



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

5 Rehabilitation periods for particular sentences. **E+W**

(1) The sentences excluded from rehabilitation under this Act are—

- (a) a sentence of imprisonment for life;
- (b) a sentence of imprisonment [^{F1}youth custody][^{F2}detention in a young offender institution] or corrective training for a term exceeding thirty months;
- (c) a sentence of preventive detention; . . . ^{F3}
- (d) a sentence of detention during Her Majesty's pleasure or for life [^{F4}under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F5}or under section 209 or 218 of the Armed Forces Act 2006,][^{F6}or under section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975,][^{F7}or a sentence of detention for a term exceeding thirty months passed under section 91 of the said Act of 2000][^{F8}(young offenders convicted of grave crimes) [^{F9}or section 209 of the said Act of 2006] or under section 206 of the said Act of 1975 (detention of children convicted on indictment)]^{F10}. . . [^{F11}and
- (e) a sentence of custody for life]; [^{F12}and]
- [^{F13}(f) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, a sentence of detention for public protection under section 226 of that Act or an extended sentence under section [^{F14}226A, 226B,] 227 or 228 of that Act [^{F15}(including any sentence within this paragraph passed as a result of any of sections 219 to 222 of the Armed Forces Act 2006)]]

and any other sentence is a sentence subject to rehabilitation under this Act .

[^{F16}(1A) In subsection (1)(d)—

- (a) references to section 209 of the Armed Forces Act 2006 include references to section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;
- (b) the reference to section 218 of the Armed Forces Act 2006 includes a reference to section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957.]

(2) For the purposes of this Act—

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- (a) the rehabilitation period applicable to a sentence specified in the first column of Table A below is the period specified in the second column of that Table in relation to that sentence, or, where the sentence was imposed on a person who was under [^{F17} eighteen years of age] at the date of his conviction, half that period; and
- (b) the rehabilitation period applicable to a sentence specified in the first column of Table B below is the period specified in the second column of that Table in relation to that sentence;

reckoned in either case from the date of the conviction in respect of which the sentence was imposed.

TABLE A

Rehabilitation periods subject to reduction by half for persons [^{F18}under 18]

<i>Sentence</i>	<i>Rehabilitation period</i>
A sentence of imprisonment [^{F19} detention in a young offender institution][^{F20} or youth custody] or corrective training for a term exceeding six months but not exceeding thirty months.	Ten years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	Ten years
A sentence of imprisonment [^{F19} detention in a young offender institution][^{F20} or youth custody] for a term not exceeding six months.	Seven years
A sentence of dismissal from Her Majesty's service.	Seven years
[^{F21} Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence,] in respect of a conviction in service disciplinary proceedings.	Five years
A fine or any other sentence subject to rehabilitation under this Act, not being a sentence to which Table B below or any of subsections (3) [^{F22} , (4A)] to (8) below applies.	Five years

TABLE B

Rehabilitation periods for certain sentences confined to young offenders

<i>Sentence</i>	<i>Rehabilitation period</i>
A sentence of Borstal training.	Seven years

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[^{F23}A custodial order under Schedule 5A [^{F23}Seven years]
to the
M1

Army Act 1955 or the
M2

Air Force Act 1955, or under
Schedule 4A to the
M3

Naval Discipline Act 1957, where the
maximum period of detention specified
in the order is more than six months.]

[^{F24}A custodial order under [^{F24}Seven years.]
section 71AA of the Army Act 1955
or the Air Force Act 1955, or under
section 43AA of the Naval Discipline
Act 1957, where the maximum period of
detention specified in the order is more
than six months.]

A sentence of detention for a term Five years
exceeding six months but not
exceeding thirty months passed under
[^{F25}section 91 of the Powers of Criminal
Courts (Sentencing) Act 2000][^{F26}or
under section 209 of the Armed Forces
Act 2006] or under section [^{F27}206 of
the Criminal Procedure (Scotland) Act
1975].

A sentence of detention for a term not Three years
exceeding six months passed under
[^{F28}any provision mentioned in the
fourth entry in this Table].

An order for detention in a detention Three years
centre made under [^{F29}section 4 of the
Criminal Justice Act 1982,] section 4 of
the
M4

Criminal Justice Act 1961 . . .
F30

[^{F23}A custodial order under any of the [^{F23}Three years]
Schedules to the said Acts of 1955
and 1957 mentioned above, where the
maximum period of detention specified
in the order is six months or less.]

[^{F31}A custodial order under [^{F31}Three years.]
section 71AA of the said Acts of 1955,
or section 43AA or the said Act of 1957,
where the maximum period of detention

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specified in the order is six months or less.]

[^{F32}(2A) Table B applies in relation to a sentence under section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957 as it applies in relation to one under section 209 of the Armed Forces Act 2006.]

