



Jersey

**REHABILITATION OF OFFENDERS
(EXCEPTIONS) (JERSEY)
REGULATIONS 2002**

Official Consolidated Version

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Jersey

REHABILITATION OF OFFENDERS (EXCEPTIONS) (JERSEY) REGULATIONS 2002

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Jersey

REHABILITATION OF OFFENDERS (EXCEPTIONS) (JERSEY) REGULATIONS 2002

THE STATES, in pursuance of Articles 8(5), 10(3) and 11(4) of the [Rehabilitation of Offenders \(Jersey\) Law 2001](#), have made the following Regulations –

Commencement [[see endnotes](#)]

Opening provisions

1 Interpretation

- (1) In these Regulations, except where the context otherwise requires –
- “children” means persons not of full age;
 - “Commission” means the Jersey Financial Services Commission established by Article 2 of the [Financial Services Commission \(Jersey\) Law 1998](#);
 - “compulsory school age” has the same meaning as in the [Education \(Jersey\) Law 1999](#);
 - “firearms dealer” has the same meaning as in the [Firearms \(Jersey\) Law 2000](#);
 - “Law” means the [Rehabilitation of Offenders \(Jersey\) Law 2001](#);
 - “prison” has the same meaning as in the [Prison \(Jersey\) Law 1957](#);
 - “relevant offence” means –
 - (a) an offence whether under the law of Jersey or of a country or territory outside Jersey –
 - (i) involving fraud, or other dishonesty,
 - (ii) involving perjury or conspiracy to pervert the course of justice;
 - (b) an offence under –
 - (i) the [Collective Investment Funds \(Jersey\) Law 1988](#),
 - (ii) the [Banking Business \(Jersey\) Law 1991](#),
 - (iii) the [Insurance Business \(Jersey\) Law 1996](#),

- (iv) the [Financial Services \(Jersey\) Law 1998](#),
 - (v) the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#),
 - (vi) the [Alternative Investment Funds \(Jersey\) Regulations 2012](#),
 - (vii) any Regulations or Order made under any of the enactments listed in clauses (i) to (v);
- (c) any offence under the law of a country or territory outside Jersey similar to those listed in sub-paragraph (b);
- (d) If sub-paragraph (b) or (c) does not apply, an offence under any enactment (whether or not of Jersey), relating to banking or other financial services, building societies, collective investment funds, companies, consumer credit, consumer protection, credit unions, friendly societies, industrial and provident societies, insider dealing, insolvency, insurance, money laundering or terrorist financing.¹
- (2) Where these Regulations disapply any provision of the Law, the disapplication extends to spent convictions for offences of every description, unless it is expressed to extend only to spent convictions for relevant offences.

2 “Work” to include voluntary work, etc.

In these Regulations –

“work” includes –

- (a) work of any kind, whether paid or unpaid, and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract; and
- (b) an office established by or by virtue of an enactment.

3 General conditions for questions

- (1) Except in Regulation 15, these Regulations shall apply only to a question –
- (a) if, at the time the question is asked, the person questioned is informed that, by virtue of these Regulations –
 - (i) in the case of a question to which Regulation 20 or 21 applies, spent convictions for any relevant offence must be disclosed, and
 - (ii) in the case of a question asked to which any other provisions of these Regulations applies, all spent convictions must be disclosed; and
 - (b) where the person to whom the question relates is not the person questioned, if, before the question is asked, the person to whom it relates is informed that it will be asked and of the requirements for disclosure referred to in sub-paragraph (a).
- (2) Save as provided in Regulation 21, these Regulations shall apply only to a question asked by or on behalf of a person in the course of the duties of his or her office or employment.

*General categories***4 Judiciary and legislature**

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
 - (a) for any judicial appointment, being an appointment to any office by virtue of which the holder has power (whether alone or with others) under any enactment or rule of law to determine any question affecting the rights, privileges, obligations or liabilities of any person;
 - (b) for appointment as –
 - (i) Attorney General, Solicitor General or a Crown Advocate,
 - (ii) Judicial Greffier, Deputy Judicial Greffier or a Greffier Substitute,
 - (iii) Viscount, Deputy Viscount or a Viscount Substitute,
 - (iv) Greffier of the States or Deputy Greffier of the States.
- (2) Article 10(2)(b) of the Law shall not apply to any appointment mentioned in paragraph (1).

5 Professions

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates for admission as an advocate or solicitor of the Royal Court.
- (2) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates for authorization, enrolment, recognition or registration, as the case may be, to practise any of the following professions in Jersey, namely –
 - (a) medical practitioner, pursuant to the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);
 - (b) registered person within the meaning of Article 1 of the [Dentistry \(Jersey\) Law 2015](#);
 - (c) optometrist or dispensing optician, pursuant to the [Opticians \(Registration\) \(Jersey\) Law 1962](#);
 - (d) pharmacist, pursuant to the [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#);
 - (e) midwife, pursuant to the [Health Care \(Registration\) \(Jersey\) Law 1995](#);
 - (f) veterinary surgeon, pursuant to the [Veterinary Surgeons \(Jersey\) Law 1999](#);
 - (g) any profession to which the [Health Care \(Registration\) \(Jersey\) Law 1995](#) applies and which is undertaken following registration under that Law.²
- (3) Article 10(2)(b) of the Law shall not apply to –
 - (a) the dismissal or exclusion of any person from the profession of advocate or solicitor of the Royal Court;

- (b) the cancellation of any authorization, enrolment, recognition or registration to practise in Jersey any profession mentioned in paragraph (2).
- (4) Article 7 of the Law shall not apply to –
- (a) any proceedings in respect of a person’s admission as an advocate or solicitor of the Royal Court or any disciplinary proceedings against such a person; or
 - (b) any proceedings in respect of the cancellation of any person’s authorization, enrolment, recognition or registration to practise in Jersey any profession mentioned in paragraph (2).

