
STATUTORY INSTRUMENTS

1978 No. 1908

Rehabilitation of Offenders (Northern Ireland) Order 1978

Limitations on rehabilitation under this Order, etc.

8.—(1) Nothing in Article 5(1) shall affect—

- (a) the enforcement by any process or proceedings of any fine or other sum adjudged to be paid by or imposed on a spent conviction;
- (b) the issue of any process for the purpose of proceedings in respect of any breach of a condition or requirement applicable to a sentence imposed in respect of a spent conviction; or
- (c) the operation of any statutory provision by virtue of which, in consequence of any conviction, a person is subject, otherwise than by way of sentence, to any disqualification, disability, prohibition or other penalty the period of which extends beyond the rehabilitation period applicable in accordance with Article 7 to the conviction.

(2) Nothing in Article 5(1) shall affect the determination of any issue, or prevent the admission or requirement of any evidence, relating to a person's previous convictions or to circumstances ancillary thereto—

- (a) in any criminal proceedings before a court in Northern Ireland (including any appeal or reference in a criminal matter);
- (b) in any service disciplinary proceedings or in any proceedings on appeal from any service disciplinary proceedings;
- [^{F1}(bb) in any proceedings under Part 2 of the Sexual Offences Act 2003, or on appeal from any such proceedings;]
- [^{F2}(c) in any proceedings relating to adoption, the marriage, [^{F3} civil partnership,] of any minor, the exercise of the inherent jurisdiction of the High Court with respect to minors or the provision by any person of accommodation, care or schooling for minors;
- (cc) in any proceedings brought under the Children (Northern Ireland) Order 1995;]
- (d) in any proceedings relating to the variation or discharge of a supervision order under the Children and Young Persons Act (Northern Ireland) 1968 ;
- (e) in any proceedings in which he is a party or a witness, provided that, on the occasion when the issue or the admission or requirement of the evidence falls to be determined, he consents to the determination of the issue or, as the case may be, the admission or requirement of the evidence notwithstanding the provisions of Article 5(1); [^{F4} or, *Sub#para. (f) rep. by 1987 c. 22* [^{F5} or
- (g) in any proceedings brought under Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc).]

(3) If at any stage in any proceedings before a judicial authority in Northern Ireland (not being proceedings to which, by virtue of paragraph (2) or of any order for the time being in force under paragraph (4), Article 5(1) has no application, or proceedings to which Article 9 applies) the authority is satisfied, in the light of any considerations which appear to it to be relevant (including any evidence which has been or may thereafter be put before it), that justice cannot be done in the case except

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by admitting or requiring evidence relating to a person's spent convictions or to circumstances ancillary thereto, that authority may admit or, as the case may be, require the evidence in question notwithstanding the provisions of paragraph (1) of Article 5, and may determine any issue to which the evidence relates in disregard, so far as necessary, of those provisions.

(4) The Secretary of State may by order exclude the application of Article 5(1) in relation to any proceedings specified in the order (other than proceedings to which Article 9 applies) to such extent and for such purposes as may be so specified.

(5) No order made by a court with respect to any person otherwise than on a conviction shall be included in any list or statement of that person's previous convictions given or made to any court which is considering how to deal with him in respect of any offence.

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| F1 | 2003 c. 42 |
| F2 | 1995 NI 2 |
| F3 | 2004 c.33 |
| F4 | 1979 c.37 |
| F5 | Art. 8(2)(g) and preceding word added (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 158(2), 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. |

Changes to legislation:

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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](#)