(3) The rehabilitation period applicable—

- (a) to an order discharging a person absolutely for an offence; and
- (b) to the discharge by a children’s hearing under section 43(2) of the Social Work (Scotland) Act 1968 of the referral of a child’s case;

shall be six months from the date of conviction.

(4) Where in respect of a conviction a person was conditionally discharged, bound over to keep the peace or be of good behaviour, ^{F33} . . . the rehabilitation period applicable to the sentence shall be one year from the date of conviction or a period beginning with that date and ending when the order for conditional discharge ^{F33} . . . or (as the case may be) the recognizance or bond of caution to keep the peace or be of good behaviour ceases or ceased to have effect, whichever is the longer.

[^{F34}(4A) Where in respect of a conviction [^{F35}a probation order [^{F36}or a community order under section 177 of the Criminal Justice Act 2003][^{F37}or a service community order or overseas community order under the Armed Forces Act 2006] was made], the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged eighteen years or over at the date of his conviction, five years from the date of conviction;
- (b) in the case of a person aged under the age of eighteen years at the date of his conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the [^{F38}order in question] ceases or ceased to have effect, whichever is the longer.]

[^{F39}(4B) Where in respect of a conviction a referral order (within the meaning of [^{F40}the Powers of Criminal Courts (Sentencing) Act 2000]) is made in respect of the person convicted, the rehabilitation period applicable to the sentence shall be—

- (a) if a youth offender contract takes effect under [^{F41}section 23] of that Act between him and a youth offender panel, the period beginning with the date of conviction and ending on the date when (in accordance with [^{F42}section 24] of that Act) the contract ceases to have effect;
- (b) if no such contract so takes effect, the period beginning with the date of conviction and having the same length as the period for which such a contract would (ignoring any order under paragraph 11 or 12 of Schedule 1 to that Act) have had effect had one so taken effect.

(4C) Where in respect of a conviction an order is made in respect of the person convicted under paragraph 11 or 12 of Schedule 1 to [^{F43}the Powers of Criminal Courts (Sentencing) Act 2000] (extension of period for which youth offender contract has effect), the rehabilitation period applicable to the sentence shall be—

- (a) if a youth offender contract takes effect under [^{F44}section 23] of that Act between the offender and a youth offender panel, the period beginning with the date of conviction and ending on the date when (in accordance with [^{F45}section 24] of that Act) the contract ceases to have effect;

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- (b) if no such contract so takes effect, the period beginning with the date of conviction and having the same length as the period for which, in accordance with the order, such a contract would have had effect had one so taken effect.]

[^{F46}(4D) The rehabilitation period applicable to an order under section 1(2A) of the Street Offences Act 1959 shall be six months from the date of conviction for the offence in respect of which the order is made.]

(5) Where in respect of a conviction any of the following sentences was imposed, that is to say—

- (a) an order under section 57 of the ^{M5}Children and Young Persons Act 1933 or section 61 of the ^{M6}Children and Young Persons (Scotland) Act 1937 committing the person convicted to the care of a fit person;

- (b) a supervision order under any provision of either of those Acts or of the ^{M7}Children and Young Persons Act 1963;

[^{F47}(c) an order under section 413 of the Criminal Procedure (Scotland) Act 1975 committing a child for the purpose of his undergoing residential training:]

- (d) an approved school order under section 61 of the said Act of 1937;

[^{F48}(da) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;]

- (e) [^{F49}a care order or] a supervision order under [^{F50}section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000]; or

- (f) a supervision requirement under any provision of the ^{M8}Social Work (Scotland) Act 1968;

[^{F51}(g) a community supervision order under Schedule 5A to the ^{M9}Army Act 1955 or the ^{M10}Air Force Act 1955, or under Schedule 4A to the ^{M11}Naval Discipline Act 1957;

^{F52}(h)]

the rehabilitation period applicable to the sentence shall be one year from the date of conviction or a period beginning with that date and ending when the order or requirement ceases or ceased to have effect, whichever is the longer.

(6) Where in respect of a conviction any of the following orders was made, that is to say—

- (a) an order under section 54 of the said Act of 1933 committing the person convicted to custody in a remand home;

- (b) an approved school order under section 57 of the said Act of 1933; or

- (c) an attendance centre order under [^{F53}section 60 of the Powers of Criminal Courts (Sentencing) Act 2000]; [^{F54}or

- (d) a secure training order under section 1 of the Criminal Justice and Public Order Act 1994;]

the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending one year after the date on which the order ceases or ceased to have effect.