6 Law enforcement officers

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates for office or appointment as –
- (a) a member of the States of Jersey Police Force;
 - (b) a member of the Honorary Police;
 - (c)
 - (d) a police cadet, to undergo training with a view to becoming a member of the States of Jersey Police Force;
 - (e) a customs officer, pursuant to Article 4 of the [Customs and Excise \(Jersey\) Law 1999](#);
 - (f) an immigration officer, pursuant to paragraph 1 of Part 1 of Schedule 2 to the Immigration Act 1971, as it is applied to Jersey pursuant to the Immigration (Jersey) Order 1993;
 - (g) a fishery officer, pursuant to Article 14 of the [Sea Fisheries \(Jersey\) Law 1994](#);
 - (h) a traffic officer, pursuant to the [Motor Traffic \(Jersey\) Law 1935](#).³
- (2) Article 10(2)(b) of the Law shall not apply to any office or appointment mentioned in paragraph (1).
- (3) Article 7 of the Law shall not apply to disciplinary proceedings against any officer mentioned in paragraph (1)(a) to (c) or a police cadet.
- (4) Article 7 of the Law shall not apply to proceedings before the Royal Court relating to the swearing-in of a person as a member of the Honorary Police.⁴

7 Other posts related to the judiciary, the legislature and law enforcement

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
- (a) for appointment to the Bailiff’s Department, the Law Officers Department, the Viscount’s Department or the Judicial Greffe;
 - (b) for employment for the purposes of or to assist members of the States of Jersey Police Force or Honorary Police;

- (c) for employment concerned with the administration of or otherwise normally carried out wholly or partly within the precincts of the prison;
 - (d) for appointment as a probation officer, being a person named or designated as a délégué pursuant to the [Loi \(1937\) sur l'atténuation des peines et sur la mise en liberté surveillée](#);
 - (e) for designation as a relevant officer pursuant to Article 10 of the [Criminal Justice \(Community Service Orders\) \(Jersey\) Law 2001](#).
- (2) Article 10(2)(b) of the Law shall not apply to any appointment, employment or office mentioned in paragraph (1).

8 Official Analyst and staff

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
- (a) for appointment as Official Analyst;
 - (b) for employment in the office of the Official Analyst.⁵
- (2) Article 10(2)(b) of the Law shall not apply to any appointment or employment mentioned in paragraph (1).
- (3) In this Regulation, “Official Analyst” means the Official Analyst appointed under the [Official Analyst \(Jersey\) Law 2022](#).⁶

9 Lieutenant-Governor’s staff

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates for employment within the official residence of the Lieutenant-Governor.
- (2) Article 10(2)(b) of the Law shall not apply to any employment falling within paragraph (1).

10 Firearms, explosives and fireworks

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
- (a) to pursue any of the following occupations or to pursue any of them subject to a particular condition or restriction, namely –
 - (i) firearms dealer,
 - (ii) any occupation in respect of which a person, as occupier of premises on which explosives are kept, is required to obtain a licence from the Minister for Justice and Home Affairs⁷ under the [Explosives \(Jersey\) Law 1970](#),
 - (iii) any occupation in respect of which a person, as seller of fireworks, is required to obtain a licence from a Connétable under Article 8 of the [Explosives \(Jersey\) Law 1970](#);
 - (b) to hold any of the following certificates, permits or licences or to hold any of them subject to a particular condition or restriction –

- (i) a firearm certificate issued under the [Firearms \(Jersey\) Law 2000](#),
 - (ii) a permit issued under Article 12(1)(c), 14(8), 19(2) or 50 of the [Firearms \(Jersey\) Law 2000](#),
 - (iii) any licence granted under the [Explosives \(Jersey\) Law 1970](#).⁸
- (2) Article 10(2)(b) of the Law shall not apply to any occupation mentioned in paragraph (1)(a).
- (3) Article 7 of the Law shall not apply to any proceedings under the [Firearms \(Jersey\) Law 2000](#) in respect of –
- (a) the registration of a person as a firearms dealer, the removal of a person's name from a register of firearms or the imposition, variation, or revocation of conditions of any such registration;
 - (b) the grant, renewal, variation or revocation of a firearm certificate;
 - (c) the grant of a permit under Article 12(1)(c), 14(8), 19(2) or 50 of that Law;
 - (d) the grant, renewal, variation or cancellation of a licence under the [Explosives \(Jersey\) Law 1970](#).

11 Gambling⁹

- (1) Article 7 of the Law shall not apply to any proceedings in respect of the refusal of, imposition of conditions upon or variation or revocation of any licence or certificate granted by or any registration by the Jersey Gambling Commission or by the Minister for Sustainable Economic Development in relation to gambling.¹⁰
- (2) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
- (a) for appointment as a Commissioner of the Jersey Gambling Commission;
 - (b) to hold any licence, permit or approval issued by the Jersey Gambling Commission or to be registered by that Commission; or
 - (c) for employment in any occupation for which any such licence, permit, approval or registration is required.¹¹
- (3) Article 10(1) and (2)(a) of the Law shall not apply to the disclosure of information under paragraph 7 of Schedule 1 to the [Gambling Commission \(Jersey\) Law 2010](#).
- (4) Article 10(2)(b) of the Law shall not apply to –
- (a) the office of Commissioner of the Jersey Gambling Commission; or
 - (b) any occupation to which paragraph (2)(c) applies.

