

1987 No. 393

**REHABILITATION OF OFFENDERS**

**Rehabilitation of Offenders (Exceptions) (Amendment) Order  
(Northern Ireland) 1987**

*Made . . . . . 10th October 1987*

*Coming into operation in accordance with Article 1(2)*

*To be laid before Parliament*

The Secretary of State in pursuance of Articles 5(4) and 8(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(a) hereby makes the following Order:

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 1987.

(2) This Order shall come into operation—

(a) for the purposes of this Article, Article 2(1) and Article 2(2)(c), on 1st December 1987;

(b) for the purposes of Article 2(2)(a) and Article 2(2)(b), on such day as the relevant provisions of section 189 of, and Schedule 14 to, the Financial Services Act 1986(b) applying to Article 5 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 come into force.

2.—(1) The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(c) shall have effect subject to the amendments specified in the Schedule to this Order.

(2) The following provisions of the said Order shall be omitted:—

(a) in Schedule 1, paragraphs 3 and 4 of Part III and the definitions of “dealer in securities” and “unit trust scheme” in Part IV;

(b) in Schedule 3, paragraph 10;

(c) in Schedule 1, paragraph 7 of Part III.

Northern Ireland Office  
10th October 1987

*Tom King*  
One of Her Majesty's Principal  
Secretaries of State

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(a) S.I. 1978 1908 (N.I. 27)  
(b) 1986 c. 60  
(c) S.R. 1979 No. 195

## SCHEDULE

Article 2(1)

AMENDMENTS TO THE REHABILITATION OF OFFENDERS (EXCEPTIONS) ORDER  
(NORTHERN IRELAND) 1979

1. For paragraphs (2) and (3) of Article 1 there shall be substituted the following paragraphs:—

“(2) In this Order, except where the context otherwise requires—

“the Order” means the Rehabilitation of Offenders (Northern Ireland) Order 1978;

“the Building Societies Commission” means the Building Societies Commission established by section 1 of the Building Societies Act 1986(a);

“relevant offence” means—

(a) an offence involving fraud or other dishonesty; or

(b) an offence under legislation (whether or not of the United Kingdom) relating to building societies, companies (including insider dealing), industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection;

the expressions “authorisation”, “building society” and “officer” have the meanings respectively given to them by section 119(1) of the Building Societies Act 1986.

(3) Where, by virtue of this Order, the operation of any of the provisions of the Order is excluded in relation to spent convictions the exclusion shall be taken to extend to spent convictions for offences of every description unless the said provisions are excluded only in relation to spent convictions for relevant offences.”.

2. At the end of paragraph (a) of Article 2 there shall be inserted the following paragraphs:—

“(aa) any question asked by or on behalf of any person, in the course of the duties of his office or employment, in order to assess the suitability of another person for any office or employment specified in paragraph 13 of Part II of Schedule 1 or the suitability of another person to be concerned, otherwise than in the course of the duties of his office or employment, with such provision as is mentioned in that paragraph, if—

(i) the question relates to that other person and the said provision would normally enable that other person to have access to the persons referred to in that paragraph; or

(ii) the question relates to a person who lives in the same household as that other person and the said provision would normally take place in that household,

where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions are to be disclosed;

(ab) any question relating to a relevant offence which is put by or on behalf of the Building Societies Commission or a building society in order to assess the suitability of the person to whom the question relates to be a director or other officer of a building society, whether or not that individual is the

person questioned and where the person questioned is informed at the time the question is asked that, by virtue of this Order, spent convictions for any relevant offence are to be disclosed;”.

3. At the end of Article 3 there shall be inserted the following words:—

“(d) any of the following, that is to say—

- (i) the refusal by the Building Societies Commission to grant authorisation;
- (ii) the revocation by the said Commission of a building society’s authorisation;
- (iii) the imposition by the said Commission of conditions on its authorisation;
- (iv) the dismissal or exclusion by a building society of a person from a position as an officer in a building society,

by reason, or partly by reason, of a spent conviction of an individual for a relevant offence, or of any circumstances ancillary to such conviction or of a failure (whether or not by that individual) to disclose such a conviction or any such circumstances.”.