^{F55}(6A) Where in respect of a conviction a detention and training order was made under [^{F56}section 100 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F57}, or an order under section 211 of the Armed Forces Act 2006 was made], the rehabilitation period applicable to the sentence shall be—

- (a) in the case of a person aged fifteen years or over at the date of his conviction, five years if the order was, and three and a half years if the order was not, for a term exceeding six months;

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- (b) in the case of a person aged under fifteen years at the date of his conviction, a period beginning with that date and ending one year after the date on which the order ceases to have effect.
- (7) Where in respect of a conviction a hospital order under [^{F58}Part III of the Mental Health Act 1983] or under [^{F59}Part VI of the Criminal Procedure (Scotland) Act 1995] was made, the rehabilitation period applicable to the sentence shall be the period of five years from the date of conviction or a period beginning with that date and ending two years after the date on which the hospital order ceases or ceased to have effect, whichever is the longer.
- (8) Where in respect of a conviction an order was made imposing on the person convicted any disqualification, disability, prohibition or other penalty, the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending on the date on which the disqualification, disability, prohibition or penalty (as the case may be) ceases or ceased to have effect.
- (9) For the purposes of this section—
- (a) “sentence of imprisonment” includes a sentence of detention [^{F60}under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975] and a sentence of penal servitude, and “term of imprisonment” shall be construed accordingly;
 - (b) consecutive terms of imprisonment or of detention under [^{F61}section 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F62}or section 209 of the Armed Forces Act 2006] or [^{F63}section 206 of the said Act of 1975], and terms which are wholly or partly concurrent (being terms of imprisonment or detention imposed in respect of offences of which a person was convicted in the same proceedings) shall be treated as a single term;
 - (c) no account shall be taken of any subsequent variation, made by a court in dealing with a person in respect of a suspended sentence of imprisonment, of the term originally imposed; and
 - (d) a sentence imposed by a court outside Great Britain shall be treated as a sentence of that one of the descriptions mentioned in this section which most nearly corresponds to the sentence imposed.
- (10) References in this section to the period during which a probation order, or a [^{F64}care order or] supervision order under [^{F65}the Powers of Criminal Courts (Sentencing) Act 2000], or a supervision requirement under the ^{M12}Social Work (Scotland) Act 1968, is or was in force include references to any period during which any order or requirement to which this subsection applies, being an order or requirement made or imposed directly or indirectly in substitution for the first-mentioned order or requirement, is or was in force.

This subsection applies—

- (a) to any such order or requirement as is mentioned above in this subsection;
- (b) to any order having effect under section 25(2) of [^{F66}the Children and Young Persons Act 1969] as if it were a training school order in Northern Ireland; and
- (c) to any supervision order made under section 72(2) of the said Act of 1968 and having effect as a supervision order under the ^{M13}Children and Young Persons Act (Northern Ireland) 1950.

[^{F67}(10A) The reference in subsection (5) above to the period during which a reception order has effect includes a reference to any subsequent period during which by virtue of the

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order having been made the ^{M14} Social Work (Scotland) Act 1968 or the ^{M15} Children and Young Persons Act (Northern Ireland) 1968 has effect in relation to the person in respect of whom the order was made and subsection (10) above shall accordingly have effect in relation to any such subsequent period.]

- (11) The Secretary of State may by order—
- (a) substitute different periods or terms for any of the periods or terms mentioned in subsections (1) to (8) above; and
 - (b) substitute a different age for the age mentioned in subsection (2)(a) above.

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** Words inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, [Sch. 14 para. 36\(a\)](#)
- F2** Words inserted (E.W.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123, [Sch. 8 paras. 9, 16](#)
- F3** Word repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)
- F4** Words in s. 5(1)(d) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), [Sch. 9 para. 48\(2\)\(a\)](#)
- F5** Words in s. 5(1)(d) 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. 65\(2\)\(a\)\(i\)](#); 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** Words inserted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [Sch. 7 para. 24\(a\)\(i\)](#)
- F7** Words in s. 5(1)(d) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), [Sch. 9 para. 48\(2\)\(b\)](#)
- F8** Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), [Sch. 7 para. 24\(a\)\(ii\)](#)
- F9** Words in s. 5(1)(d) 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. 65\(2\)\(a\)\(ii\)](#); 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](#))
- F10** Words in s. 5(1)(d) omitted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by virtue of [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 65\(2\)\(a\)\(iii\)](#); 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](#))
- F11** S. 5(1)(e) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 36\(b\)](#)
- F12** Word at the end of s. 5(1)(e) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 53\)](#), ss. 304, 336(3), [Sch. 32 para. 18\(2\)\(a\)](#); S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(11\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)) (as amended by: S.I. 2007/391; S.I. 2009/616; S.I. 2009/3111)
- F13** S. 5(1)(f) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 53\)](#), ss. 304, 336(3), [Sch. 32 para. 18\(2\)\(b\)](#); S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(11\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)) (as amended by: S.I. 2007/391; S.I. 2009/616; S.I. 2009/3111)
- F14** Words in s. 5(1)(f) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 2](#); S.I. 2012/2906, [art. 2\(s\)](#)
- F15** Words in s. 5(1)(f) 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. 65\(2\)\(b\)](#); 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](#))
- F16** S. 5(1A) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 65\(3\)](#); 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](#))

