



# Rehabilitation of Offenders Act 1974

## 1974 CHAPTER 53

### 1 **Rehabilitated persons and spent convictions.** **E+W**

- (1) Subject to subsection (2) below, where an individual has been convicted, whether before or after the commencement of this Act, of any offence or offences, and the following conditions are satisfied, that is to say—
- (a) he did not have imposed on him in respect of that conviction a sentence which is excluded from rehabilitation under this Act; and
  - (b) he has not had imposed on him in respect of a subsequent conviction during the rehabilitation period applicable to the first-mentioned conviction in accordance with section 6 below a sentence which is excluded from rehabilitation under this Act;

then, after the end of the rehabilitation period so applicable (including, where appropriate, any extension under section 6(4) below of the period originally applicable to the first-mentioned conviction) or, where that rehabilitation period ended before the commencement of this Act, after the commencement of this Act, that individual shall for the purposes of this Act be treated as a rehabilitated person in respect of the first-mentioned conviction and that conviction shall for those purposes be treated as spent.

- (2) A person shall not become a rehabilitated person for the purposes of this Act in respect of a conviction unless he has served or otherwise undergone or complied with any sentence imposed on him in respect of that conviction; but the following shall not, by virtue of this subsection, prevent a person from becoming a rehabilitated person for those purposes—
- (a) failure to pay a fine or other sum adjudged to be paid by or imposed on a conviction, or breach of a condition of a recognizance or of a bond of caution to keep the peace or be of good behaviour;
  - (b) breach of any condition or requirement applicable in relation to a sentence which renders the person to whom it applies liable to be dealt with for the offence for which the sentence was imposed, or, where the sentence was a suspended sentence of imprisonment, liable to be dealt with in respect of that sentence (whether or not, in any case, he is in fact so dealt with);
  - (c) failure to comply with any requirement of a suspended sentence supervision order.

*Status: Point in time view as at 25/08/2000. There are multiple versions of this provision on screen.*

*These apply to different geographical extents. This version of this provision has been superseded.*

**Changes to legislation:** Rehabilitation of Offenders Act 1974, Section 1 is up to date with all changes known to be in force on or before 08 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)

[<sup>F1</sup>(2A) Where in respect of a conviction a person has been sentenced to imprisonment with an order under s. 47(1) of the <sup>M1</sup>Criminal Law Act 1977, he is to be treated for the purposes of subsection (2) above as having served the sentence as soon as he completes service of so much of the sentence as was by that order required to be served in prison.]

(3) In this Act “sentence” includes any order made by a court in dealing with a person in respect of his conviction of any offence or offences, other than—

- (a) an order for committal or any other order made in default of payment of any fine or other sum adjudged to be paid by or imposed on a conviction, or for want of sufficient distress to satisfy any such fine or other sum;
- (b) an order dealing with a person in respect of a suspended sentence of imprisonment.

(4) In this Act, references to a conviction, however expressed, include references—

- (a) to a conviction by or before a court outside Great Britain; and
- (b) to any finding (other than a finding linked with a finding of insanity) in any criminal proceedings <sup>F2</sup> . . . that a person has committed an offence or done the act or made the omission charged;

and notwithstanding anything in section 9 of the <sup>M2</sup>Criminal Justice (Scotland) Act 1949 or [<sup>F3</sup>section 14 of the Powers of Criminal Courts (Sentencing) Act 2000] (conviction of a person <sup>F4</sup> . . . discharged to be deemed not to be a conviction) a conviction in respect of which an order is made [<sup>F5</sup>discharging the person concerned] absolutely or conditionally shall be treated as a conviction for the purposes of this Act and the person in question may become a rehabilitated person in respect of that conviction and the conviction a spent conviction for those purposes accordingly.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F1** S. 1(2A) inserted (E.W.) by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 9 para. 11](#)
- F2** Words in s. 1(4)(b) repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F3** Words in s. 1(4) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), [Sch. 9 para. 47](#)
- F4** Words in s. 1(4) repealed (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 100, 101(2), [Sch. 11 para. 20](#), [Sch. 13](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).
- F5** Words in s. 1(4) substituted (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 20\(a\)\(c\)](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

#### Modifications etc. (not altering text)

- C1** S. 1(2)(a) amended by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, [Sch. 8 para. 16](#), [Sch. 15 para. 47](#)
- C2** S. 1(2)(a) amended by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), [ss. 45\(2\)](#), 47(4)(a)  
S. 1(2)(a) restricted (3.2.1995) by 1994 c. 37, [ss. 65\(2\)](#), 69(2)
- C3** S. 1(2) excluded by [Drug Trafficking Offences Act 1986 \(c. 22, SIF 39:1\)](#), [s. 39\(3\)](#)

#### Marginal Citations

- M1** 1977 c. 45.
- M2** 1949 c. 94.

