

## EXPLANATORY NOTE

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

This Order amends the Rehabilitation of Offenders (Northern Ireland) Order 1978 (“the 1978 Order”). The 1978 Order allows for certain convictions to become spent after a designated period of rehabilitation has ended. This means that those convictions do not have to be declared after a specified period of time has elapsed.

Articles 2(2) and (3) amend Articles 6(1)(b) and (d) to raise the upper limit for convictions that can currently become spent from 30 months to ten years.

Article 2(4) inserts new rehabilitation periods into Table A for sentences of imprisonment of less than 1 year; more than 1 year up to 4 years; and more than 4 years up to 10 years. The Article also reduces the rehabilitation period for a fine from 5 years to 12 months.

Articles 2(5) inserts new rehabilitation periods into Table B for sentences of detention that range from less than 1 year to up to 10 years for certain sentences that are confined to young offenders under Articles 39 and 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998.

Finally, Articles 2(6) to (9) amend Articles 6(3), (4), (6) and (8) of the 1978 Order to make it clear that there is no rehabilitation period for an absolute discharge; and that where a conviction results in a court imposed order that is intended to regulate the behaviour of a person, the rehabilitation period for the order will be a period beginning with the date of conviction and ending when the order ceases to have effect.

The provisions will come into operation on 1 June 2022.