
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2010 No.

**The Rehabilitation of Offenders Act 1974 (Exclusions
and Exceptions) (Scotland) Amendment Order 2010**

**Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)
(Scotland) Order 2003**

5. In Schedule 3 (exclusion of section 4(2)(a) and (b) of the Act)—
- (a) in paragraph 1 for “9” substitute “14”;
 - (b) in paragraph 2 omit the definitions of “foster”, “foster carer” and “private foster carer”;
 - (c) in paragraph 4—
 - (i) for sub-paragraph (1)(d) substitute—

“(d) of the person to whom the question relates or of any other person to be placed on a register or to hold a licence, certificate or permit specified in sub-paragraph (3) or to be placed on it or hold it subject to a particular condition or restriction.”;
 - (ii) in sub-paragraph (3) before “licences, certificates or permits” insert “register, ”; and
 - (iii) after sub-paragraph (3)(d) insert—

“; or
 - (e) licences issued under, and the register of approved instructors referred to in, Part V (driving instruction) of the Road Traffic Act 1988(1).”;
 - (d) for paragraph 5 substitute—

“5. Child minding

Any question asked in order to assess the suitability of a person to act as a child minder (within the meaning of section 2(17) of the 2001 Act) where the person whose suitability is being assessed resides on the premises where the child minding would normally take place and the question relates to a person aged 16 or over who resides in the same premises as that person or to a person aged 16 or over who regularly works on them at a time when the child minding takes place.”;
 - (e) in paragraph 6—
 - (i) omit sub-paragraph (1)(b) and (c);
 - (ii) after sub-paragraph (1) insert—

“(1A) Any question asked by or on behalf of any person for the purpose of assessing, investigating, reviewing or confirming the suitability of any person to—

 - (a) be a foster carer (within the meaning of section 96 of the 2007 Act); or
 - (b) be a host parent (within the meaning of paragraph 11A of schedule 2 to the 2007 Act),

in the circumstance set out in sub-paragraph (2)(b).”;

(iii) in sub-paragraph (2)(b) for “living” substitute “residing”; and

(iv) after sub-paragraph (2) insert—

“(3) Any question asked in order to assess the suitability of an individual seeking appointment as a member of—

(a) an adoption panel or joint adoption panel under regulation 3 or 5 of the Adoption Agencies (Scotland) Regulations 2009⁽²⁾; or

(b) a fostering panel or joint fostering panel under regulation 17 or 19 of the Looked After Children (Scotland) Regulations 2009⁽³⁾.”; and

(f) after paragraph 12 insert—

“Access to information

13. Any question asked by the Scottish Ministers for the purpose of considering the suitability of a registered person or a nominee of a registered person (within the meaning of the Police Act 1997⁽⁴⁾) to have access to information released under section 113A, 113B, 113CA or 113CB of that Act or sections 52 to 54 of the 2007 Act.

Personnel suppliers

14. Any question asked by or on behalf of a personnel supplier (within the meaning of section 97(1) of the 2007 Act) in order to assess the suitability of a person to be supplied by the personnel supplier to do regulated work with adults or regulated work with children for another person.”.

(2) [S.S.I. 2009/154](#).

(3) [S.S.I. 2009/210](#).

(4) [1997 c.50](#). Sections 113A and 113B were inserted by the Serious Organised Crime and Police Act 2005 ([c.15](#)), section 163(2); sections 113CA and 113CB were inserted by the Protection of Vulnerable Groups (Scotland) Act 2007, section 88 and schedule 4, paragraph 29.