12 PSV licence and badge holders

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
- (a) to hold a public service vehicle licence;
 - (b) to be issued with a badge to drive a public service vehicle;

- (c) for employment in any occupation for which such a licence or badge is required.
- (2) Article 7 of the Law shall not apply to any proceedings in respect of the refusal, suspension or revocation of a public service vehicle licence or a badge.
- (3) Article 10(2)(b) of the Law shall not apply to employment in any occupation falling within paragraph (1)(c).
- (4) In this Regulation, “badge”, “public service vehicle” and “public service vehicle licence” have the same meaning as in the [Motor Traffic \(Jersey\) Law 1935](#).

13 Liquor licensing

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
 - (a) to be granted a licence under the 1974 Law;
 - (b) to be registered as a manager of licensed premises;
 - (c) to be approved as a deputy for a licence holder or manager pursuant to Article 19 of the 1974 Law;
 - (d) for employment in any occupation which requires the employee to hold a licence under the 1974 Law or be registered as a manager of licensed premises or approved pursuant to Article 19 of that Law.
- (2) Article 7 of the Law shall not apply to any proceedings in respect of –
 - (a) the refusal of, imposition of conditions upon or variation of any licence or in respect of the grant of a licence of a category different from that applied for;
 - (b) the refusal of registration of a person as manager of licensed premises;
 - (c) the refusal of approval of a person pursuant to Article 19 of the 1974 Law.
- (3) Article 10(2)(b) of the Law shall not apply to employment in any occupation falling within paragraph (1)(d).
- (4) In this Regulation, “1974 Law” means the [Licensing \(Jersey\) Law 1974](#) and “licence”, “licensed premises” and “manager” have the same meaning as in that Law.

13A Licensing of controlled drugs¹²

- (1) This Regulation applies with respect to –
 - (a) a licence issued under Article 3 of the [Misuse of Drugs \(General Provisions\) \(Jersey\) Order 2009](#) to produce, supply, offer to supply or possess a controlled drug; and
 - (b) a licence issued under Article 10 of that Order to cultivate plants of the genus *Cannabis*.
- (2) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of a person to hold a licence referred to in paragraph (1), if the question relates to –
 - (a) the applicant for or the holder of such a licence; or

- (b) a person who, as a result of his or her role in, or relationship to, the applicant for or holder of such a licence –
 - (i) is required to be named in the application for the licence, or
 - (ii) would have been so required had the person been in that role or had that relationship at the time the application was made.
- (3) Article 10(2)(b) of the Law shall not, in the context of any matter related to an application for a licence referred to in paragraph (1), apply to a person’s role in, or relationship to, an applicant for or a holder of such a licence.
- (4) Article 7 of the Law shall not apply to any proceedings in respect of the refusal of, or the imposition of conditions attached to, a licence referred to in paragraph (1).

14 Security of Jersey

- (1) Article 10(1) of the Law shall not apply when a question is asked by or on behalf of an officer mentioned in Article 36A(6) of the States of Jersey Law 1966 in order to assess, for the purposes of safeguarding the security of Jersey, the suitability of the person to whom the question relates for any office or employment, where the person questioned is informed, at the time the question is asked, that, by virtue of these Regulations, spent convictions are to be disclosed for the purpose of safeguarding the security of Jersey.
- (2) Article 10(2)(b) of the Law shall not apply to any exclusion or dismissal, for the purpose of safeguarding the security of Jersey, from an office or employment to which paragraph (1) applies.

15 International co-operation

Article 10(1) of the Law shall not apply where a question is put to the Attorney General or the States of Jersey Police Force by –

- (a) the Attorney General, or person of comparable office, of another place or territory;
or
- (b) a police force or other law enforcement agency of another place or territory.

15A Immigration and nationality¹³

- (1) Article 7 and Article 10(1) and (2) of the Law shall not apply –
 - (a) in relation to any proceedings in respect of an immigration decision or a nationality decision; or
 - (b) otherwise for the purposes of, or in connection with, any such decision.
- (2) In this Regulation –

“immigration decision” means any decision, or proposed decision, of the Lieutenant-Governor, an immigration officer or the Minister for Justice and Home Affairs under –

 - (a) the Immigration Act 1971 (c. 77) (the “1971 Act”) and the Immigration Act 1988 (c. 14) as extended to Jersey by the Immigration (Jersey) Order 1993 (the “1993 Order”);

- (b) the Asylum and Immigration Act 1996 (c. 49) as extended to Jersey by the Asylum and Immigration Act 1996 (Jersey) Order 1998;
- (c) the Immigration and Asylum Act 1999 (c. 33) as extended to Jersey by the Immigration and Asylum Act 1999 (Jersey) Order 2003;
- (d) the Immigration, Asylum and Nationality Act 2006 (c. 13) as extended to Jersey by the Immigration (Jersey) Order 2012;
- (e) any Regulations or Orders made under Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996 (the “1996 Law”) relating to immigration control;
- (f) any Community provision within the meaning of the 1996 Law, that is directly applicable to Jersey and relates to immigration control; or
- (g) any immigration rules or directions made under any enactment or provision listed under sub-paragraphs (a) to (f),

in relation to the entitlement of a person to enter or remain in Jersey (including, in particular, the granting of a work permit, or the removal of a person from Jersey, whether by deportation or otherwise);

“nationality decision” means any decision, or proposed decision of the Lieutenant-Governor under, or by virtue of the following Acts of the United Kingdom (as amended), namely –

- (a) the British Nationality Act 1981 (c. 61);
- (b) the British Nationality (Hong Kong) Act 1990 (c. 34); or
- (c) the Hong Kong (War Wives and Widows) Act 1996 (c. 41),

in relation to the good character of a person; and

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the 1971 Act as extended to Jersey by the 1993 Order.¹⁴

Contact with children and other vulnerable persons

16 Adopters and foster parents¹⁵

Article 10(1) of the Law shall not apply when a question is asked by or on behalf of a person employed by the Adoption Service established by Article 2 of the [Adoption \(Jersey\) Law 1961](#) or by any of the approved adoption societies described in paragraph (4) of that Article or by or on behalf of an officer in an administration for which the Minister for Children and Families is assigned responsibility¹⁶, for the purpose of assessing the suitability of any person to adopt or foster children in general or a child in particular, where –

- (a) the question relates to the person whose suitability is being assessed; or
- (b) the question relates to a person living in the same household as the person whose suitability is being assessed.

