

Draft Order laid before the Assembly under Article 6(13) of the Rehabilitation of Offenders (Northern Ireland) Order 1978, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2022 No. 0000

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders
(Amendment) Order (Northern Ireland) 2022

Laid before the Assembly in draft

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The Department of Justice, in exercise of the powers conferred by Article 6(13) of the Rehabilitation of Offenders (Northern Ireland) Order 1978(1), makes the following Order.

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022 and shall come into operation on 1 June 2022.

(2) In this Order “the 1978 Order” means The Rehabilitation of Offenders (Northern Ireland) Order 1978.

Amendment of the 1978 Order

2.—(1) Article 6 of the 1978 Order is amended as follows.

(2) In paragraph (1)(b) for “thirty months” substitute “10 years”.

(3) In paragraph (1)(d) for “thirty months” substitute “10 years”.

(4) In Table A—

(a) For the row relating to a sentence of imprisonment or corrective training for a term exceeding six months but not exceeding thirty months substitute —

“A sentence of imprisonment of more than 4 years and up to, or consisting of 10 years	The end of the period of 7 years beginning with the day on which the sentence (including and licence period) is completed
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(1) [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

A sentence of imprisonment of more than 1 year and up to, or consisting of, 4 years	The end of the period of 4 years beginning with the day on which the sentence (including any licence period) is completed
A sentence of imprisonment of 1 year or less	The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed”

(b) Omit the row relating to sentence of imprisonment for a term not exceeding six months, and

(c) In the row relating to a fine or any other sentence subject to rehabilitation under this Order, not being a sentence to which Table B or any of paragraphs (3) to (8) applies, for the words “Five years” substitute “The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed”

(5) In Table B —

(a) For the row relating to a sentence of Borstal training substitute —

“A sentence of detention for a term of more than 4 years and up to, or consisting of, 10 years passed under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A sentence of detention for a term of more than 1 year and up to, or consisting of, 4 years passed under Article 45 of that Order	The end of the period of 2 years beginning with the day on which the sentence (including any licence period) is completed
A sentence of detention for a term of more than 1 year and up to, or consisting of, 2 years passed under Article 39 of that Order	The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed
A sentence of detention for a term of 1 year or less passed under Article 39 or Article 45 of that Order	The end of the period of 6 months beginning with the day on which the sentence (including any licence period) is completed”

(b) In the row relating to a sentence of detention for a term exceeding six months but not exceeding thirty months, omit the words “Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 or under”, and

(c) In the row relating to a sentence of detention for a term not exceeding six months, omit the words “that Article 45 or”.

(6) For paragraph (3) substitute—

“(3) There is no rehabilitation period for an order discharging a person absolutely for an offence”

(7) In paragraph (4) —

(a) for the words “one year from the date of conviction or a period beginning with that date” substitute “a period beginning with the date of conviction”, and

(b) omit “, whichever is the longer”.

(8) In paragraph (6) for the words “one year after the date on which” substitute “when”.

(9) For paragraph (8) substitute—

“(8) Where in respect of a conviction an order was made which imposes on a person convicted of any disqualification, disability, prohibition, penalty, requirement, restriction or is otherwise intended to regulate the behaviour of the person convicted, the rehabilitation