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- F17** Words in s. 5(2)(a) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 5(a), **Sch. 12 para. 22(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F18** Words in s. 5(2) in the Heading to Table A substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 5(b), **Sch. 12 para. 22(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F19** Words inserted (E.W.) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123, Sch. 8 paras. 9, **16**
- F20** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, **Sch. 14 para. 37(a)**
- F21** S. 5(2): words in Table A substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 65(4)(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**)
- F22** Words in Table A in s. 5(2) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 11(1)(a)(2)**; S.I. 1995/127, art. 2(1), **Sch. Appendix A**
- F23** Entry inserted by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 21(1)**
- F24** Entry made by Armed Forces Act 1981 (c. 55, SIF 7:1), **Sch. 4 para. 2(2)(a)**
- F25** Words in Table B in s. 5(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(3)**
- F26** S. 5(2): words in Table B 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. 65(4)(b)(i)**; 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**)
- F27** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(b)(i)**
- F28** S. 5(2): words in Table B 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. 65(4)(b)(ii)**; 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**)
- F29** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 37(b)**
- F30** Words repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(b)(ii)**, Sch. 8
- F31** Entry made by Armed Forces Act 1981 (c. 55, SIF 7:1), **Sch. 4 para. 2(2)(b)**
- F32** S. 5(2A) 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. 65(5)**; 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**)
- F33** Words in s. 5(4) repealed (3.2.1995) by 1994 c. 33, s. 168(1)(3), **Sch. 9 para. 11(1)(b)(2)** **Sch. 11**; S.I. 1995/127, art. 2(1), **Sch. Appendix A**, Appendix C
- F34** S. 5(4A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 11(1)(c)(2)**; S.I. 1995/127, art. 2(1), **Sch. Appendix A**
- F35** Words in s. 5(4A) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 49(a)**; S.I. 2001/919, **art. 2(f)(ii)**
- F36** Words in s. 5(4A) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 53), ss. 304, 336(3), **Sch. 32 para. 18(3)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(11)** (subject to art. 2(2), Sch. 2) (as amended by: S.I. 2007/391; S.I. 2009/616; S.I. 2009/3111)
- F37** Words in s. 5(4A) 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. 65(6)**; 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**)
- F38** Words in s. 5(4A)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 49(b)**; S.I. 2001/919, **art. 2(f)(ii)**
- F39** S. 5(4B)(4C) inserted (26.6.2000) by 1999 c. 23, s. 67(1), **Sch. 4 para. 6(3)**(with Sch. 7 paras. 3(3) 5(2))
- F40** Words in s. 5(4B) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(4)(a)**
- F41** Words in s. 5(4B)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(4)(b)**
- F42** Words in s. 5(4B)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(4)(c)**
- F43** Words in s. 5(4C) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(5)(a)**

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- F44** Words in s. 5(4C) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(5)(b)**
- F45** Words in s. 5(4C) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(5)(c)**
- F46** S. 5(4D) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 18(2)**, 116(1); S.I. 2010/507, **art. 5(e)** (with art. 6)
- F47** S. 5(5)(c) substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(c)**
- F48** S. 5(5)(da) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 21** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(iii)**
- F49** Words in s. 5(5)(e) 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)**
- F50** Words in s. 5(5)(e) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(6)**
- F51** S. 5(5)(g)(h) added by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 21(2)**
- F52** S. 5(5)(h) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. 26(2), **Sch. 3; S.I. 1991/2719, art. 2, Sch.**
- F53** Words in s. 5(6)(c) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(7)**
- F54** S. 5(6)(d) and word "or" preceding it inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 30; S.I. 1998/277, art. 3(2)**
- F55** S. 5(6A) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 35; S.I. 1999/3426, art. 3(b)**
- F56** Words in s. 5(6A) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(8)**
- F57** Words in s. 5(6A) 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. 65(7); 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**)
- F58** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 4 para. 39**
- F59** Words in s. 5(7) substituted (S.) (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 2, **Sch. 1 para. 6**
- F60** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(d)(i)**
- F61** Words in s. 5(9)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(9)**
- F62** Words in s. 5(9)(b) 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. 65(8); 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**)
- F63** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(d)(ii)**
- F64** Words in s. 5(10) 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)**
- F65** Words in s. 5(10) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(10)(a)**
- F66** Words in s. 5(10) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(10)(b)**
- F67** S. 5(10A) inserted by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 21(3)**

Marginal Citations

- M1** 1955 c. 18.
M2 1955 c. 19.
M3 1957 c. 53.
M4 1961 c. 39.
M5 1933 c. 12.
M6 1937 c. 37.
M7 1963 c. 37.
M8 1968 c. 49.
M9 1955 c. 18.
M10 1955 c. 19.
M11 1957 c. 53.
M12 1968 c. 49.
M13 1950 c. 5. (N.I.)
M14 1968 c. 49.

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M15 1968 c. 34. (N.I.)

