

**2014 No. 174**

**REHABILITATION OF OFFENDERS**

**The Rehabilitation of Offenders (Exceptions) (Amendment)  
(No. 2) Order (Northern Ireland) 2014**

*Made* - - - - *16th June 2014*

*Coming into operation* - *1st August 2014*

The Department of Justice makes the following Order in exercise of the powers conferred by Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(a).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) (No. 2) Order (Northern Ireland) 2014 and shall come into operation on 1st August 2014.

(2) In this Order “the 1979 Order” means the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(b).

**Amendment of the 1979 Order**

2. The 1979 Order is amended in accordance with the following provisions of this Order.

**Amendment of Article 2**

3. In article 2(e), in the table at the end insert —

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“17.	A director or manager responsible for the management of the electronic money or payment services business of an electronic money institution.	The FCA
18.	A controller of an electronic money institution.	The FCA
19.	A director or a person responsible for the management of an authorised payment institution or a small payment institution.	The FCA
20.	A person for the management of payment services provided, or to be provided, by an authorised payment institution or a small payment institution.	The FCA
21.	A controller of an authorised payment institution or a small payment institution.	The FCA”

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(a) S.I. 1978/1908 (N.I. 27); Article 4(1) of and paragraph 6 of Schedule 1 to S.I. 2010/976 transferred the Order making powers of the Secretary of State to the Department of Justice.

(b) S.R. 1979 No. 195; relevant amending Orders are S.R. 1987 No. 393, S.R. 2001/No. 248, S.R. 2001 No. 400, S.R. 2003 No. 355, S.R. 2006 No. 425, S.R. 2009 No. 173, S.R. 2009 No.303, S.R. 2012 No. 318 and S.R. 2014 No. 27

### **Amendment of Article 3**

4. In Article 3(d) omit the sub-paragraphs after sub-paragraph (xii) and insert—

- “(xiii) to refuse an application for registration as an authorised electronic money institution or a small electronic money institution under the Electronic Money Regulations 2011,
- (xiv) to vary or cancel such registration (or to refuse to vary or cancel such registration) or to impose a requirement under regulation 7 of those regulations,
- (xv) to refuse an application for registration as an authorised payment institution or a small payment institution under the Payment Services Regulations 2009,
- (xvi) to vary or cancel such registration (or to refuse to vary or cancel such registration) or to impose a requirement under regulation 7 of those Regulations,
- (xvii) in a case requiring any decision referred to in paragraphs (i) to (xvi), where the FCA, the PRA or the Bank of England has the function of deciding whether to give consent or conditional consent in relation to the decision which is proposed in that case, to give or refuse to give consent or to give conditional consent, or
- (xviii) in a case requiring any decision referred to in paragraphs (i) to (xvi), where the FCA, the PRA or the Bank of England has the power under the 2000 Act to direct another regulator as to the decision to be taken in that case, to decide whether to give a direction and, if a direction is to be given, what direction to give.”.

Sealed with the Official Seal of the Department of Justice on 16th June 2014.



*David Ford*  
Minister of Justice

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Rehabilitation of Offenders (Exceptions) Order 1979 (“the 1979 Order”). The 1979 Order disapplies specified provisions of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the 1978 Order”) to allow questions to be asked about spent convictions in order to assess a person’s suitability for admission to certain occupations or to hold certain types of employment, licences or permits. It also allows spent convictions, or a failure to disclose them, to be grounds for excluding a person from these occupations or for making decisions in relation to those types of employments, licences and permits.

Articles 3 and 4 of this Order update the 1979 Order to permit the Financial Conduct Authority to take spent convictions into account when exercising certain functions under the Payment Services Regulations 2009 (S.I. 2009 No. 209) and the Electronic Money Regulations 2011 (S.I. 2011 No. 99) relating to payment institutions and electronic money institutions.

These functions were previously included in the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012 No. 318) but consequential amendments arising from The Financial Services Act 2012 (2012 c. 21) that were contained in The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013 No. 472) inadvertently omitted these functions from the substituted text to be inserted into the 1979 Order.

Articles 3 and 4 correct this oversight by re-instating the omitted text to ensure that the Financial Conduct Authority can operate consistently across all jurisdictions of the United Kingdom.

This Order comes into operation on 1st August 2014.

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STATUTORY RULES OF NORTHERN IRELAND

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