
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Rehabilitation of Offenders Act 1974 (Exceptions)
(Amendment) (England and Wales) Order 2010**

New article 3A: work in controlled activity

3. After article 3 insert the following new article—

“**3A.**—(1) Neither section 4(2) of, nor paragraph 3(3) of Schedule 2 to, the Act applies to a question to which paragraph (2) or (3) applies.

(2) This paragraph applies to any question asked by or on behalf of any person (“A”), in the course of the duties of A’s office or employment, in order to assess the suitability of the person to whom the question relates (“B”) for any work which is a controlled activity relating to children within the meaning of section 21 of the 2006 Act⁽¹⁾, where the person questioned is told at the time the question is asked, that by virtue of this Order, spent convictions are to be disclosed but only if that person knows that B—

- (a) is a person barred from regulated activity relating to children within the meaning of section 3(2) of the 2006 Act;
- (b) is included in the list kept under section 1 of the Protection of Children Act 1999⁽²⁾; or
- (c) is subject to a direction made under section 142 of the Education Act 2002⁽³⁾.

(3) This paragraph applies to any question asked by or on behalf of any person (“A”), in the course of the duties of A’s office or employment, in order to assess the suitability of the person to whom the question relates (“B”) for any work which is a controlled activity relating to vulnerable adults within the meaning of section 22 of the 2006 Act, where the person questioned is told at the time the question is asked, that by virtue of this Order, spent convictions are to be disclosed but only if that person knows that B—

- (a) is a person barred from regulated activity relating to vulnerable adults within the meaning of section 3(3) of the 2006 Act; or
- (b) is included in the list kept under section 81 of the Care Standards Act 2000⁽⁴⁾.”

(1) The 2006 Act is defined in the 1975 Order as meaning the [Safeguarding Vulnerable Groups Act 2006 \(c.47\)](#).
(2) [1999 c. 14](#). Section 1 was repealed by paragraph 8 of Schedule 9 to the 2006 Act. [S.I. 2009/2611](#) brought that repeal into force on 12 October 2009 with transitional and saving provisions.
(3) [2002 c. 32](#). Section 142 was repealed by Schedule 10 to the 2006 Act. [S.I. 2009/2611](#) brought that repeal into force on 12 October 2009 with transitional and saving provisions.
(4) [2000 c. 14](#). Section 81 was repealed by paragraph 9 of Schedule 9 to the 2006 Act. [S.I. 2009/2611](#) brought that repeal into force on 12 October 2009 with transitional and saving provisions.