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## 1 Rehabilitated persons and spent convictions. **S**

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- (a) he did not have imposed on him in respect of that conviction a sentence which is excluded from rehabilitation under this Act; and
- (b) he has not had imposed on him in respect of a subsequent conviction during the rehabilitation period applicable to the first-mentioned conviction in accordance with section 6 below a sentence which is excluded from rehabilitation under this Act;

then, after the end of the rehabilitation period so applicable (including, where appropriate, any extension under section 6(4) below of the period originally applicable to the first-mentioned conviction) or, where that rehabilitation period ended before the commencement of this Act, after the commencement of this Act, that individual shall for the purposes of this Act be treated as a rehabilitated person in respect of the first-mentioned conviction and that conviction shall for those purposes be treated as spent.

(2) A person shall not become a rehabilitated person for the purposes of this Act in respect of a conviction unless he has served or otherwise undergone or complied with any sentence imposed on him in respect of that conviction; but the following shall not, by virtue of this subsection, prevent a person from becoming a rehabilitated person for those purposes—

- (a) failure to pay a fine or other sum adjudged to be paid by or imposed on a conviction, or breach of a condition of a recognizance or of a bond of caution to keep the peace or be of good behaviour;
- (b) breach of any condition or requirement applicable in relation to a sentence which renders the person to whom it applies liable to be dealt with for the offence for which the sentence was imposed, or, where the sentence was a suspended sentence of imprisonment, liable to be dealt with in respect of that sentence (whether or not, in any case, he is in fact so dealt with);
- (c) failure to comply with any requirement of a suspended sentence supervision order.

(3) In this Act “sentence” includes any order made by a court in dealing with a person in respect of his conviction of any offence or offences, other than—

- (a) an order for committal or any other order made in default of payment of any fine or other sum adjudged to be paid by or imposed on a conviction, or for want of sufficient distress to satisfy any such fine or other sum;
- (b) an order dealing with a person in respect of a suspended sentence of imprisonment.

(4) In this Act, references to a conviction, however expressed, include references—

- (a) to a conviction by or before a court outside Great Britain; and
- (b) to any finding (other than a finding linked with a finding of insanity) in any criminal proceedings or in care proceedings under section 1 of the <sup>M3</sup>Children and Young Persons Act 1969 that a person has committed an offence or done the act or made the omission charged;

and notwithstanding anything in section 9 of the <sup>M4</sup>Criminal Justice (Scotland) Act 1949 or section 13 of the <sup>M5</sup>Powers of Criminal Courts Act 1973 (conviction of a person put on probation or discharged to be deemed not to be a conviction) a conviction in respect of which an order is made placing the person convicted on probation or

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discharging him absolutely or conditionally shall be treated as a conviction for the purposes of this Act and the person in question may become a rehabilitated person in respect of that conviction and the conviction a spent conviction for those purposes accordingly.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Modifications etc. (not altering text)

- C4** S. 1(2)(a) amended by [Criminal Justice Act 1988](#) (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 15 para. 47**
- C5** S. 1(2)(a) excluded by [Drug Trafficking Offences Act 1986](#) (c. 32, SIF 39:1), **s. 39(3)**  
 S. 1(2)(a) restricted (3.2.1995) by [1994 c. 37](#), **ss. 65(2)**, 69(2)  
 S. 1(2)(a) restricted (31.3.1996) by [1995 c. 20](#), **s. 113(5)** (which Act was repealed (1.4.1996) by [1995 c. 40](#), **ss. 4, 6, 7(2)**, Sch. 3 Pt. II paras. 16(3), 17, **Sch. 5**)  
 S. 1(2)(a) restricted (1.4.1996) by [1995 c. 43](#), **ss. 47(2)**, 50(2)
- C6** S. 1(2)(a) amended by [Criminal Justice \(Scotland\) Act 1987](#) (c. 41, SIF 39:1), **ss. 45(2)**, 47(4)(a)

#### Marginal Citations

- M3** 1969 c. 54.  
**M4** 1949 c. 94.  
**M5** 1973 c. 62.

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