
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2012 No.

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders Act 1974
(Exclusions and Exceptions) (Scotland) Order 2012

Made - - - - 2012

Coming into force 2012

THE REHABILITATION OF OFFENDERS ACT 1974
(EXCLUSIONS AND EXCEPTIONS) (SCOTLAND) ORDER 2012

1. Citation, commencement and extent
 2. Interpretation
 3. Exclusion of section 4(1) of the Act
 4. Exclusion of section 4(2)(a) and (b) of the Act
 5. Exceptions from section 4(3) of the Act
 6. Exclusion of paragraph 3 of Schedule 3 to the Act
 7. Exclusion of paragraph 4(2) and (3) of Schedule 3 to the Act
 8. Exceptions from paragraph 5 of Schedule 3 to the Act
 9. Revocation
- Signature

SCHEDULE 1 — PROCEEDINGS

1. Proceedings in respect of a person's admission to, or disciplinary...
2. Disciplinary proceedings against a constable.
3. Proceedings before the Gambling Commission.
4. Proceedings under the Mental Health (Care and Treatment) (Scotland) Act...
5. Proceedings under the Firearms Act 1968 in respect of—
6. Proceedings in respect of the grant, renewal or variation of...
7. Proceedings in respect of a determination by the Scottish Ministers...
8. Proceedings in respect of an application for, or cancellation of...
9. Proceedings before Social Care and Social Work Improvement Scotland under...
10. Proceedings under the Control of Explosives Regulations 1991 ("the 1991...
11. Proceedings by way of appeal against, or review of, any...

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, *The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013* ISBN 978-0-11-101876-7

12. Proceedings held for the receipt of evidence affecting the determination...
13. Proceedings held in respect of an application for the grant,...
14. Proceedings— (a) before the National Lottery Commission in respect of...
15. Proceedings in connection with a decision of the Scottish Social...
16. Proceedings in respect of a decision by a local authority...
17. Proceedings before the Parole Board for Scotland.
18. Proceedings in respect of the award, suspension or withdrawal of...
19. The following proceedings under the Proceeds of Crime Act 2002—...
20. Proceedings under section 11 of the Private Security Industry Act...
21. The following proceedings under the Adults with Incapacity (Scotland) Act...
22. Proceedings for or in connection with the recovery of compensation...
23. Proceedings before the Scottish Criminal Cases Review Commission.
24. Proceedings before the assessor appointed either by the Scottish Ministers...
25. Proceedings before the NHS Tribunal under Part II of the...
26. Proceedings before the Court of Session or the sheriff in...
27. Proceedings under Part 1 (consideration as to listing) of the...
28. Proceedings before the Court of Session or the sheriff in...

SCHEDULE 2 — FINANCIAL SERVICES

PART 1 — Decisions referred to at Articles 3(b) and 5(c)

1. Any decision by the Financial Services Authority—
2. Any decision by the scheme operator within the meaning of...
3. Any decision of the competent authority for listing—
4. Any decision of anyone who is specified in any of...
5. Any decision of anyone who is specified in paragraphs 8(1),...
6. Any decision of the Council of Lloyd's—
7. Any decision of a UK recognised investment exchange or UK...

PART 2 — Table referred to in Part 1 of this Schedule and in paragraph 7 of Schedule 3

SCHEDULE 3 — Exclusions of section 4(2)(a) & (b) of the Act and paragraph 4(2) & (3) of Schedule 3 to the Act

1. Application
2. Requirements to inform
3. Specified professions etc.
4. Child minding
5. Adoption and fostering
6. National security
7. Financial services
8. The National Lottery Commission
9. Registration of certain landlords
10. Public procurement
11. The Risk Management Authority
12. Access to information
13. Personnel suppliers
14. Non-solicitor investors in licensed legal services providers
15. Lay representatives

SCHEDULE 4 — EXCEPTED PROFESSIONS, OFFICES, EMPLOYMENTS AND OCCUPATIONS

PART 1 — Professions

1. Medical practitioner.

2. Advocate, solicitor.
3. Accountant.
4. Dentist or any profession complementary to dentistry for which a...
5. Veterinary surgeon.
6. Nurse or midwife.
7. Ophthalmic optician, dispensing optician.
8. Registered pharmacist.
9. Registered pharmacy technician.
10. Registered teacher.
11. Any profession to which the Health Professions Order 2001 applies...
12. Registered osteopath.
13. Registered chiropractor.
14. Actuary.
15. Registered European lawyer, registered foreign lawyer.
16. Social worker.
17. Social service worker.

PART 2 — Offices and employments

1. Judicial appointments.
2. Prosecutors, officers assisting prosecutors, and officers assisting in the work...
3. Signing justices, and their clerks and assistants.
4. Clerks (including depute and assistant clerks) and officers of the...
5. Precognition agents.
6. Constables, police custody and security officers, persons appointed as police...
7. Any office, employment or work which is concerned with the...
8. Traffic wardens appointed under or in accordance with section 95...
9. Any employment or work which is concerned with the provision...
10. Any employment or work which is concerned with the provision...
11. Any regulated work with children.
12. Any employment or work in the Scottish Society for the...
13. Any office, employment or work in the Serious Fraud Office...
14. Any office, employment or work in the Serious Organised Crime...
15. Any office, employment or work in Her Majesty's Revenue and...
16. Any employment which is concerned with the monitoring, for the...
17. Any office or employment in the Scottish Social Services Council...
18. Her Majesty's Inspectors, or any person appointed by the Scottish...
19. The Principal Reporter or officers appointed under section 128(5) of...
20. Members of a panel established by virtue of section 101(1)...
21. Any office or employment in the Risk Management Authority.
22. Any office or employment in the Scottish Criminal Cases Review...
23. Any office or employment in a relevant authority as defined...
24. Any employment or work in a body concerned primarily with...
25. Any regulated work with adults.
26. Members mentioned in section 35(4)(c) of the Judiciary and Courts...
27. Members mentioned in section 12A(4)(d) of the Sheriff Court (Scotland)...
28. Lay members of the Judicial Appointments Board for Scotland appointed...
29. Non-judicial members of the Scottish Court Service mentioned in paragraph...
30. Any office or employment in Social Care and Social Work...
31. Any office or employment in the General Teaching Council for...
32. A Head of Practice or a member of a Practice...

PART 3 — Occupations

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1. Firearms dealer.
2. Any occupation in respect of which an application to the...
3. Any occupation which is concerned with the management of a...
4. Any occupation in respect of which the holder is required...
5. Taxi driver or private hire driver.
6. Any occupation in respect of which an application to the...
7. Any occupation which is concerned with visiting persons detained in...
8. Any occupation in respect of which a licence or registration...

SCHEDULE 5 — REVOCATIONS

Explanatory Note