STATUTORY RULES OF NORTHERN IRELAND

2009 No. 173

REHABILITATION OF OFFENDERS

Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2009

Made - - - -	*22nd April 2009*
To be laid before Parliament	
Coming into operation	*1st June 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) Order (Northern Ireland) 2009 and shall come into operation on 1st June 2009.

(2) In this Order 2the 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—

““contracting authority” means a contracting authority within the meaning of Article 1(9) of Directive 2004/18/EC”;

““contracting entity” means a contracting entity within the meaning of Article 2(2) of Directive 2004/17/EC”;

““Directive 2004/17/EC” means Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004[5]”;

(**1**) S.I. 1978 No. 1908 (N.I. 27)
(**2**) S.R. 1979 No. 195

""Directive 2004/18/EC" means Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004[6]".

Amendment of Article 2

4. In Article 2 after paragraph (f), add—

"(g) any question asked by or on behalf of a contracting authority or contracting entity in relation to a conviction within the meaning of Article 45(1) of Directive 2004/18/EC which is a spent conviction (or any circumstances ancillary to such a conviction) for the purpose of determining whether or not to treat a person as ineligible:

(i) for the purposes of Regulation 23 of the Public Contracts Regulations 2006[7] or Regulation 23 of the Utilities Contracts Regulations 2006[8];or

(ii) to participate in a design contest for the purposes of Regulation 33 of the Public Contracts Regulations 2006 or Regulation 34 of the Utilities Contracts Regulations 2006

where the person questioned is informed at the time the question is asked that, by virtue of this order, convictions within the meaning of Article 45(1) of Directive 2004/18/EC which are spent convictions are to be disclosed"

Amendment of Schedule 1

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

(a) In Paragraph 2 after the word "employment" insert "or other work";

(b) In Paragraph 3 after the word "employment" insert "or other work";

(c) In Paragraph 15 after the word "employment" insert "or other work";

(d) In Paragraph 16 after the word "employment" insert "or other work";

(e) In Paragraph 17 after the word "employment" insert "or other work";

(f) After Paragraph 18 there shall be inserted:

"19 The Director of the Revenue and Customs Prosecution Office and any office or employment or other work in that office

20 Any employment or other work in the Electoral Office for Northern Ireland"

(g) For Paragraph 5 there shall be substituted:

"any employment or other work which is concerned with the administration of or is normally carried wholly or partly with in the precincts of a prison, young offenders centre, juvenile justice centre, remand centre or remand home";

(h) For Paragraph 7 there shall be substituted:

"Traffic warden authorised to discharge functions under the Road Traffic Regulations (Northern Ireland) 1997";

(i) For Paragraph 8 there shall be substituted:

"Probation officers appointed under Article 5 of the Probation Board (Northern Ireland) Order 1982".

(2) In Part III of Schedule I after paragraph 9 there shall be inserted;

"**10.** Any employment or other work in a regulated position as defined by the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.

11. Any employment or other work which is concerned with a care position as defined by the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.