STATUTORY INSTRUMENTS

2026 No. 41

REHABILITATION OF OFFENDERS, ENGLAND AND WALES

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2026

Made - - - -	*19th January 2026*
Coming into force - -	*21st January 2026*

The Secretary of State makes this Order 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**).

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 2026.

(2) This Order comes into force on 21st January 2026.

(3) This Order extends to England and Wales only.

Amendments to 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), after sub-paragraph (o) insert—

> "(p) any question asked by or on behalf of a person who seeks to employ or engage a self-employed person or a person as a personal employee, in order to assess the suitability of the person to whom the question relates for any work specified in paragraph 12A, 14A or 14AA of Part 2 of Schedule 1.".

(3) In Schedule 1—

(a) In Part 2 (offices, employments and work), after paragraph 46 insert—

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

(**b**) S.I. 1975/1023. Relevant amending instruments are S.I. 2002/441, 2003/965, 2006/2143, 2007/2149, 2009/1818, 2012/1957, 2013/1198, 2014/1707, 2014/1942, 2015/317, 2016/275, 2016/824, 2023/624, 2023/767 and 2025/163. There are other amendments but none is relevant for this instrument.

"47. Any employment which is concerned with the delivery of electronic monitoring and field services by a contractor in accordance with arrangements made by the Secretary of State under section 3 of the Offender Management Act 2007(**a**).

48. Registered health care professionals employed or engaged by—

(a) the Secretary of State for Work and Pensions;

(b) contractors or sub-contractors, who are carrying out activities for the Secretary of State for Work and Pensions.";

(b) In Part 4 (interpretation)—

(i) after the definition of "notary public of England and Wales" insert—

""personal employee" means a person employed or engaged directly by a private individual to provide domestic or personal services;";

(ii) after the definition of "registered foreign lawyer" insert—

""registered health care professional" has the meaning assigned to the expression "health care professional" in section 39(1) of the Social Security Act 1998(**b**);".

(4) In Schedule 2 (excepted licences, certificates and permits), after paragraph 6 insert—

"7. Licences granted under regulations made under section 2 of the Pedicabs (London) Act 2024(**c**).".

Signed by authority of the Secretary of State

Timpson
Minister of State
Ministry of Justice

19th January 2026

(**a**) 2007 c. 21. Section 3 was amended by section 10 of the Offender Rehabilitation Act 2014 (c. 11).
(**b**) 1998 c. 14. The definition of "health care professional" in section 39(1) of the Social Security Act 1998 was inserted by section 62(5) of the Welfare Reform Act 2007 (c. 5).
(**c**) 2024 c. 7.

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").

The 1975 Order disapplies specified 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.

Article 2(2) of this Order amends the 1975 Order to disapply section 4(2) of, and paragraph 3(3) of Schedule 2, to the 1974 Act to any question asked by a person to assess the suitability of a self-employed individual or personal employee they want to employ or engage in any work which is regulated activity relating to children and vulnerable adults. Article 2(3) of this Order adds to the 1975 Order any employment which is concerned with the delivery of Electronic Monitoring and Field Services by contractors, and registered health care professionals employed or engaged by; the Secretary of State for Work and Pensions, or their contractors or sub-contractors.

These amendments mean that a person's spent convictions and cautions may be taken into account when assessing a person's suitability to engage in such work.

Article 2(5) of this Order adds Pedicab Driver Licences to the list of excepted licences so information about spent cautions and convictions can be taken into account when considering a person's suitability to hold such a licence.

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.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827867-5

£6.40

http://www.legislation.gov.uk/id/uksi/2026/41