
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (“the 2013 Order”) to make provision for vetting checks in relation to individuals who are seeking to provide accommodation to Ukrainian nationals and their immediate family members.

The 2013 Order disapplies certain provisions of the Rehabilitation of Offenders Act 1974 (“the 1974 Act”) which would otherwise prevent a person from having to disclose a spent conviction and protect that person from being prejudiced by that conviction or any failure to disclose it. The general effect of the disapplication of certain provisions is that, in specified circumstances, questions about spent convictions are permitted to be asked in order to assess a person’s suitability for admission to certain professions or occupations or to hold certain offices, types of employment, licences or permits.

Section 4(2)(a) and (b) of the 1974 Act (which relates to questions asked about criminal convictions otherwise than in the course of judicial proceedings) is excluded in relation to questions put in the various circumstances specified in schedule 3 of the 2013 Order. The questions to which schedule 3 applies include questions on the assessment of a person’s suitability for various professions, offices, employments, occupations or to hold certain licences, certificates or permits.

Article 2(2) of this Order modifies schedule 3 of the 2013 Order so as to add any question asked to assess the suitability of a person who is seeking to provide accommodation to a Ukrainian national, or the immediate family member of a Ukrainian national, and who has left Ukraine in connection with the Russian invasion that took place on 24 February 2022, in specified circumstances. Those circumstances being that (a) the question relates to the person being assessed and that person also resides in the accommodation being provided and (b) the question relates to a person over the age of 16 who resides also in the accommodation being provided.