



REHABILITATION OF OFFENDERS ACT 1974

GUIDANCE NOTES FOR APPLICANTS

This document has been produced to offer guidance when completing details in the section of the application form around criminal offences. You should read this document carefully before completing this section.

WHAT IS A 'SPENT' CONVICTION?

Under the provisions of the Rehabilitation of Offenders Act 1974, if someone has been convicted of an offence and is not convicted again during a specified rehabilitation period, their conviction is deemed to be 'spent'. A spent conviction need not be disclosed on your application form.

If however, your conviction has not been spent you must disclose it on your application form. You need not tell us about any convictions which have become spent under the terms of the Act, you are only obliged to disclose any convictions which are un-spent.

HOW LONG ARE REHABILITATION PERIODS?

A conviction becomes spent after a certain length of time, which changes with the sentence and your age at the time of conviction. Some examples are:

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end date</u> of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end date</u> of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth	1 year	6 months

rehabilitation order**		
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*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

If you have previous convictions for which the specified rehabilitation period is not yet expired you **must** declare these convictions on your application form.

Sentences exceeding 2 ½ years (30 months) are **NEVER** spent. It is the sentence imposed by the Court that counts (even if it is a suspended sentence), not the actual time spent in Prison.

Any information given will be treated as confidential and only used in connection with the application.

WHERE CAN I GET FURTHER ADVICE?

If you are unsure whether you have to declare a previous conviction you should contact your local Probation Office, Citizens Advice Bureau or your Solicitor. Alternatively you can consult the Home Office publication 'A Guide to the Rehabilitation of Offenders Act 1974'.