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

2001 No.

REHABILITATION OF OFFENDERS

Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2001

Made - - - -	*2001*
Coming into force - -	*2001*

The Secretary of State, in exercise of the powers conferred on him by section 4(4) 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 2001 and shall come into force on the seventh 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 hereby amended in accordance with the following provisions of this Order.

Amendment of article 2

3. In article 2(1)—

(a) after the definition of "the Act" there shall be inserted:

> ""adoption agency" has the meaning given to it by section 1 of the Adoption Act 1976(**3**);";

(**1**) 1974 c. 53.
(**2**) S.I.1975/1023, amended by S.I. 1986/1249 and 2268, 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the Osteopaths Act 1993 (c. 21) and section 40 of the Chiropractors Act 1994 (c. 17), both of which are prospectively repealed by section 133 of and Schedule 10 to the Police Act 1997 (c. 50).
(**3**) 1976 c. 36.

(b) after the definition of "the Building Societies Commission" there shall be inserted:

""child minding" means—

(a) until section 79 of the Care Standards Act 2000(**4**) comes into force, acting as a child minder within the meaning of section 71 of the Children Act 1989(**5**); and

(b) when section 79 of the Care Standards Act 2000 is in force, child minding within the meaning of section 79A of the Children Act 1989;

"day care" means—

(a) until section 79 of the Care Standards Act 2000 comes into force, day care for which registration is required by section 78(1) of the Children Act 1989; and

(b) when section 79 of the Care Standards Act 2000 is in force, day care for which registration is required by section 79D(5) of the Children Act 1989;

"day care premises" means any premises on which day care is provided, but does not include any part of the premises where children are not looked after;"; and

(c) after the definition of "relevant offence"there shall be inserted:

""work" includes—

(a) work of any kind, whether paid or unpaid, and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract; and

(b) an office established by or by virtue of an enactment;

"work with children" means work of the kind described in paragraph 14 of Schedule 1 to this Order;".

Amendment of article 3

4.—(1) For article 3(a)(ii) there shall be substituted:

"(ii) of the person to whom the question relates for any office or employment specified in Part II of the said Schedule 1 or for any other work specified in paragraph 13 of Part II of the said Schedule 1; or".

(2) For article 3(aa) there shall be substituted:

"(aa) any question asked by or on behalf of any person, in the course of the duties of his work, in order to assess the suitability of a person to work with children, where—

(i) the question relates to the person whose suitability is being assessed;

(ii) the person whose suitability is being assessed lives on the premises where his work with children would normally take place and the question relates to a person living in the same household as him;

(iii) the person whose suitability is being assessed lives on the premises where his work with children would normally take place and the question relates to a person who regularly works on those premises at a time when the work with children usually takes place; or

(iv) the work for which the person's suitability is being assessed is child minding which would normally take place on premises other than premises where that person lives

(**4**) 2000 c. 14.
(**5**) 1989 c. 41.