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STATUTORY INSTRUMENTS

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1986 No. 1249

**REHABILITATION OF OFFENDERS**

**The Rehabilitation of Offenders Act 1974  
(Exceptions) (Amendment) Order 1986**

*Laid before Parliament in draft*

*Made* - - - - - 17th July 1986

*Coming into Operation* 18th July 1986

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by section 4(4) of the Rehabilitation of Offenders Act 1974(a), I hereby make the following Order:—

1. This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1986 and shall come into operation on 18th July 1986.

2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(b) shall have effect subject to the amendments specified in the Schedule to this Order.

Home Office.  
17th July 1986.

*Douglas Hurd,*  
One of Her Majesty's Principal  
Secretaries of State.

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(a) 1974 c. 53.

(b) S.I. 1975/1023.

SCHEDULE

Article 2

AMENDMENTS TO THE REHABILITATION OF OFFENDERS ACT 1974  
(EXCEPTIONS) ORDER 1975

1. At the end of paragraph (a) of Article 3 there shall be inserted the following paragraph:—

“(aa) any question asked by or on behalf of any person, in the course of the duties of his office or employment, in order to assess the suitability of another person for any office or employment specified in paragraph 14 of Part II of the said Schedule 1 or the suitability of another person to be concerned, otherwise than in the course of the duties of his office or employment, with such provision as is mentioned in that paragraph, if—

- (i) the question relates to that other person and the said provision would normally enable that other person to have access to the persons referred to in that paragraph; or
- (ii) the question relates to a person who lives in the same household as that other person and the said provision would normally take place in that household,

where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;”.

2. In Part II of Schedule 1 paragraphs 10 and 11 and the words “under the age of 18 or” in paragraph 12(a) shall be omitted.

3. For paragraphs 14 and 15 there shall be substituted the following paragraph:—

“14. Any office or employment concerned with the provision to persons aged under 18 of accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training, being an office or employment of such a kind as to enable the holder to have access in the course of his normal duties to such persons, and any other office or employment the normal duties of which are carried out wholly or partly on the premises where such provision takes place.”.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

Section 4(2) of the Rehabilitation of Offenders Act 1974 makes provision for questions concerning a person's previous convictions to be treated as not relating to spent convictions. Section 4(3)(b) of that Act further provides that a spent conviction or any failure to disclose a spent conviction shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment or for prejudicing him in any way in any occupation or employment.

By virtue of Articles 3 and 4 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 neither section 4(2) nor section 4(3)(b) applies to certain offices and employment listed in Part II of Schedule 1 to the Order. This Order amends the 1975 Order in two respects.

First, it substitutes for a number of specific exceptions mentioned in Part I of that Schedule a general exception covering any office or employment concerned with the provision to persons aged under 18 of accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training, being an office or employment of such a kind as to enable the holder to have access in the course of his normal duties to such persons, and any other office or employment the normal duties of which are carried out wholly or partly on the premises where such provision takes place.

Second, it provides that section 4(2) shall not apply where a question is asked in order to assess the suitability of a person for any office or employment covered by the new general exception or a person's suitability to be concerned, otherwise than in the course of any office or employment, with such provision as is covered by that exception, if the question relates to that person and the provision would normally allow that person to have access to persons aged under 18 or if the question relates to someone who lives in the same household as that person and the provision would normally take place in that household.

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