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## STATUTORY INSTRUMENTS

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# 1978 No. 1908

## Rehabilitation of Offenders (Northern Ireland) Order 1978

### Effect of rehabilitation

5.—(1) Subject to Articles 8 and 9, a person who has become a rehabilitated person for the purposes of this Order in respect of a conviction shall be treated for all purposes in law as a person who has not committed or been charged with or prosecuted for or convicted of or sentenced for the offence or offences which were the subject of that conviction; and, notwithstanding the provisions of any other statutory provision or rule of law to the contrary, but subject as aforesaid—

- (a) no evidence shall be admissible in any proceedings before a judicial authority exercising its functions in Northern Ireland to prove that any such person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which was the subject of a spent conviction; and
- (b) a person shall not, in any such proceedings, be asked, and, if asked, shall not be required to answer, any question relating to his past which cannot be answered without acknowledging or referring to a spent conviction or spent convictions or any circumstances ancillary thereto.

(2)<sup>F1</sup> Subject to the provisions of any order made under paragraph (4), where a question seeking information with respect to a person's previous convictions, offences, conduct or circumstances is put to him or to any person otherwise than in proceedings before a judicial authority—

- (a) the question shall be treated as not relating to spent convictions or to any circumstances ancillary to spent convictions, and the answer thereto may be framed accordingly; and
- (b) the person questioned shall not be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose a spent conviction or any circumstances ancillary to a spent conviction in his answer to the question.

(3) Subject to the provisions of any order made under paragraph (4),—

- (a) any obligation imposed on any person by any rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person shall not extend to requiring him to disclose a spent conviction or any circumstances ancillary to a spent conviction (whether the conviction is his own or another's); and
- (b)<sup>F1</sup> a conviction which has become spent or any circumstances ancillary thereto or any failure to disclose a spent conviction or any such circumstances, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him in any way in any occupation or employment.

(4) The Secretary of State may by order—

- (a) make such provision as seems to him appropriate for excluding or modifying the application of either or both of sub-paragraphs (a) and (b) of paragraph (2) in relation to questions put in such circumstances as may be specified in the order;
- (b) provide for such exceptions from the provisions of paragraph (3) as seem to him appropriate, in such cases and in relation to convictions of such description, as may be specified in the order.

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**Changes to legislation:** *Rehabilitation of Offenders (Northern Ireland) Order 1978, Section 5 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. (See end of Document for details) View outstanding changes*

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(5) For the purposes of this Article and Article 8 any of the following are circumstances ancillary to a conviction, that is to say—

- (a) the offence or offences which were the subject of that conviction;
- (b) the conduct constituting that offence or those offences; and
- (c) any process or proceedings preliminary to that conviction, any sentence imposed in respect of that conviction, any proceedings (whether by way of appeal or otherwise) for reviewing that conviction or any such sentence, and anything done in pursuance of or undergone in compliance with any such sentence.

(6) For the purposes of this Article and Article 8 “proceedings before a judicial authority” includes, in addition to proceedings before any of the ordinary courts of law, proceedings before any tribunal, body or person having power—

- (a) by virtue of any statutory provision, law, custom or practice;
- (b) under the rules governing any association, institution, profession, occupation or employment; or
- (c) under any provision of an agreement providing for arbitration with respect to questions arising thereunder;

to determine any question affecting the rights, privileges, obligations or liabilities of any person, or to receive evidence affecting the determination of any such question.

<b>F1</b> <a href="#">1979 c.37</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](#)