

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULE 3

EXCLUSIONS OF SECTION 4(2)(a) AND (b) OF THE ACT

Adoption and fostering

5.—(1) 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 adopt children in general or a child in particular, in either of the circumstances set out in sub-paragraph (3).

(2) 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(1) of schedule 2 to the 2007 Act), in the circumstance set out in sub-paragraph (3)(b).

(3) The circumstances are that—

(a) the question relates to the person whose suitability is being assessed, investigated, reviewed or confirmed; or

(b) the question relates to a person over the age of 16 residing in the same household as the person whose suitability is being assessed, investigated, reviewed or confirmed.

(4) 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).

Commencement Information

II Sch. 3 para. 5 in force at 14.2.2013, see [art. 1\(1\)](#)

(1) Paragraph 11A of Schedule 2 was added by Protection of Vulnerable Groups (Scotland) Act 2007 (Modification of Regulated Work with Children) Order 2010 (S.S.I. 2010/240), article 7.

(2) S.S.I. 2009/154.

(3) S.S.I. 2009/210.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order applied by [2023 c. 41 Sch. 1 para. 8\(8\)\(c\)19\(1\)\(c\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1B1 inserted by [S.S.I. 2015/329 art. 6](#)
- sch. A1 para. 55A inserted by [S.S.I. 2019/396 art. 2\(2\)](#)
- Sch. A1 para. 9A inserted by [S.S.I. 2022/378 art. 2\(2\)](#)
- Sch. A1 para. 10A inserted by [S.S.I. 2022/378 art. 2\(3\)](#)
- Sch. A1 para. 12A inserted by [S.S.I. 2022/378 art. 2\(4\)](#)
- Sch. A1 para. 13A inserted by [S.S.I. 2022/378 art. 2\(5\)](#)
- Sch. A1 para. 16A16B inserted by [S.S.I. 2022/378 art. 2\(7\)](#)
- Sch. A1 para. 23A inserted by [S.S.I. 2022/378 art. 2\(9\)](#)
- Sch. A1 para. 24A-24D inserted by [S.S.I. 2022/378 art. 2\(11\)](#)
- Sch. A1 para. 25A inserted by [S.S.I. 2022/378 art. 2\(12\)](#)
- Sch. A1 para. 25B inserted by [S.S.I. 2022/378 art. 2\(13\)](#)
- Sch. A1 para. 27A inserted by [S.S.I. 2022/378 art. 2\(15\)](#)
- Sch. A1 para. 27B inserted by [S.S.I. 2022/378 art. 2\(16\)](#)
- Sch. A1 para. 28A-28D inserted by [S.S.I. 2022/378 art. 2\(17\)](#)
- Sch. A1 para. 31A inserted by [S.S.I. 2022/378 art. 2\(18\)](#)
- Sch. A1 para. 32A32B inserted by [S.S.I. 2022/378 art. 2\(19\)](#)
- Sch. A1 para. 34A-34F inserted by [S.S.I. 2022/378 art. 2\(20\)](#)
- Sch. A1 para. 37A-37C inserted by [S.S.I. 2022/378 art. 2\(21\)](#)
- Sch. A1 para. 38(aa) inserted by [S.S.I. 2022/378 art. 2\(22\)\(a\)](#)
- Sch. A1 para. 38(d) inserted by [S.S.I. 2022/378 art. 2\(22\)\(c\)](#)
- Sch. A1 para. 39A inserted by [S.S.I. 2022/378 art. 2\(23\)](#)
- Sch. A1 para. 41A inserted by [S.S.I. 2022/378 art. 2\(24\)](#)
- Sch. A1 para. 44A-44D inserted by [S.S.I. 2022/378 art. 2\(26\)](#)
- Sch. A1 para. 46A inserted by [S.S.I. 2022/378 art. 2\(28\)](#)
- Sch. A1 para. 47(qa) inserted by [S.S.I. 2022/378 art. 2\(29\)\(b\)](#)
- Sch. A1 para. 57(c)(d) inserted by [S.S.I. 2022/378 art. 2\(30\)\(c\)](#)
- Sch. A1 para. 59A inserted by [S.S.I. 2022/378 art. 2\(31\)](#)
- Sch. A1 para. 13 omitted by [S.S.I. 2022/378 art. 2\(6\)](#)
- Sch. A1 para. 14 omitted by [S.S.I. 2022/378 art. 2\(6\)](#)
- Sch. A1 para. 17 omitted by [S.S.I. 2022/378 art. 2\(8\)](#)
- Sch. A1 para. 18 omitted by [S.S.I. 2022/378 art. 2\(8\)](#)
- Sch. A1 para. 20-23 omitted by [S.S.I. 2022/378 art. 2\(10\)](#)
- Sch. A1 para. 26(l) omitted by [S.S.I. 2022/378 art. 2\(14\)](#)
- Sch. A1 para. 26(m) omitted by [S.S.I. 2022/378 art. 2\(14\)](#)
- Sch. A1 para. 26(n) omitted by [S.S.I. 2022/378 art. 2\(14\)](#)
- Sch. A1 para. 26(o) omitted by [S.S.I. 2022/378 art. 2\(14\)](#)
- Sch. A1 para. 26(p) omitted by [S.S.I. 2022/378 art. 2\(14\)](#)
- Sch. A1 para. 46(a) omitted by [S.S.I. 2022/378 art. 2\(27\)](#)
- Sch. A1 substituted by [S.S.I. 2016/91 art. 4](#)
- sch. A1 title substituted by [S.S.I. 2018/51 art. 2\(4\)](#)
- Sch. A1 para. 43 substituted by [S.S.I. 2022/378 art. 2\(25\)](#)
- Sch. A1 para. 23 substituted by [S.I. 2016/765 Sch. 14 Pt. 2 para. 11](#)
- Sch. A1 para. 38(b) word omitted by [S.S.I. 2022/378 art. 2\(22\)\(b\)](#)
- Sch. A1 para. 47(q) word omitted by [S.S.I. 2022/378 art. 2\(29\)\(a\)](#)