5 Rehabilitation periods for particular sentences. **S**

(1) The sentences excluded from rehabilitation under this Act are—

- (a) a sentence of imprisonment for life;
- (b) a sentence of imprisonment [^{F68}youth custody] or corrective training for a term exceeding thirty months;
- (c) a sentence of preventive detention; . . . ^{F69}
- (d) a sentence of detention during Her Majesty's pleasure or for life [^{F70}under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F5}or under section 209 or 218 of the Armed Forces Act 2006,][^{F71}or under section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975,][or a sentence of detention for a term exceeding thirty months passed under section 91 of the said Act of 2000][^{F72}(young offenders convicted of grave crimes) [^{F9}or section 209 of the said Act of 2006] or under section 206 of the said Act of 1975 (detention of children convicted on indictment)]^{F10} . . . [^{F73}and
- (e) a sentence of custody for life]; [^{F12}and]
- [^{F13}(f) a sentence of imprisonment for public protection under section 225 of the Criminal Justice Act 2003, a sentence of detention for public protection under section 226 of that Act or an extended sentence under section [^{F14} 226A, 226B,] 227 or 228 of that Act]

and any other sentence is a sentence subject to rehabilitation under this Act.

[^{F16}(1A) In subsection (1)(d)—

- (a) references to section 209 of the Armed Forces Act 2006 include references to section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;
- (b) the reference to section 218 of the Armed Forces Act 2006 includes a reference to section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957.]

(2) For the purposes of this Act—

- (a) the rehabilitation period applicable to a sentence specified in the first column of Table A below is the period specified in the second column of that Table in relation to that sentence, or, where the sentence was imposed on a person who was under [^{F74} eighteen years of age] at the date of his conviction, half that period; and
- (b) the rehabilitation period applicable to a sentence specified in the first column of Table B below is the period specified in the second column of that Table in relation to that sentence;

reckoned in either case from the date of the conviction in respect of which the sentence was imposed.

TABLE A

Rehabilitation periods subject to reduction by half for persons [^{F75}under 18]

Sentence

Rehabilitation period

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A sentence of imprisonment [^{F76} or youth custody] or corrective training for a term exceeding six months but not exceeding thirty months.	Ten years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service.	Ten years
A sentence of imprisonment [^{F76} or youth custody] for a term not exceeding six months.	Seven years
A sentence of dismissal from Her Majesty's service.	Seven years
[^{F21} Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence,] in respect of a conviction in service disciplinary proceedings.	Five years
A fine or any other sentence subject to rehabilitation under this Act, not being a sentence to which Table B below or any of subsections (3) [^{F77} to (8)] below applies.	Five years

TABLE B

Rehabilitation periods for certain sentences confined to young offenders

<i>Sentence</i>	<i>Rehabilitation period</i>
A sentence of Borstal training.	Seven years
[^{F78} A custodial order under Schedule 5A to the M16 Army Act 1955 or the M17 Air Force Act 1955, or under M18 Schedule 4A to the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.]	[^{F78} Seven years]
[^{F79} A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than six months.]	[^{F79} Seven years.]

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A sentence of detention for a term exceeding six months but not exceeding thirty months passed under [^{F80}section 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F26}or under section 209 of the Armed Forces Act 2006] or under section [^{F81}206 of the Criminal Procedure (Scotland) Act 1975].

Five years

A sentence of detention for a term not exceeding six months passed under [^{F28}any provision mentioned in the fourth entry in this Table].

Three years

An order for detention in a detention centre made under [^{F82}section 4 of the Criminal Justice Act 1982,] section 4 of the

Three years

^{M19}
Criminal Justice Act 1961 . . .
^{F83}

[^{F78}A custodial order under any of the Schedules to the said Acts of 1955 and 1957 mentioned above, where the maximum period of detention specified in the order is six months or less.]

[^{F78}Three years]

[^{F84}A custodial order under section 71AA of the said Acts of 1955, or section 43AA or the said Act of 1957, where the maximum period of detention specified in the order is six months or less.]

[^{F84}Three years.]

[^{F32}(2A) Table B applies in relation to a sentence under section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957 as it applies in relation to one under section 209 of the Armed Forces Act 2006.]

(3) The rehabilitation period applicable—

- (a) to an order discharging a person absolutely for an offence; and
- (b) to the discharge by a children's hearing under section [^{F85}69(1)(b) and (12) of the Children (Scotland) Act 1995] of the referral of a child's case;

shall be six months from the date of conviction.

(4) Where in respect of a conviction a person was conditionally discharged, bound over to keep the peace or be of good behaviour, ^{F86}. . . the rehabilitation period applicable to the sentence shall be one year from the date of conviction or a period beginning with that date and ending when the order for conditional discharge ^{F86}. . . or (as the case may be) the recognizance or bond of caution to keep the peace or be of good behaviour ceases or ceased to have effect, whichever is the longer.

