

*Draft Order laid before Parliament under section 10(2) of the Rehabilitation of Offenders Act 1974,
for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2023 No.

**REHABILITATION OF OFFENDERS,
ENGLAND AND WALES**

**The Rehabilitation of Offenders Act 1974 (Exceptions)
(Amendment) (England and Wales) Order 2023**

*Made - - - - - ***
Coming into force in accordance with article 1(2)*

The Secretary of State, in exercise of the powers conferred by sections 4(4) and 10(1) of, and paragraph 4 of Schedule 2 to, the Rehabilitation of Offenders Act 1974(1), makes the following Order.

In accordance with section 10(2) of that Act, a draft of the instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2023 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales only.

Amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

2.—(1) Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(2) is amended as follows.

(2) In part 1 (professions), after paragraph 18, insert—

“19. Chartered management accountant.

20. Notary public of England and Wales.”.

(1) [1974 c. 53](#). Schedule 2 of the Rehabilitation of Offenders Act 1974 was inserted by paragraph 6 of Schedule 10 to the Criminal Justice and Immigration Act 2008 (c. 4).

(2) [S.I. 1975/1023](#). Relevant amending instruments are [S.I. 2006/2143](#), [2009/1818](#), [2012/3006](#) and [2014/1707](#). There are other amendments to Parts 1, 2 and 4 of Schedule 1, but none is relevant.

- (3) In part 2 (offices, employments and work), after paragraph 43(3), insert—
- “45. Fire and rescue authority employees.
46. Justice system intermediaries who are commissioned on behalf of His Majesty’s Government through an approved scheme or contracted service in force, such as the Ministry of Justice Witness Intermediary Scheme or His Majesty’s Courts and Tribunals Service Appointed Intermediary Services.”.
- (4) In part 4 (interpretation)—
- (a) after the definition of “chartered legal executive” insert—
- ““chartered management accountant” means a member, registered student or affiliate of the Chartered Institute of Management Accountants;”;
- (b) after the definition of “court security officers” insert—
- ““fire and rescue authority” has the meaning given by section 1 of the Fire and Rescue Services Act 2004;”;
- (c) after the definition of “members of the judiciary” insert—
- ““notary public of England and Wales” means a notary who is appointed by the Court of Faculties of the Archbishop of Canterbury in accordance with rules made by the Master of the Faculties;”;
- (d) after the definition of “judicial appointment” insert—
- ““justice system intermediary” means a person acting as an impartial communication specialist for vulnerable people, with respect to or in connection with the justice system, who provides assistance with communication needs and helps enable effective participation in proceedings;”;
- (e) omit the definitions of “proprietor” and “independent school”.

Date

Name
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (“the 1975 Order”).

The 1975 Order disapplies specified provisions of the Rehabilitation of Offenders Act 1974 (“the 1974 Act”) which would otherwise prevent a person from having to disclose a spent conviction or caution and protect that person from being prejudiced by that conviction or caution or any failure to disclose it.

Article 2 of this Order amends Schedule 1 to the 1975 Order by adding new paragraphs to Part 1 (professions) to cover chartered management accountants and notaries public of England and Wales and Part 2 (offices, employment and work) to cover fire and rescue authority employees, and specified justice system intermediaries. These amendments mean that a person’s spent convictions and cautions may be taken into account when assessing a person’s suitability to engage in such work.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.