
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

Article 1 is amended to add new definitions for the purposes of interpreting the main provisions of this Order.

Article 2 is amended to confer the right to ask questions regarding spent convictions for the purpose of assessing a person's suitability for child minding; adoption; day care; and fostering purposes. The Article is also amended to allow questions to be asked for the purposes of granting applications for registration as a social care worker under Part I of the Health and Social Services Act (Northern Ireland) 2001; for questions to be asked for the purposes of granting applications for registration of establishments and agencies, including residential care homes, nursing homes, independent clinics, independent hospitals and independent medical agencies under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003; and for questions to be asked to assess the suitability of a person to have access to criminal records.

Article 3 is amended to extend the exceptions from Article 5(3)(b) of the Order in relation to certain professions, offices and employments to include a decision to refuse to grant a taxi driver licence; a decision to refuse to grant a licence under section 8 of the Private Security Industry Act; a decision to refuse to grant a licence under Regulation 5 of the Misuse of Drugs Regulations (Northern Ireland) 2002; a decision to refuse to grant an application for registration under Part I of the Health and Social Services Act (Northern Ireland) 2001; and a decision to refuse to grant an application for registration under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

Schedule 1 is amended to include regulated and controlled activities with children and vulnerable adults, within the meaning of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, and employment in AccessNI as excepted work and employments. A number of outdated references are also removed.

Schedules 2 and 3 are amended to reflect the changes made to Articles 2 and 3 in relation to taxi driver licences; Security Industry Authority licences; controlled drugs licences; registrations under Part I of the Health and Social Services Act (Northern Ireland) 2001; and registrations under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.