

*Draft Order laid before the Assembly under Article 6(13) of the Rehabilitation of Offenders (Northern Ireland) Order 1978, for approval*

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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 0000**

**REHABILITATION OF OFFENDERS**

The Rehabilitation of Offenders  
(Amendment) Order (Northern Ireland) 2022

*Laid before the Assembly in draft*

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The Department of Justice, in exercise of the powers conferred by Article 6(13) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(1), makes the following Order.

**Citation, Commencement and Interpretation**

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022 and shall come into operation on 1 June 2022.

(2) In this Order “the 1978 Order” means The Rehabilitation of Offenders (Northern Ireland) Order 1978.

**Amendment of the 1978 Order**

2.—(1) Article 6 of the 1978 Order is amended as follows.

(2) In paragraph (1)(b) for “thirty months” substitute “10 years”.

(3) In paragraph (1)(d) for “thirty months” substitute “10 years”.

(4) In Table A—

(a) For the row relating to a sentence of imprisonment or corrective training for a term exceeding six months but not exceeding thirty months substitute —

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“A sentence of imprisonment of more than 4 years and up to, or consisting of 10 years	The end of the period of 7 years beginning with the day on which the sentence (including and licence period) is completed
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(1) [S.I. 1978/1908 \(N.I.27\)](#); Article 4(1) of and paragraph 6 of Schedule 1 to [S.I. 2010/976](#) transferred the Order making powers of the Secretary of State to the Department of Justice

A sentence of imprisonment of more than 1 year and up to, or consisting of, 4 years	The end of the period of 4 years beginning with the day on which the sentence (including any licence period) is completed
A sentence of imprisonment of 1 year or less	The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed”

(b) Omit the row relating to sentence of imprisonment for a term not exceeding six months, and

(c) In the row relating to a fine or any other sentence subject to rehabilitation under this Order, not being a sentence to which Table B or any of paragraphs (3) to (8) applies, for the words “Five years” substitute “The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed”

(5) In Table B —

(a) For the row relating to a sentence of Borstal training substitute —

“A sentence of detention for a term of more than 4 years and up to, or consisting of, 10 years passed under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A sentence of detention for a term of more than 1 year and up to, or consisting of, 4 years passed under Article 45 of that Order	The end of the period of 2 years beginning with the day on which the sentence (including any licence period) is completed
A sentence of detention for a term of more than 1 year and up to, or consisting of, 2 years passed under Article 39 of that Order	The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed
A sentence of detention for a term of 1 year or less passed under Article 39 or Article 45 of that Order	The end of the period of 6 months beginning with the day on which the sentence (including any licence period) is completed”

(b) In the row relating to a sentence of detention for a term exceeding six months but not exceeding thirty months, omit the words “Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 or under”, and

(c) In the row relating to a sentence of detention for a term not exceeding six months, omit the words “that Article 45 or”.

(6) For paragraph (3) substitute—

“(3) There is no rehabilitation period for an order discharging a person absolutely for an offence”

(7) In paragraph (4) —

(a) for the words “one year from the date of conviction or a period beginning with that date” substitute “a period beginning with the date of conviction”, and

(b) omit “, whichever is the longer”.

(8) In paragraph (6) for the words “one year after the date on which” substitute “when”.

(9) For paragraph (8) substitute—

“(8) Where in respect of a conviction an order was made which imposes on a person convicted of any disqualification, disability, prohibition, penalty, requirement, restriction or is otherwise intended to regulate the behaviour of the person convicted, the rehabilitation

period applicable to the sentence shall be a period beginning with the date of conviction in respect of which the order for any disqualification, disability, prohibition, penalty, requirement, restriction or is otherwise intended to regulate the behaviour of the person convicted (as the case may be) is imposed and ending when the order ceases or ceased to have effect”.

Sealed with the Official Seal of the Department of Justice on March 2022

Minister of Justice

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the 1978 Order”). The 1978 Order allows for certain convictions to become spent after a designated period of rehabilitation has ended. This means that those convictions do not have to be declared after a specified period of time has elapsed.

Articles 2(2) and (3) amend Articles 6(1)(b) and (d) to raise the upper limit for convictions that can currently become spent from 30 months to ten years.

Article 2(4) inserts new rehabilitation periods into Table A for sentences of imprisonment of less than 1 year; more than 1 year up to 4 years; and more than 4 years up to 10 years. The Article also reduces the rehabilitation period for a fine from 5 years to 12 months.

Articles 2(5) inserts new rehabilitation periods into Table B for sentences of detention that range from less than 1 year to up to 10 years for certain sentences that are confined to young offenders under Articles 39 and 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998.

Finally, Articles 2(6) to (9) amend Articles 6(3), (4), (6) and (8) of the 1978 Order to make it clear that there is no rehabilitation period for an absolute discharge; and that where a conviction results in a court imposed order that is intended to regulate the behaviour of a person, the rehabilitation period for the order will be a period beginning with the date of conviction and ending when the order ceases to have effect.

The provisions will come into operation on 1 June 2022.