

SCHEDULE

Article 2(1)

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

1. For paragraphs (1) and (2) of Article 2 there shall be substituted the following paragraphs:—

“2.—(1) In this Order, except where the context otherwise requires—

“the Act” means the Rehabilitation of Offenders Act 1974;

“the Building Societies Commission” means the Building Societies Commission established by section 1 of the Building Societies Act 1986(1);

“relevant offence” means

(a) an offence involving fraud or other dishonesty; or

(b) an offence under legislation (whether or not of the United Kingdom) relating to building societies, companies (including insider dealing), industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection;

the expressions “authorisation”, “building society” and “officer” have the meanings respectively given to them by section 119(1) of the Building Societies Act 1986.

(2) Where, by virtue of this Order, the operation of any of the provisions of the Act is excluded in relation to spent convictions the exclusion shall be taken to extend to spent convictions for offences of every description unless the said provisions are excluded only in relation to spent convictions for relevant offences.”.

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

“(ab) any question relating to a relevant offence which is put by or on behalf of the Building Societies Commission or a building society in order to assess the suitability of the person to whom the question relates to be a director or other officer of a building society, whether or not that individual is the person questioned and where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions for any relevant offence are to be disclosed;”.

3. At the end of Article 4 there shall be inserted the following words:—

“(d) any of the following, that is to say—

(i) the refusal by the Building Societies Commission to grant authorisation;

(ii) the revocation by the said Commission of a building society’s authorisation;

(iii) the imposition by the said Commission of conditions on its authorisation;

(iv) the dismissal or exclusion by a building society of a person from a position as an officer in a building society;

by reason, or partly by reason, of a spent conviction of an individual for a relevant offence, or of any circumstances ancillary to such a conviction or of a failure (whether or not by that individual) to disclose such a conviction or any such circumstances.”.

4. For Article 5 there shall be substituted the following Article:—

“5.—(1) Section 4(1) of the Act shall not

(a) apply in relation to any proceedings specified in Schedule 3 to this Order;

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- (b) apply in relation to any proceedings specified in paragraph (2) below to the extent that there falls to be determined therein any issue relating to a person's spent conviction for any relevant offence or to circumstances ancillary thereto;
 - (c) prevent, in any proceedings specified in paragraph (2) below, the admission or requirement of any evidence relating to a person's spent conviction for any relevant offence or to circumstances ancillary thereto.
- (2) The proceedings referred to in paragraph (1) above are—
- (a) any proceedings before the Building Societies Commission—
 - (i) on an application for authorisation;
 - (ii) for the revocation of authorisation, or
 - (iii) for the imposition of conditions on authorisations, as to the conditions imposed or as to their revocation; and
 - (b) any proceedings by way of appeal against, or review of, any decision taken by the said Commission following any proceedings falling within sub-paragraph (a) above.”.