
STATUTORY INSTRUMENTS

1978 No. 1908

Rehabilitation of Offenders (Northern Ireland) Order 1978

Rehabilitation periods for particular sentences

- 6.—(1) The sentences excluded from rehabilitation under this Order are—
- (a) a sentence of imprisonment for life;
 - (b) a sentence of imprisonment or corrective training for a term exceeding thirty months;
 - (c) a sentence of preventive detention; and
 - (d) a sentence of detention during the pleasure of the Secretary of State or the Governor or for life, or for a term exceeding thirty months, passed under^[F1] Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (children] convicted of grave crimes) or a corresponding court-martial punishment;

and any other sentence is a sentence subject to rehabilitation under this Order.

- (2) For the purposes of this Order—
- (a) the rehabilitation period applicable to a sentence specified in the first column of Table A below is the period specified in the second column of that Table in relation to that sentence, or, where the sentence was imposed on a person who was under^[F2] eighteen] years of age at the date of his conviction, half that period; and
 - (b) the rehabilitation period applicable to a sentence specified in the first column of Table B below is the period specified in the second column of that Table in relation to that sentence;

reckoned in either case from the date of the conviction in respect of which the sentence was imposed.

TABLE A

Rehabilitation periods (subject to reduction by half for persons under^[F2] 18]).

Sentence	Rehabilitation period
A sentence of imprisonment or corrective training for a term exceeding six months but not exceeding thirty months.	Ten years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	Ten years
A sentence of imprisonment for a term not exceeding six months.	Seven years
A sentence of dismissal from Her Majesty's service.	Seven years
Any sentence of detention in respect of a conviction in service disciplinary proceedings.	Five years

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

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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. Five years

TABLE B

Rehabilitation periods for certain sentences confined to young offenders.

Sentence	Rehabilitation period
A sentence of Borstal training.	Seven years
A custodial order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or under Schedule 4A to the Naval Discipline Act 1957 where the maximum period of detention specified in the order is more than six months.	Seven years
[^{F3} A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.]	[^{F3} Seven years]
A sentence of detention for a term exceeding six months but not exceeding thirty months passed under [^{F1} Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998].	Five years
A sentence of detention for a term not exceeding six months passed under [^{F1} that Article 45].	Three years
A custodial order under any of the Schedules to the said Acts of 1955 and 1957, where the maximum period of detention specified in the order is six months or less.	Three years
[^{F3} A custodial order under section 71AA of the said Acts of 1955, or section 43AA of the said Act of 1957, where the maximum period of detention specified in the order is six months or less.]	[^{F3} Three years]

(3) The rehabilitation period applicable to an order discharging a person absolutely for an offence shall be six months from the date of conviction.

(4) Where in respect of a conviction a person was conditionally discharged, bound over to keep the peace or to be of good behaviour or to keep the peace and be of good behaviour, or placed on probation, the rehabilitation period applicable to the sentence shall be one year from the date of conviction or a period beginning with that date and ending when the order for conditional discharge or probation order or (as the case may be) the recognizance to keep the peace or to be of good

behaviour or to keep the peace and be of good behaviour ceases or ceased to have effect, whichever is the longer.

(5) Where in respect of a conviction any of the following sentences was imposed, that is to say—
Sub#paras. (a), (b) rep. by 1998 NI 9

- (c) a community supervision order under Schedule 5A to the Army Act 1955 or the Air Force Act 1955 or under Schedule 4A to the Naval Discipline Act 1957;

Sub#para. (d) rep. by 1991 c. 62

the rehabilitation period applicable to the sentence shall be one year from the date of conviction or a period beginning with that date and ending when the order or requirement ceases or ceased to have effect, whichever is the longer.

(6) Where in respect of a conviction any of the following orders was made, that is to say—
Sub-para. (a) rep. by 1998 NI 9

- [^{F1}(b) a juvenile justice centre order under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998;]

Sub-para. (ba) inserted prosp. by 2002 c. 26

- [^{F4}(c) an attendance centre order under Article 37 of that Order of 1998.

the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending one year after the date on which the order ceases or ceased to have effect.

(7) Where in respect of a conviction a hospital order under Part III of the Mental Health [^{F5}(Northern Ireland) Order 1986 (with or without a restriction order)] was made, the rehabilitation period applicable to the sentence shall be the period of five years from the date of conviction or a period beginning with that date and ending two years after the date on which the hospital order ceases or ceased to have effect, whichever is the longer.

(8) Where in respect of a conviction an order was made imposing on the person convicted any disqualification, disability, prohibition or other penalty, the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending on the date on which the disqualification, disability, prohibition or penalty (as the case may be) ceases or ceased to have effect.

(9) For the purposes of this Article—

- (a) “corresponding court-martial punishment” means a punishment awarded under section 71A(3) or (4) of the Army Act 1955, section 71A(3) or (4) of the Air Force Act 1955 or section 43A(3) or (4) of the Naval Discipline Act 1957;
- (b) “sentence of imprisonment” includes an order for detention in a young offenders centre and a sentence of penal servitude, and “term of imprisonment” shall be construed accordingly;
- (c) consecutive terms of imprisonment or of detention under [^{F1} Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998] and terms which are wholly or partly concurrent (being terms of imprisonment or detention imposed in respect of offences of which a person was convicted in the same proceedings) shall be treated as a single term;
- (d) no account shall be taken of any subsequent variation, made by a court in dealing with a person in respect of a suspended sentence of imprisonment, of the term originally imposed; and
- (e) a sentence imposed by a court outside Northern Ireland shall be treated as a sentence of that one of the descriptions mentioned in this Article which most nearly corresponds to the sentence imposed.

(10) References in this Article to the period during which a probation order^{F1} . . . is or was in force include references to any period during which any order to which this paragraph applies, being an order made or imposed directly or indirectly in substitution for the first-mentioned order, is or was in force.

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(11) Paragraph (10) applies—

- (a) to any such order as is mentioned in that paragraph;
- (b) to any order having effect under section 25(1) of the Children and Young Persons Act 1969 as if it were a^{F6} supervision order imposing a residence requirement as mentioned in section 12AA of that Act]; and
- (c) to any order having effect for the purposes of section 73(1) of the Social Work (Scotland) Act 1968 .

(12) The reference in paragraph (5) to the period during which a reception order has effect includes a reference to any subsequent period during which by virtue of an order under section 25(1) of the Children and Young Persons Act 1969 or for the purposes of section 73(1) of the Social Work (Scotland) Act 1968, that Act of 1969 or, as the case may be, that Act of 1968 has effect in relation to the person in respect of whom the reception order was made and paragraph (10) shall accordingly have effect in relation to any subsequent period.

(13) The Secretary of State may by order—

- (a) substitute different periods or terms for any of the periods or terms mentioned in paragraphs (1) to (8); and
- (b) substitute a different age for the age mentioned in paragraph (2)(a);

but no order shall be made under this paragraph unless a draft of it has been laid before, and approved by resolution of, each House of Parliament.]

F1	1998 NI 9
F2	2002 c.26
F3	1981 c. 55
F4	prosp. rep. by 2002 c.26
F5	1986 NI 4
F6	1995 NI 2

Status:

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