

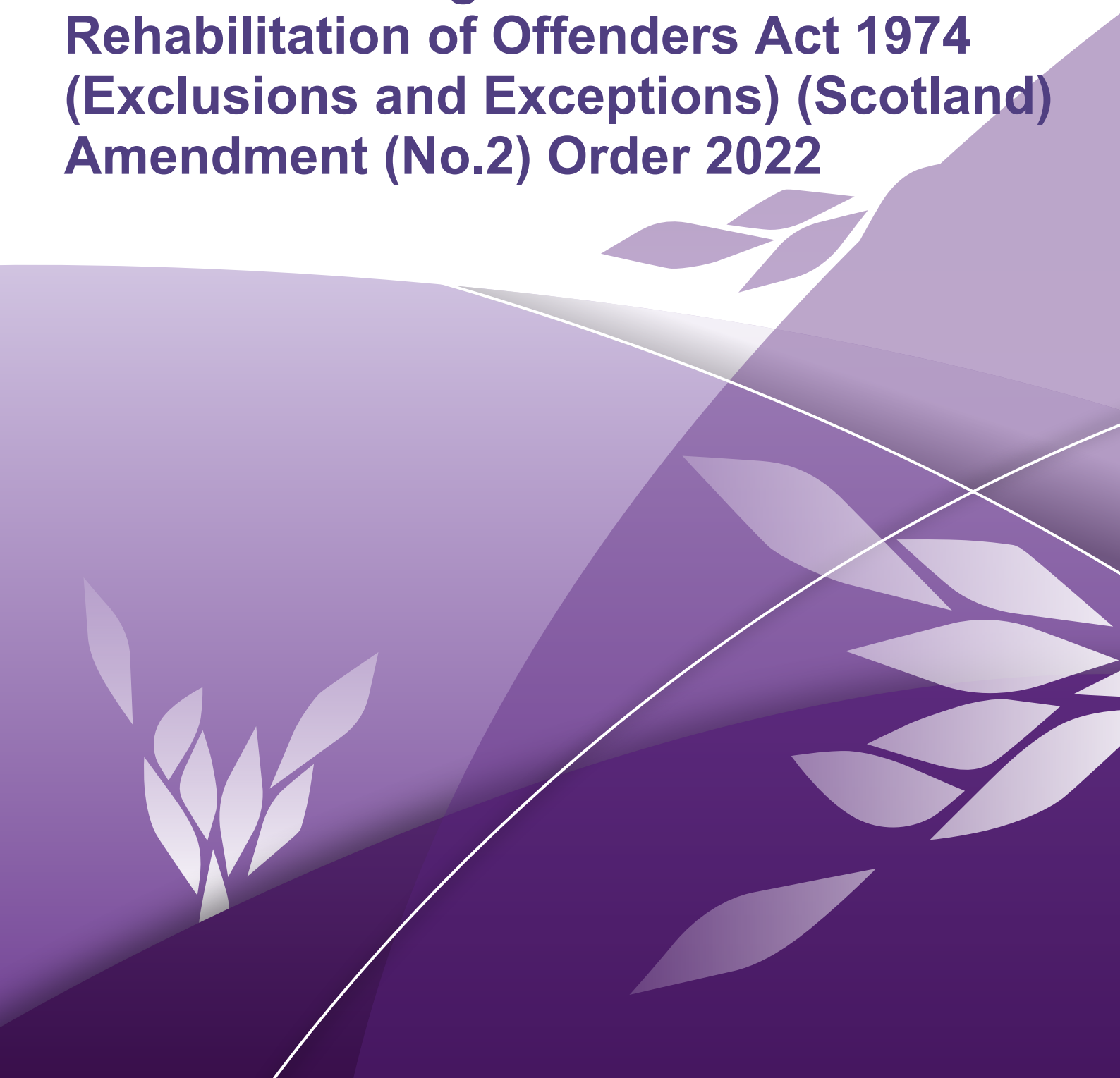


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Pàrlamaid na h-Alba

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Education, Children and Young People Committee

Subordinate Legislation: The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No.2) Order 2022



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Education, Children and Young People Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills and matters relating to the Historical Abuse Inquiry within the responsibility of the Deputy First Minister.



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Committee Membership



Convener
Sue Webber
Scottish Conservative
and Unionist Party



Deputy Convener
Kaukab Stewart
Scottish National Party



Stephanie Callaghan
Scottish National Party



Graeme Dey
Scottish National Party



Bob Doris
Scottish National Party



Ross Greer
Scottish Green Party



Ruth Maguire
Scottish National Party



Michael Marra
Scottish Labour



Willie Rennie
Scottish Liberal
Democrats

Introduction

1. At its meeting on 30 November 2022, the Education, Children and Young People Committee considered a piece of subordinate legislation which is subject to the affirmative procedure.
2. The [minutes](#) of the meeting have been published on the Committee's web pages. The Official Report of the meeting will be published on 5 December 2022 and can be accessed [here](#).
3. This report summarises the purpose and the scrutiny of the instrument as well as confirming the Committee's decision.

Instrument Overview

4. The [Rehabilitation of Offenders Act 1974 \(Exclusions and Exceptions\) \(Scotland\) Amendment \(No. 2\) Order 2022](#) was laid before the Scottish Parliament on 24 October 2022.

5. The purpose of this order is as follows –

This Order amends schedules A1 and B1 of the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Order 2013 (“the 2013 Order”). These amendments are a consequence of changes being made to schedules 8A and 8B of the Police Act 1997 (“the 1997 Act”) by the Police Act 1997 (Offences in Schedules 8A and 8B) Amendment (Scotland) Regulations 2022 (“the 2022 Regulations”) which affect higher level disclosures (standard and enhanced disclosures under the 1997 Act; and scheme record disclosure under the Protection of Vulnerable Groups (Scotland) Act 2007) (“the 2007 Act”) issued by Disclosure Scotland on behalf of the Scottish Ministers. This is to ensure there is ongoing consistency between the statutory frameworks for self and state disclosure. That is, the obligation placed on an individual to admit to previous spent convictions for the excepted professions, offices, employments and occupations prescribed in the 2013 Order is the same as those spent convictions that can be included in a higher-level disclosure issued by Disclosure Scotland under the 1997 Act.

6. A policy note published to accompany the statutory can be accessed [here](#).

Delegated Powers and Law Reform Committee

7. The Delegated Powers and Law Reform Committee at its meeting on [1 November 2022](#) considered the Instrument and made no comment.

Education, Children and Young People Committee

8. At its meeting on 30 November 2022 the Committee considered the The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No. 2) Order 2022.
9. The Committee heard evidence from the Minister for Children and Young People, Clare Haughey MSP.

Conclusion

10. Clare Haughey MSP, Minister for Children and Young People, moved motion S6M-06432- That the Education, Children and Young People Committee recommends the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No. 2) Order 2022 be approved.
11. The Committee agreed motion S6M- 06432 unanimously.

