



Rehabilitation of Offenders Act 1974

CHAPTER 53

REHABILITATION OF OFFENDERS ACT 1974

- 1 Protected persons and spent convictions.
- 2 Rehabilitation of persons dealt with in service disciplinary proceedings.
- 3 Special provision with respect to certain disposals by children's hearings under the Social Work (Scotland) Act 1968.
- 4 Effect of becoming a protected person.
- 5 Rehabilitation periods for particular sentences.
- 5A Table A – disclosure periods: ordinary cases
- 5B Table B – disclosure periods: service disciplinary sentences
- 5C Disclosure period: caution for good behaviour
- 5D Disclosure period: particular court orders
- 5E Disclosure period: adjournment or deferral
- 5F Disclosure period for certain mental health orders
- 5G Disclosure period: compulsion orders
- 5H Disclosure period: orders relating to juvenile offenders
- 5I Disclosure period: service disciplinary orders
- 5J Sentences to which no disclosure period applies
- 6 The disclosure period applicable to a conviction.
- 7 Limitations on rehabilitation under this Act, etc.
- 8 Defamation actions.
- 8A Protection afforded to spent cautions
- 8AA Protection afforded to spent alternatives to prosecution
- 8B Protection afforded to spent alternatives to prosecution: Scotland
- 8C Modification of section 8B and schedule 3: Scotland
- 9 Unauthorized disclosure of spent convictions.
- 9A Unauthorised disclosure of spent cautions
- 9B Unauthorised disclosure of spent alternatives to prosecution: Scotland
- 10 Orders.
- 10A Order-making powers: Scottish Ministers

Changes to legislation: Rehabilitation of Offenders Act 1974 is up to date with all changes known to be in force on or before 30 November 2022. 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

11 Citation, commencement and extent.

Schedule 1 — Section 6(4): service disciplinary convictions

1 Any conviction for an offence mentioned in this Schedule is...

Provisions of the Army Act 1955 and the Air Force Act 1955

2 Any offence under any of the provisions of the Army...

3 Any offence under section 68 (attempt to commit military offence)...

4 Any offence under section 68 (attempt to commit air-force offence)...

Provisions of the Naval Discipline Act 1957

5 Any offence under any of the provisions of the Naval...

6 Any offence under section 40 (attempt to commit naval offence)...

Provisions of the Armed Forces Act 2006

7 Any service offence within the meaning of the Armed Forces...

SCHEDULE 2 — Protection for spent cautions

Preliminary

1 (1) For the purposes of this Schedule a caution shall...

2 (1) In this Schedule “ ancillary circumstances ”, in relation...

Protection relating to spent cautions and ancillary circumstances

3 (1) A person who is given a caution for an...

4 The Secretary of State may by order—

5 Nothing in paragraph 3 affects— (a) the operation of the...

6 (1) Section 7(2), (3) and (4) apply for the purposes...

SCHEDULE 3 — PROTECTION FOR SPENT ALTERNATIVES TO PROSECUTION: SCOTLAND

Preliminary

1 (1) For the purposes of this Act, an alternative to...

2 (1) In this Schedule, “ ancillary circumstances ”, in relation...

Protection for spent alternatives to prosecution and ancillary circumstances

3 (1) A person who is given an alternative to prosecution...

4 (1) This paragraph applies where a person (“A”) is asked...

5 (1) An obligation imposed on a person (“A”) by a...

6 The Scottish Ministers may by order— (a) exclude or modify...

7 Paragraphs 3 to 5 do not affect—

8 (1) Section 7(2), (3) and (4) apply for the purpose...

9 (1) The powers conferred on the Scottish Ministers by—

Changes to legislation:

Rehabilitation of Offenders Act 1974 is up to date with all changes known to be in force on or before 30 November 2022. 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 :

