
STATUTORY INSTRUMENTS

2006 No. 3290

**REHABILITATION OF OFFENDERS,
ENGLAND AND WALES**

**The Rehabilitation of Offenders Act 1974 (Exceptions)
(Amendment No. 2) (England and Wales) Order 2006**

Made - - - - 6th December 2006

Coming into force - - 7th December 2006

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

In accordance with section 10(2) of that Act, a draft of this Order has been laid before and approved by a 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) (Amendment No. 2) (England and Wales) Order 2006 and comes into force on the day after the day on which it is made.

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

Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

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

(2) In articles 3(k) and 4(n) and paragraph 23 of Schedule 3(4)—

(a) after “Football Association” insert “, Football League”; and

(b) omit “regulations made under”.

(1) 1974 c. 53.

(2) As regards Scotland, see articles 2 and 5 of, and the Schedule to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 (S.I. 2003/415).

(3) S.I. 1975/1023 which has been amended. The relevant amending instrument is S.I. 2006/2143.

(4) Articles 3(k) and 4(n) and paragraph 23 of Schedule 3 were inserted by articles 4, 5 and 9 of S.I. 2006/2143.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office
6th December 2006

Vernon Coaker
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends articles 3(k) and 4(n) of, and paragraph 23 of Schedule 3 to, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (“the 1975 Order”).

Those three provisions of the 1975 Order provide exceptions to the Rehabilitation of Offenders Act 1974 (“the 1974 Act”) where the Football Association or the Football Association Premier League assesses the suitability of and approves a person as able to undertake certain activities as a football steward without a licence issued by the Security Industry Authority in accordance with an exemption granted by regulations made under section 4 of the Private Security Industry Act 2001 (“the 2001 Act”). Article 3(k) of the 1975 Order provides an exception to section 4(2) of the 1974 Act (questions which relate to spent convictions) and article 4(n) of the 1975 Order provides an exception to section 4(3)(b) of the 1974 Act (spent convictions not to be a proper ground for dismissal or for prejudicing a person in any occupation or employment). Paragraph 23 of Schedule 3 to the 1975 Order provides an exception to article 4(1) of the 1974 Act (spent convictions not to be considered in proceedings) in relation to proceedings in which a refusal by the Football Association or the Football Association Premier League to so approve a person is challenged.

This Order extends the exceptions to the 1974 Act which are in articles 3(k) and 4(n) of, and paragraph 23 of Schedule 3 to, the 1975 Order to cover the activities of the Football League as well as the Football Association and the Football Association Premier League. The exemption enabling football stewards to undertake licensable conduct without a licence issued by the Security Industry Authority has been granted by amendment to section 4 of the 2001 Act rather than by regulations made under that provision and in consequence this Order also amends the 1975 Order to enable the exceptions to the 1974 Act to apply in these circumstances.