Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 ISBN 978-0-11-152423-7*

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

2011 No. 000

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2011

Made - - - - ***

Coming into force in accordance with article 1(1)

The Secretary of State for Justice, in exercise of the powers conferred by sections 4(4), 7(4) and 10(1) of, and paragraphs 4 and 6(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 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 2011 and comes into force on the day after the day on which it is made.

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

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

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

(2) In article 2(1), at the appropriate places insert the following definitions—

""authorised payment institution" has the meaning given by regulation 2(1) of the Payment Services Regulations 2009(**3**);";

(**1**) 1974 c.53. Schedule 2 was inserted by Schedule 10 to the Criminal Justice and Immigration Act 2008 (c.4).
(**2**) S.I. 1975/1023.
(**3**) S.I. 2009/209.

""payment services" has the meaning given by regulation 2(1) of the Payment Services Regulations 2009;"; and

""small payment institution" has the meaning given by regulation 2(1) of the Payment Services Regulations 2009;".

(3) In article 3(g), in the table, at the end add(**4**)—

"**19**	**A director or a person responsible for the management of an authorised payment institution or a small payment institution.**	**The Financial Services Authority.**
20	**A person responsible for the management of payment services provided, or to be provided, by an authorised payment institution or a small payment institution.**	**The Financial Services Authority.**
21	A controller of an authorised payment institution or a small payment institution.	The Financial Services Authority."

(4) In article 4(d)(**5**)—

(a) at the end of subparagraph (xiii) omit "or";

(b) after subparagraph (xiv) insert—

"(xv) to refuse an application for registration as an authorised payment institution or a small payment institution under the Payment Services Regulations 2009, or

(xvi) to vary or cancel such registration (or to refuse to vary or cancel such registration) or to impose a requirement under regulation 7 of those Regulations,".

(5) In Part 3 of Schedule 1 (regulated occupations)(**6**), at the end add—

"**12.** A head of finance and administration of a licensed body.

13. A head of legal practice of a licensed body.".

(6) In Part 4 of Schedule 1 (interpretation)—

(a) in the definition of "actuary"(**7**), for "the Institute of Actuaries or a member or student of the Faculty of Actuaries" substitute "the Institute and Faculty of Actuaries";

(b) at the appropriate place insert the following definitions—

""head of finance and administration of a licensed body" means an individual who is designated as head of finance and administration and whose designation is approved in accordance with licensing rules made under section 83 of, and paragraphs 13 and 14 of Schedule 11 to, the Legal Services Act 2007(**8**);

"head of legal practice of a licensed body" means an individual who is designated as head of legal practice and whose designation is approved in accordance with licensing rules made under section 83 of, and paragraphs 11 and 12 of Schedule 11 to, the Legal Services Act 2007;".

(**4**) A relevant amending instrument is S.I. 2011/99.
(**5**) A relevant amending instrument is S.I. 2011/99.
(**6**) A relevant amending instrument is S.I. 2009/1818.
(**7**) S.I. 2002/441 inserted the definition of "actuary".
(**8**) 2007 c. 29.