- Sch. A1 para. 57(a) word omitted by S.S.I. 2022/378 art. 2(30)(b)
- Sch. A1 para. 57 word substituted by S.S.I. 2022/378 art. 2(30)(a)
- Sch. A1 para. 60 word substituted by S.S.I. 2022/378 art. 2(32)
- Sch. A1 para. 61 word substituted by S.S.I. 2022/378 art. 2(32)
- Sch. B1 para. 5A inserted by S.S.I. 2022/378 art. 3(3)
- Sch. B1 para. 10A inserted by S.S.I. 2022/378 art. 3(5)
- Sch. B1 para. 13A inserted by S.S.I. 2022/378 art. 3(7)
- Sch. B1 para. 17A inserted by S.S.I. 2022/378 art. 3(9)
- Sch. B1 para. 18A inserted by S.S.I. 2022/378 art. 3(10)
- Sch. B1 para. 35A inserted by S.S.I. 2022/378 art. 3(13)
- Sch. B1 para. 36A-36C inserted by S.S.I. 2022/378 art. 3(15)
- Sch. B1 para. 45A inserted by S.S.I. 2022/378 art. 3(17)
- Sch. B1 para. 50A inserted by S.S.I. 2022/378 art. 3(19)
- Sch. B1 para. 56(f)-(j) inserted by S.S.I. 2022/378 art. 3(20)(b)
- Sch. B1 para. 59A inserted by S.S.I. 2022/378 art. 3(21)
- Sch. B1 para. 64A64B inserted by S.S.I. 2022/378 art. 3(24)
- Sch. B1 para. 74A inserted by S.S.I. 2022/378 art. 3(28)
- Sch. B1 para. 88A inserted by S.S.I. 2022/378 art. 3(30)
- Sch. B1 para. 93A inserted by S.S.I. 2022/378 art. 3(32)
- Sch. B1 para. 102A inserted by S.S.I. 2022/378 art. 3(36)
- Sch. B1 para. 103(ga) inserted by S.S.I. 2022/378 art. 3(37)(c)
- Sch. B1 para. 106A inserted by S.S.I. 2022/378 art. 3(39)
- Sch. B1 para. 109A inserted by S.S.I. 2022/378 art. 3(41)
- sch. B1 para. 81(c) and word omitted by S.S.I. 2018/51 art. 2(5)(b)
- Sch. B1 para. 1 omitted by S.S.I. 2022/378 art. 3(2)
- Sch. B1 para. 8 omitted by S.S.I. 2022/378 art. 3(4)
- Sch. B1 para. 9 omitted by S.S.I. 2022/378 art. 3(4)
- Sch. B1 para. 11 omitted by S.S.I. 2022/378 art. 3(6)
- Sch. B1 para. 12 omitted by S.S.I. 2022/378 art. 3(6)
- Sch. B1 para. 16 omitted by S.S.I. 2022/378 art. 3(8)
- Sch. B1 para. 19 omitted by S.S.I. 2022/378 art. 3(11)
- Sch. B1 para. 21-29 omitted by S.S.I. 2022/378 art. 3(11)
- Sch. B1 para. 37 omitted by S.S.I. 2022/378 art. 3(16)
- Sch. B1 para. 38 omitted by S.S.I. 2022/378 art. 3(16)
- Sch. B1 para. 47 omitted by S.S.I. 2022/378 art. 3(18)
- Sch. B1 para. 62 omitted by S.S.I. 2022/378 art. 3(22)
- Sch. B1 para. 67-69 omitted by S.S.I. 2022/378 art. 3(25)
- Sch. B1 para. 70(d) omitted by S.S.I. 2022/378 art. 3(26)
- Sch. B1 para. 73(b) omitted by S.S.I. 2022/378 art. 3(27)
- Sch. B1 para. 73(c) omitted by S.S.I. 2022/378 art. 3(27)
- Sch. B1 para. 81(b) omitted by S.S.I. 2022/378 art. 3(29)
- Sch. B1 para. 89 omitted by S.S.I. 2022/378 art. 3(31)
- Sch. B1 para. 94-96 omitted by S.S.I. 2022/378 art. 3(33)
- Sch. B1 para. 97(b) omitted by S.S.I. 2022/378 art. 3(34)(b)
- Sch. B1 para. 100 omitted by S.S.I. 2022/378 art. 3(35)
- Sch. B1 para. 105 omitted by S.S.I. 2022/378 art. 3(38)
- Sch. B1 para. 107 omitted by S.S.I. 2022/378 art. 3(40)
- Sch. B1 para. 111(a) omitted by S.S.I. 2022/378 art. 3(43)
- Sch. B1 substituted by S.S.I. 2016/91 art. 5
- Sch. B1 para. 36 heading substituted by S.S.I. 2022/378 art. 3(12)
- Sch. B1 para. 63 substituted by S.S.I. 2022/378 art. 3(23)
- Sch. B1 para. 97(a) substituted by S.S.I. 2022/378 art. 3(34)(a)
- Sch. B1 para. 110 substituted by S.S.I. 2022/378 art. 3(42)
- Sch. B1 para. 36(a)-(d) substituted for Sch. B1 para. 36(a)(b) by S.S.I. 2022/378 art. 3(14)
- Sch. B1 para. 56(d) word omitted by S.S.I. 2022/378 art. 3(20)(a)
- Sch. B1 para. 103(g) word omitted by S.S.I. 2022/378 art. 3(37)(b)
- sch. B1 para. 75 word substituted by S.S.I. 2018/51 art. 2(5)(a)

