



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

2 [F1Rehabilitation of] persons dealt with in service disciplinary proceedings.

(1) ^{F2} . . . For the purposes of this Act any finding that a person is guilty of an offence in respect of any act or omission which was the subject of service disciplinary proceedings shall be treated as a conviction and any punishment awarded [^{F3} or order made by virtue of Schedule 5A to the ^{M1} Army Act 1955 or to the ^{M2} Air Force Act 1955 or Schedule 4A to the ^{M3} Naval Discipline Act 1957] in respect of any such finding shall be treated as a sentence.

^{F4}(2)

^{F4}(3)

^{F4}(4)

(5) In this Act, “service disciplinary proceedings” means any of the following—

[^{F5}(za) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act);]

(a) any proceedings under the ^{M4} Army Act 1955, the ^{M5} Air Force Act 1955, or the ^{M6} Naval Discipline Act 1957 whether before a court-martial or before any other court or person authorised thereunder to award a punishment in respect of any offence);

(b) any proceedings under any Act previously in force corresponding to any of the Acts mentioned in paragraph (a) above;

[^{F6}(bb) any proceedings before a Standing Civilian Court established under the ^{M7} Armed Forces Act 1976;]

(c) any proceedings under any corresponding enactment or law applying to a force, other than a home force, to which section 4 of the ^{M8} Visiting Forces (British Commonwealth) Act 1933 applies or applied at the time of the proceedings, being proceedings in respect of a member of a home force who is or was at that time attached to the first-mentioned force under that section;

whether in any event those proceedings take place in [^{F7} England and Wales][^{F8} Scotland] or elsewhere.

Changes to legislation: Rehabilitation of Offenders Act 1974, Section 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F9}(6) Section 376(1) to (3) of the Armed Forces Act 2006 (“conviction” and “sentence” in relation to summary hearings and the SAC) apply for the purposes of this Act as they apply for the purposes of that Act.]

Textual Amendments

- F1** Words in s. 2 title repealed (S.) (30.11.2020) by [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), s. 63(2), [sch. 2 para. 1\(4\)](#); S.S.I. 2020/245, reg. 2, sch. (with reg. 3)
- F2** Words in s. 2(1) repealed (1.10.1996) by [1996 c. 46](#), s. 35(2), [Sch. 7 Pt. III](#); S.I. 1996/2474, art. 2, [Sch.](#)
- F3** Words inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 20\(1\)](#)
- F4** S. 2(2)-(4) repealed (1.10.1996) by [1996 c. 46](#), ss. 13(2), 35(2), [Sch. 7 Pt. III](#); S.I. 1996/2474, art. 2, [Sch.](#)
- F5** S. 2(5)(za) inserted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 64\(a\)](#); S.I. 2009/812, [art. 3](#); S.I. 2009/1167, [art. 4](#) (and see savings (having effect from 24.4.2009 for specified purposes and 31.10.2009 otherwise) in S.I. 2009/1059, [arts 1\(2\)\(3\)](#), 205, [Sch. 1 para. 14](#))
- F6** S. 2(5)(bb) inserted by [Armed Forces Act 1976 \(c. 52\)](#), [Sch. 9 para. 20\(3\)](#)
- F7** Words in s. 2(5) substituted (E.W.) (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 25 para. 3](#) (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)
- F8** Word in s. 2(5) substituted (S.) (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 25 para. 14](#) (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)
- F9** S. 2(6) inserted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 64\(b\)](#); S.I. 2009/812, [art. 3](#); S.I. 2009/1167, [art. 4](#) (and see savings (having effect from 24.4.2009 for specified purposes and 31.10.2009 otherwise) in S.I. 2009/1059, [arts 1\(2\)\(3\)](#), 205, [Sch. 1 para. 14](#))

Modifications etc. (not altering text)

- C1** S. 2 modified by [Armed Forces Act 1976 \(c. 52\)](#), [s. 17\(1\)](#); extended by [Armed Forces Act 1976 \(c. 52\)](#), [s. 17\(2\)](#)

Marginal Citations

- M1** 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.
M4 1955 c. 18.
M5 1955 c. 19.
M6 1957 c. 53.
M7 1976 c. 52.
M8 1933 c. 6.

Changes to legislation:

Rehabilitation of Offenders Act 1974, Section 2 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2017 anaw 2 s. 66\(10\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(2AA) inserted by [2020 asp 13 sch. 5 para. 2\(2\)](#)
- s. 5J(1)(ba) inserted by [2020 asp 13 sch. 5 para. 2\(8\)\(a\)](#)
- s. 5J(1A)(1B) inserted by [2020 asp 13 sch. 5 para. 2\(8\)\(b\)](#)
- s. 8A(2)(aa)-(ad) substituted for s. 8A(2)(a) by [2022 c. 32 Sch. 11 para. 2\(a\)](#)
- s. 8B(1A)-(1E) inserted by [2011 asp 1 s. 187\(2\)\(a\)](#)
- Sch. 3 para. 1(1)(aa)(ab) inserted by [2011 asp 1 s. 187\(3\)](#)