
EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates the Orders (S.I.1975/1023, 1986/1249 and 1986/2268) that exclude and make exceptions to the provisions of section 4 (effect of rehabilitation) of the Rehabilitation of Offenders Act 1974. It excludes further proceedings and types of work from certain provisions within that section and updates the terms used to reflect recent Scottish legislation, including the Regulation of Care (Scotland) Act 2001 and the Protection of Children (Scotland) Act 2003.

Section 4(1) of the Act (which relates to the way in which offenders whose convictions have become spent are to be treated, particularly in judicial proceedings) is excluded in relation to the proceedings specified in Schedule 1 to the Order and, to a limited extent, the proceedings with respect to decisions specified in Part 1 of Schedule 2 (article 3).

Section 4(2)(a) and (b) of the Act (which relates to questions asked about criminal convictions otherwise than in the course of judicial proceedings) is excluded in relation to questions put in the circumstances set out in Schedule 3 (article 4). The circumstances in Schedule 3 include the assessment of a person's suitability for a profession, office, employment or occupation set out in Schedule 4, or to hold a licence, certificate or permit set out in Schedule 5. Provision is made in Schedule 3 for other special circumstances that arise in the context of child minding, adoption and fostering, national security, financial services and the National Lottery Commission.

The professions, offices, employments and occupations set out in Schedule 4 are excepted from section 4(3)(b) of the Act (which relates to the effect of a spent conviction on grounds of dismissal and exclusion of persons from certain types of work). Action taken to safeguard national security and decisions taken by persons specified in Part 1 of the Schedule to do anything specified in that Part are also excluded from section 4(3) (b) of the Act (article 5).

The existing Orders that exclude and make exceptions to the Act, and that extend to Scotland, are repealed (article 6).