- s. 3 omitted by [2012 c. 10 Sch. 25 para. 4](#)
- s. 3 repealed by [2011 asp 1 sch. 6](#)
- s. 4(1)(a)(b) restricted by [2020 asp 13 s. 32\(1\)\(2\)](#)
- s. 4(1)(a)(b) restricted by [2020 asp 13 s. 32\(3\)\(4\)](#)
- s. 4(2)(a)(b) restricted by [2020 asp 13 s. 32\(1\)\(2\)](#)
- s. 4(2)(a)(b) restricted by [2020 asp 13 s. 32\(3\)\(4\)](#)
- s. 4(3)(a) restricted by [2020 asp 13 s. 32\(1\)\(2\)](#)
- s. 4(3)(a)(b) restricted by [2020 asp 13 s. 32\(3\)\(4\)](#)
- s. 5(1)(b) substituted by [2022 c. 32 s. 193\(3\)\(a\)](#)
- s. 5(1)(d) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 18 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(1)(d) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 18 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(1)(d) words inserted by [2021 c. 11 Sch. 13 para. 33\(a\)](#)
- s. 5(1)(d) words inserted by [2021 c. 11 Sch. 13 para. 34\(2\)\(a\)](#)
- s. 5(1)(d) words omitted by [2022 c. 32 s. 193\(3\)\(b\)](#)
- s. 5(1)(f) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)\(3\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 18 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(2) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)\(4\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(2) words substituted by [2022 c. 32 s. 193\(5\)](#)
- s. 5(2)(b) Table words omitted by [2022 c. 32 s. 193\(6\)\(b\)](#)
- s. 5(2)(b) Table words substituted by [2022 c. 32 s. 193\(6\)\(a\)](#)
- s. 5(2A)(2B) inserted by [2022 c. 32 s. 193\(7\)](#)
- s. 5(2F)(a)(ii) words inserted by [2021 c. 11 Sch. 13 para. 34\(2\)\(b\)](#)
- s. 5(3) substituted by [2022 c. 32 s. 193\(8\)](#)
- s. 5(3)(b) and word repealed by [2011 asp 1 sch. 6](#)
- s. 5(4)(b) words substituted by [2022 c. 32 s. 193\(9\)](#)
- s. 5(4A) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)\(5\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(4B) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(6\)\(a\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(4B)(a) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(6\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(4B)(a) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(6\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(4C) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(7\)\(a\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(4C)(a) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)para. 33\(7\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. 2019 asp 14, s 19 in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)

- s. 5(4C)(a) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)](#)[para. 33\(7\)\(b\)\(ii\)](#)
(This amendment not applied to [legislation.gov.uk. 2019 asp 14, s 19](#) in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(5)(f) repealed by [2011 asp 1 sch. 6](#)
- s. 5(5)(da) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)\(8\)](#) (This amendment not applied to [legislation.gov.uk. 2019 asp 14, s 19](#) in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(6A) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)\(9\)](#) (This amendment not applied to [legislation.gov.uk. 2019 asp 14, s 19](#) in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(7) words substituted by [2022 c. 32 s. 193\(10\)](#)
- s. 5(8) words inserted by [2021 c. 11 Sch. 13 para. 33\(b\)](#)
- s. 5(9)(b) words inserted by [2020 c. 17 Sch. 24 para. 33\(1\)\(10\)](#) (This amendment not applied to [legislation.gov.uk. 2019 asp 14, s 19](#) in force at 30/11/2020 by S.S.I. 2020/245, reg. 2, sch.)
- s. 5(10) words repealed by [2011 asp 1 sch. 6](#)
- s. 5A words substituted by [2020 asp 13 sch. 5 para. 2\(3\)](#)
- s. 5B words inserted by [2021 c. 11 Sch. 13 para. 34\(3\)](#)
- s. 5B words substituted by [2020 asp 13 sch. 5 para. 2\(4\)](#)
- s. 5C(2)(b) repealed by [2020 asp 13 sch. 5 para. 2\(5\)](#)
- s. 5D(1)(b) repealed by [2020 asp 13 sch. 5 para. 2\(6\)\(a\)](#)
- s. 5D(3) words repealed by [2020 asp 13 sch. 5 para. 2\(6\)\(b\)](#)
- s. 5I(1)(b) repealed by [2020 asp 13 sch. 5 para. 2\(7\)\(a\)](#)
- s. 5I(3)(a) word substituted by [2020 asp 13 sch. 5 para. 2\(7\)\(b\)\(i\)](#)
- s. 5I(3)(b) repealed by [2020 asp 13 sch. 5 para. 2\(7\)\(b\)\(ii\)](#)
- s. 6(5) words substituted by [2022 c. 32 s. 193\(13\)](#)
- s. 7(1)(d) words substituted by [2022 c. 32 s. 193\(14\)](#)
- s. 8A(2)(d) words substituted by [2022 c. 32 Sch. 11 para. 2\(b\)](#)
- s. 8B(2) words substituted by [2011 asp 1 s. 187\(2\)\(b\)](#)
- Sch. 2 para. 5(b) words inserted by [2022 c. 32 s. 193\(15\)](#)
- Sch. 2 para. 1(1)(a) words substituted by [2022 c. 32 Sch. 11 para. 3\(2\)](#)
- Sch. 2 para. 2(1)(f) words substituted by [2022 c. 32 Sch. 11 para. 3\(3\)](#)

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

- Act applied by [2017 anaw 2 s. 66\(10\)](#)
- Act applied by [2022 c. 32 s. 193\(17\)\(18\)](#)

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

- s. 5(1ZA)(1ZB) inserted by [2022 c. 32 s. 193\(4\)](#)
- s. 5(2AA) inserted by [2020 asp 13 sch. 5 para. 2\(2\)](#)
- s. 5(7A)(7B) inserted by [2022 c. 32 s. 193\(11\)](#)
- s. 5(8)(g) substituted by [2022 c. 32 s. 193\(12\)\(b\)](#)
- s. 5(8)(za) inserted by [2022 c. 32 s. 193\(12\)\(a\)](#)
- 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\(3\)](#)