
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (“the 1975 Order”).

Article 3 of the 1975 Order provides exceptions to section 4(2) of the Rehabilitation of Offenders Act 1974 (“the Act”) (questions which relate to spent convictions). Article 3 of this Order updates the 1975 Order to enable the finance industry and the Financial Services Authority to consider all spent offences committed by individuals falling within the Order by deleting references to ‘relevant’ offences. Articles 4, 5 and 6 of this Order make similar amendments. Article 4 of this Order also excepts from the Act signatories to criminal records checks.

Articles 4(1) and 5(2) make consequential amendments to update the exception in article 3(a)(ii) and 4(b) of the 1975 Order in relation to references to ‘other work’ in Part II of Schedule 1 to the 1975 Order. The reference in articles 3(a)(ii) and 4(b) of the 1975 Order to paragraph 12 of Part II of Schedule 1 had become redundant following a previous amendment and is omitted.

Part II of Schedule 1 to the 1975 Order lists the offices, employments and work which are excepted from the provisions of the Act. Article 7 of this Order makes a number of additions to the list to include:-

- (a) People in the Department for Education and Skills, the Office for Standards in Education, Children’s Services and Skills or in the Government Offices for the English Regions working in sensitive posts relating to children or vulnerable adults.
- (b) Operators of ContactPoint, a database containing basic information about children in England aged up to 18 years.
- (c) Persons giving advice to children over the telephone or other form of electronic communication including the internet and mobile telephone text messaging.
- (d) The chairman, members, and members of staff of the Independent Barring Board. The Independent Barring Board has not yet been established at the date of coming into force of this Order, but this exception will apply for to prospective appointments to the Board.
- (e) Staff working within the Public Guardianship Office with access to data relating to children and vulnerable adults.
- (f) Commissioner for Older People in Wales, his deputy, and any person appointed by the Commissioner to assist him or authorised to discharge his functions on his behalf.
- (g) The Commissioners for the Gambling Commission and any office or employment in their service.
- (h) Individuals seeking authorisation from the Secretary of State at the Home Department to become Authorised Search Officers.
- (i) Anyone in employment where normal duties involve caring for, training, supervising, or being solely in charge of, persons aged under 18 serving in the Armed Forces and anyone in employment where normal duties include supervising personnel referred to above.

Part IV of Schedule 1 is amended by article 8 of this order, which inserts two definitions relevant to the amendments to Part II of Schedule 1.