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

2007 No.

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2007

Made - - - -	*2007*
Coming into force - -	*2007*

A draft of this Order has been laid before and approved by a resolution of each House of Parliament:

The Secretary of State, in exercise of the powers conferred on him by sections 4(4) and 10(1) of the Rehabilitation of Offenders Act 1974(**1**) makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2007 and comes into force on the day after the day on which it is made.

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

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

2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**3**) is amended in accordance with the following provisions of this Order.

Amendment of article 2

3.—(1) In article 2(1), omit the definition of "relevant offence".

(**1**) 1974 c.53.
(**2**) As regards Scotland, see the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2003 (S.I. 2003/415 (s.5)).
(**3**) S.I. 1975/1023, amended by S.I. 1986/1249, S.I. 1986/2268, S.I. 2001/1192, S.I. 2001/3816, S.I. 2002/441, S.I. 2003/965, S.I. 2006/2143, S.I. 2006/3290; and modified by S.I. 1994/1696. S.I. 1975/1023 is also amended by section 39 of the Osteopaths Act 1993 (c. 21) and section 40 of the Chiropractors Act 1994 (c. 17), both of which are prospectively repealed by section 133 of the Police Act 1997 (c. 50).

(2) In article 2(2) omit "unless the said provisions are excluded only in relation to spent convictions for relevant offences".

Amendment of article 3

4.—(1) In article 3(a)(ii) for "12, 13, 20 or 21" substitute "13, 14, 20, 21, 35, 36, 37, 40 or 43".

(2) In article 3(g) omit "for a relevant offence".

(3) In article 3(g)(i) omit "for relevant offences".

(4) After article 3(k) insert—

"(j) any question asked by the Secretary of State for the purpose of considering the suitability of an individual to have access to information released under sections 113A and 113B of the Police Act 1997(**4**).".

Amendment of article 4

5.—(1) In article 4, omit "for a relevant offence" in each place where it occurs.

(2) In article 4(b) for "12, 13, 20 or 21" substitute "13, 14, 20, 21, 35, 36, 37, 40 or 43".

Amendment of article 5

6. In article 5, omit "for any relevant offence" in each place where it occurs.

Amendments to Schedule 1

7. In Part II of Schedule 1, after paragraph 33 insert—

"**34.** People working in the Department for Education and Skills, the Office for Standards in Education, Children's Services and Skills(**5**) or in the Government Offices for the English Regions with access to sensitive or personal information about children or vulnerable adults.

35. Any office, employment or other work which is concerned with the establishment or operation of a database under section 12 of the Children Act 2004(**6**), and which is of such a kind as to enable the holder of that office or employment, or the person engaged in that work, to have access to information included in the database.

36. Any office, employment or other work which is of such a kind that the person is or may be permitted or required to be given access to a database under section 12 of the Children Act 2004.

37. Any work which is normally concerned with the provision of any form of information, advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other form of electronic communication including the internet and mobile telephone text messaging.

38. The chairman, other members, and members of staff (including any person seconded to serve as a member of staff) of the Independent Barring Board(**7**).

(**4**) 1997 c.50. Sections 113A and 113B were inserted by the Serious Organised Crime and Police Act 2005 (c.15), section 163(2).
(**5**) The Office for Standards in Education, Children's Services and Skills is established by section 112 of the Education and Inspections Act 2006 (c.40).
(**6**) 2004 c.31.
(**7**) The Independent Barring Board is established by section 1 of the Safeguarding Vulnerable Groups Act 2006 (c.47). Section 1 is not yet in force.