Draft Order laid before Parliament under section 10(2) of the Rehabilitation of Offenders Act 1974, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by sections 4(4) and 10(1) of, and paragraph 4 of Schedule 2 to, the Rehabilitation of Offenders Act 1974(**1**), makes the following Order.

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 10(2) of that Act.

Citation, commencement and extent

1.—(1) This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012.

(2) This article and articles 2, 3, 6, 7, 8, 10(1), (4) and (5) and 11(1) and (3) come into force on the day after the day on which this Order is made.

(3) Articles 4 and 5 come into force on the day after the day on which this Order is made or, if later, the day on which section 213 of the Health and Social Care Act 2012(**2**) comes into force.

(4) Articles 9, 10(2) and (3) and 11(2) come into force on the day after the day on which this Order is made or, if later, the day on which sections 64 to 66 and 68 of the Protection of Freedoms Act 2012(**3**) come into force.

(5) This Order extends to England and Wales only.

(**1**) 1974 c. 53. Schedule 2 was inserted by the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 10, paragraph 6.
(**2**) 2012 c. 7.
(**3**) 2012 c. 9.

Amendments of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**4**) is amended as follows.

Police and crime commissioners

3. After article 4 insert—

"**4A.**—(1) Section 4(2) of the Act shall not apply to a question asked by or on behalf of any person, in the course of the duties of the person's office or employment, in order to assess whether the person to whom the question relates is disqualified by reason of section 66(3)(c) of the 2011 Act from being elected as, or being, a police and crime commissioner.

(2) Section 4(3)(a) of the Act shall not apply in relation to any obligation to disclose any matter if the obligation is imposed in order to assess whether a person is disqualified by reason of section 66(3)(c) of the 2011 Act from being elected as, or being, a police and crime commissioner.

(3) Section 4(3)(b) of the Act shall not apply in relation to the disqualification of a person from being elected as, or being, a police and crime commissioner under section 66(3)(c) of the 2011 Act.

(4) In this article—

"the 2011 Act" means the Police Reform and Social Responsibility Act 2011(**5**); and

"police and crime commissioner" means a police and crime commissioner established under section 1 of the 2011 Act."

Health care professionals

4. In article 2, omit the definition of "Council"(**6**).

5. In articles 3(i) and 4(k)(**7**), for "Council" substitute "Care Council for Wales".

6.—(1) Schedule 1 is amended as follows.

(2) In Part I—

(a) for paragraph 1 substitute—

"**1.** Health care professional.", and

(b) omit paragraphs 4(**8**), 6, 7(**9**), 8, 8A(**10**), 10(**11**), 11(**12**) and 12(**13**).

(3) In Part IV—

(a) after the definition of "head of legal practice of a licensed body" insert—

""health care professional" means a person who is a member of a profession regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002(**14**) (and for the

(**4**) S.I. 1975/1023.
(**5**) 2011 c. 13.
(**6**) The definition of "Council" was added by S.I. 2003/965.
(**7**) Articles 3(i) and 4(k) were added by S.I. 2003/965.
(**8**) Paragraph 4 was substituted by S.I. 2009/1182.
(**9**) Paragraph 7 was amended by S.I. 2005/848.
(**10**) Paragraphs 8 and 8A were substituted by S.I. 2007/289 and were saved by S.I. 2010/231.
(**11**) Paragraph 10 was amended by S.I. 2003/1590.
(**12**) Paragraph 11 was inserted by the Osteopaths Act 1993 (c. 21), section 39(2).
(**13**) Paragraph 12 was inserted by the Chiropractors Act 1994 (c. 17), section 40(2).
(**14**) 2002 c. 17. Section 25(3) has been amended by the Health and Social Care Act 2008 (c. 14), Schedule 10, paragraph 17, the Health and Social Care Act 2012, Schedule 15, Part 2, paragraph 56(b), and S.I. 2010/231.