Draft Order laid before Parliament under section 10(2) of the Rehabilitation of Offenders Act 1974, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2022

Made - - - -	***
Coming into force - -	***

The Secretary of State, in exercise of the powers conferred by sections 4(4) and 10(1) of, and paragraph 4 of Schedule 2 to, the Rehabilitation of Offenders Act 1974(**a**), makes the following Order.

In accordance with section 10(2) of that Act, a draft of the instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2022.

(2) This Order comes into force the day after the day on which it is made.

(3) This Order extends to England and Wales.

Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

2.—(1) The Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975(**b**) is amended as follows.

(2) In article 3(1)(a)—

(a) at the end of paragraph (iv) insert "or";

(b) after paragraph (iv) insert—

"(v) of an individual to provide accommodation or to continue to provide accommodation to a person who has applied for or been granted permission to

(**a**) 1974 c. 53. Schedule 2 of the Rehabilitation of Offenders Act 1974 was inserted by Paragraph 6 of Schedule 10 of the Criminal Justice and Immigration Act 2008 (c. 4).

(**b**) S.I. 1975/1023; relevant amending instruments are S.I. 2001/1192, 2008/3259, 2009/1818, 2012/1957, 2012/3006, 2013/1198, 2014/1707, 2015/317 and 2016/824.

enter into or to stay in the United Kingdom in accordance with Appendix Ukraine Scheme of the Immigration Rules(**a**), where the question relates to—

(aa) the individual whose suitability is being assessed, or

(bb) any other individual over the age of 16 years who resides in the same household as the individual whose suitability is being assessed,".

Name
Minister of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 ("the 1975 Order") to make provision for vetting checks in relation to individuals who are seeking to provide accommodation to Ukrainian nationals and their immediate family members.

The 1975 Order disapplies certain provisions of the Rehabilitation of Offenders Act 1974 ("the 1974 Act") which would otherwise prevent a person from having to disclose a spent conviction or caution and protect that person from being prejudiced by that conviction or caution or any failure to disclose it. The general effect of the disapplication of certain provisions is that, in specified circumstances, questions about spent convictions and cautions are permitted to be asked.

Article 2(2) of this Order amends article 3(1)(a) of the 1975 Order to include a new paragraph (v) so that questions about spent convictions and cautions may be asked by a person assessing the suitability of an individual to provide accommodation to a person who has applied for or been granted permission to enter or stay in the United Kingdom, in accordance with Appendix Ukraine Scheme of the Immigration Rules. The questions may relate to the individual whose suitability is being assessed, or any other individual residing in the same household as that individual who is over the age of 16 years.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(**a**) The rules in relation to the Homes for Ukraine Sponsorship Scheme are laid down under section 3(2) of the Immigration Act 1971 (c. 77) and are set out at UKR 11.1 to UKR 20.2 of the Appendix Ukraine Scheme to the Immigration Rules (HC 395). – https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ukraine-scheme (as at 22 August 2022). Hard copies can be obtained from the Guidance, Rules and Forms Team at the Home Office, 2 Marsham Street London SW1P 4DF. The Homes for Ukraine Sponsor Guidance can be found at https://www.gov.uk/guidance/homes-for-ukraine-sponsor-guidance (as at 5 August 2022). Hard copies can be obtained from the Department for Levelling Up, Housing and Communities, 2 Marsham Street London SW1P 4DF.

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