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What is a spent conviction?

Rehabilitation periods

The length of the rehabilitation period depends on the sentence given - not the offence committed. For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2 and a half years can **never** become spent.

The following sentences become spent after fixed periods from the date of conviction:

Sentence	Rehabilitation Period	
	People aged 18 or over when convicted	People aged 17 and under when convicted
Prison sentences of 6 months or less	7 years	3 and a half years
Prison sentences of more than 6 months to 2 and a half years	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention centres (abolished in 1988)	3 years	3 years
Fines, Probation, Compensation, Community Service, Combination Action Plan, Curfew Orders, Drug Treatment and Testing and Reparation Orders	5 years	2 and a half years
Absolute discharge	6 months	6 months

1. Including suspended sentences, youth custody (abolished in 1988) and detention in a young offender institution.

1. Even if subsequently imprisoned for fine default.

1. For people convicted on or after 3 February 1995 (from which date the rehabilitation period for a probation order was changed under the terms of the Criminal Justice and Public Order Act 1994).

Sentence	Rehabilitation Period
Probation, supervision, care order,	1 year or until the order expires

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Sentence	Rehabilitation Period
conditional discharge or bind-over	(whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	Once the order expires

1. For people convicted before 3 February 1995.

Disqualifications

The rehabilitation period for a disqualification is the length of the disqualification. If a person is disqualified at the same time as receiving another penalty, the longer rehabilitation period applies. (For example, if a motorist is banned from driving for seven years and fined - which takes five years to become spent - the rehabilitation period would be seven years, not five years.)

Endorsements

An endorsement is not a 'disability, prohibition or other penalty' within the meaning of the Act, and therefore it cannot affect the rehabilitation period of a motoring conviction. So, for example, if a motorist is fined for drink driving and has his or her licence endorsed, the rehabilitation period would be five years (the length applicable to the fine) rather than 11 years (the length of time before a driver convicted of drink driving is entitled to a clean driving licence).

Further Convictions

If a rehabilitation period is still running and the person concerned commits a minor offence (a 'summary' offence that can only be tried in a magistrates' court), the minor offence will not affect the rehabilitation period still running. The rehabilitation period for each offence will expire separately. (For example, if someone had received a two year probation order, then one year later was fined for a minor offence, the probation order would become spent before the fine. Therefore once the probation order was spent, only the fine would need to be disclosed until it became spent.)

However, if the further offence is one that could be tried in the Crown Court, then neither conviction (even if the first one is for a minor offence) will become spent

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until the rehabilitation periods for both offences are over. (For example, if someone had received a two year probation order, then one year later was fined for a serious offence, both convictions would have to be disclosed until the fine became spent.) If the further conviction leads to a prison sentence of more than 2 and a half years, neither conviction will ever become spent.

Once a conviction becomes spent, it remains spent, even if a person is convicted of other offences later.

Concurrent and consecutive sentences

If an offender receives two or more prison sentences in the course of the same proceedings, the rehabilitation period will depend on whether they run concurrently or consecutively. For example two 6 month terms ordered to run consecutively are treated as a single term of 12 months, giving a rehabilitation period of 10 years. But two such sentences ordered to take effect concurrently are treated as one sentence of 6 months, giving a rehabilitation period of 7 years.

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