



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

6 The rehabilitation period applicable to a conviction.

- (1) Where only one sentence is imposed in respect of a conviction (not being a sentence excluded from rehabilitation under this Act) the rehabilitation period applicable to the conviction is, subject to the following provisions of this section, the period applicable to the sentence in accordance with section 5 above.
- (2) Where more than one sentence is imposed in respect of a conviction (whether or not in the same proceedings) and none of the sentences imposed is excluded from rehabilitation under this Act, then, subject to the following provisions of this section, if the periods applicable to those sentences in accordance with section 5 above differ, the rehabilitation period applicable to the conviction shall be the longer or the longest (as the case may be) of those periods.
- (3) Without prejudice to subsection (2) above, where in respect of a conviction a person was conditionally discharged or [^{F1}a probation order was made] and after the end of the rehabilitation period applicable to the conviction in accordance with subsection (1) or (2) above he is dealt with, in consequence of a breach of conditional discharge [^{F2}or a breach of the order], for the offence for which the order for conditional discharge or probation order was made, then, if the rehabilitation period applicable to the conviction in accordance with subsection (2) above (taking into account any sentence imposed when he is so dealt with) ends later than the rehabilitation period previously applicable to the conviction, he shall be treated for the purposes of this Act as not having become a rehabilitated person in respect of that conviction, and the conviction shall for those purposes be treated as not having become spent, in relation to any period falling before the end of the new rehabilitation period.

[^{F3}(3A) Without prejudice to subsection (2), where—

- (a) an order is made under section 1(2A) of the Street Offences Act 1959 in respect of a conviction,
- (b) after the end of the rehabilitation period applicable to the conviction the offender is dealt with again for the offence for which that order was made, and
- (c) the rehabilitation period applicable to the conviction in accordance with subsection (2) (taking into account any sentence imposed when so dealing

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with the offender) ends later than the rehabilitation period previously applicable to the conviction,

the offender shall be treated for the purposes of this Act as not having become a rehabilitated person in respect of that conviction, and that conviction shall for those purposes be treated as not having become spent, in relation to any period falling before the end of the new rehabilitation period.]

(4) Subject to subsection (5) below, where during the rehabilitation period applicable to a conviction—

- (a) the person convicted is convicted of a further offence; and
- (b) no sentence excluded from rehabilitation under this Act is imposed on him in respect of the later conviction;

if the rehabilitation period applicable in accordance with this section to either of the convictions would end earlier than the period so applicable in relation to the other, the rehabilitation period which would (apart from this subsection) end the earlier shall be extended so as to end at the same time as the other rehabilitation period.

(5) Where the rehabilitation period applicable to a conviction is the rehabilitation period applicable in accordance with section 5(8) above to an order imposing on a person any disqualification, disability, prohibition or other penalty, the rehabilitation period applicable to another conviction shall not by virtue of subsection (4) above be extended by reference to that period; but if any other sentence is imposed in respect of the first-mentioned conviction for which a rehabilitation period is prescribed by any other provision of section 5 above, the rehabilitation period applicable to another conviction shall, where appropriate, be extended under subsection (4) above by reference to the rehabilitation period applicable in accordance with that section to that sentence or, where more than one such sentence is imposed, by reference to the longer or longest of the periods so applicable to those sentences, as if the period in question were the rehabilitation period applicable to the first-mentioned conviction.

(6)^{F4} . . . for the purposes of subsection (4)(a) above there shall be disregarded—

- (a) any conviction in England and Wales of [^{F5}a summary offence or of a scheduled offence (within the meaning of [^{F6}section 22 of the Magistrates’ Courts Act 1980]) tried summarily in pursuance of subsection (2) of that section (summary trial where value involved is small);]
- (b) any conviction in Scotland of an offence which is not excluded from the jurisdiction of inferior courts of summary jurisdiction by virtue of section 4 of the ^{M1}Summary Jurisdiction (Scotland) Act 1954 (certain crimes not to be tried in inferior courts of summary jurisdiction); and

[^{F7}(bb) any conviction in service disciplinary proceedings for an offence listed in [^{F8}Schedule 1];]

- (c) any conviction by or before a court outside Great Britain of an offence in respect of conduct which, if it had taken place in any part of Great Britain, would not have constituted an offence under the law in force in that part of Great Britain.

^{F9}(7)

Textual Amendments

F1 Words in s. 6(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 50(a)**; S.I. 2001/919, **art. 2(f)(ii)**

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- F2** Words in s. 6(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 50(b)**; S.I. 2001/919, **art. 2(f)(ii)**
- F3** S. 6(3A) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 18(3)**, 116(1); S.I. 2010/507, **art. 5(e)** (with art. 6)
- F4** Words in s. 6(6) repealed (1.10.1996) by 1996 c. 46, ss. 13(3)(a), 35(2), **Sch. 7 Pt. III**; S.I. 1996/2474, art. 2, **Sch.**
- F5** Words substituted by Criminal Law Act 1977 (c. 45), s. 65(7), **Sch. 12**
- F6** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 134**
- F7** S. 6(6)(bb) inserted (1.10.1996) by 1996 c. 46, s. **13(3)(b)**; S.I. 1996/2474, **art. 2**
- F8** Words in s. 6(6) substituted (E.W) (19.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 49, 153(7), **Sch. 10 para. 2** (with Sch. 27 para. 19); S.I. 2008/3260, **art. 2(1)(d)**; and those same words substituted (S.) (1.11.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 203, 206(1), **Sch. 7 para. 9**; S.S.I. 2011/354, **art. 2(1)**, Sch.
- F9** S. 6(7) repealed (1.10.1996) by 1996 c. 46, s. 35(2), **Sch. 7 Pt. III**; S.I. 1996/2474, art. 2, **Sch.**

Marginal Citations

- M1** 1954 c. 48.

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