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- [^{F87}(4A) Where in respect of a conviction [^{F88}[^{F89}a probation order][^{F36}[^{F89}or] a community order under section 177 of the Criminal Justice Act 2003][^{F37}or a service community order or overseas community order under the Armed Forces Act 2006] was made], the rehabilitation period applicable to the sentence shall be—
- (a) in the case of a person aged eighteen years or over at the date of his conviction, five years from the date of conviction;
 - (b) in the case of a person aged under the age of eighteen years at the date of his conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the [^{F90}order in question] ceases or ceased to have effect, whichever is the longer.]
- [^{F91}(4B) Where in respect of a conviction a referral order (within the meaning of [^{F92}the Powers of Criminal Courts (Sentencing) Act 2000]) is made in respect of the person convicted, the rehabilitation period applicable to the sentence shall be—
- (a) if a youth offender contract takes effect under [^{F93}section 23] of that Act between him and a youth offender panel, the period beginning with the date of conviction and ending on the date when (in accordance with [^{F94}section 24] of that Act) the contract ceases to have effect;
 - (b) if no such contract so takes effect, the period beginning with the date of conviction and having the same length as the period for which such a contract would (ignoring any order under paragraph 11 or 12 of Schedule 1 to that Act) have had effect had one so taken effect.
- (4C) Where in respect of a conviction an order is made in respect of the person convicted under paragraph 11 or 12 of Schedule 1 to [^{F95}the Powers of Criminal Courts (Sentencing) Act 2000] (extension of period for which youth offender contract has effect), the rehabilitation period applicable to the sentence shall be—
- (a) if a youth offender contract takes effect under [^{F96}section 23] of that Act between the offender and a youth offender panel, the period beginning with the date of conviction and ending on the date when (in accordance with [^{F97}section 24] of that Act) the contract ceases to have effect;
 - (b) if no such contract so takes effect, the period beginning with the date of conviction and having the same length as the period for which, in accordance with the order, such a contract would have had effect had one so taken effect.]
- [^{F46}(4D) The rehabilitation period applicable to an order under section 1(2A) of the Street Offences Act 1959 shall be six months from the date of conviction for the offence in respect of which the order is made.]
- (5) Where in respect of a conviction any of the following sentences was imposed, that is to say—
- (a) an order under section 57 of the ^{M20}Children and Young Persons Act 1933 or section 61 of the ^{M21}Children and Young Persons (Scotland) Act 1937 committing the person convicted to the care of a fit person;
 - (b) a supervision order under any provision of either of those Acts or of the ^{M22}Children and Young Persons Act 1963;
 - [^{F98}(c) an order under section 413 of the Criminal Procedure (Scotland) Act 1975 committing a child for the purpose of his undergoing residential training;]
 - (d) an approved school order under section 61 of the said Act of 1937;
 - [^{F48}(da) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;]

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- (e) a care order or a supervision order under ^{F99}section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000]; or
- (f) a supervision requirement under any provision of the ^{F100}Children (Scotland) Act 1995;]
- ^{F101}(g) a community supervision order under Schedule 5A to the ^{M23} Army Act 1955 or the ^{M24} Air Force Act 1955, or under Schedule 4A to the ^{M25} Naval Discipline Act 1957;
- ^{F102}(h)]

the rehabilitation period applicable to the sentence shall be one year from the date of conviction or a period beginning with that date and ending when the order or requirement ceases or ceased to have effect, whichever is the longer.

- (6) Where in respect of a conviction any of the following orders was made, that is to say—
 - (a) an order under section 54 of the said Act of 1933 committing the person convicted to custody in a remand home;
 - (b) an approved school order under section 57 of the said Act of 1933; or
 - (c) an attendance centre order under ^{F103}section 60 of the Powers of Criminal Courts (Sentencing) Act 2000]; ^{F104}or
 - (d) a secure training order under section 1 of the Criminal Justice and Public Order Act 1994;]

the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending one year after the date on which the order ceases or ceased to have effect.

- ^{F105}(6A) Where in respect of a conviction a detention and training order was made under ^{F106}section 100 of the Powers of Criminal Courts (Sentencing) Act 2000]^{F57}, or an order under section 211 of the Armed Forces Act 2006 was made], the rehabilitation period applicable to the sentence shall be—
 - (a) in the case of a person aged fifteen years or over at the date of his conviction, five years if the order was, and three and a half years if the order was not, for a term exceeding six months;
 - (b) in the case of a person aged under fifteen years at the date of his conviction, a period beginning with that date and ending one year after the date on which the order ceases to have effect.

