STATUTORY RULES OF NORTHERN IRELAND

2009 No. 303

REHABILITATION OF OFFENDERS

Rehabilitation of Offenders (Exceptions) (Amendment) (No. 2) Order (Northern Ireland) 2009

Made - - - -	*30th August 2009*
To be laid before Parliament	
Coming into operation	*12th October 2009*

The Secretary of State 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) (No. 2) Order (Northern Ireland) 2009 and shall come into operation on 12th October 2009.

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

""adoption agency" has the meaning given to it by Article 3(3) of the Adoption (Northern Ireland) Order 1987(**3**);"

""child minding" means child minding within the meaning of Part XI of the Children (Northern Ireland) Order 1995(**4**);"

""day care" means day care for which registration is required under Part XI of the Children (Northern Ireland) Order 1995;"

(**1**) S.I. 1978 No. 1908 (N.I. 27)
(**2**) S.R 1979 No. 195
(**3**) S.I. 1987 No. 2203 (N.I. 22)
(**4**) S.I. 1995 No. 755 (N.I. 2)

""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 11 of Part II of Schedule 1 to this Order;"

Amendment of Article 2

4.—(1) In Article 2(a)(ii) for the words "specified in paragraph 12" substitute "specified in paragraphs 11, 12, 13, 15, 16, 17, 20, 21, 22 and 23"

(2) For Article 2 (aa) substitute:—

"(2) any question asked by or on behalf of any person, in the course of the duties of their 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 that person's work with children would normally take place and the question relates to a person living in the same household as that person:

(iii) the person whose suitability is being assessed lives on the premises where that person's 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 normally takes place; or

(iv) the work for which the person's suitability is being assessed is child minding which would normally take place at premises other than the premises where that person lives and the question relates to a person who lives on those other premises or to a person who regularly works on them at a time when the childminding takes place,

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

(3) After Article 2 (g) add:—

"(h) any question asked by or on behalf of any person in the course of their duties as a person employed by an adoption agency for the purpose of assessing the suitability of any person to adopt children where—

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

(ii) the question relates to a person living in the same household as the person whose suitability is being assessed,

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

(i) 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 provide day care where—

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

(ii) the question relates to a person who lives on the premises which are or are proposed to be day care premises,

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

(j) 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 act as a foster parent (or a person wishing

to be approved as or intending to act as a foster parent) within the meaning of Article 55 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 or a person who looks after a child in circumstances in which the child is a privately fostered child within the meaning of Article 106 of the Children (Northern Ireland) Order 1995 where—

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

(ii) the question relates to a person living in the same household as the person whose suitability is being assessed,

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

(k) any question asked by or on behalf of the Northern Ireland Social Care Council for the purpose of determining whether or not to grant an application for registration under Part I of the Health and Social Services Act (Northern Ireland) 2001(**5**), and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;

(l) any question asked by or on behalf of the Health and Social Care Regulation and Quality Improvement Authority for the purpose of determining whether or not to grant an application for registration under Part III of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**6**), and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;

(m) 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."

Amendment of Article 3

5.—(1) In Article 3(b) for the words "specified in paragraph 12" substitute "specified in paragraphs 11, 12, 13, 15, 16, 17, 20, 21, 22 and 23"

(2) After Article 3 (j) add:—

"(k) any decision to refuse to grant a taxi driver licence under Article 79A of the Road Traffic (Northern Ireland) Order 1981(**7**), to grant such a licence subject to conditions or to suspend, revoke or refuse to renew such a licence;

(l) any decision by the Security Industry Authority to refuse to grant a licence under section 8 of the Private Security Industry Act 2001, 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;

(m) any decision to refuse to grant a licence under Regulation 5 of the Misuse of Drugs Regulations (Northern Ireland) 2002(**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;

(n) any decision by the Northern Social Care Council to refuse to grant an application for registration under Part I of the Health and Social Services Act (Northern Ireland) 2001 or to suspend, remove or refuse to restore a person's registration under that Part;

(o) any decision by the Health and Social Care Regulation and Quality Improvement Authority for the purpose of determining whether or not to vary or remove any condition

(**5**) 2001 c. 3
(**6**) S.I. 2003 No. 431 (N.I. 9)
(**7**) S.I. 1981 No. 154 (N.I. 1)
(**8**) S.R. 2002 No. 1