- Sch. B1 para. 103(g) word substituted by S.S.I. 2022/378 art. 3(37)(a)
- Sch. 1 para. 29 inserted by S.S.I. 2013/204 art. 3
- Sch. 1 para. 5A inserted by S.S.I. 2016/147 art. 4
- Sch. 1 para. 30 inserted by S.I. 2020/103 Sch. 3 para. 6(3)
- Sch. 1 para. 10A words substituted by S.I. 2015/968 Sch. para. 11(2)
- Sch. 2 Pt. 1 para. 1(fa)(fb) inserted by S.I. 2013/1388 reg. 15(3)(a)
- Sch. 3 para. 3(3)(aa) inserted by S.S.I. 2016/147 art. 3(2)
- sch. 3 para. 17 inserted by S.S.I. 2022/110 art. 2(2)(b)
- Sch. 3 para. 16 inserted by S.I. 2020/103 Sch. 3 para. 6(4)
- sch. 3 para. 17 substituted by S.S.I. 2022/164 art. 2(2)
- Sch. 3 para. 3(3)(ca) words substituted by S.I. 2015/968 Sch. para. 11(3)
- sch. 4 Pt. 2 para. 66A substituted for sch. 4 Pt. 2 para. 6 by S.S.I. 2020/45 art. 2(6)
- art. 2(1A) inserted by S.I. 2017/80 Sch. para. 39
- art. 2A inserted by S.S.I. 2015/329 art. 2(2)
- art. 2A(3) word substituted by S.S.I. 2016/91 art. 3
- art. 3(1) art. 3 renumbered as art. 3(1) by S.S.I. 2015/329 art. 3(2)
- art. 3(2) inserted by S.S.I. 2015/329 art. 3(3)
- art. 3(2)(a) word omitted by S.S.I. 2020/45 art. 2(2)
- art. 4(1) art. 4 renumbered as art. 4(1) by S.S.I. 2015/329 art. 4(2)
- art. 4(2)-(4) inserted by S.S.I. 2015/329 art. 4(3)
- art. 4(2)(b) substituted by S.S.I. 2018/51 art. 2(2)(a)
- art. 4(2A) inserted by S.S.I. 2018/51 art. 2(2)(b)
- art. 4(3) word omitted by S.S.I. 2020/45 art. 2(3)(a)
- art. 4(3) words substituted by S.I. 2020/103 Sch. 3 para. 6(2)
- art. 4(3)(a)(i) words inserted by S.S.I. 2016/147 art. 3(1)
- art. 4(3)(ba) inserted by S.S.I. 2020/45 art. 2(3)(b)
- art. 4(4) words substituted by S.S.I. 2018/51 art. 2(2)(c)
- art. 4(5) inserted by S.S.I. 2018/51 art. 2(2)(d)
- art. 5(1) art. 5 renumbered as art. 5(1) by S.S.I. 2015/329 art. 5(2)
- art. 5(2)-(4) inserted by S.S.I. 2015/329 art. 5(3)
- art. 5(2)(b) substituted by S.S.I. 2018/51 art. 2(3)(a)
- art. 5(2A) inserted by S.S.I. 2018/51 art. 2(3)(b)
- art. 5(3) substituted by S.S.I. 2020/45 art. 2(4)
- art. 5(4) words substituted by S.S.I. 2018/51 art. 2(3)(c)
- art. 5(5) inserted by S.S.I. 2018/51 art. 2(3)(d)
- art. 5A inserted by S.S.I. 2020/45 art. 2(5)