
EXPLANATORY NOTE

(This Note is not part of the Order)

Section 4(1) of the Rehabilitation of Offenders Act 1974 provides that a rehabilitated person is to be treated in law as a person who has not been convicted of any spent convictions. Subsection (2) of that section makes provision for questions concerning a person's previous convictions to be treated as not relating to spent convictions and subsection (3)(b) 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.

The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 makes certain exceptions to these provisions. This Order amends the 1975 Order in a number of respects.

Firstly, it provides that subsection (2) shall not apply in specified circumstances to questions relating to certain offences (referred to in the Order as "relevant offences") put by or on behalf of the Building Societies Commission ("the Commission") or building societies. Secondly, it provides that subsection (3)(d) shall not apply to certain specified actions taken by the Commission in relation to building societies or to the dismissal or exclusion by a building society of a person from his office by reason of a spent conviction for a relevant offence. Thirdly, it provides that section 4(1) shall not apply to certain specified proceedings before the Commission or to any proceedings by way of appeal against, or review of, any decision taken by the Commission to the extent that those proceedings raise issues relating to a spent conviction for a relevant offence.

Finally, the Order makes amendments consequential upon the coming into force of section 189 of, and Schedule 14 to, the Financial Services Act 1986 (which makes its own provision in relation to exceptions to be made to the Rehabilitation of Offenders Act 1974 in the context of the provision of financial services).