



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PROSPECTIVE

PART 11

REHABILITATION OF OFFENDERS

193 Rehabilitation of offenders

- (1) The Rehabilitation of Offenders Act 1974, as it forms part of the law of England and Wales, is amended as follows.
- (2) Section 5 (rehabilitation periods for particular sentences) is amended in accordance with subsections (3) to (12).
- (3) In subsection (1) (sentences excluded from rehabilitation)—
 - (a) for paragraph (b) substitute—
 - “(b) any of the following sentences, where the sentence is imposed for an offence specified in Schedule 18 to the Sentencing Code (serious violent, sexual and terrorism offences) or a service offence as respects which the corresponding offence is so specified—
 - (i) a sentence of imprisonment for a term exceeding 4 years;
 - (ii) a sentence of youth custody for such a term;
 - (iii) a sentence of detention in a young offender institution for such a term;
 - (iv) a sentence of corrective training for such a term;

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- (v) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 for such a term;
- (vi) a sentence of detention under section 250 or 252A of the Sentencing Code for such a term;
- (vii) a sentence of detention under section 209 or 224B of the Armed Forces Act 2006 for such a term;
- (viii) a sentence of detention under section 205ZC(5) or 208 of the Criminal Procedure (Scotland) Act 1995 for such a term;”, and

- (b) in paragraph (d) omit the words from “or a sentence of detention” to the end of that paragraph (including the “and” at the end of that paragraph).

(4) After subsection (1) insert—

“(1ZA) In subsection (1)(b)—

- (a) “service offence” means an offence under—

- (i) section 42 of the Armed Forces Act 2006,
- (ii) section 70 of the Army Act 1955 or Air Force Act 1955, or
- (iii) section 42 of the Naval Discipline Act 1957, and

- (b) “corresponding offence” means—

- (i) in relation to an offence under section 42 of the Armed Forces Act 2006, the corresponding offence under the law of England and Wales within the meaning of that section;
- (ii) in relation to an offence under section 70 of the Army Act 1955 or the Air Force Act 1955, the corresponding civil offence within the meaning of that Act;
- (iii) in relation to an offence under section 42 of the Naval Discipline Act 1957, the civil offence within the meaning of that section.

(1ZB) Section 48 of the Armed Forces Act 2006 (supplementary provisions relating to ancillary service offences) applies for the purposes of subsection (1ZA)(b)

- (i) as it applies for the purposes of the provisions of that Act referred to in subsection (3)(b) of that section.”

(5) In subsection (2) (rehabilitation periods), in the words before paragraph (a), for “(3) and” substitute “(2A) to”.

(6) In the table in subsection (2)(b) (rehabilitation periods)—

- (a) for the three rows relating to custodial sentences substitute—

“A custodial sentence of more than 4 years	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of more than 1 year and up to, or consisting of, 4 years	The end of the period of 4 years beginning with the day on which the sentence	The end of the period of 2 years beginning with the day on which the sentence

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	(including any licence period) is completed	(including any licence period) is completed
A custodial sentence of 1 year or less	The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 6 months beginning with the day on which the sentence (including any licence period) is completed”;

(b) omit the row relating to a community or youth rehabilitation order.

(7) After subsection (2) (and after the table in subsection (2)(b)) insert—

“(2A) Subsection (2B) applies where provision is made by or under a relevant order for the order to have effect—

- (a) until further order,
- (b) until the occurrence of a specified event, or
- (c) otherwise for an indefinite period.

(2B) The rehabilitation period for the order is the period—

- (a) beginning with the date of the conviction in respect of which the order is imposed, and
- (b) ending when the order ceases to have effect.”

(8) For subsection (3) (rehabilitation period for community etc order which does not provide for the last day on which the order has effect) substitute—

“(3) The rehabilitation period for a relevant order which is not otherwise dealt with in the Table or under subsections (2A) and (2B) is the period of 24 months beginning with the date of conviction.”

(9) In subsection (4)(b) (rehabilitation period for other sentences), for “subsection (3)” substitute “any of subsections (2A) to (3)”.

(10) In subsection (7), in the words before paragraph (a), for “For” substitute “Subject to subsection (7A), for”.

(11) After subsection (7) insert—

“(7A) Subsection (7)(a) or (b) does not apply for the purposes of determining whether a sentence is excluded from rehabilitation by virtue of subsection (1) (b).

(7B) For the purposes of this section, a sentence imposed as mentioned in subsection (7)(f) for an offence—

- (a) under the law of Scotland, Northern Ireland or a country or territory outside the United Kingdom, and
- (b) which would have constituted an offence specified in Schedule 18 to the Sentencing Code if it had been committed in England and Wales, is to be treated as a sentence for an offence specified in that Schedule (and for this purpose an act punishable under the law in force in a country or territory outside the United Kingdom constitutes an offence under that law, however it is described in that law).”

(12) In subsection (8) (interpretation), in the definition of “relevant order”—

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- (a) before paragraph (a) insert—
“(za) a community or youth rehabilitation order,”, and
- (b) for paragraph (g) substitute—
“(g) any order which—
 - (i) imposes a disqualification, disability, prohibition, penalty, requirement or restriction, or
 - (ii) is otherwise intended to regulate the behaviour of the person convicted,
 and is not otherwise dealt with in the Table,”.

(13) In section 6(5) (the rehabilitation period applicable to a conviction), for the words from “by virtue of” to “or other penalty” substitute “to an order within paragraph (g) of the definition of “relevant order” in section 5(8) above”.

(14) In section 7(1)(d) (limitations on rehabilitation under the Act), for “or other penalty” substitute “, penalty, requirement, restriction or other regulation of the person’s behaviour”.

(15) In paragraph 5(b) of Schedule 2 (protection for spent cautions), after “prohibition” insert “, requirement”.

(16) This section applies in relation to convictions before the day on which this section comes into force (“the commencement day”) as well as in relation to convictions on or after that day.

(17) The Rehabilitation of Offenders Act 1974 (“the 1974 Act”) applies in relation to convictions before the commencement day as if the amendments made by this section had always had effect.

(18) Where by virtue of subsection (17)—

- (a) a person would, before the commencement day, have been treated for the purposes of the 1974 Act as a rehabilitated person in respect of a conviction, or
- (b) a conviction would, before that day, have been treated for the purposes of that Act as spent,

the person or conviction concerned is (subject to any order made by virtue of section 4(4) or 7(4) of that Act) to be so treated on and after that day.

Commencement Information

II S. 193 not in force at Royal Assent, see [s. 208\(1\)](#)

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