17 Work with children

- (1) This Article applies to the following descriptions of work with children –
- (a) a position whose normal duties include work in –
 - (i) an institution which is exclusively or mainly for the detention of children,
 - (ii) a hospital or nursing home which is exclusively or mainly for children,
 - (iii) a school which is exclusively or mainly for the education of children, or
 - (iv) a home consisting of a care home service within the meaning of paragraph 4 of Schedule 1 to the [Regulation of Care \(Jersey\) Law 2014](#) (the “2014 Law”) which provides services to children as well as individuals who have attained the age of 18,
 - (v) a home care service within the meaning of paragraph 5 of Schedule 1 to the 2014 Law which provides services to children as well as individuals who have attained the age of 18, or
 - (vi) to the extent not already covered by clauses (i) to (v), any service regulated under Part 3 of Schedule 1 to the 2014 Law;
 - (b) a position whose normal duties include work on premises required to be registered as day care accommodation under the [Day Care of Children \(Jersey\) Law 2002](#), disregarding any work which is done –
 - (i) on a part of the premises in which children are not looked after, or
 - (ii) at times when children are not looked after;
 - (c) a position whose normal duties include caring for, training, supervising or being in charge of children, otherwise than in the course of the children’s employment;
 - (d) a position whose normal duties involve contact with children otherwise than in the course of the children’s employment and in the absence of a person who holds a position described in sub-paragraph (c) or of any of the following persons –
 - (i) the child’s parent or guardian or any adult with whom the child lives,
 - (ii) the person in charge of any establishment mentioned in sub-paragraph (a) in which the child is accommodated, is a patient or receives education, or any person acting on behalf of such a person,
 - (iii) a person whose premises are registered as day care accommodation under the [Day Care of Children \(Jersey\) Law 2002](#),
 - (iv) a person who is registered as a day carer under that Law,
 - (v) any person holding a position mentioned in sub-paragraph (f);
 - (e) a position whose normal duties include caring for children under the age of 16 in the course of the children’s employment;
 - (f) work in an institution providing –

- (i) full and part-time education suitable to the requirements of persons over compulsory school age (including vocational, social, physical and recreational training), and
 - (ii) organized leisure time in connection with the provision of such education,where the normal duties of that work involve regular contact with children;
 - (g) a position of line manager, being a position whose normal duties include –
 - (i) supervising the day-to-day performance of an individual's duties in his or her work in a position mentioned in sub-paragraphs (a) to (f),
 - (ii) being the person to whom an individual, in his or her work in a position mentioned in sub-paragraphs (a) to (f), is directly responsible for the performance of his or her duties in that work, or
 - (iii) having authority to dismiss an individual from his or her work in a position mentioned in sub-paragraphs (a) to (f);
 - (h) trustee of a children's charity;
 - (i) member of the governing body of a school;
 - (j) chief officer of an administration of the States for which the Minister for Education and Lifelong Learning is assigned responsibility¹⁷;
 - (k) chief officer of an administration of the States for which the Minister for Health and Social Services or Minister for Children and Families is assigned responsibility or director of such an administration providing services for children^{18, 19}
- (2) For the purposes of paragraph (1)(h) –
- (a) a charity is a children's charity if the individuals who are workers for the charity normally include individuals working in any position mentioned in paragraph (1)(a) to (f);
 - (b) an individual is a worker for a charity if he or she does work under arrangements made by the charity which are wholly or mainly for the purposes for which the charity is established.
- (3) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of a person for any work with children where –
- (a) the question relates to the person whose suitability is being assessed;
 - (b) the person whose suitability is being assessed lives on the premises where his or her work with children would take place and the question relates to a person living in the same household as him or her;
 - (c) the person whose suitability is being assessed lives on the premises where his or her work with children would normally take place and the question relates to a person who regularly works on those premises at a time when the work with children usually takes place; or
 - (d) the work for which the person's suitability is being assessed is work as a day carer under the [Day Care of Children \(Jersey\) Law 2002](#), which would normally take place on premises other than premises where that person lives and the question relates to a person who lives on those other premises or to a

person who regularly works on them at a time when the day care takes place.²⁰

- (4) Article 10(2)(b) of the Law shall not apply to any work with children.
- (5) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
 - (a) to have premises registered as day care accommodation under the [Day Care of Children \(Jersey\) Law 2002](#); or
 - (b) to be registered as a day carer under that Law.²¹
- (6) Article 10(1) of the Law shall not apply when a question is asked in order to assess, for the purposes of the determination of an application for registration of a non-provided school pursuant to Article 40 of the [Education \(Jersey\) Law 1999](#), the suitability of a person to be the proprietor of or a teacher in a non-provided school.
- (7) Article 7 of the Law shall not apply to any proceedings arising from any determination regarding the suitability of a person for any purpose described in paragraph (5) or (6).
- (8) Article 10(1) of the Law shall not apply where a question is asked in order to assess the suitability of a person to enrol in any course of education which includes a work placement in a position falling within paragraph (1)(c).

