STATUTORY RULES OF NORTHERN IRELAND

2026 No. 12

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2026

Made - - - -	*3rd February 2026*
Coming into operation - -	*17th February 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) Order (Northern Ireland) 2026 and shall come into operation on 17th February 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 as follows.

(2) After Article 2(1)(o) insert—

"(p) 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 act as an adult restorative justice practitioner, where the question relates to the individual whose suitability is being assessed, and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this order, spent convictions are to be disclosed.

(q) any question asked by or on behalf of a person who seeks to employ or engage a self-employed person or a person as a personal employee, in order to assess the suitability of the person to whom the question relates for any work specified in paragraph 11, 13, 21 or 22 of Part II of Schedule 1, and where the person to whom the question relates is informed at the time the question is asked that, by virtue of this order, spent convictions are to be disclosed.".

(**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 and S.R 2023 No. 17.

Sealed with the Official Seal of the Department of Justice on 3rd February 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 act as an adult restorative justice practitioner, 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 3 of this Order inserts a new paragraph (p) into Article 2(1) of the 1979 Order so that any question asked to assess the suitability of an individual seeking to act as an adult restorative justice practitioner, is included within the scope of the exceptions set out in the 1979 Order, requiring them to self-disclose spent convictions.

Article 3 of this Order also inserts a new paragraph (q) into Article 2(1) of the 1979 Order to include any question asked by a person to assess the suitability of a self-employed individual or personal employee they want to employ or engage in any work which is regulated or controlled activity relating to children or vulnerable adults.

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£6.40

http://www.legislation.gov.uk/id/nisr/2026/12

ISBN 978-0-33-802574-6

