
DRAFT STATUTORY INSTRUMENTS

2009 No.

**The Rehabilitation of Offenders Act 1974 (Exceptions)
(Amendment) (England and Wales) Order 2009**

New article 6: Channel Islands exceptions

6. After article 5 insert the following article—

“6.—(1) Neither section 4(2) of, nor paragraph 3(3) of Schedule 2 to, the Act applies to a question to which paragraph (2) applies.

(2) This paragraph applies to a question asked by or on behalf of any person in the course of the duties of that person’s office or employment in the Channel Islands in order to assess the person’s suitability for any purposes referred to in article 3, where—

- (a) the person asking the question states that a corresponding question and purpose are also provided for in the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002 (“the Jersey Regulations”), or the Rehabilitation of Offenders (Bailiwick of Guernsey) Law 2002 (Commencement, Exclusions and Exceptions) Ordinance 2006 (“the Guernsey Ordinance”), and
- (b) the person to whom the question relates is a person to whom article 3 would apply and is informed at the time the question is asked that spent convictions must be disclosed.

(3) Neither subsection (1) or (3) of section 4 of, nor paragraph 3(1) or (5) of Schedule 2 to, the Act apply to a question to which paragraph (4) applies.

(4) This paragraph applies to a question asked by or on behalf of any person in the course of that person’s office or employment in the Channel Islands for a purpose mentioned in, or in respect of a case or class of case and conviction specified in, article 4 or 5, where the person asking the question states that a corresponding purpose or case or class of case and conviction is provided for in the Jersey Regulations or the Guernsey Ordinance and the person to whom the question relates is a person to whom article 4 or 5 would apply.”