
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003 (“the 2003 Order”).

Article 5(a) and (b) make amendments to the 2003 order to take account of recent legislation, namely the replacement of the National Criminal Intelligence Service with the Serious Organised Crime Agency and Her Majesty’s Customs and Excise with Her Majesty’s Revenue and Customs. Articles 3(a) and 5(c) correct the reference to the Secretary of State’s approval of a place under the Abortion Act 1967 to reflect the fact that this function has executively devolved to Scottish Ministers. Article 5(d) corrects a typographical error in the 2003 Order.

Articles 3(b) and 4 takes account of the system for registration of private landlords introduced by the Antisocial Behaviour etc. (Scotland) Act 2004 which comes into effect on 31st March 2006. The amendments will allow spent convictions to be referred to in appeals under that Act. The amendments also allow a local authority to obtain a criminal record certificate under Part V of the Police Act 1997 (c. 50) when considering whether a private landlord should be registered under the 2004 Act.