



Rehabilitation of Offenders Act 1974

1974 CHAPTER 53

5 Rehabilitation periods for particular sentences

- (1) The sentences excluded from rehabilitation under this Act are—
- (a) a sentence of imprisonment for life ;
 - (b) a sentence of imprisonment or corrective training for a term exceeding thirty months ;
 - (c) a sentence of preventive detention ; and
 - (d) a sentence of detention during Her Majesty's pleasure or for life, or for a term exceeding thirty months, passed under section 53 of the Children and Young Persons Act 1933 or under section 57 of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes);
- and any other sentence is a sentence subject to rehabilitation under this Act.
- (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 seventeen 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.

Status: This is the original version (as it was originally enacted).

TABLE A

REHABILITATION PERIODS SUBJECT TO
REDUCTION BY HALF FOR PERSONS UNDER 17

<i>Sentence</i>	<i>Rehabilitation period</i>
A sentence of imprisonment 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 for a term not exceeding six months.	Seven years
A sentence of dismissal from Her Majesty's service.	Seven years
Any sentence of detention 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) 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
A sentence of detention for a term exceeding six months but not exceeding thirty months passed under section S3 of the said Act of 1933 or under section 57 of the said Act of 1937.	Five years
A sentence of detention for a term not exceeding six months passed under either of those provisions.	Three years
An order for detention in a detention centre made under section 4 of the Criminal Justice Act 1961 or under section 7 of the Criminal Justice (Scotland) Act 1963.	Three years

- (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, or placed on probation, 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 or probation order 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.
- (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 Children and Young Persons Act 1933 or section 61 of the 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 Children and Young Persons Act 1963 ;
 - (c) an order under section 58 or 58A of the said Act of 1937 committing the person convicted to custody in a remand home or to detention in a place chosen by a local authority, or (as the case may be) committing him for a period of residential training;
 - (d) an approved school order under section 61 of the said Act of 1937;
 - (e) a care order or a supervision order under any provision of the Children and Young Persons Act 1969; or
 - (f) a supervision requirement under any provision of the Social Work (Scotland) Act 1968;
- 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 section 19 of the Criminal Justice Act 1948 ;
- 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.
- (7) Where in respect of a conviction a hospital order under Part V of the Mental Health Act 1959 or under Part V of the Mental Health (Scotland) Act 1960 (with or without an order restricting discharge) 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 in a young offenders institution in Scotland and a sentence of penal servitude, and "term of imprisonment" shall be construed accordingly;
- (b) consecutive terms of imprisonment or of detention under section 53 of the said Act of 1933 or section 57 of the said Act of 1937, 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 the Children and Young Persons Act 1969, or a supervision requirement under the 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 the said Act of 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.

(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.