

2026 No. 0000

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders (Exceptions) (Amendment No. 2) Order (Northern Ireland) 2026

Made - - - - 16th November 2026

Coming into operation- - 14th December 2026

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 No. 2) Order (Northern Ireland) 2026 and shall come into operation on 14th December 2026.

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 in accordance with the following provisions of this Order.

Amendment of Schedule 1

4.—(1) In Part II of Schedule 1 after paragraph 24 insert-

“25. Registered health care professionals employed or engaged by-

- (a) the Department for Communities;
- (b) contractors or sub-contractors, who are carrying out activities for the Department for Communities.”.

(2) In Part IV of Schedule 1 after the definition of “Personal social services” insert-

““registered health care professional” has the same meaning as assigned to the expression “health care professional” in Article 2(2) of the Social Security (Northern Ireland) Order 1998 (c).”.

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- (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.
- (c) 1998 c. 14. The definition of “health care professional” in section Article 2(2) of the Social Security (Northern Ireland) Order 1998 was inserted by section 55(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2).

Sealed with the Official Seal of the Department of Justice on 16th November 2026.



Naomi Long MLA
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

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 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 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 4(1) of this Order adds any employment which is concerned with registered health care professionals employed or engaged by; the Department for Communities, or the contractors or sub-contractors, to Part II of Schedule I to the 1979 Order so that any question asked to assess the suitability of these individuals is included within the scope of the exceptions set out in the 1979 Order, requiring them to self-disclose spent convictions.

Article 4(2) of this Order provides an interpretation as to the meaning of ‘registered health care professional’ to Part IV of Schedule I to the 1979 Order.