

2022 No. 213

REHABILITATION OF OFFENDERS

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

Made - - - - - *9th September 2022*

Coming into operation- - - - - *3rd October 2022*

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

Citation and commencement

1. This Order may be cited as The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2022 and shall come into operation on 3rd October 2022.

Interpretation

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

Amendment of the 1979 Order

3.—(1) The 1979 Order is amended as follows:-

(2) After Article 2(1)(m) insert-

“(n) any question asked, in order to assess the suitability of an individual to provide accommodation to a person who has permission to enter into or to stay in the United Kingdom granted under the immigration rules laid down under section 3(2) of the Immigration Act 1971(c) in relation to the Homes for Ukraine Sponsorship Scheme(d), in the following circumstances:-

- (i) the question relates to the individual whose suitability is being assessed, or
- (ii) where the individual being assessed resides in the accommodation to be provided, the question relates to any other individual who is over the age of 16 years and who also resides in the accommodation to be provided.”

(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, S.R. 2014 No. 174 and S.R. 2019 No. 214.

(c) 1971 c. 77.

(d) The rules in relation to the Homes for Ukraine Sponsorship Scheme are set out in UKR 11.1 to UKR 20.2 of the Appendix Ukraine Scheme of the Immigration Rules (HC 395), <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-ukraine-scheme>. “Permission to enter” and “Permission to stay” are defined at paragraph 6.2 of the Immigration Rules: Introduction (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-introduction#intro6>).

Sealed with the Official Seal of the Department of Justice on 9th September 2022.



Naomi Long
Minister of Justice

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.

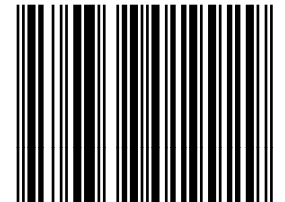
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