AMENDING THE REHABILITATION OF OFFENDERS ACT (EXCEPTIONS) ORDER 1975

I am writing to inform you that we are laying today before the House a statutory instrument seeking to amend the Rehabilitation of Offenders Act (Exceptions) Order 1975.

This instrument will enable inquiries under the Inquiries Act 2005 to be able to consider the spent convictions of individuals.

This legislative change has been requested by Sir John Mitting, chair of the Undercover Policing Inquiry (UCPI). Sir John requested that the UCPI is added to the Rehabilitation of Offenders Act (ROA) Exceptions Order, to enable information on individuals’ spent convictions to be considered, as this information is important for the purposes of the terms of reference of the inquiry.

The UCPI will examine undercover police operations conducted by English and Welsh police forces from 1968 onwards, including whether the police were justified in launching undercover operations against a group. To give full consideration to this, the inquiry needs to be able to consider the convictions of members of the groups; however, given the historical nature of the inquiry, many of these convictions will be spent, and therefore not disclosable under the ROA. This statutory instrument will give the UCPI the ability to consider spent convictions. This change is vital for the inquiry to achieve its remit successfully.

There are likely to be other inquiries in future that also need to be able to consider spent convictions, and granting this power to UCPI is likely to encourage future applications for this purpose. To ensure an efficient use of parliamentary time, the changes proposed by this instrument will also apply to other inquiries under the Inquiries Act 2005, but only where this is necessary to fulfil the terms of reference of their inquiry. These inquiries will still have a duty imposed on them by section 6 of the Human Rights Act 1998 to respect the Article 8 right to private and family life. In this case, UCPI will apply its Restrictions Protocol, restricting the way in which it will handle personal and sensitive data.

RORY STEWART MP