

# Disclosing convictions in Form A

This factsheet should be read in conjunction with the guidance notes to help complete Form A for an application to perform controlled function(s) under the Approved Persons regime. In particular, this factsheet helps with questions 5.01 to 5.02 in the Form A, which relate to criminal matters.

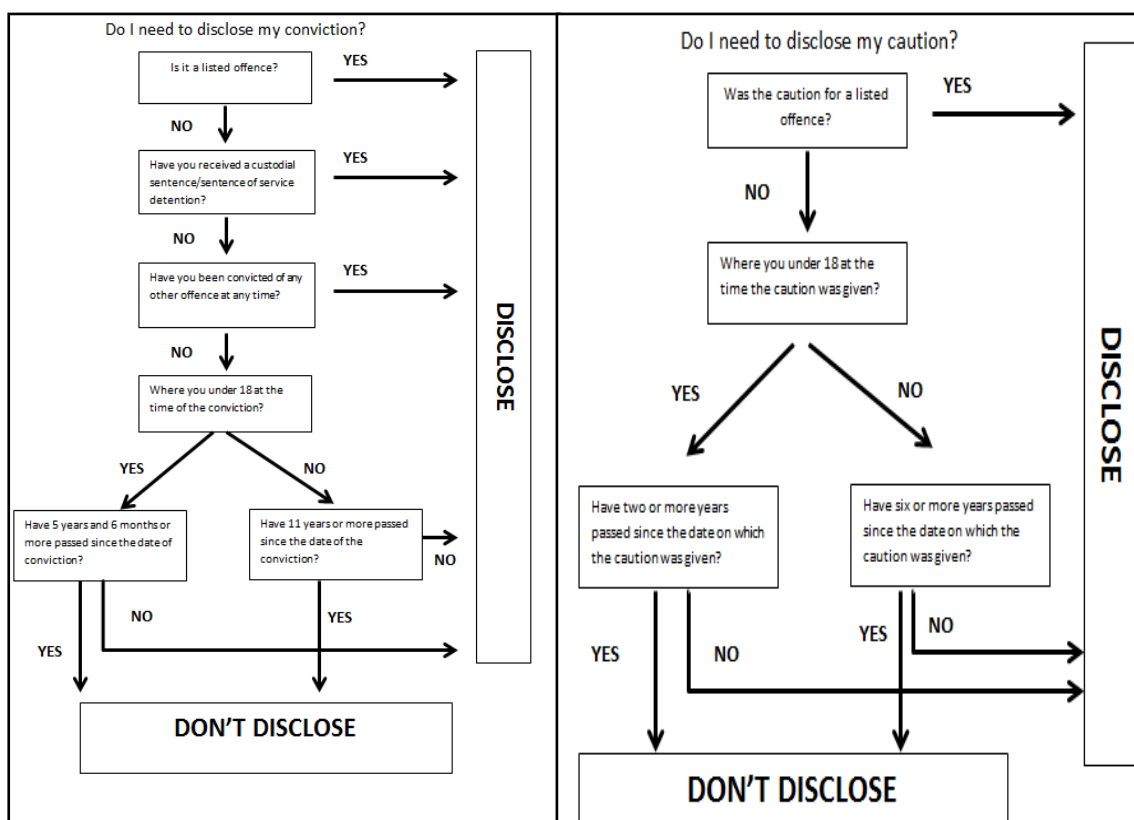
Before answering the questions in the form, you should be aware that:

- References to 'conviction', 'custodial sentence' and 'sentence of service detention' in the diagram below have the same meaning as in the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (<http://www.legislation.gov.uk>), both of which should be referred to in answering the questions.
- Listed offences include serious violent and sexual offences and must be disclosed. You should refer to article 2 paragraph 2A (5)(a)-(n) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2013) for the full definition of 'listed offences'.

## The position in England and Wales

Where the law of England and Wales applies under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, spent and unspent criminal convictions (other than a protected conviction) and spent and unspent cautions (other than a protected caution) must be disclosed.

You do not have to disclose a protected caution or protected conviction. To determine whether or not your conviction or caution is protected and therefore does not need to be disclosed, refer to the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.



## **The position in Northern Ireland**

Where the law in Northern Ireland applies under the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979, spent and unspent criminal convictions and spent and unspent cautions must be disclosed.

## **The position in Scotland**

Where the law of Scotland applies under the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, spent and unspent convictions must be disclosed. Disclosures in relation to spent alternatives to prosecution are not required.