1987 No. 393

REHABILITATION OF OFFENDERS

Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 1987

Made . . . . . 10th October 1987

Coming into operation in accordance with Article 1(2)

To be laid before Parliament

The Secretary of State in pursuance of Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(a) 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) 1987.

(2) This Order shall come into operation—

(*a*) for the purposes of this Article, Article 2(1) and Article 2(2)(*c*), on 1st December 1987;

(*b*) for the purposes of Article 2(2)(*a*) and Article 2(2)(*b*), on such day as the relevant provisions of section 189 of, and Schedule 14 to, the Financial Services Act 1986(b) applying to Article 5 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 come into force.

2.—(1) The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(c) shall have effect subject to the amendments specified in the Schedule to this Order.

(2) The following provisions of the said Order shall be omitted:—

(*a*) in Schedule 1, paragraphs 3 and 4 of Part III and the definitions of "dealer in securities" and "unit trust scheme" in Part IV;

(*b*) in Schedule 3, paragraph 10;

(*c*) in Schedule 1, paragraph 7 of Part III.

Tom King
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
10th October 1987

(a) S.I. 1978/1908 (N.I. 27)
(b) 1986 c. 60
(c) S.R. 1979 No. 195

SCHEDULE Article 2(1)

AMENDMENTS TO THE REHABILITATION OF OFFENDERS (EXCEPTIONS) ORDER (NORTHERN IRELAND) 1979

1. For paragraphs (2) and (3) of Article 1 there shall be substituted the following paragraphs:—

"(2) In this Order, except where the context otherwise requires—

"the Order" means the Rehabilitation of Offenders (Northern Ireland) Order 1978;

"the Building Societies Commission" means the Building Societies Commission established by section 1 of the Building Societies Act 1986(a);

"relevant offence" means—

(*a*) an offence involving fraud or other dishonesty; or

(*b*) an offence under legislation (whether or not of the United Kingdom) relating to building societies, companies (including insider dealing), industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection;

the expressions "authorisation", "building society" and "officer" have the meanings respectively given to them by section 119(1) of the Building Societies Act 1986.

(3) Where, by virtue of this Order, the operation of any of the provisions of the Order is excluded in relation to spent convictions the exclusion shall be taken to extend to spent convictions for offences of every description unless the said provisions are excluded only in relation to spent convictions for relevant offences.".

2. At the end of paragraph (*a*) of Article 2 there shall be inserted the following paragraphs:—

"(*aa*) any question asked by or on behalf of any person, in the course of the duties of his office or employment, in order to assess the suitability of another person for any office or employment specified in paragraph 13 of Part II of Schedule 1 or the suitability of another person to be concerned, otherwise than in the course of the duties of his office or employment, with such provision as is mentioned in that paragraph, if—

(i) the question relates to that other person and the said provision would normally enable that other person to have access to the persons referred to in that paragraph; or

(ii) the question relates to a person who lives in the same household as that other person and the said provision would normally take place in that household,

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;

(*ab*) any question relating to a relevant offence which is put by or on behalf of the Building Societies Commission or a building society in order to assess the suitability of the person to whom the question relates to be a director or other officer of a building society, whether or not that individual is the

(a) 1986 c. 53