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

2003 No.

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2003

Made - - - -	*2003*
Coming into force - -	*2003*

The Secretary of State, in exercise of the powers conferred on him by sections 4(4), 7(4) and 10(1) of the Rehabilitation of Offenders Act 1974(**1**), hereby makes the following Order, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation, commencement and extent

1.—(1) This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2003 and shall come 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. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**2**) is amended in accordance with the following provisions of this Order.

Amendment of article 2

3. In article 2(1), insert in the appropriate alphabetical positions—

(a) ""Council" has the meaning given to it by section 54 of the Care Standards Act 2000(**3**);";

(**1**) 1974 c. 53.
(**2**) 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; 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the Osteopaths Act 1993 (c. 21) and section 40 of the Chiropractors Act 1994 (c. 17), both of which are prospectively repealed by section 133 of the Police Act 1997 (c. 50).
(**3**) 2000 c. 14.

(b) ""taxi driver licence" means a licence granted under—

(i) section 37 of the Town Police Clauses Act 1847(**4**);

(ii) section 8 of the Metropolitan Public Carriage Act 1869(**5**);

(iii) section 9 of the Plymouth City Council Act 1975(**6**);

(iv) section 51 of the Local Government (Miscellaneous Provisions) Act 1976; or

(v) section 13 of the Private Hire Vehicles (London) Act 1998(**7**);".

Amendment of article 3

4. In article 3(a)(ii), for the words "or 13", substitute ", 13, 20 or 21".

5. After article 3(h), add—

"(i) any question asked by or on behalf of the Council for the purpose of determining whether or not to grant an application for registration under Part IV of the Care Standards Act 2000, 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.".

Amendment of article 4

6. In article 4(b), for the words "or 13", substitute ", 13, 20 or 21".

7. After article 4(j), add—

"(k) any decision by the Council to refuse to grant an application for registration under Part IV of the Care Standards Act 2000 or to suspend, remove or refuse to restore a person's registration under that Part;

(l) any decision to refuse to grant a taxi driver licence, to grant such a licence subject to conditions or to suspend, revoke or refuse to renew such a licence;

(m) any decision by the Security Industry Authority to refuse to grant a licence under section 8 of the Private Security Industry Act 2001(**8**), to grant such a licence subject to conditions, to modify such a licence (including any of the conditions of that licence) or to revoke such a licence.".

Amendment of Schedule 1

8. In Part II of Schedule 1, after paragraph 19 add—

"**20.** Any employment or other work which is normally carried out in premises approved under section 9 of the Criminal Justice and Court Services Act 2000(**9**).

21. Any employment or other work which is normally carried out in a hospital used only for the provision of high security psychiatric services.".

9. In Part III of Schedule 1, delete paragraph 9.

10. In Part IV of Schedule 1—

(a) insert, in the appropriate alphabetical position—

(**4**) 10 & 11 Vict c. 89; section 37 is subject to section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57).
(**5**) 32 & 33 Vict c. 115.
(**6**) 1975 c. xx.
(**7**) 1998 c. 34.
(**8**) 2001 c. 12.
(**9**) 2000 c. 43.