



Armed Forces Act 1996

1996 CHAPTER 46

Rehabilitation of service offenders

13 Application of Rehabilitation of Offenders Act 1974.

- (1) The ^{M1}Rehabilitation of Offenders Act 1974 shall be amended as follows.
- (2) In section 2 (rehabilitation of persons dealt with in service disciplinary proceedings), subsections (2) to (4) shall cease to have effect.
- (3) [^{F1}In section 6 (the rehabilitation period)—
 - (a) in subsection (6) the words “Subject to subsection (7) below” shall cease to have effect; and
 - (b) after subsection (6)(b) there shall be inserted the following paragraph—

“(bb) any conviction in service disciplinary proceedings for an offence listed in the Schedule to this Act;”;

and
 - (c) in subsection (7) for the words “Notwithstanding subsection (6) above” there shall be substituted the words “ Except as provided by subsection (6)(bb) above ”.]
- (4) [^{F1}The provisions set out in Schedule 4 to this Act shall be inserted as the Schedule to the ^{M2}Rehabilitation of Offenders Act 1974.]
- (5) The Rehabilitation of Offenders Act 1974 shall apply to convictions before the commencement date as if the amendments made by this section had always had effect; but this subsection does not apply to convictions to which section 2(1) of that Act applied before that date.
- (6) Where by virtue of subsection (5) above a rehabilitation period applicable to a conviction would have ended before the commencement date, the individual concerned shall (subject to section 1(2) of the Rehabilitation of Offenders Act 1974) be treated as a rehabilitated person in respect of the conviction, and the conviction shall be regarded as spent, on and after that date.
- (7) In this section “the commencement date” means the date on which this section comes into force.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 1996, Cross Heading: Rehabilitation of service offenders. (See end of Document for details)

Textual Amendments

- F1** S. 13(3)(4) repealed (E.W.) (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 25 Pt. 2](#) (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3); S.I. 2014/423, art. 2(c) (with art. 3)

Marginal Citations

- M1** 1974 c. 53.
M2 1974 c. 53.

14 Application of Rehabilitation of Offenders (Northern Ireland) Order 1978.

- (1) The ^{M3}Rehabilitation of Offenders (Northern Ireland) Order 1978 shall be amended as follows.
- (2) In Article 4 (rehabilitation of persons dealt with in service disciplinary proceedings), paragraphs (2) to (4) shall cease to have effect.
- (3) In Article 7 (the rehabilitation period)—
 - (a) in paragraph (6) the words “Subject to paragraph (7)” shall cease to have effect; and
 - (b) after paragraph (6)(b) there shall be inserted the following sub-paragraph—

“(bb) any conviction in service disciplinary proceedings for an offence listed in the Schedule;”;
 - (c) in paragraph (7) for the words “Notwithstanding paragraph (6)” there shall be substituted the words “ Except as provided by paragraph (6)(bb) ”.
- (4) A Schedule corresponding to the Schedule to be inserted into the Rehabilitation of Offenders Act 1974 by section 13(4) above shall be inserted as the Schedule to the Rehabilitation of Offenders (Northern Ireland) Order 1978, with the substitution—
 - (a) in the Schedule heading, for the words “Section 6(4)” of the words “ Article 7 ”; and
 - (b) in paragraph 1, for the words “section 6(6)(bb) of this Act” of the words “ Article 7(6)(bb) ”.
- (5) The ^{M4}Rehabilitation of Offenders (Northern Ireland) Order 1978 shall apply to convictions before the commencement date as if the amendments made by this section had always had effect; but this subsection does not apply to convictions to which Article 4(1) of that Order applied before that date.
- (6) Where by virtue of subsection (5) above a rehabilitation period applicable to a conviction would have ended before the commencement date, the individual concerned shall (subject to Article 3(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978) be treated as a rehabilitated person in respect of the conviction, and the conviction shall be regarded as spent, on and after that date.
- (7) In this section “the commencement date” means the date on which this section comes into force.

Marginal Citations

- M3** S.I. 1978/1908 (N.I.27).

Changes to legislation: *There are currently no known outstanding effects for the Armed Forces Act 1996, Cross Heading: Rehabilitation of service offenders. (See end of Document for details)*

M4 [S.I. 1978/1908 \(N.I. 27\)](#).

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 1996, Cross
Heading: Rehabilitation of service offenders.