

Rehabilitation periods for criminal offences

Under the Rehabilitation of Offenders Act 1974 (ROA), eligible convictions or cautions become 'spent' after a specified period of time, known as the 'rehabilitation period'. Rehabilitation periods depend on –

- The sentence given or disposal administered as a result of a conviction
- The age of the individual on the date they are convicted

The table below shows the rehabilitation periods for the most common sentences and disposals (these align with Government legislation that came into force on 28th October 2023):

Sentence/disposal	Rehabilitation period if aged 18 or over when convicted or disposal administered. This applies from the <u>end</u> date of the sentence (including the licence period).	Rehabilitation period if aged under 18 when convicted or disposal administered. This applies from the <u>end</u> date of the sentence (including the licence period).
Sentence of imprisonment for life Sentence of preventive detention Sentence of imprisonment, youth custody, detention in a young offender institution of over four years for a Schedule 18 offence	These sentences are excluded from rehabilitation and so will always be disclosed	These sentences are excluded from rehabilitation and so will always be disclosed
Custodial sentence of more than 4 years (not for a Schedule 18 offence)	7 years	3 ½ years
Custodial sentence* of more than 1 year and up to, or consisting of, 4 years	4 years	2 years
Custodial sentence of 1 year or less	12 months	6 months
Relevant Orders** (orders that impose a disqualification, disability, prohibition or other penalty)	The end date given by the order or, if no date given, 2 years from the date of conviction – unless the order states 'unlimited' 'indefinitely' or 'until further order' as, in these cases it will remain unspent	The end date given by the order or, if no date given, 2 years from the date of conviction – unless the order states 'unlimited' 'indefinitely' or 'until further order' as, in these cases it will remain unspent

*Suspended custodial sentences are treated the same as custodial sentences for this purpose. It will be the length of the sentence imposed by the Court, not the period it is suspended for that dictates when it will become spent.

**Relevant orders include – community and youth rehabilitation orders; conditional discharge orders; hospital orders; bind overs; referral orders; care orders; earlier statutory orders and any order imposing a disqualification, disability, prohibition, penalty, requirement or restriction or is otherwise intended to regulate the behaviour of the person convicted.

The following table sets out the rehabilitation period for sentences which do have an end date:

Sentence/disposal	Rehabilitation period if aged 18 or over when convicted or disposal administered. This applies from the <u>end</u> date of the sentence (including the licence period).	Rehabilitation period if aged under 18 when convicted or disposal administered. This applies from the <u>end</u> date of the sentence (including the licence period).
Fine	1 year	6 months
Conditional caution, youth conditional caution, diversionary caution	3 months or when the caution ceases to have effect if earlier	3 months or when the caution ceases to have effect if earlier
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	The date on which the payment is made in full	The date on which the payment is made in full
Driving endorsements	5 years	2 ½ years
Diving disqualification	When period of disqualification has passed	When period of disqualification has passed