18 Work with vulnerable persons

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
 - (a) for any employment or work which is concerned with the provision of social services and of such a kind as to enable the employee or person engaged in that work to have access to any of the following classes of persons in the course of his or her normal duties, namely –
 - (i) persons over the age of 65,
 - (ii) persons suffering from serious mental illness or mental disorder of any description,
 - (iii) persons addicted to alcohol or drugs,
 - (iv) persons who are blind, deaf or dumb, or
 - (v) other persons who are substantially and permanently disabled by illness, injury or congenital condition;
 - (b) for any employment or work which is concerned with the provision of health services and of such a kind as to enable the employee or person engaged in that work to have access to persons in receipt of such services in the course of the employee or person's normal duties;
 - (c) for any occupation which is concerned with the management or carrying on of a nursing home;
 - (d) for appointment –
 - (i) as a delegate under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), or

- (ii) as a nearest person under Part 2 of the [Mental Health \(Jersey\) Law 2016](#);
- (e) to exercise authority conferred by a lasting power of attorney under Part 2 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#);²²
- (2) Article 10(1) of the Law shall not apply when a question is asked by or on behalf of any person in order to assess the suitability of the person to whom the question relates for registration under the [Nursing Homes \(Jersey\) Law 1994](#) or the [Regulation of Care \(Jersey\) Law 2014](#).²³
- (3) Article 10(2)(b) of the Law shall not apply to any employment, work, occupation or appointment mentioned in paragraph (1).
- (4) Article 7 of the Law shall not apply to any proceedings in respect of any determination regarding the suitability of a person for registration under the [Nursing Homes \(Jersey\) Law 1994](#) or the [Regulation of Care \(Jersey\) Law 2014](#).²⁴

Financial services

19 Jersey Financial Services Commission

- (1) Article 10(1) of the Law shall not apply when a question is asked in order to assess the suitability of the person to whom the question relates –
 - (a) for appointment as a Commissioner of the Commission, pursuant to Article 3 of the [Financial Services Commission \(Jersey\) Law 1998](#);
 - (b) for appointment as an officer, servant or agent of the Commission, pursuant to Article 10 of that Law.
- (2) Article 10(2)(b) of the Law shall not apply to any appointment mentioned in paragraph (1).

20 Supervision of financial services by Commission

- (1) In this Regulation and Regulation 21 –
 - “1988 Law” means the [Collective Investment Funds \(Jersey\) Law 1988](#);
 - “1991 Law” means the [Banking Business \(Jersey\) Law 1991](#);
 - “1996 Law” means the [Insurance Business \(Jersey\) Law 1996](#);
 - “1998 Law” means the [Financial Services \(Jersey\) Law 1998](#);
 - “2008 Law” means the [Proceeds of Crime \(Supervisory Bodies\) \(Jersey\) Law 2008](#);
 - “finance employee” means an employee whose duties include having control of property of any description and “employee” includes a person whether employed under a contract of service or a contract for services;
 - “senior officer” means a person appointed as such in connection with Article 11 of the [Banking Business \(General Provisions\) \(Jersey\) Order 2002](#).²⁵
- (2) In this Regulation –

- (a) the expressions “functionary”, “fund service provider”, “relevant supervisory authority”, “relevant overseas supervisory authority”, “supervisory body” or “supervisor of a securities market”, when used in relation to any of the Laws listed in paragraph (1), shall have the meaning given in that Law;
 - (b) a reference to a person as being associated with a person for the purposes of the latter person’s business, when used in relation to any of the Laws listed in paragraph (1), shall have the meaning given in that Law; and
 - (c) “relevant person” means a person who has applied for, or been granted level 1 registration under Article 14 of the 2008 Law.²⁶
- (3) In this Regulation and Regulation 21 the expressions “chief executive”, “controller”, “director”, “key person”, “manager”, “principal person”, and “shareholder controller” when used in relation to any of the Laws listed in paragraph (1), shall have the meaning given in that Law.²⁷
- (4) For the purposes of this Regulation and Regulation 21, a person is a prospective –
- (a) actuary;
 - (b) chief executive;
 - (c) controller;
 - (d) director;
 - (e) finance employee;
 - (f) key person;
 - (g) manager;
 - (h) principal person;
 - (i) senior officer; or
 - (j) shareholder controller,
- if the person is proposed as, or is seeking or intending to become or is about to become, the holder of such a position.²⁸
- (5) Article 7 of the Law shall not apply to a spent conviction for a relevant offence in any proceedings under –
- (a) Article 8E, 8F, 12D, 17C, 24, 34 and 34A of the 1988 Law;
 - (b) Article 17, 18, 18A, 19, 30, 35, 36, 37A, 37B, 48C and 48D of the 1991 Law;
 - (c) Article 8A, 9, 9A, 13, 24, 27, 36A, 36B and 43C of the 1996 Law;
 - (d) Article 11, 12, 13, 16, 23, 24, 25C, 26 and 34 of the 1998 Law; or
 - (e) Article 19, 23, 24, 25, 29 and 32 of the 2008 Law.²⁹
- (6) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of the Commission in the discharge of its functions under the 1988 Law, in respect of –
- (a) a holder of or applicant for a permit or certificate under that Law;
 - (b) a key person, or prospective key person, in relation to a person to whom subparagraph (a) refers;

