Supersedes draft laid before Parliament on 31st January 2002.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

2002 No.

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

Made - - - -	*2002*
Coming into force - -	*2002*

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) Order 2002.

(2) This Order shall come into force on the day after the day on which it is made, with the exception of articles 3(3) and 6(2) which shall come into force on the day that section 133(d) of the Police Act 1997(**2**) comes into force for England and Wales.

(3) 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(**3**) is hereby amended in accordance with the following provisions of this Order.

(**1**) 1974 c. 53.
(**2**) 1997 c. 50.
(**3**) S.I. 1975/1023, amended by S.I. 1986/1249 and 2768; S.I. 1988/872; S.I. 2001/1192 and 3861; and modified by S.I. 1994/1696. It 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the Osteopaths Act 1993 (c. 21) and section 40 of the Chiropractors Act 1994 (c. 17), both of which are prospectively repealed by section 133 of the Police Act 1997 (c. 50).

Amendment of article 3

3.—(1) In article 3(a)(ii) after the word "paragraph" there shall be inserted the words "12 or".

(2) In article 3(b) the words "the Civil Aviation Authority," shall be deleted.

(3) After article 3(b) there shall be inserted:

"(bb) any question asked by or on behalf of

(i) the Civil Aviation Authority,

(ii) any other person authorised to provide air traffic services under section 4 or section 5 of the Transport Act 2000(**4**) (in any case where such person is a company, an "authorised company"),

(iii) any company which is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985(**5**)) of an authorised company, or

(iv) any company of which an authorised company is a subsidiary,

where, in the case of sub-paragraphs (iii) and (iv) of this paragraph the question is put in relation to the provision of air traffic services, and in all cases, where the question is put in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment 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 for the purpose of safeguarding national security;".

(4) After article 3(g) there shall be inserted:

"(h) any question asked by or on behalf of the National Lottery Commission for the purpose of determining whether to grant or revoke a licence under Part I of the National Lottery etc. Act 1993(**6**) where the question relates to an individual—

(i) who manages the business or any part of the business carried on under the licence (or who is likely to do so if the licence is granted), or

(ii) for whose benefit that business is carried on (or is likely to be carried on if the licence is granted),

and where the person to whom the question relates is informed at the time that the question is asked that, by virtue of this Order, spent convictions are to be disclosed.".

Amendment of article 4

4. In article 4(b) after the word "paragraph" there shall be inserted the words "12 or".

Amendment of Schedule 1

5.—(1) In Part I of Schedule 1 after paragraph 12 there shall be inserted:

"**13.** Chartered psychologist.

14. Actuary.

15. Registered foreign lawyer.

16. Legal executive.

17. Receiver appointed by the Court of Protection.".

(**4**) 2000 c. 38.
(**5**) 1985 c. 6.
(**6**) 1993 c. 39.