

---

## 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; <sup>F1</sup> ...
  - (d) a sentence of detention during the pleasure of the [<sup>F2</sup>Minister in charge of the Department of Justice] or for life, or for a term exceeding thirty months, passed under [<sup>F3</sup>Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (children) convicted of grave crimes] <sup>F4</sup> ...;
  - [<sup>F5</sup>(e) an indeterminate custodial sentence imposed under Article 13 of the Criminal Justice (Northern Ireland) Order 2008 or an extended custodial sentence imposed under Article 14 of that Order ,]
  - [<sup>F6</sup>(e) a sentence of detention for life, or for a term exceeding thirty months, passed under section 209 of the Armed Forces Act 2006;
  - (f) a sentence of detention during Her Majesty's pleasure under section 218 of that Act; and
  - (g) any of the following passed as a result of any of sections 219 to 222 of that Act—
    - (i) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003;
    - (ii) a sentence of detention for public protection under section 226 of that Act;
    - (iii) an extended sentence under section [<sup>F7</sup>226A, 226B,] 227 or 228 of that Act [<sup>F8</sup>or section 254, 266 or 279 of the Sentencing Code];]

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 [<sup>F9</sup>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 [<sup>F9</sup>18]).

---

Sentence

Rehabilitation period

---

---

*Changes to legislation: Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 6 is up to date with all changes known to be in force on or before 07 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

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
[ <sup>F10</sup> Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence,] in respect of a conviction in service disciplinary proceedings.	Five years
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
[ <sup>F11</sup> 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.]	[ <sup>F11</sup> Seven years]
A sentence of detention for a term exceeding six months but not exceeding thirty months passed under [ <sup>F3</sup> Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998][ <sup>F12</sup> or under section 209 of the Armed Forces Act 2006].	Five years
A sentence of detention for a term not exceeding six months passed under [ <sup>F3</sup> that Article 45][ <sup>F13</sup> or that section 209].	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

[<sup>F11</sup>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.] [<sup>F11</sup>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.

[<sup>F14</sup>(4A) Where in respect of a conviction an order under section 211 of the Armed Forces Act 2006 (detention and training order) was made, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged 15 or over on conviction, five years if the order was for a term exceeding six months, or three and a half years if it was for six months or less;
- (b) in the case of a person aged under 15 on conviction, a period beginning with the date of conviction and ending one year after the date on which the order ceases to have effect.

(4B) Where in respect of a conviction a service community order under the Armed Forces Act 2006 or an overseas community order under that Act was made, the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged 18 or over on conviction, 5 years from the date of conviction;
- (b) in the case of a person aged under 18 on conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the order ceases 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*

- [<sup>F3</sup>(b) a juvenile justice centre order under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998;

- (c) an attendance centre order under Article 37 of that Order of 1998.]

- [<sup>F15</sup>(d) a reparation order under Article 36A of that Order of 1998;

*Changes to legislation: Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 6 is up to date with all changes known to be in force on or before 07 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (e) a community responsibility order under Article 36E of that Order of 1998;
- (f) a youth conference order under Article 36J 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 [F16(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—

- F17(a) . . . . .
- (b) “sentence of imprisonment” includes an order for detention in a young offenders centre [F18, a sentence of detention under Article [F19]13A(6) or] 15A(5) of the Criminal Justice (Northern Ireland) Order 2008] and a sentence of penal servitude, and “term of imprisonment” shall be construed accordingly;
- (c) consecutive terms of imprisonment or of detention under [F3]Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998][F20]or section 209 of the Armed Forces Act 2006] 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.

[F21(9A) In this Article—

- (a) references in paragraphs (1) and (2) to section 209 of the Armed Forces Act 2006 include references to section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;
- (b) the reference in paragraph (1) to section 218 of the Armed Forces Act 2006 includes a reference to section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957.]

(10) References in this Article to the period during which a probation order F3... 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.

(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 [F22]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 [<sup>F23</sup>a resolution of, the Assembly].

- F1** Word in art. 6(1)(c) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383(2), Sch. 16 para. 86(2)(a), **Sch. 17** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F2** Words in art. 6(1)(d) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 6(2)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F3** 1998 NI 9
- F4** Words in art. 6(1)(d) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383(2), Sch. 16 para. 86(2)(b), **Sch. 17** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F5** Art. 6(1)(e) added (15.5.2008) by virtue of Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(1), **Sch. 5 para. 3**; S.R. 2008/217, **art. 2**, Sch. paras. 16, 18(a) (with art. 3)
- F6** Art. 6(1)(e)-(g) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(2)(c)** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F7** Words in art. 6(1)(g)(iii) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 22 para. 12**; S.I. 2012/2906, art. 2(t)
- F8** Words in art. 6(1)(g)(iii) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 313** (with Sch. 27); S.I. 2020/1236, reg. 2
- F9** 2002 c.26
- F10** Art. 6(2) Table A: word in fifth entry substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(3)(a)** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F11** 1981 c. 55
- F12** Art. 6(2) Table B: words in fourth entry inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(3)(b)(i)** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F13** Art. 6(2) Table B: words in fifth entry inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(3)(b)(ii)** (with savings by

**Changes to legislation:** *Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 6 is up to date with all changes known to be in force on or before 07 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F14** Art. 6(4A)(4B) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(4)** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F15** Art. 6(6)(d)-(f) inserted (8.6.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(3)(a), **95(1)** (with art. 95(2))
- F16** 1986 NI 4
- F17** Art. 6(9)(a) repealed (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378, 383(2), **Sch. 16 para. 86(5)(a)**, **Sch. 17** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F18** Words in art. 6(9)(b) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 68**
- F19** Words in art. 6(9)(b) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(v), **Sch. 13 para. 62**
- F20** Words in art. 6(9)(c) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(5)(b)** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F21** Art. 6(9A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 86(6)** (with savings by Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), **Sch. 1 para. 17**); S.I. 2009/812, **art. 3(a)(b)**; S.I. 2009/1167, **art. 4**
- F22** 1995 NI 2
- F23** Words in art. 6(13) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 6(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 6 is up to date with all changes known to be in force on or before 07 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 6(1)(e) words inserted by [2021 c. 11 Sch. 13 para. 35\(a\)](#)
- art. 6(2) words inserted by [2021 c. 11 Sch. 13 para. 35\(b\)](#)
- art. 6(9)(c) words inserted by [2021 c. 11 Sch. 13 para. 35\(c\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1996 c. 46 s.14](#)
- Act amended by [1996 c. 46 s.14](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art.4(2)-(4) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)
- art.4(2)-(4) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)
- art.7(7) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)
- art.7(7) revoked by [1996 c. 46 s.35\(2\)Sch.7 Pt.III](#)