STATUTORY RULES OF NORTHERN IRELAND

2003 No. 355

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2003

Made - - - -	*24th July 2003*
To be laid before Parliament	
Coming into operation	*1st September 2003*

The Secretary of State, in pursuance of Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**1**) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2003 and shall come into operation on 1st September 2003.

(2) In this Order "the 1978 Order" means the Rehabilitation of Offenders (Northern Ireland) Order 1978.

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

Amendment of the 1979 Order

2. The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 ("the 1979 Order") is amended in accordance with the following provisions of this Order.

Amendment of article 2 of the 1979 Order

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

(2) After article 2(b) there shall be inserted:

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

(i) the Civil Aviation Authority,

(**1**) S.I. 1978/1908 (N.I. 27)

(**2**) S.R. 1979 No. 195; amended by the Osteopaths Act 1993 (c. 21) section 39; the Chiropractors Act 1994 (c. 17) section 40; S.R. 1987 No. 393, S.R. 2001 No. 248, and S.R. 2001 No. 400. The relevant provisions of the Osteopaths Act 1993 and the Chiropractors Act 1994 are repealed by section 133 of, and Schedule 10 to, the Police Act 1997 (c. 50). These repeals had not been brought into force at the time this Order was made.

(ii) any other person authorised to provide air traffic services under section 4 or section 5 of the Transport Act 2000(**3**) (in any case where such person is a company, an "authorised company"),

(iii) any company which is a subsidiary (within the meaning given by Article 4 of the Companies (NI) Order 1986(**4**)) 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) 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;".

(3) For paragraph "(g)" of article 2 there shall be substituted paragraph "(e)".

(4) After article 2(e) there shall be inserted:

"(f) 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(**5**) 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 Schedule 1 to the 1979 Order

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

"**13.** Chartered psychologist.

14. Actuary.

15. European lawyer.

16. Controller appointed by the Office of Care and Protection.".

(2) In Part II of Schedule 1 –

(a) in paragraph 4 –

(i) after the word "Constables," insert "police trainees,";

(ii) for the word "constables" in the second place where it occurs substitute "police officers" and

(iii) after the word "police officers" as inserted by sub-paragraph (ii) insert ", police support staff within the meaning of section 4(6) of the Police (Northern Ireland) Act 2000(**6**)",

(b) after paragraph 14 there shall be inserted:

(**3**) 2000 c. 38
(**4**) S. I. 1986/1032 (N.I. 6)
(**5**) 1993 c. 39
(**6**) 2000 c. 32