
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 329

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

Amendment of article 5

5.—(1) Article 5 of the 2013 Order (exceptions from section 4(3) of the Act) is amended as follows.

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

(3) After that paragraph insert—

“(2) But the exceptions in paragraph (1)(a) and (c) do not apply in relation 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 profession, office, employment, occupation, decision or proposed decision to which the exception would otherwise apply.

(3) Paragraph (2) does not apply in relation to an occupation listed 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 exceptions in paragraph (1)(a) and (c) do not apply to any failure to disclose that conviction, or any circumstances ancillary to that conviction, which occurred before that higher level disclosure was sent.”.