1979 No. 195

REHABILITATION OF OFFENDERS

Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979

Made . . . . . 7th *June* 1979

Coming into operation . . . . 1st *July* 1979

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) Order (Northern Ireland) 1979 and shall come into operation on 1st July 1979.

(2) In this Order "the Order" means the Rehabilitation of Offenders (Northern Ireland) Order 1978.

(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.

(4) Part IV of Schedule 1 shall have effect for the interpretation of expressions used in that Schedule.

(5) In this Order a reference to any enactment shall be construed as a reference to that enactment as extended or applied by or under any enactment.

Exclusion of article 5(2) of the Order in relation to certain questions

2. None of the provisions of article 5(2) of the Order shall apply in relation to—

(a) 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—

(i) of the person to whom the question relates for admission to any of the professions specified in Part I of Schedule 1; or

(ii) of the person to whom the question relates for any office or employment specified in Part II of Schedule 1; or

(iii) of the person to whom the question relates or of any other person to pursue any occupation specified in Part III of Schedule 1 or to pursue it subject to a particular condition or restriction; or

(iv) of the person to whom the question relates or of any other person to hold a licence, certificate or permit of a kind specified in Schedule 2 or to hold it subject to a particular condition or restriction,

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;

(a) S.I. 1978/1908 (N.I. 27)

(*b*) any question asked by or on behalf of any person, in the course of his duties as a person employed in the service of the Crown, the United Kingdom Atomic Energy Authority, the Civil Aviation Authority or the Post Office Corporation in order to assess, for the purpose of safeguarding national security or of protecting public safety or public order, the suitability of the person to whom the question relates or of any other person for any office or employment 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 for the purpose of safeguarding national security or of protecting public safety or public order.

Exceptions from article 5(3)(b) of the Order in relation to certain professions, offices, employments, etc.

3. Paragraph (*b*) of article 5(3) of the Order shall not apply in relation to—

(*a*) the dismissal or exclusion of any person from any profession specified in Part I of Schedule 1;

(*b*) any office, employment or occupation specified in Part II or Part III of the said Schedule 1;

(*c*) any action taken for the purpose of safeguarding national security or of protecting public safety or public order.

Exclusion of article 5(1) of the Order in relation to certain proceedings

4. Article 5(1) of the Order shall not apply in relation to any proceedings specified in Schedule 3.

Humphrey Atkins
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
7th June 1979

SCHEDULE 1 Articles 1(4), 2 and 3

Excepted professions, offices, employments and occupations

PART I

Professions

1. Medical practitioner.

2. Barrister, solicitor.

3. Chartered accountant, certified accountant.

4. Dentist, dental hygienist, dental auxiliary.

5. Veterinary surgeon.

6. Nurse, midwife.

7. Ophthalmic optician, dispensing optician.

8. Pharmaceutical chemist.

9. Any profession to which the Professions Supplementary to Medicine Act 1960(b) applies and which is undertaken following registration under that Act.

PART II

Offices and employments

1. Judicial appointments.

2. The Director of Public Prosecutions for Northern Ireland and any employment in his office.

3. Employment in the Northern Ireland Court Service.

4. Constables, persons appointed as police cadets to undergo training with a view to becoming constables and persons employed for the purposes of, or to assist the constables of, a police force established under any enactment; naval, military and air force police.

5. Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of, a prison, remand centre, remand home, training school, special reception centre, Borstal institution or young offenders centre, and members of boards of visitors for prisons appointed under section 10 of the Prison Act (Northern Ireland) 1953(c), members of visiting committees for Borstal institutions appointed under section 11 of that Act, and members of visiting committees for young offenders centres appointed under section 3 of the Treatment of Offenders Act (Northern Ireland) 1968(d).

6. Civilian Search Officers appointed under section 53 of the Explosives Act 1875(e) to be inspectors under that Act.

7. Traffic wardens authorised to discharge functions under Part VII of the Road Traffic Act (Northern Ireland) 1970(f).

8. Probation officers appointed under section 12 of the Probation Act (Northern Ireland) 1950(g).

(b) 1960 c. 66
(c) 1953 c. 18 (N.I.)
(d) 1968 c. 29 (N.I.)
(e) 1875 c. 17
(f) 1970 c. 2 (N.I.)
(g) 1950 c. 7 (N.I.)

9. Any employment as a teacher in a school or institution of further education within the meaning of the Education and Libraries (Northern Ireland) Order 1972(h) or as an instructor in a government training centre and any other employment which is carried out wholly or partly within the precincts of a school, institution of further education or centre, being employment which is of such a kind as to enable the holder to have access to persons under the age of 18 in attendance at the school, institution of further education or centre in the course of his normal duties; or employment as a peripatetic teacher within the meaning of article 53 of that Order.