4. For Article 4 there shall be substituted the following Article:—

“4.—(1) Article 5(1) of the Order shall not—

- (a) apply in relation to any proceedings specified in Schedule 3;
- (b) apply in relation to any proceedings specified in paragraph (2) to the extent that there falls to be determined therein any issue relating to a person’s spent conviction for any relevant offence or to circumstances ancillary thereto;
- (c) prevent, in any proceedings specified in paragraph (2) the admission or requirement of any evidence relating to a person’s spent conviction for any relevant offence or to circumstances ancillary thereto.

(2) The proceedings referred to in sub-paragraphs (1)(b) and (c) are:—

- (a) any proceedings before the Building Societies Commission—
  - (i) on an application for authorisation;
  - (ii) for the revocation of authorisation; or
  - (iii) for the imposition of conditions on an authorisation as to the conditions imposed or as to its revocation; and
- (b) any proceedings by way of appeal against, or review of, any decision taken by the said Commission following any proceedings falling within sub-paragraph (a).”.

5. In Part II of Schedule 1 paragraphs 9 and 10 and the words “under the age of 18 or” in paragraph 11(a) shall be omitted.

6. For paragraphs 13 and 14 of Part II of Schedule 1 there shall be substituted the following paragraph:—

“13. Any office or employment concerned with the provision to persons aged under 18 of accommodation, care, leisure and recreational facilities, schooling, personal social services, supervision or training, being an office or employment of such a kind as to enable the holder to have access in the course of his normal duties to such persons, and any other office or employment the normal duties of which are carried out wholly or partly on the premises where such provision takes place.”.

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

Article 5(1) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 provides that a rehabilitated person is to be treated in law as a person who has not been convicted of any spent convictions. Article 5(2) makes provision for questions concerning a person's previous convictions to be treated as not relating to spent convictions and Article 5(3)(b) further provides that a spent conviction or any failure to disclose a spent conviction 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.

The Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 makes certain exceptions to these provisions. By virtue of Articles 2 and 3 of that Order neither Article 5(2) nor Article 5(3)(b) of the 1978 Order applies to certain offices and employment in Part II of Schedule 1 to the 1979 Order. This Order amends the 1979 Order in a number of respects.

Firstly, it provides that Article 5(2) shall not apply in specified circumstances to questions relating to certain offences (referred to in the Order as "relevant offences") put by or on behalf of the Building Societies Commission ("the Commission") or building societies. Secondly, it provides that Article 5(3)(b) shall not apply to certain specified actions taken by the Commission in relation to building societies or to the dismissal or exclusion by a building society of a person from his office by reason of a spent conviction for a relevant offence. Thirdly, it provides that Article 5(1) shall not apply to certain specified proceedings before the Commission or to any proceedings by way of appeal against, or review of, any decision taken by the Commission to the extent that those proceedings raise issues relating to a spent conviction for a relevant offence.

Fourthly, it substitutes for a number of specific exceptions mentioned in Part II and Part III of Schedule 1 to the 1979 Order a general exception covering any office or employment concerned with the provision to persons aged under 18 of accommodation, care, leisure, and recreational facilities, schooling, social services, supervision or training, being an office or employment of such a kind as to enable the holder to have access in the course of his normal duties to such persons, and any other office or employment the normal duties of which are carried out wholly or partly on the premises where such provision takes place.

Fifthly, it provides that Article 5(2) shall not apply where a question is asked in order to assess the suitability of a person for any office or employment covered by the new general exception relating to persons aged under 18 or a person's suitability to be concerned, otherwise than in the course of any office or employment, with such provision as is covered by that exception, if the question relates to that person and the provision would normally allow that person to have access to persons aged under 18 or if the question relates to someone who lives in the same household as that person and the provision would normally take place in that household.

Finally, this Order makes amendments consequential upon the coming into force of section 189 of, and Schedule 14 to, the Financial Services Act 1986 (which makes its own provision in relation to exceptions to be made to the Rehabilitation of Offenders (Northern Ireland) Order 1978 in the context of the provision of financial services).