

Section 4 (3) of the Rehabilitation of Offenders Act, 1974 subject to the provisions of any order made under [subsection \(4\)](#):

- (a) any obligation imposed on any person by any rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person shall not extend to requiring him to disclose a [spent conviction](#) or any circumstances ancillary to a spent conviction (whether the conviction is his own or another's); and
- (b) a conviction which has become spent or any circumstances ancillary thereto, or any failure to disclose a spent conviction or any such circumstances, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him in any way in any occupation or employment.

Schedule 1 Part I to The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 1986 order provides a list of professions which are excepted by [Paragraph 3](#) of this order from the effects of [subsection 4\(2\) and 4\(3\)\(b\)](#) of the Act. It states:-

1. Medical Practitioner.
2. Barrister, solicitor.
3. Chartered accountant, certified accountant.
4. Dentist, dental hygienist, dental auxiliary.
5. Veterinary surgeon.
6. Nurse, midwife.
7. Ophthalmic optician, dispensing optician.
8. Pharmaceutical chemist.
9. Applicable to Scotland only - not reproduced here
10. Any profession to which the Professions Supplementary to Medicines Act 1960 applies and which is undertaken following registration under that Act.
11. Registered osteopath
12. Registered Chiropractor
13. Chartered psychologist
14. Actuary
15. Registered foreign lawyer
16. Legal executive
17. Receiver appointed by the Court of Protection

NOTE:

The inclusion of the above professions in Part I of Schedule 1 effectively removes any restrictions imposed by subsection 4(2) and 4(3)(b) of the Act. Therefore questions relating to spent convictions may be asked during the process of assessing the suitability of an individual for admission to any of the listed professions.

Equally dismissal or exclusion from any of the listed professions is allowed on the grounds of a conviction which has become spent.

Part II of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended by the 1986 Orders, provides a list of offices and employments which are excepted by [Paragraph 3](#) of the order from the effect of [sections 4\(2\) and 4\(3\)\(b\)](#) of the Act. It states:

1. Judicial appointments.
2. The Director of Public Prosecutions and any office or employment in the Crown Prosecutions Service.
3. Scotland only - not reproduced here.
4. Justices' chief executives, justices' clerks and their assistants.
5. Clerks (including deputy and assistant clerks) and officers of the High Court of Justiciary.
6. Constables, persons appointed as police cadets to undergo training with a view to becoming constables and persons employed for the purposes of, or to assist the constables of, a police force established under any enactment; naval, military and air force police.
7. Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of, a prison, remand centre, detention centre, borstal, institution or young offenders institution, and members of boards of visitors appointed under section 6 of the Prison Act 1952.
8. Traffic wardens appointed under section 81 of the Road Traffic Regulation Act 1967.
9. Probation officers appointed under Schedule 3 to the Powers of Criminal Courts Act 1973.
10. ....
11. ....
12. Any employment or other work which is concerned with the provision of care services to vulnerable adults and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to vulnerable adults in receipt of such services in the course of his normal duties.
13. Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties
14. Any work which is -
  - (a) work in a regulated position (*a regulated position for the purposes of Part II of the Criminal Justice and Court Services Act 2000*); or
  - (b) work in a further education institution where the normal duties of that work involve regular contact with persons aged under 18.
15. Any employment in the Royal Society for the Prevention of Cruelty to Animals where the person employed or working, as part of his duties, may carry out the killing of animals.
16. Any office or employment in the Serious Fraud Office.
17. Any office or employment in the National Crime Squad or the National Criminal Intelligence Service.
18. Any office or employment in Her Majesty's Customs and Excise.
19. Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet

NOTES

The inclusion of the above offices and employments in Part II of Schedule 1 effectively removes any restrictions imposed by subsection 4(2) and 4(3)(b) of the Act, therefore questions relating to spent convictions may be asked during the process of assessing the suitability of an individual for appointment to one of the listed offices or positions. Equally, dismissal or exclusion from any of the offices or positions is allowed on the grounds of a conviction which has become spent.



**ST. HELENA POLICE SERVICE  
(including Ascension Detachment)**

(Tel. 22626; Fax. 22096; E-mail. [vetting@sainthelena.gov.sh](mailto:vetting@sainthelena.gov.sh);  
POLICE CERTIFICATE APPLICATION FORM

\_\_\_\_\_  
**FULL NAME (print in block capitals)**

\_\_\_\_\_  
(to be used for any change of name i.e maiden name)

\_\_\_\_\_  
**DATE OF BIRTH**

\_\_\_\_\_  
**PLACE OF BIRTH**

\_\_\_\_\_  
**ADDRESS ON ST. HELENA / ASCENSION**

Please supply me with a Police Certificate which details whether or not I have a criminal record in St Helena and/or Ascension. Should I have any convictions and/or cautions: -

I wish for you to supply me with a copy of my current convictions and cautions

I wish for you to supply me with a copy of all convictions and cautions including those spent

***NOTE - Even if you have no convictions/cautions, in order for a police certificate to be satisfactorily completed, you are still required to tick one of the above boxes which supplies this department with the necessary authority to release the information required.***

*All vetting is produced from records that is held by St Helena Police Directorate, I hereby undertake to indemnify the St. Helena Police Service against any liability or civil claim, which may be incurred by the police or any individual serving or former member of police including police staff, as a result of the provision by us of your criminal record*

**PHONE. NO/S:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**EMAIL COPY:** \_\_\_\_\_ **HARD COPY:** \_\_\_\_\_

**(SIGNATURE)**

**IF YOU ARE SEEKING EMPLOYMENT ON THE FALKLAND ISLANDS, PLEASE BE ADVISED THAT THE FALKLAND ISLANDS' IMMIGRATION REQUIRES YOU TO PROVIDE BOTH CURRENT & SPENT CONVICTIONS**

**BEFORE COMPLETING THIS APPLICATION, PLEASE SEE ATTACHMENT**