
STATUTORY INSTRUMENTS

1978 No. 1908

Rehabilitation of Offenders (Northern Ireland) Order 1978

Unauthorised disclosure of spent convictions

10.—(1) In this Article—

“official record” means a record kept for the purposes of its functions by any court, police force, Government department, or public authority in Northern Ireland, or a record kept, in Northern Ireland or elsewhere, for the purposes of any of Her Majesty's forces, being in either case a record containing information about persons convicted of offences; and

“specified information” means information imputing that a named or otherwise identifiable rehabilitated living person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which is the subject of a spent conviction.

(2) Subject to the provisions of any order made under paragraph (5), any person who, in the course of his official duties, has or at any time has had custody of or access to any official record or the information contained therein, shall be guilty of an offence if, knowing or having reasonable cause to suspect that any specified information he has obtained in the course of those duties is specified information, he discloses it, otherwise than in the course of those duties, to another person.

(3) In any proceedings for an offence under paragraph (2) it shall be a defence for the defendant to show that the disclosure was made—

- (a) to the rehabilitated person or to another person at the express request of the rehabilitated person; or
- (b) to a person whom he reasonably believed to be the rehabilitated person or to another person at the express request of a person whom he reasonably believed to be the rehabilitated person.

(4) Any person who obtains any specified information from any official record by means of any fraud, dishonesty or bribe shall be guilty of an offence.

(5) The Secretary of State may by order make such provisions as appears to him to be appropriate for excepting the disclosure of specified information derived from an official record from the provisions of paragraph (2) in such cases as may be specified in the order.

(6) Any person guilty of an offence under paragraph (2) shall be liable on summary conviction to a fine not exceeding^[F1] level 4 on the standard scale].

(7) Any person guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding^[F1] level 5 on the standard scale] or to imprisonment for a term not exceeding six months, or to both.

(8) Proceedings for an offence under paragraph (2) shall not be instituted except by or on behalf of the Director of Public Prosecutions for Northern Ireland.

Changes to legislation:

Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 10 is up to date with all changes known to be in force on or before 17 April 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 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](#)