- (c) a principal person, or prospective principal person, in relation to a person to whom sub-paragraph (a) refers;
 - (d) a finance employee, or prospective finance employee, of a person to whom sub-paragraph (a) refers;
 - (e) any other functionary or fund service provider of the collective investment fund to which the application, certificate or permit (as the case may be) relates; or
 - (f) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³⁰
- (7) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of the Commission in the discharge of its functions under the 1991 Law, in respect of –
- (a) a person who is registered under, or has applied for registration under that Law;
 - (b) a controller, director, finance employee, key person, manager or senior officer of a person to whom sub-paragraph (a) refers;
 - (c) a prospective controller, director, finance employee, key person, manager or senior officer of a person to whom sub-paragraph (a) refers; or
 - (d) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³¹
- (8) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of the Commission in the discharge of its functions under the 1996 Law, in respect of –
- (a) a holder of or applicant for a permit under that Law;
 - (b) an actuary, a chief executive, director, finance employee, key person or shareholder controller of a person to whom sub-paragraph (a) refers;
 - (c) a prospective actuary, chief executive, director, finance employee, key person or shareholder controller of a person to whom sub-paragraph (a) refers; or
 - (d) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³²
- (9) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of the Commission in the discharge of its functions under the 1998 Law, in respect of –
- (a) a person who is registered under, or has applied for registration under that Law;
 - (b) a key person, or prospective key person, in relation to a person to whom sub-paragraph (a) refers;
 - (c) a principal person, or prospective principal person, in relation to a person to whom sub-paragraph (a) refers;
 - (d) a finance employee, or prospective finance employee, of a person to whom sub-paragraph (a) refers; or

- (e) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³³
- (10) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of the Commission, or a supervisory body, in the discharge of their functions under the 2008 Law, in respect of –
- (a) a relevant person;
 - (b) a key person or prospective key person, in relation to a relevant person;
 - (c) a principal person or prospective principal person, in relation to a relevant person;
 - (d) a finance employee, or prospective finance employee, of a relevant person; or
 - (e) any person who is associated with a relevant person for the purposes of the relevant person's business.³⁴
- (11) Article 10(2)(a) of the Law shall not apply to a spent conviction for a relevant offence, or to any circumstances ancillary to such a conviction, in relation to any obligation to disclose matters to the Commission under the 1988 Law, in respect of –
- (a) a holder of or applicant for a permit or certificate under that Law;
 - (b) a key person, or prospective key person, in relation to a person to whom sub-paragraph (a) refers;
 - (c) a principal person, or prospective principal person, in relation to a person to whom sub-paragraph (a) refers;
 - (d) a finance employee, or prospective finance employee, of a person to whom sub-paragraph (a) refers;
 - (e) any other functionary or fund service provider of the collective investment fund to which the application, certificate or permit (as the case may be) relates; or
 - (f) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³⁵
- (12) Article 10(2)(a) of the Law shall not apply to a spent conviction for a relevant offence, or to any circumstances ancillary to such a conviction, in relation to any obligation to disclose matters to the Commission under the 1991 Law, in respect of –
- (a) a person who is registered under, or has applied for registration under that Law;
 - (b) a controller, director, finance employee, key person, manager or senior officer of a person to whom sub-paragraph (a) refers;
 - (c) a prospective controller, director, finance employee, key person, manager or senior officer of a person to whom sub-paragraph (a) refers; or
 - (d) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³⁶
- (13) Article 10(2)(a) of the Law shall not apply to a spent conviction for a relevant offence, or any circumstances ancillary to such a conviction, in relation to any

- obligation to disclose matters to the Commission under the 1996 Law, in respect of –
- (a) a holder of, or applicant for a permit under that Law;
 - (b) an actuary, a chief executive, director, finance employee, key person or shareholder controller of a person to whom sub-paragraph (a) refers;
 - (c) a prospective actuary, chief executive, director, finance employee, key person or shareholder controller of a person to whom sub-paragraph (a) refers; or
 - (d) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³⁷
- (14) Article 10(2)(a) of the Law shall not apply to a spent conviction for a relevant offence, or to any circumstances ancillary to such a conviction, in relation to any obligation to disclose matters to the Commission under the 1998 Law, in respect of –
- (a) a person who is registered under, or has applied for registration under that Law;
 - (b) a key person, or prospective key person, in relation to a person to whom sub-paragraph (a) refers;
 - (c) a principal person, or prospective principal person, in relation to a person to whom sub-paragraph (a) refers;
 - (d) a finance employee, or prospective finance employee, of a person to whom sub-paragraph (a) refers; or
 - (e) any person who is associated with a person to whom sub-paragraph (a) refers for the purposes of the latter person's business.³⁸
- (15) Article 10(2)(a) of the Law shall not apply to a spent conviction for a relevant offence, or to any circumstances ancillary to such a conviction, in relation to any obligation to disclose such matters to the Commission or a supervisory body under the 2008 Law, in respect of –
- (a) a relevant person;
 - (b) a key person or prospective key person, in relation to a relevant person;
 - (c) a principal person or prospective principal person, in relation to a relevant person;
 - (d) a finance employee, or prospective finance employee of a relevant person; or
 - (e) any person who is associated with a relevant person for the purposes of the relevant person's business.³⁹
- (16) Article 10(2)(b) of the Law shall not apply in relation to a spent conviction for a relevant offence, to any decision or proposed decision, or act of –
- (a) the Commission in the discharge of its functions under any of the Laws listed in paragraph (1); or
 - (b) a supervisory body in the discharge of its functions under the 2008 Law.⁴⁰
- (17) Article 11(1) of the Law shall not apply to the disclosure of specified information by –

