriction was that the chief police officer had to think that the information might be relevant for the purposes for which the statement was made and that the information ought to be included in the certificate.

Looking solely at Part V of the 1997 Act and section 115(7), his Lordship agreed with the judge that if Parliament had intended to limit relevant information to information of criminal or potentially criminal activity it would have said so.

Lady Justice Smith and Lord Justice Moore-Bick agreed.

Solicitors: John Ford Solicitors, Finsbury Park; Mr David Hamilton, Victoria; Treasury Solicitor.

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