

Rehabilitation of Offenders Act 1974

Milshaw House 161, Whalley Road, Accrington, Lancashire, BB5 1BX

T: 01254 355 688 | F: 01254 390 199 | E: crb@personnelchecks.co.uk

www.personnelchecks.co.uk

The Rehabilitation of Offenders Act 1974 ('1974 Act') primarily exists to support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law.

Under the 1974 Act, following a specified period of time which varies according to the disposal administered under sentence passed, cautions and convictions (except those resulting in prison sentences of over four years and all public protection sentences) may become spent. As a result, the offender is regarded as rehabilitated.

For most purposes the 1974 Act treats a rehabilitated person as if he or she had never committed, or been charged with charged or prosecuted for or convicted of or sentenced for the offence and, as such, they are not required to declare their spent caution(s) or conviction(s), for example, when applying for most jobs or insurance, some education courses and housing applications.

The rehabilitation period is determined by the type of disposal administered or the length of the sentence imposed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, which has been called the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

The 'Buffer periods' are halved for those who are under 18 at date of conviction (save for custodial sentences of six months or less where the 'buffer period' is 18 months)

The rehabilitation periods for sentences with additional 'buffer periods' which run from the end date of the sentence are shown in the table below:

Milnshaw House 161, Whalley Road, Accrington, Lancashire, BB5 1BX

T: 01254 355 688 | F: 01254 390 199 | E: crb@personnelchecks.co.uk

www.personnelchecks.co.uk

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time disposal is administered) This applies from the end date of the sentence	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence
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	3 ½ years
Custodial sentence of over 6 months and up to and including 30 months	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order	1 year	6 months

The following table sets out the rehabilitation period for sentences which do not have 'buffer periods' and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation Period for adults (18 and over at the time of conviction or the time the disposal is administered)	Rehabilitation Period for young people (under 18 at the time of conviction or the time the disposal is administered)
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e when it is paid in full)	On the discharge of the order (i.e when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Milnshaw House 161, Whalley Road, Accrington, Lancashire, BB5 1BX

T: 01254 355 688 | F: 01254 390 199 | E: crb@personnelchecks.co.uk

www.personnelchecks.co.uk

This is intended as a general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the 1974 Act. Anyone in doubt should seek their own legal advice.

To see the full Rehabilitation of Offenders Act 1974 click here
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270518/rehabilitationact.pdf

To see the full guidance from the Home Office regarding the ROA 1974 click here
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

Milnshaw House 161, Whalley Road, Accrington, Lancashire, BB5 1BX

T: 01254 355 688 | F: 01254 390 199 | E: crb@personnelchecks.co.uk

www.personnelchecks.co.uk