

Status: Point in time view as at 10/03/2014. This version of this schedule contains provisions that are prospective.
Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 25 is up to date with all changes known to be in force on or before 01 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)

SCHEDULES

SCHEDULE 25

Section 141

REHABILITATION OF OFFENDERS: CONSEQUENTIAL PROVISION

PART 1

REHABILITATION OF OFFENDERS: GENERAL

Rehabilitation of Offenders Act 1974: England and Wales

1 The Rehabilitation of Offenders Act 1974 is amended as follows.

Commencement Information

I1 Sch. 25 para. 1 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

2 In section 1(4)(a) (references in Act to a conviction) for “Great Britain” substitute “England and Wales”.

Commencement Information

I2 Sch. 25 para. 2 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

3 In section 2(5) (rehabilitation of persons dealt with in service disciplinary proceedings) for “Great Britain” substitute “England and Wales”.

Commencement Information

I3 Sch. 25 para. 3 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

PROSPECTIVE

4 Omit section 3 (special provision with respect to certain disposals by children's hearings under the Social Work (Scotland) Act 1968).

5 In section 4(1)(a) (effect of rehabilitation) for “Great Britain” substitute “England and Wales”.

Commencement Information

I4 Sch. 25 para. 5 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

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- 6 (1) Section 7 (limitations on rehabilitation under the Act) is amended as follows.
- (2) In subsection (2)(a) for “Great Britain” substitute “ England and Wales ”.
- (3) In subsection (3) for “Great Britain” substitute “ England and Wales ”.

Commencement Information

I5 Sch. 25 para. 6 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

- 7 Omit section 8(8) (defamation actions: application of section to Scotland).

Commencement Information

I6 Sch. 25 para. 7 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

- 8 In section 8A(2)(d) (definition of “caution”) after “Wales” insert “ and which is not an alternative to prosecution (within the meaning of section 8AA) ”.

Commencement Information

I7 Sch. 25 para. 8 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

- 9 (1) Section 9 (unauthorised disclosure of spent convictions) is amended as follows.
- (2) In subsection (3) omit “(or, in Scotland, the accused person)”.
- (3) In subsection (8) omit “, in England and Wales,”.

Commencement Information

I8 Sch. 25 para. 9 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

- 10 After section 10(1) (orders) insert—
- “(1A) Any power of the Secretary of State to make an order under any provision of this Act includes power—
- (a) to make different provision for different purposes, and
- (b) to make incidental, consequential, supplementary, transitional, transitory or saving provision.
- (1B) The power of the Secretary of State to make an order under section 5(6) includes power to make consequential provision which amends or repeals any provision of this Act or any other enactment.”

Commencement Information

I9 Sch. 25 para. 10 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

- 11 Omit Schedule 1 (service disciplinary convictions referred to in section 6(6)(bb) of that Act).

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I10 Sch. 25 para. 11 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

Rehabilitation of Offenders Act 1974: Scotland

12 The Rehabilitation of Offenders Act 1974 is amended as follows.

Commencement Information

I11 Sch. 25 para. 12 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

13 In section 1(4)(a) (references in Act to a conviction) for “Great Britain” substitute “Scotland”.

Commencement Information

I12 Sch. 25 para. 13 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

14 In section 2(5) (rehabilitation of persons dealt with in service disciplinary proceedings) for “Great Britain” substitute “Scotland”.

Commencement Information

I13 Sch. 25 para. 14 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

15 In section 4(1)(a) (effect of rehabilitation) for “Great Britain” substitute “Scotland”.

Commencement Information

I14 Sch. 25 para. 15 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

16 (1) Section 7 (limitations on rehabilitation under the Act) is amended as follows.

(2) In subsection (2)(a) for “Great Britain” substitute “Scotland”.

(3) In subsection (3) for “Great Britain” substitute “Scotland”.

Commencement Information

I15 Sch. 25 para. 16 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

17 (1) Section 9 (unauthorised disclosure of spent convictions) is amended as follows.

(2) In subsection (3) for “defendant (or, in Scotland, the accused person)” substitute “accused person”.

(3) Omit subsection (8).

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Commencement Information

I16 Sch. 25 para. 17 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

PART 2

REHABILITATION OF OFFENDERS: CONSEQUENTIAL REPEALS

Commencement Information

I17 Sch. 25 Pt. 2 in force at 10.3.2014 by S.I. 2014/423, art. 2(c) (with art. 3)

<i>Short title</i>	<i>Extent of repeal</i>
Armed Forces Act 1976 (c. 52)	In Schedule 9, paragraph 21.
Criminal Law Act 1977 (c. 45)	In section 63(2), the words “Rehabilitation of Offenders Act 1974;”.
	In Schedule 12, the entry relating to the Rehabilitation of Offenders Act 1974.
Magistrates' Courts Act 1980 (c. 43)	In Schedule 7, paragraph 134.
Armed Forces Act 1981 (c. 55)	In Schedule 4, paragraph 2(2).
Criminal Justice Act 1982 (c. 48)	In Schedule 14, paragraph 37.
Mental Health (Amendment) Act 1982 (c. 51)	In Schedule 3, paragraph 49.
Mental Health Act 1983 (c. 20)	In Schedule 4, paragraph 39.
Criminal Justice Act 1988 (c. 33)	In Schedule 8, paragraph 9(b).
Children Act 1989 (c. 41)	In Schedule 14, paragraph 36(7).
Criminal Justice Act 1991 (c. 53)	In section 68, paragraph (c) (but not the word “and” at the end of the paragraph).
	In Schedule 8, paragraph 5.
	In Schedule 12, paragraph 22(2).
Criminal Justice and Public Order Act 1994 (c. 33)	In Schedule 9, paragraph 11.
	In Schedule 10, paragraph 30.
Armed Forces Act 1996 (c. 46)	Section 13(3) and (4).
	Schedule 4.
Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraph 35.
Youth Justice and Criminal Evidence Act 1999 (c. 23)	In Schedule 4, paragraph 6.
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 48(3) to (10).
	In Schedule 11, paragraph 13.

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Criminal Justice and Court Services Act 2000 (c. 43) In Schedule 7, paragraph 49.

Criminal Justice Act 2003 (c. 44) In Part 1 of Schedule 32, paragraph 18(3).

Armed Forces Act 2006 (c. 52) In Schedule 16, paragraphs 65(4) to (8) and 66.

Criminal Justice and Immigration Act 2008 (c. 4) In Part 1 of Schedule 4, paragraph 21.
In Schedule 10, paragraphs 2 and 5.

Policing and Crime Act 2009 (c. 26) Section 18(2).

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