
STATUTORY INSTRUMENTS

1978 No. 1908

Rehabilitation of Offenders (Northern Ireland) Order 1978

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“government department” includes a department of the Government of the United Kingdom;
“sentence” includes any order made by a court in dealing with a person in respect of his conviction of any offence or offences other than—

- (a) an order for committal or any other order made in default of payment of any fine or other sum adjudged to be paid by or imposed on a conviction, or for want of sufficient distress to satisfy any such fine or other sum;
- (b) an order dealing with a person in respect of a suspended sentence of imprisonment;

“service disciplinary proceedings” means any of the following—

- (za) [^{F1}any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act);]
- (a) any proceedings under the Army Act 1955 , the Air Force Act 1955 , or the Naval Discipline Act 1957 (whether before a court-martial or before any other court or person authorised thereunder to award a punishment in respect of any offence);
- (b) any proceedings under any Act previously in force corresponding to any of the Acts mentioned in sub-paragraph (a);
- (c) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976 ;
- (d) any proceedings under any corresponding enactment or law applying to a force, other than a home force, to which section 4 of the Visiting Forces (British Commonwealth) Act 1933 applies or applied at the time of the proceedings, being proceedings in respect of a member of a home force who is or was at that time attached to the first-mentioned force under that section;

whether in any event those proceedings take place in Northern Ireland or elsewhere;

“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954.

(3) In this Order references to a conviction include references—

- (a) to a conviction by or before a court outside Northern Ireland; and
- (b) to any finding (other than a finding linked with a finding of insanity) in any criminal proceedings that a person has committed an offence or done the act or made the omission charged;

and^{F2} . . . a conviction in respect of which an order is made placing the person convicted on probation or discharging him absolutely or conditionally shall be treated as a conviction for the purposes of

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this Order and the person in question may become a rehabilitated person in respect of that conviction and the conviction a spent conviction for those purposes accordingly.

[^{F3}(3A) This Order does not apply to any disregarded conviction or caution within the meaning of Chapter 5 of Part 5 of the Protection of Freedoms Act 2012.

(3B) Accordingly, references in this Order to a conviction or caution do not include references to any such disregarded conviction or caution.]

(4) Any reference in this Order to an enactment of the Parliament of the United Kingdom is a reference to it as re-enacted with or without modification.

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| F1 | Art. 2(2): paragraph (za) in definition of "service disciplinary proceedings" 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. 84 (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 | 1996 NI 24 |
| F3 | Art. 2(3A)(3B) inserted (31.1.2017 for specified purposes, 28.6.2018) by Policing and Crime Act 2017 (c. 3) , ss. 168(2) , 183(4) , (5)(e) ; S.R. 2018/128, art. 2(a) |

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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](#)