

SCHEDULES

SCHEDULE 14

Section 189.

RESTRICTION OF REHABILITATION OF OFFENDERS ACT 1974

PART I

EXEMPTED PROCEEDINGS

- 1 Any proceedings with respect to a decision or proposed decision of the Secretary of State or a designated agency—
 - (a) refusing, withdrawing or suspending an authorisation ;
 - (b) refusing an application under section 28(5) of this Act;
 - (c) giving a direction under section 59 of this Act or refusing an application for consent or for the variation of a consent under that section ;
 - (d) exercising a power under Chapter VI of Part I of this Act or refusing an application for the rescission or variation of a prohibition or requirement imposed under that Chapter;
 - (e) refusing to make or revoking an order declaring a collective investment scheme to be an authorised unit trust scheme or a recognised scheme.
- 2 Any proceedings with respect to a decision or proposed decision of a recognised self-regulating organisation—
 - (a) refusing or suspending a person's membership of the organisation ;
 - (b) expelling a member of the organisation;
 - (c) exercising a power of the organisation for purposes corresponding to those of Chapter VI of Part I of this Act.
- 3 (1) Any proceedings with respect to a decision or proposed decision of a recognised professional body—
 - (a) refusing or suspending a person's membership of the body;
 - (b) expelling a member of the body.

(2) Any proceedings with respect to a decision or proposed decision of a recognised professional body or of any other body or person having functions in respect of the enforcement of the recognised professional body's rules relating to the carrying on of investment business—

 - (a) exercising a power for purposes corresponding to those of Chapter VI of Part I of this Act;
 - (b) refusing, suspending or withdrawing a certificate issued for the purposes of Part I of this Act.
- 4 Any proceedings with respect to a decision or proposed decision of the competent authority under Part IV of this Act refusing an application for listing or to discontinue or suspend the listing of any securities.

Status: This is the original version (as it was originally enacted).

- 5 Any proceedings with respect to a decision or proposed decision of the Chief Registrar of friendly societies, the Registrar of Friendly Societies for Northern Ireland or a transferee body, exercising a power exercisable by virtue of paragraph 23 of Schedule 11 to this Act or refusing an application for the rescission or variation of a prohibition or requirement imposed in the exercise of such a power.
- 6 Any proceedings with respect to a decision or proposed decision of a recognised self-regulating organisation for friendly societies—
- (a) refusing or suspending a society's membership of the organisation;
 - (b) expelling a member of the organisation ;
 - (c) exercising a power of the organisation for purposes corresponding to those for which powers are exercisable by the Registrar by virtue of paragraph 23 of Schedule 11 to this Act.

PART II

EXEMPTED QUESTIONS

Person putting question	Individual to whom question relates
1. The Secretary of State or a designated agency.	<ul style="list-style-type: none"> (a) An authorised person. (b) An applicant for authorisation under section 26 of this Act. (c) A person whose authorisation is suspended. (d) The operator or trustee of a recognised scheme or a collective investment scheme in respect of which a notice has been given by the operator under section 87(3) or an application made under section 88 of this Act. (e) An individual who is an associate of a person (whether or not an individual) described in paragraph (a), (b), (c) or (d) above.
2. A recognised self-regulating organisation or recognised professional body.	<ul style="list-style-type: none"> (a) A member of the organisation or body. (b) An applicant for membership of the organisation or body. (c) A person whose membership of the organisation or body is suspended. (d) An individual who is an associate of a person (whether or not an individual) described in paragraph (a), (b) or (c) above.
3. A recognised professional body.	<ul style="list-style-type: none"> (a) A person certified by the body. (b) An applicant for certification by the body. (c) A person whose certification by the body is suspended. (d) An individual who is an associate of a person (whether or not an individual)

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Person putting question	Individual to whom question relates
4. A person (whether or not an individual) described in paragraph 1 (a), (b), (c) or (d), paragraph 2(a), (b) or (c) or paragraph 3(a), (b) or (c) above.	described in paragraph (a), (b) or (c) above. An individual who is or is seeking to become an associate of the person in column 1.
5. The competent authority or any other person.	An individual from or in respect of whom information is sought in connection with an application for listing under Part IV of this Act
6. The competent authority.	An individual who is or is seeking to become an associate of the issuer of securities listed under Part IV of this Act and from or in respect of whom information is sought which the issuer of the securities is required to furnish under listing rules.
7. The Chief Registrar of friendly societies, the Registrar of Friendly Societies for Northern Ireland or a transferee body.	An individual who is an associate of a society which is authorised under section 23 of this Act.
8. A recognised self-regulating organisation for friendly societies.	An individual who is an associate of a member or an applicant for membership of the organisation or of a society whose membership of the organisation is suspended.

PART III

EXEMPTED ACTIONS

<i>Person taking action</i>	<i>Exempted action</i>
1. The Secretary of State, a designated agency, a recognised self-regulating organisation, a recognised professional body, any other body or person mentioned in paragraph 3(2) of Part I of this Schedule or the competent authority.	Any such decision or proposed decision as is mentioned in Part I of this Schedule.
2. A person (whether or not an individual) described in paragraph 1(a), (b), (c) or (d), paragraph 2(a), (b) or (c) or paragraph 3(a), (b) or (c) of Part II of this Schedule.	Dismissing or excluding an individual from being or becoming an associate of the person in column 1.
3. The issuer of securities listed or subject to an application for listing under Part IV of this Act.	Dismissing or excluding an individual from being or becoming an associate of the issuer.
4. The Chief Registrar of friendly societies, the Registrar of Friendly Societies for Northern Ireland, a transferee body or a	Any such decision or proposed decision as is mentioned in Part I of this Schedule.

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<i>Person taking action</i>	<i>Exempted action</i>
recognised self-regulating organisation for friendly societies.	

PART IV

SUPPLEMENTAL

- 1 In Part I of this Schedule "proceedings" includes any proceedings within the meaning of section 4 of the Rehabilitation of Offenders Act 1974.
- 2 In Parts II and III of this Schedule—
 - (a) references to an applicant for authorisation, membership or certification are references to an applicant who has not yet been informed of the decision on his application;
 - (b) references to an application for listing under Part IV of this Act are references to an application the decision on which has not yet been communicated to the applicant and which is not taken by virtue of section 144(5) of this Act to have been refused.
- 3 Paragraph 1(d) of Part II of this Schedule and so much of paragraph 1(e) as relates to it—
 - (a) apply only if the question is put to elicit information for the purpose of determining whether the operator or trustee is a fit and proper person to act as operator or trustee of the scheme in question ;
 - (b) apply in the case of a scheme in respect of which a notice has been given under subsection (3) of section 87 only until the end of the period within which the operator may receive a notification from the Secretary of State under that subsection or, if earlier, the receipt by him of such a notification;
 - (c) apply in the case of a scheme in respect of which an application has been made under section 88 only until the applicant has been informed of the decision on the application.