10. Proprietors of independent schools.

11. Any employment by a Health and Social Services Board in connection with the provision of personal social services or by any other body in connection with the provision by it of similar services, being employment which is of such a kind as to enable the holder to have access to any of the following classes of person in the course of his normal duties, namely—

(*a*) persons under the age of 18 or over the age of 65;

(*b*) persons suffering from serious illness or mental disorder of any description;

(*c*) persons addicted to alcohol or drugs;

(*d*) persons who are blind, deaf or dumb;

(*e*) other persons who are substantially and permanently handicapped by illness, injury or congenital deformity.

12. Any employment which is concerned with the provision of health services and which is of such a kind as to enable the holder to have access to persons in receipt of such services in the course of his normal duties.

13. Any employment by a youth club, Education and Library Board, district council, or other body which is concerned with the promotion of leisure or recreational activities for persons under the age of 18, being employment which is of such a kind as to enable the holder to have access to such persons in the course of his normal duties.

14. Any employment within a cadet force concerned with naval, military or air force training for persons under the age of 18, being employment which is of such a kind as to enable the holder to have access to such persons in the course of his normal duties.

Part III

Regulated Occupations

1. Firearms dealer and a servant of such a person.

2. Director, controller or manager of an insurance company—

(*a*) in respect of which the authorisation of the Department of Commerce is required under article 7(1)(*b*) of the Insurance Companies (Northern Ireland) Order 1976(i) for it to carry on insurance business; or

(*b*) to which Part III of that Order applies.

3. Dealer in securities.

4. Manager or trustee under a unit trust scheme.

5. Any occupation which is concerned with carrying on a nursing home in respect of which registration is required by section 1 of the Nursing Home and Nursing Agencies Act (Northern Ireland) 1971(j).

(h) S.I. 1972/1263 (N.I. 12)
(i) S.I. 1976/59 (N.I. 3)
(j) 1971 c. 32 (N.I.)

6. Any occupation which is concerned with carrying on an establishment in respect of which registration is required by article 35 of, and Schedule 5 to, the Health and Personal Social Services (Northern Ireland) Order 1972(k).

7. Any occupation which is concerned with the care and maintenance of a child to which section 1 of the Children and Young Persons Act (Northern Ireland) 1968(l) applies or with the reception of children into premises which are required to be registered under section 11 of that Act.

8. Any occupation in respect of which the holder, as occupier of premises on which explosives are kept, is required by any Order in Council made under section 43 of the Explosives Act 1875 to obtain from the police or a court of summary jurisdiction a certificate as to his fitness to keep the explosives, or a servant of such a person.

9. Any occupation in respect of which the holder as an occupier of a factory, magazine or store is required to obtain a licence from the Secretary of State for the keeping of explosives, or a servant of such a person.

PART IV

Interpretation

In this Schedule—

"certified accountant" means a member of the Association of Certified and Corporate Accountants;

"chartered accountant" means a member of the Institute of Chartered Accountants in Ireland;

"dealer in securities" means a person dealing in securities within the meaning of section 22(1) of the Prevention of Fraud (Investments) Act (Northern Ireland) 1940(m);

"Education and Library Board" means an Education and Library Board established under article 3 of the Education and Libraries (Northern Ireland) Order 1972;

"firearms dealer" has the meaning assigned to that expression by section 50(1) of the Firearms Act (Northern Ireland) 1969(n);

"further education" has the meaning assigned to that expression by article 5(*c*) of the Education and Libraries (Northern Ireland) Order 1972;

"health services" means services provided under the Health and Personal Social Services (Northern Ireland) Order 1972 and similar services provided otherwise than under the National Health Service;

"insurance company" has the meaning assigned to that expression by article 2 of the Insurance Companies (Northern Ireland) Order 1976 and, in relation to an insurance company, "director" shall be construed in accordance with that article and "controller" and "manager" shall be construed in accordance with article 11 of that Order;

"judicial appointment" means an appointment to any office by virtue of which the holder has power (whether alone or with others) under any enactment or rule of law to determine any question affecting the rights, privileges, obligations or liabilities of any person;

"proprietor" and "independent school" have the meanings assigned to those expressions by article 2 of the Education and Libraries (Northern Ireland) Order 1972;

"school" has the meaning assigned to that expression by Article 2 of the Education and Libraries (Northern Ireland) Order 1972;

(k) S.I. 1972/1265 (N.I. 14)
(l) 1968 c. 34 (N.I.)
(m) 1940 c. 9 (N.I.)
(n) 1969 c. 12 (N.I.)