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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 303**

**Rehabilitation of Offenders (Exceptions)  
(Amendment) (No. 2) Order (Northern Ireland) 2009**

**Amendment of Article 2**

**4.—**(1) In Article 2(a)(ii) for the words “specified in paragraph 12” substitute “specified in paragraphs 11, 12, 13, 15, 16, 17, 20, 21, 22 and 23”

(2) For Article 2 (aa) substitute:—

(aa) “(2) any question asked by or on behalf of any person, in the course of the duties of their work, in order to assess the suitability of a person to work with children, where —

- (i) the question relates to the person whose suitability is being assessed;
- (ii) the person whose suitability is being assessed lives on the premises where that person’s work with children would normally take place and the question relates to a person living in the same household as that person;
- (iii) the person whose suitability is being assessed lives on the premises where that person’s work with children would normally take place and the question relates to a person who regularly works on those premises at a time when the work with children normally takes place; or
- (iv) the work for which the person’s suitability is being assessed is child minding which would normally take place at premises other than the premises where that person lives and the question relates to a person who lives on those other premises or to a person who regularly works on them at a time when the childminding takes place,

and where the person to whom the question relates is informed at the time the question is asked that by virtue of this Order, spent convictions are to be disclosed;”

(3) After Article 2 (g) add:—

“(h) any question asked by or on behalf of any person in the course of their duties as a person employed by an adoption agency for the purpose of assessing the suitability of any person to adopt children where—

- (i) the question relates to the person whose suitability is being assessed; or
- (ii) the question relates to a person living in the same household as the person whose suitability is being assessed,

and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this order, spent convictions are to be disclosed;

- (i) any question asked by or on behalf of any person, in the course of the duties of his work, in order to assess the suitability of a person to provide day care where—
  - (i) the question relates to the person whose suitability is being assessed; or
  - (ii) the question relates to a person who lives on the premises which are or are proposed to be day care premises,

and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;

- (j) any question asked by or on behalf of any person, in the course of the duties of his work, in order to assess the suitability of a person to act as a foster parent (or a person wishing to be approved as or intending to act as a foster parent) within the meaning of Article 55 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or a person who looks after a child in circumstances in which the child is a privately fostered child within the meaning of Article 106 of the Children (Northern Ireland) Order 1995 where—

- (i) the question relates to the person whose suitability is being assessed; or
- (ii) the question relates to a person living in the same household as the person whose suitability is being assessed,

and the person to whom the question relates is informed at the time the question is asked that by virtue of this Order, spent convictions are to be disclosed;

- (k) any question asked by or on behalf of the Northern Ireland Social Care Council for the purpose of determining whether or not to grant an application for registration under Part I of the Health and Social Services Act (Northern Ireland) 2001<sup>(1)</sup>, and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;
- (l) any question asked by or on behalf of the Health and Social Care Regulation and Quality Improvement Authority for the purpose of determining whether or not to grant an application for registration under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003<sup>(2)</sup>, and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;
- (m) any question asked by the Secretary of State for the purpose of considering the suitability of an individual to have access to information released under sections 113A and 113B of the Police Act 1997.”

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(1) 2001 c. 3

(2) S.I. 2003 No. 431 (N.I. 9)