
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2020

Amendment of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013

2.—(1) The 2013 Order is amended in accordance with paragraphs (2) to (6).

(2) In article 3(2)(a) (exclusion of section 4(1) of the Rehabilitation of Offenders Act 1974), omit “2, ”.

(3) In article 4(3) (exclusion of section 4(2)(a) and (b) of the Rehabilitation of Offenders Act 1974)—

(a) omit “or” after sub-paragraph (b),

(b) after sub-paragraph (b), insert—

“(ba) any question put to assess the suitability of a person for an office or employment mentioned in paragraph 6 of Part 2 of schedule 4, or”.

(4) For article 5(3) (exceptions from section 4(3) of the Rehabilitation of Offenders Act 1974) substitute—

“(3) Paragraph (2) does not apply in relation to—

(a) an office or employment mentioned in paragraph 6 of Part 2 of schedule 4, or

(b) an occupation listed in paragraph 1 or 4 of Part 3 of schedule 4.”.

(5) After article 5, insert—

“Exclusion of paragraphs 3 and 4(2) and (3), and exception from paragraph 5(2), of schedule 3 of the Act

5A.—(1) The application of paragraph 3 of schedule 3 of the Act is excluded in relation to proceedings specified in paragraph 2 of schedule 1.

(2) The application of paragraph 4(2) and (3) of schedule 3 of the Act is excluded in relation to any question put to assess the suitability of a person for an office or employment mentioned in paragraph 6 of Part 2 of schedule 4.

(3) There is excepted from the provisions of paragraph 5(2) of schedule 3 of the Act any office or employment mentioned in paragraph 6 of Part 2 of schedule 4.

(4) Paragraphs (1), (2) and (3) do not apply in relation to an alternative to prosecution, or to any ancillary circumstances, given to a person when that person was under the age of 18.”.

(6) In Part 2 of schedule 4 (excepted offices and employments), for paragraph 6 substitute—

“**6.** Constables, police custody and security officers, persons appointed as police cadets to undergo training with a view to becoming constables and naval, military and air force police.

6A. Persons employed for the purposes of a police force established under any enactment and persons appointed to assist in the carrying out of police functions.”.