
STATUTORY INSTRUMENTS

2002 No. 441

**The Rehabilitation of Offenders Act 1974
(Exceptions) (Amendment) Order 2002**

Amendment of article 3

- 3.—**(1) In article 3(a)(ii) after the word “paragraph” there shall be inserted the words “12 or”.
- (2) In article 3(b) the words “the Civil Aviation Authority,” shall be deleted.
- (3) After article 3(b) there shall be inserted:
- “**(bb)** any question asked by or on behalf of
- (i) the Civil Aviation Authority,
- (ii) any other person authorised to provide air traffic services under section 4 or section 5 of the Transport Act 2000⁽¹⁾ (in any case where such person is a company, an “authorised company”),
- (iii) any company which is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985⁽²⁾) of an authorised company, or
- (iv) any company of which an authorised company is a subsidiary,
- where, in the case of sub-paragraphs (iii) and (iv) of this paragraph the question is put in relation to the provision of air traffic services, and in all cases, where the question is put in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed for the purpose of safeguarding national security;”.
- (4) After article 3(g) there shall be inserted:
- “**(h)** any question asked by or on behalf of the National Lottery Commission for the purpose of determining whether to grant or revoke a licence under Part I of the National Lottery etc. Act 1993⁽³⁾ where the question relates to an individual—
- (i) who manages the business or any part of the business carried on under the licence (or who is likely to do so if the licence is granted), or
- (ii) for whose benefit that business is carried on (or is likely to be carried on if the licence is granted),
- and where the person to whom the question relates is informed at the time that the question is asked that, by virtue of this Order, spent convictions are to be disclosed.”.

(1) 2000 c. 38.
(2) 1985 c. 6.
(3) 1993 c. 39.