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STATUTORY RULES OF NORTHERN IRELAND

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**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(1).

**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(2).

**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).

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(1) [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.

(2) [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](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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



*Peter May*  
A senior officer of the Department of Justice

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## 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.