- (a) the Commission in the discharge of any power of co-operation with a relevant supervisory authority (including a relevant overseas supervisory authority), or a supervisor of a securities market under any of the Laws listed in paragraph (1); or
 - (b) a supervisory body in the discharge of any power of co-operation with a relevant overseas supervisory authority under the 2008 Law,
- to such an authority or supervisor of any spent conviction for a relevant offence, disclosed to the Commission or a supervisory body in the course of their official duties.⁴¹

21 Work in supervised financial services⁴²

- (1) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of –
 - (a) a holder of a permit or certificate under the 1988 Law; or
 - (b) a person who has applied, or intends to apply for a permit or a certificate under the 1988 Law,and relates to an individual to whom paragraph (2) refers.
- (2) This paragraph refers to –
 - (a) a key person, or prospective key person, in relation to the person by whom or on whose behalf the question is put;
 - (b) a principal person, or prospective principal person, in relation to the person by whom or on whose behalf the question is put;
 - (c) a finance employee, or prospective finance employee, of the person by whom or on whose behalf the question is put.
- (3) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of –
 - (a) a person registered under the 1991 Law; or
 - (b) a person who has applied, or intends to apply for registration under that Law,and relates to an individual to whom paragraph (4) refers.
- (4) This paragraph refers to –
 - (a) a controller, director, finance employee, key person, manager or senior officer of the person by whom or on whose behalf the question is put;
 - (b) a prospective controller, director, finance employee, key person, manager or senior officer of the person by whom or on whose behalf the question is put.
- (5) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of –
 - (a) the holder of a permit under the 1996 Law; or
 - (b) a person who has applied, or intends to apply for a permit under the 1996 Law,and relates to a person to whom paragraph (6) refers.
- (6) This paragraph refers to –

- (a) an actuary, a chief executive, director, finance employee, key person, or shareholder controller of the person by whom or on whose behalf the question is put;
 - (b) a prospective actuary, chief executive, director, finance employee, key person, or shareholder controller of the person by whom or on whose behalf the question is put.
- (7) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of –
 - (a) a person who is registered under the 1998 Law; or
 - (b) a person who has applied, or intends to apply for registration under the 1998 Law,and relates to an individual to whom paragraph (8) refers.
- (8) This paragraph refers to –
 - (a) a finance employee, or prospective finance employee, of the person by whom or on whose behalf the question is put;
 - (b) a key person, or principal person, in relation to the person by whom or on whose behalf the question is put;
 - (c) a prospective key person, or principal person, in relation to the person by whom or on whose behalf the question is put.
- (9) Article 10(1) of the Law shall not apply to a spent conviction for a relevant offence when a question is put by or on behalf of a relevant person, being a person who –
 - (a) has been granted level 1 registration under Article 14 of the 2008 Law; or
 - (b) has applied or intends to apply for level 1 registration under Article 14 of the 2008 Law,and relates to an individual to whom paragraph (10) refers.
- (10) This paragraph refers to –
 - (a) a finance employee, or prospective finance employee, of the person by whom or on whose behalf the question is put;
 - (b) a key person or principal person, in relation to the person by whom or on whose behalf the question is put;
 - (c) a prospective key person, or principal person, in relation to the person by whom or on whose behalf the question is put.
- (11) Article 10(2)(b) of the Law shall not apply, in relation to a spent conviction for a relevant offence, to –
 - (a) the dismissal or exclusion of an individual from being or becoming a key person, or principal person in relation to a person mentioned in paragraph (1)(a) or (b);
 - (b) the dismissal or exclusion of an individual from being or becoming a finance employee of a person mentioned in paragraph (1)(a) or (b);
 - (c) the dismissal or exclusion of an individual from being or becoming a controller, director, finance employee, key person, manager or senior officer of a person mentioned in paragraph (3)(a) or (b);

- (d) the dismissal or exclusion of an individual from being or becoming an actuary, a chief executive, director, finance employee, key person or shareholder controller of a person mentioned in paragraph (5)(a) or (b);
- (e) the dismissal or exclusion of an individual from being or becoming a key person or principal person in relation to a person mentioned in paragraph (7)(a) or (b);
- (f) the dismissal or exclusion of an individual from being or becoming a finance employee of a person mentioned in paragraph (7)(a) or (b);
- (g) the dismissal or exclusion of an individual from being or becoming a key person, or principal person in relation to a person mentioned in paragraph (9);
- (h) the dismissal or exclusion of an individual from being or becoming a finance employee of a person mentioned in paragraph (9).

General provisions

22 General rule for information held in the course of official duties

Article 11(1) of the Law shall not apply where a person who, in the course of his or her official duties has, or at any time has had, custody of or access to any official record or the information contained in it –

- (a) discloses any specified information derived from the record; and
- (b) the disclosure is made in the course of that person's duties.

23 Proceedings before Mental Health Review Tribunal

Article 7 of the Law shall not apply to proceedings under the [Mental Health \(Jersey\) Law 2016](#) before the Mental Health Review Tribunal.⁴³

24 General rule for proceedings

Article 7 of the Law shall not apply to proceedings –

- (a) by way of appeal against or review of any decision taken, by virtue of any provision of these Regulations, on consideration of a spent conviction; or
- (b) held for the receipt of evidence affecting the determination of any question arising in proceedings specified in these Regulations.

