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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2007 No.**

**The Rehabilitation of Offenders Act 1974 (Exclusions  
and Exceptions) (Scotland) Amendment Order 2007**

**Amendment of Schedule 3**

**4.** In Schedule 3—

- (a) in paragraph 2, after the definition of “adopt” insert—
  - ““contracting authority” means a contracting authority within the meaning of Article 1(9) of Directive [2004/18/EC](#);
  - “contracting entity” means a contracting entity within the meaning of Article 2(2) of Directive [2004/17/EC](#);
  - “Directive [2004/17/EC](#)” means Directive [2004/17/EC](#) of the European Parliament and of the Council of 31st March 2004(1);
  - “Directive [2004/18/EC](#)” means Directive [2004/18/EC](#) of the European Parliament and of the Council of 31st March 2004(2);”;
- (b) in paragraph 4(3), for “paragraph (d)” substitute “sub paragraph (1)(d)”;
- (c) for paragraph 4(3)(c) and the word “or” immediately preceding it, substitute—
  - “(c) explosives certificates issued by a chief officer of police pursuant to regulation 4 of the Control of Explosives Regulations 1991 as to the fitness of a person to acquire or acquire and keep explosives; or
  - (d) licences granted under section 8 of the Private Security Industry Act 2001.”; and
- (d) after paragraph 10(3) insert—

**“Public procurement**

**11.** Any question asked by or on behalf of a contracting authority or contracting entity in relation to a conviction within the meaning of regulation 23(1) of the Public Contracts (Scotland) Regulations 2006 which is a spent conviction (or any circumstances ancillary to such a conviction) for the purpose of determining whether or not to treat a person as ineligible:

- (i) for the purposes of regulation 23 of the Public Contracts (Scotland) Regulations 2006(4) or regulation 26 of the Utilities Contracts (Scotland) Regulations 2006(5); or
- (ii) to participate in a design contest for the purposes of regulation 33 of the Public Contracts (Scotland) Regulations 2006 or regulation 34 of the Utilities Contracts (Scotland) Regulations 2006,

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(1) O.J. No. L 134, 30.4.2004, p.1.  
(2) O.J. No. L 134, 30.4.2004, p.114.  
(3) Paragraph 10 was inserted by [S.S.I. 2006/194](#).  
(4) [S.S.I. 2006/1](#).  
(5) [S.S.I. 2006/2](#).

where the person questioned is informed at the time the question is asked that, by virtue of this Order, convictions within the meaning of regulation 23(1) of the Public Contracts (Scotland) Regulations 2006 which are spent convictions are to be disclosed.

**The Risk Management Authority**

**12.** Any question asked by or on behalf of the Risk Management Authority in carrying out its functions in relation to risk management plans under the Criminal Justice (Scotland) Act 2003.”.