STATUTORY RULES OF NORTHERN IRELAND

2012 No. 318

REHABILITATION OF OFFENDERS

Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012

Made - - - -	*13th August 2012*
Coming into operation	*10th September 2012*

The Department of Justice makes the following Order in exercise of the powers conferred by Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**1**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012 and shall come into operation on 10 September 2012.

(2) In this Order "the 1979 Order" means the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(**2**).

Amendment of the 1979 Order

2. The 1979 Order is amended in accordance with the following provisions of this Order.

Amendment of article 1

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

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

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

"electronic money institution" has the meaning given by regulation 2(1) of the Electronic Money Regulations 2011(**4**);

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

(**1**) S.I. 1978/1908 (N.I. 27); Article 4(1) of and paragraph 6 of Schedule 1 to S.I. 2010/976 transferred the Order making powers of the Secretary of State to the Department of Justice.
(**2**) S.R. 1979 No. 195; relevant amending Orders are S.R. 1987 No. 393, S.R. 2001/No. 248, S.R. 2001 No. 400, S.R. 2003 No. 355, S.R. 2006 No. 425, S.R. 2009 No. 173 and S.R. 2009 No.303.
(**3**) S.I. 2009/209.
(**4**) S.I. 2011/99.

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

(3) In Article 1(3) omit "unless the said provisions are excluded only in relation to spent convictions for relevant offences".

Amendment of article 2

4.—(1) In article 2(e)—

(i) omit "for a relevant offence"; and

(ii) for the word "such" substitute "a".

(2) In article 2(e)(i) omit "for relevant offences".

(3) In article 2(e), in the table at the end insert—

"17. A director or manager responsible for the management of the electronic money or payment services business of an electronic money institution.	The Financial Services Authority.
18. A controller of an electronic money institution.	The Financial Services Authority.
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."

Amendment of article 3

5.—(1) In article 3 omit "for a relevant offence" in each place where it occurs.

(2) In article 3(d) omit the word "or" before sub-paragraph (xii) and after that sub-paragraph insert—

"(xiii) to refuse an application for registration as an authorised electronic money institution or a small electronic money institution under the Electronic Money Regulations 2011,

(xiv) 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,

(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.".

Amendment of article 4

6. In article 4 omit "for a relevant offence" in each place where it occurs.