

2003 No. 355

REHABILITATION OF OFFENDERS

**The Rehabilitation of Offenders (Exceptions) (Amendment)
Order (Northern Ireland) 2003**

Made - - - - - *24th July 2003*

Coming into operation *1st September 2003*

To be laid before Parliament

The Secretary of State, in pursuance of Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(a) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2003 and shall come into operation on 1st September 2003.

(2) In this Order “the 1978 Order” means the Rehabilitation of Offenders (Northern Ireland) Order 1978.

(3) In this Order “the 1979 Order” means the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(b).

Amendment of the 1979 Order

2. The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (“the 1979 Order”) is amended in accordance with the following provisions of this Order.

Amendment of article 2 of the 1979 Order

3.—(1) In article 2(b) the words “the Civil Aviation Authority” shall be deleted.

(2) After article 2(b) there shall be inserted:

“(b)(b) any question asked by or on behalf of

- (i) the Civil Aviation Authority,
- (ii) any other person authorised to provide air traffic services under section 4 or section 5 of the Transport Act 2000(c) (in any case where such person is a company, an “authorised company”),
- (iii) any company which is a subsidiary (within the meaning given by Article 4 of the Companies (NI) Order 1986(d)) of an authorised company, or

(a) S.I. 1978/1908 (N.I. 27)

(b) S.R. 1979 No. 195; amended by the Osteopaths Act 1993 (c. 21) section 39; the Chiropractors Act 1994 (c. 17) section 40; S.R. 1987 No. 393, S.R. 2001 No. 248, and S.R. 2001 No. 400. The relevant provisions of the Osteopaths Act 1993 and the Chiropractors Act 1994 are repealed by section 133 of, and Schedule 10 to, the Police Act 1997 (c. 50). These repeals had not been brought into force at the time this Order was made.

(c) 2000 c. 38

(d) S. I. 1986/1032 (N.I. 6)

(iv) any company of which an authorised company is a subsidiary, where in the case of sub-paragraphs (iii) and (iv) the question is put in relation to the provision of air traffic services, and in all cases, where the question is put in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed for the purpose of safeguarding national security;”.

(3) For paragraph “(g)” of article 2 there shall be substituted paragraph “(e)”.

(4) After article 2(e) there shall be inserted:

“(f)any question asked by or on behalf of the National Lottery Commission for the purpose of determining whether to grant or revoke a licence under Part I of the National Lottery etc. Act 1993^(a) where the question relates to an individual –

- (i) who manages the business or any part of the business carried on under the licence (or who is likely to do so if the licence is granted); or
- (ii) for whose benefit that business is carried on (or is likely to be carried on if the licence is granted);

and where the person to whom the question relates is informed at the time that the question is asked that, by virtue of this Order, spent convictions are to be disclosed.”.

Amendment of Schedule 1 to the 1979 Order

4.—(1) In Part I of Schedule 1 after paragraph 12 there shall be inserted:

“13. Chartered psychologist.

14. Actuary.

15. European lawyer.

16. Controller appointed by the Office of Care and Protection.”.

(2) In Part II of Schedule 1 –

(a) in paragraph 4 –

(i) after the word “Constables,” insert “police trainees;”;

(ii) for the word “constables” in the second place where it occurs substitute “police officers” and

(iii) after the word “police officers” as inserted by sub-paragraph (ii) insert “, police support staff within the meaning of section 4(6) of the Police (Northern Ireland) Act 2000^(b)”;

(b) after paragraph 14 there shall be inserted:

“15. Any office or employment in the Serious Fraud Office.

16. Any office or employment in the National Crime Squad or the National Criminal Intelligence Service.

17. Any office or employment in Her Majesty’s Customs and Excise.

18. Any office or employment in the Office of the Police Ombudsman for Northern Ireland.”.

(3) In Part IV of Schedule 1 –

(a) before the definition of “certified accountant” there shall be inserted:

“ “actuary” means a member of the Institute of Actuaries or a member or student of the Faculty of Actuaries;”;

(b) after the definition of “chartered accountant” there shall be inserted:

“ “chartered psychologist” means a psychologist included in the British Psychological Society’s Register of Chartered Psychologists;”;

(a) 1993 c. 39

(b) 2000 c. 32

(c) after the definition of “ Education and Library Board” there shall be inserted:

““European lawyer” means a “European lawyer” as defined by the European Communities (Lawyer’s Practice) Regulations 2000(a);”.

Amendment of Schedule 3 to the 1979 Order

5. At the end of Schedule 3 there shall be inserted:

“18. Proceedings –

(a) before the National Lottery Commission in respect of the grant or revocation of a licence under Part 1 of the National Lottery etc. Act 1993; or

(b) by way of appeal to the Secretary of State against the revocation of any such licence by the National Lottery Commission.”.

Paul Murphy

Northern Ireland Office

One of Her Majesty’s Principal Secretaries of State

24th July 2003

(a) S.I. 2000 No. 1119

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.

Article 3 amends article 2 which provides exceptions to Article 5(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the Order”) (questions that relate to spent convictions). It adds classes of air traffic workers and National Lottery Commission personnel to that exception.

Article 4 amends Schedule 1 by adding to the list of professions, offices, employments, work and occupations in relation to which exceptions from the rehabilitative provisions of the Order apply.

Added to the list in Part I of Schedule 1 are the professions of chartered psychologist, actuary, European lawyer, and controller appointed by the Office of Care and Protection.

Added to the list of excepted offices and employments in Part II of Schedule 1 are the Serious Fraud Office, the National Crime Squad, the National Criminal Intelligence Service, Her Majesty’s Customs and Excise and the Office of the Police Ombudsman for Northern Ireland.

Article 5 amends Schedule 3 (excepted proceedings) by adding certain proceedings relating to National Lottery licences.

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Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty’s Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1134. C3. 8/03. Gp. 130. 14567.

£1.75

ISBN 0-337-95181-0



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