
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 329

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015

Amendment of article 4

4.—(1) Article 4 of the 2013 Order (exclusion of section 4(2)(a) and (b) of the Act) is amended as follows.

(2) The existing text becomes paragraph (1).

(3) After that paragraph insert—

“(2) But the application of section 4(2)(a) and (b) of the Act is not excluded in relation to any question relating to a spent conviction, or any circumstances ancillary to that conviction, if that conviction is—

(a) a protected conviction; or

(b) a conviction for an offence listed in Schedule B1 which—

(i) is not a protected conviction; and

(ii) is not included in a higher level disclosure sent in connection with the purpose for which the question is put.

(3) Paragraph (2) does not apply to—

(a) any question put to assess the suitability of a person to hold—

(i) any certificate or permit mentioned in paragraph 3(3)(a) of Schedule 3;

(ii) a certificate mentioned in paragraph 3(3)(c) of that Schedule;

(iii) a licence mentioned in paragraph 3(3)(ca)(1) of that Schedule;

(b) any question mentioned in paragraph 6(1) of Schedule 3; or

(c) any question put to assess the suitability of a person to hold an occupation mentioned in paragraph 1 or 4 of Part 3 of Schedule 4.

(4) If a spent conviction for an offence listed in Schedule B1 is included in a higher level disclosure, the application of section 4(2)(a) and (b) of the Act is not excluded in relation to any failure to disclose that conviction, or any circumstances ancillary to that conviction, which occurred before that higher level disclosure was sent.”.