

Draft Order laid before Parliament under section 10(2) of the Rehabilitation of Offenders Act 1974, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

**REHABILITATION OF OFFENDERS,
ENGLAND AND WALES**

**The Rehabilitation of Offenders Act 1974 (Exceptions)
Order 1975 (Amendment) (England and Wales) Order 2019**

Made - - - - *****

Coming into force in accordance with article 1(1)

The Secretary of State, in exercise of the powers conferred by sections 7(4) and 10(1) of, and paragraph 6(4) of Schedule 2 to, the Rehabilitation of Offenders Act 1974⁽¹⁾, makes the following Order.

In accordance with section 10(2) of that Act, a draft of the instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2019 and comes into force 21 days after the day on which it is made.

(2) This Order extends to England and Wales only.

Amendments to Schedule 3 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

2.—(1) Schedule 3 to the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975⁽²⁾ is amended as follows.

(2) After paragraph 23, insert—

“**24.** Proceedings before an inquiry caused to be held under section 1 of the Inquiries Act 2005 for the purposes of fulfilling the terms of reference of that inquiry.”.

(1) 1974 c. 53. Schedule 2 was inserted by section 49 and paragraph 6 of Schedule 10 to the Criminal Justice and Immigration Act 2008 (c. 4).

(2) S.I. 1975/1023. Paragraph 20 to 23 were inserted by S.I. 2006/2143.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2019 No. 1051*

Date

Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ([S.I. 1975/1023](#)) (“the 1975 Order”). The 1975 Order disapplies specified provisions of the Rehabilitation of Offenders Act 1974 ([c. 53](#)) so as to permit questions to be asked about spent convictions and cautions in order to assess a person’s suitability for admission to certain occupations or to hold certain types of employment, but also to ask questions about spent convictions in certain proceedings.

Article 2 of this Order amends the 1975 Order by adding a new paragraph to Schedule 3 (excepted proceedings) to cover proceedings before an inquiry where the disclosure of spent convictions is necessary to allow that Inquiry to fulfil its terms of reference under the Inquiries Act 2005 ([c. 12](#)).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.