- (7) Where in respect of a conviction a hospital order under ^{F107}Part III of the Mental Health Act 1983] or under ^{F59}Part VI of the Criminal Procedure (Scotland) Act 1995] was made, the rehabilitation period applicable to the sentence shall be the period of five years from the date of conviction or a period beginning with that date and ending two years after the date on which the hospital order ceases or ceased to have effect, whichever is the longer.
- (8) Where in respect of a conviction an order was made imposing on the person convicted any disqualification, disability, prohibition or other penalty, the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending on the date on which the disqualification, disability, prohibition or penalty (as the case may be) ceases or ceased to have effect.
- (9) For the purposes of this section—
 - (a) “sentence of imprisonment” includes a sentence of detention ^{F108}under section 207 or 415 of the Criminal Procedure (Scotland) Act 1975] and a

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sentence of penal servitude, and “term of imprisonment” shall be construed accordingly;

- (b) consecutive terms of imprisonment or of detention under [^{F109}section 91 of the Powers of Criminal Courts (Sentencing) Act 2000][^{F62}or section 209 of the Armed Forces Act 2006] or [^{F110}section 206 of the said Act of 1975], and terms which are wholly or partly concurrent (being terms of imprisonment or detention imposed in respect of offences of which a person was convicted in the same proceedings) shall be treated as a single term;
- (c) no account shall be taken of any subsequent variation, made by a court in dealing with a person in respect of a suspended sentence of imprisonment, of the term originally imposed; and
- (d) a sentence imposed by a court outside Great Britain shall be treated as a sentence of that one of the descriptions mentioned in this section which most nearly corresponds to the sentence imposed.

- (10) References in this section to the period during which a probation order, or a care order or supervision order under [^{F111}the Powers of Criminal Courts (Sentencing) Act 2000], or a supervision requirement under the [^{F112}Children (Scotland) Act 1995], is or was in force include references to any period during which any order or requirement to which this subsection applies, being an order or requirement made or imposed directly or indirectly in substitution for the first-mentioned order or requirement, is or was in force.

This subsection applies—

- (a) to any such order or requirement as is mentioned above in this subsection;
- (b) to any order having effect under section 25(2) of [^{F113}the Children and Young Persons Act 1969] as if it were a training school order in Northern Ireland; and
- (c) to any supervision order made under section 72(2) of the said Act of 1968 and having effect as a supervision order under the Children and Young Persons Act (Northern Ireland) 1950.

^{F114}(10A)

- (11) The Secretary of State may by order—
 - (a) substitute different periods or terms for any of the periods or terms mentioned in subsections (1) to (8) above; and
 - (b) substitute a different age for the age mentioned in subsection (2)(a) above.

Extent Information

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

Textual Amendments

- F5** Words in s. 5(1)(d) 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. 65\(2\)\(a\)\(i\)](#); [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](#))
- F9** Words in s. 5(1)(d) 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. 65\(2\)\(a\)\(ii\)](#); [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](#))

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- F10** Words in s. 5(1)(d) omitted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by virtue of Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 65(2)(a)(iii)**; 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**)
- F12** Word at the end of s. 5(1)(e) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 53), ss. 304, 336(3), **Sch. 32 para. 18(2)(a)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(11)** (subject to art. 2(2), Sch. 2) (as amended by: S.I. 2007/391; S.I. 2009/616; S.I. 2009/3111)
- F13** S. 5(1)(f) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 53), ss. 304, 336(3), **Sch. 32 para. 18(2)(b)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(11)** (subject to art. 2(2), Sch. 2) (as amended by: S.I. 2007/391; S.I. 2009/616; S.I. 2009/3111)
- F14** Words in s. 5(1)(f) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 2**; S.I. 2012/2906, art. 2(s)
- F16** S. 5(1A) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 65(3)**; 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**)
- F21** S. 5(2): words in Table A substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 65(4)(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**)
- F26** S. 5(2): words in Table B 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. 65(4)(b)(i)**; 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**)
- F28** S. 5(2): words in Table B 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. 65(4)(b)(ii)**; 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**)
- F32** S. 5(2A) 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. 65(5)**; 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**)
- F36** Words in s. 5(4A) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 53), ss. 304, 336(3), **Sch. 32 para. 18(3)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(11)** (subject to art. 2(2), Sch. 2) (as amended by: S.I. 2007/391; S.I. 2009/616; S.I. 2009/3111)
- F37** Words in s. 5(4A) 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. 65(6)**; 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**)
- F46** S. 5(4D) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 18(2)**, 116(1); S.I. 2010/507, **art. 5(e)** (with art. 6)
- F48** S. 5(5)(da) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 21** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(iii)**
- F57** Words in s. 5(6A) 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. 65(7)**; 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**)
- F59** Words in s. 5(7) substituted (S.) (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 2, **Sch. 1 para. 6**
- F62** Words in s. 5(9)(b) 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. 65(8)**; 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**)

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Changes to legislation: Rehabilitation of Offenders Act 1974, Section 5 is up to date with all changes known to be in force on or before 01 June 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)