Closing provision

25 Citation

These Regulations may be cited as the Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Rehabilitation of Offenders (Exceptions) (Jersey) Regulations 2002	R&O.122/2002	1 December 2002	P.157/2002
Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	L.6/2010	16 May 2010	P.209/2009
Gambling Commission (Jersey) Law 2010	L.11/2010	3 September 2010	P.139/2009
Civil Partnership (Consequential Amendments) (Jersey) Regulations 2012	R&O.47/2012	2 April 2012	P.12/2012
Gambling (Jersey) Law 2012	L.14/2012	1 January 2013 (R&O.133/2012)	P.100/2011
Rehabilitation of Offenders (Exceptions) (Amendment) (Jersey) Regulations 2014	R&O.68/2014	24 June 2014	P.65/2014
States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations 2014	R&O.88/2014	1 August 2014 (R&O.87/2014)	P.88/2014
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Dentistry (Jersey) Law 2015	L.17/2015	24 February 2016 (R&O.22/2016)	P.89/2015
Opticians (Registration) (Amendment No. 2) (Jersey) Law 2017	L.13/2017	19 May 2017	P.120/2016
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018
Regulation of Care (Regulated Activities) (Jersey) Regulations 2018	R&O.118/2018	1 January 2019	P.126/2018
States of Jersey (Transfer of Responsibilities and Functions) (Health and Social Services to Children and Housing) Order 2019	R&O.100/2019	9 October 2019	

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Rehabilitation of Offenders (Exceptions) (Amendment No. 2) (Jersey) Regulations 2020	R&O.5/2020	28 January 2020	P.104/2019
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	R&O.29/2021	2 March 2021	
Official Analyst (Jersey) Law 2022	L.30/2022	12 August 2022	P.41/2022
Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 2022	R&O.55/2022	1 January 2023 (R&O.117/2022)	P.45/2022
States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 2023	R&O.76/2023	21 September 2023	
States of Jersey (Ministerial Offices – Minister for Sustainable Economic Development) Order 2023	R&O.102/2023	24 November 2023	
Changes to Ministerial Offices (Jersey) Amendment Order 2024	R&O.10/2024	9.30 a.m. on 27 February 2024	

◦Projets available at statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
1(3), (4), (5)	spent, omitted from this revised edition
17(1)(j)	17(1)(i)
(k)	(j)
(l)	(k)
(2) (second)	(3)
(3)	(4)
(4)	(5)
(5)	(6)
(6)	(7)
(7)	(8)

Table of Endnote References

- ¹ Regulation 1(1) amended by R&O.68/2014
- ² Regulation 5(2) added by L.6/2010, amended by L.17/2015, L.13/2017, revised on 14 June 2024 by Law Revision Board item [2024/1](#)
- ³ Regulation 6(1) amended by R&O.88/2014

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- ⁴ Regulation 6(4) added by R&O.68/2014
- ⁵ Regulation 8(1) amended by L.30/2022
- ⁶ Regulation 8(3) amended by L.30/2022
- ⁷ Regulation 10 the functions of the Home Affairs Committee under the Explosives (Jersey) Law 1970 were transferred to the Minister for Home Affairs by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005 chapter 16.800.30
- ⁸ Regulation 10(1) amended by R&O.76/2023
- ⁹ Regulation 11 substituted by L.11/2010
- ¹⁰ Regulation 11(1) amended by R&O.158/2015, R&O.102/2023
- ¹¹ Regulation 11(2) amended by L.14/2012
- ¹² Regulation 13A inserted by R&O.5/2020
- ¹³ Regulation 15A inserted by R&O.68/2014
- ¹⁴ Regulation 15A(2) amended by R&O.76/2023
- ¹⁵ Regulation 16 amended by R&O.100/2019, R&O.29/2021, R&O.10/2024
- ¹⁶ Regulation 16 the functions of the Health and Social Services Committee were transferred to the Minister for Health and Social Services by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005, chapter 16.800.30
- ¹⁷ Regulation 17 the functions of the Education, Sport and Culture Committee were transferred to the Minister for Education, Sport and Culture by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005, chapter 16.800.30
- ¹⁸ Regulation 17 the functions of the Health and Social Services Committee were transferred to the Minister for Health and Social Services by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005, chapter 16.800.30
- ¹⁹ Regulation 17(1) amended by R&O.158/2015, R&O.118/2018, R&O.100/2019, R&O.29/2021, R&O.55/2022, R&O.10/2024
- ²⁰ Regulation 17(3) amended by R&O.118/2018
- ²¹ Regulation 17(5) amended by R&O.118/2018
- ²² Regulation 18(1) amended by R&O.49/2018
- ²³ Regulation 18(2) amended by R&O.118/2018
- ²⁴ Regulation 18(4) amended by R&O.118/2018
- ²⁵ Regulation 20(1) amended by R&O.68/2014
- ²⁶ Regulation 20(2) substituted by R&O.68/2014
- ²⁷ Regulation 20(3) substituted by R&O.68/2014
- ²⁸ Regulation 20(4) substituted by R&O.68/2014
- ²⁹ Regulation 20(5) substituted by R&O.68/2014
- ³⁰ Regulation 20(6) substituted by R&O.68/2014
- ³¹ Regulation 20(7) inserted by R&O.68/2014
- ³² Regulation 20(8) inserted by R&O.68/2014
- ³³ Regulation 20(9) inserted by R&O.68/2014
- ³⁴ Regulation 20(10) inserted by R&O.68/2014
- ³⁵ Regulation 20(11) inserted by R&O.68/2014
- ³⁶ Regulation 20(12) inserted by R&O.68/2014
- ³⁷ Regulation 20(13) inserted by R&O.68/2014
- ³⁸ Regulation 20(14) inserted by R&O.68/2014
- ³⁹ Regulation 20(15) inserted by R&O.68/2014
- ⁴⁰ Regulation 20(16) inserted by R&O.68/2014
- ⁴¹ Regulation 20(17) inserted by R&O.68/2014

- ⁴² *Regulation 21* *substituted by R&O.68/2014*
⁴³ *Regulation 23* *amended by R&O.49/2018*