STATUTORY RULES OF NORTHERN IRELAND

2027 No. 0000

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2027

Made - - - -	*11th January 2027*
Coming into operation- -	*8th February 2027*

The Department of Justice makes the following Order in exercise of the powers conferred by Article 5(4) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**a**).

Citation and commencement

1. This Order may be cited as the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2027 and shall come into operation on 8th February 2027.

Interpretation

2. In this Order "the 1979 Order" means the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(**b**).

Amendment of the 1979 Order

3.—(1) The 1979 Order is amended as follows.

(2) After Article 2(1)(q) insert—

"(r) any question asked by or on behalf of any person, in the course of his work, in order to assess the suitability of an individual to undertake any work done infrequently which, if done frequently, would be regulated activity relating to children within the meaning of Part 1 of Schedule 2 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007."

Sealed with the Official Seal of the Department of Justice on 11th January 2027.

(**a**) S.I. 1978/1908 (N.I. 27); Article 4(1) of and paragraph 6 of Schedule 1 to S.I. 2010/976 transferred the Order making powers of the Secretary of State to the Department of Justice.

(**b**) S.R. 1979 No. 195; relevant amending Orders are S.R. 1987 No. 393, S.R. 2001 No. 248, S.R. 2001 No. 400, S.R. 2003 No. 355, S.R. 2009 No. 173, S.R. 2009 No. 303, S.R. 2012 No. 318, S.R. 2014 No. 27, S.R. 2014 No. 174, S.R. 2019 No. 214, S.R. 2022 No. 213, S.R 2023 No. 17 and S.R. 2026 No. 12.

L.S.

Naomi Long MLA
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 ("the 1979 Order") to bring individuals who are seeking to assess children and vulnerable adults as registered health care professionals employed or engaged by the Department for Communities, or by its contractors or sub-contractors, who are carrying out activities for the Department for Communities, within the excluded circumstances set out in Article 2 of the 1979 Order.

The 1979 Order disapplies specific provisions of the Rehabilitation of Offenders (Northern Ireland) Order 1978 ("the 1978 Order") which would otherwise prevent a person from having to disclose a spent conviction and protect that person from being prejudiced by that conviction or any failure to disclose it. The general effect of the disapplication is to allow, in specific circumstances, questions to be asked about spent convictions (except where they are protected convictions as described in Article 1A of the 1979 Order) in order to assess a person's suitability for admission to certain occupations, or to hold certain types of employment, licences or permits. It also allows spent convictions, or failure to disclose them, to be grounds for excluding a person from these occupations, or from making decisions in relation to those types of employments, licenses and permits.

Article 5(2) of the 1978 Order (which relates to questions asked about criminal convictions otherwise than in the course of judicial proceedings) is excluded in relation to questions put in the various circumstances specified in Article 2 of the 1979 Order. The questions to which Article 2 of the 1979 Order applies include questions on the assessment of a person's suitability for various professions, offices, employments, occupations or to hold certain licences, certificates or permits.

Article 3 of this Order adds a new sub-paragraph (r) into Article 2(1) of the 1979 Order to cover activity related to children which would constitute regulated activity within the meaning of Part I of Schedule 2 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 in relation to children if it were carried out more frequently. The effect is that a person's spent convictions and cautions may be taken into account when assessing a person's suitability to engage in such activity.