

2019 No. 214

REHABILITATION OF OFFENDERS

**The Rehabilitation of Offenders (Exceptions) (Amendment)
Order (Northern Ireland) 2019**

Made - - - - - *1st November 2019*

Coming into operation - *1st December 2019*

The Department of Justice makes the following Order in exercise of the powers conferred by Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2019 and shall come into operation on 1st December 2019.

(2) In this Order “the 1979 Order” means the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(b).

Amendment of the 1979 Order

2.—(1) The 1979 Order is amended as follows.

(2) In Article 1A—

- (a) in paragraph (2) after “offence;” insert “and”;
- (b) in paragraph (2)(b) for “conviction; and” substitute “conviction.”; and
- (c) omit paragraph (2)(c).

Sealed with the Official Seal of the Department of Justice on 1st November 2019



Peter May

A senior officer of the Department of Justice

(a) 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.

(b) S.R. 1979 No. 195; relevant amending Orders are S.R. 1987 No. 393, S.R. 2001/No. 248, S.R. 2001 No. 400, S.R. 2003 No. 355, S.R. 2006 No. 425, S.R. 2009 No. 173, S.R. 2009 No.303, S.R. 2012 No. 318, S.R. 2014 No. 27 and S.R 2014 No. 174.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders (Exceptions) Order 1979 (“the 1979 Order”).

The 1979 Order disapplies specified provisions of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the 1978 Order”) to allow questions to be asked about spent convictions (except where they are protected convictions as described in Article 1A of the 1979 Order) in order to assess a person’s suitability for admission to certain occupations or to hold certain types of employment, licences or permits. It also allows spent convictions, or a failure to disclose them, to be grounds for excluding a person from these occupations or for making decisions in relation to those types of employments, licences and permits.

A conviction is a “protected conviction” if it was given for an offence other than those listed in Article 1A(4); a sentence other than custody or service detention was imposed; 11 years or more have passed since the date of conviction (shorter time periods apply in respect of a person aged under 18 at the date of conviction); and the person has not been convicted of any other offence at any time.

Article 2 of this Order makes amendments to the definition of a “protected conviction” in Article 1A of the 1979 Order to allow more than one offence to become ‘protected’.

The Order comes into operation on 1st December 2019.

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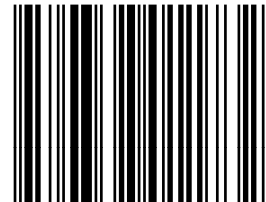
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

NI201911081008 11/2019 19585

<http://www.legislation.gov.uk/id/nisr/2019/214>

ISBN 978-0-33-801173-2



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