- F68** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, **Sch. 14 para. 36(a)**
- F69** Word repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F70** Words in s. 5(1)(d) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(2)(a)**
- F71** Words inserted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(a)(i)**
- F72** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(a)(ii)**
- F73** S. 5(1)(e) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 36(b)**
- F74** Words in s. 5(2)(a) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), **Sch. 8 para. 5(a)**, **Sch. 12 para. 22(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F75** Words in s. 5(2) in the heading to Table A substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), **Sch. 8 para. 5(b)**, **Sch. 12 para. 22(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F76** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 77, **Sch. 14 para. 37(a)**
- F77** Words in Table A in s. 5(2) substituted (26.6.2000) by 1999 c. 23, s. 67(1), **Sch. 4 para. 6(2)** (with **Sch. 7 paras. 3(3), 5(2)**); S.I. 2000/1587, **art. 2(b)**
- F78** Entry inserted by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 21(1)**
- F79** Entry made by Armed Forces Act 1981 (c. 55, SIF 7:1), **Sch. 4 para. 2(2)(a)**
- F80** Words in Table B in s. 5(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(3)**
- F81** Words substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(b)(i)**
- F82** Words inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 37(b)**
- F83** Words repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(b)(ii)**, **Sch. 8**
- F84** Entry made by Armed Forces Act 1981 (c. 55, SIF 7:1), **Sch. 4 para. 2(2)(b)**
- F85** Words in s. 5(3)(b) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 23(3)(a)**; S.I. 1996/3201, **art. 3(7)**
- F86** Words in s. 5(4) repealed (3.2.1995) by 1994 c. 33, s. 168(1)(3), **Sch. 9 para. 11(1)(b)(2)** **Sch. 11**; S.I. 1995/127, **art. 2(1)**, **Sch.**, Appendices A, C
- F87** S. 5(4A) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 11(1)(c)(2)**; S.I. 1995/127, art. 2(1), **Sch.**, Appendix A
- F88** Words in s. 5(4A) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 49(a)**; S.I. 2001/919, **art. 2(f)(ii)**
- F89** Words in s. 5(4A) repealed (S.) (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206, **sch. 2 para. 32(2)**; S.S.I. 2010/413, **art. 2(1)**, **Sch.**
- F90** Words in s. 5(4A)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 49(b)**; S.I. 2001/919, **art. 2(f)(ii)**
- F91** S. 5(4B)(4C) inserted (26.6.2000) by 1999 c. 23, s. 67(1), **Sch. 4 para. 6(3)** (with **Sch. 7 paras. 3(3), 5(2)**); S.I. 2000/1587, **art. 2(b)**
- F92** Words in s. 5(4B) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(4)(a)**
- F93** Words in s. 5(4B)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(4)(b)**
- F94** Words in s. 5(4B)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(4)(c)**
- F95** Words in s. 5(4C) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(5)(a)**
- F96** Words in s. 5(4C)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(5)(b)**
- F97** Words in s. 5(4C)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(5)(c)**
- F98** S. 5(5)(c) substituted by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 7 para. 24(c)**
- F99** Words in s. 5(5)(e) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(6)**
- F100** Words in s. 5(5)(f) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 23(3)(b)**; S.I. 1996/3201, **art. 3(7)**
- F101** S. 5(5)(g)(h) added by Armed Forces Act 1976 (c. 52), **Sch. 9 para. 21(2)**
- F102** S. 5(5)(h) repealed (1.1.1992) by Armed Forces Act 1991 (c. 62, SIF 7:1), s. 26(2), **Sch. 3**; S.I. 1991/2719, **art. 2**, **Sch.**
- F103** Words in s. 5(6)(c) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(7)**
- F104** S. 5(6)(d) and word inserted (1.3.1998) by 1994 c. 33, s. 168(2), **Sch. 10 para. 30**; S.I. 1998/277, **art. 3(2)**
- F105** S. 5(6A) inserted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 35**; S.I. 1999/3426, **art. 3(b)**
- F106** Words in s. 5(6A) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(8)**

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- F107** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 4 para. 39**
- F108** Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 7 para. 24(d)(i)**
- F109** Words in s. 5(9)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(9)**
- F110** Words substituted by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 7 para. 24(d)(ii)**
- F111** Words in s. 5(10) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(10)**
- F112** Words in s. 5(10) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 23(3)(c)**; S.I. 1996/3201, **art. 3(7)**
- F113** Words in s. 5(10) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 48(10)(b)**
- F114** S. 5(10A) repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 23(3)(d), **Sch. 5**; S.I. 1996/3201, **art. 3(7)**

Modifications etc. (not altering text)

- C1** S. 5 modified (S.) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 124, Sch. 8 para. 16, **Sch. 9 para. 8**

Marginal Citations

- M16** 1955 c. 18.
- M17** 1955 c. 19.
- M18** 1957 c. 53.
- M19** 1961 c. 39.
- M20** 1933 c. 12.
- M21** 1937 c. 37.
- M22** 1963 c. 37.
- M23** 1955 c. 18.
- M24** 1955 c. 19.
- M25** 1957 c. 53.

Status:

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