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## EXPLANATORY NOTE

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

This Order amends the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 (“the 1979 Order”) to bring individuals who are offering to provide accommodation to a person who has permission to enter into, or to stay, in the United Kingdom, granted under immigration rules in relation to the Homes for Ukraine Sponsorship Scheme, within the excluded circumstances set out in Article 2 of the 1979 Order.

The 1979 Order disapplies specific provisions of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the 1978 Order”) which would otherwise prevent a person from having to disclose a spent conviction and protect that person from being prejudiced by that conviction or any failure to disclose it. The general effect of the disapplication is to allow, in specific circumstances, 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 failure to disclose them, to be grounds for excluding a person from these occupations, or making decisions in relation to those types of employments, licenses and permits.

Article 5(2) of the 1978 Order (which relates to questions asked about criminal convictions otherwise than in the course of judicial proceedings) is excluded in relation to questions put in the various circumstances specified in Article 2 of the 1979 Order. The questions to which Article 2 applies include questions on the assessment of a person’s suitability for various professions, offices, employments, occupations or to hold certain licences, certificates or permits.

Article 3 of this Order inserts a new paragraph (n) into Article 2(1) of the 1979 Order so that any question asked to assess the suitability of an individual offering to provide accommodation (whether residing in that accommodation or not) to a person who has permission to enter into or stay in the United Kingdom, granted under immigration rules in relation to the Homes for Ukraine Sponsorship Scheme, is included within the scope of the exceptions set out in the 1979 Order, requiring them to self-disclose spent convictions. These circumstances also extend to those individuals over the age of 16 years who are also residing in the accommodation to be provided.

The Order comes into operation on 3rd October 2022.