

SPENT CONVICTIONS

Spent convictions are convictions that the Rehabilitation of Offenders Act 1974 determines to have reached the point where the person is to be treated, for most purposes, as if they had not committed the offence.

TABLE A - REHABILITATION PERIODS FOR MAIN SENTENCES AVAILABLE TO SCOTTISH COURTS

| Sentence | Rehabilitation period | Rehabilitation period (under 18) |
|--|-----------------------|----------------------------------|
| A sentence of imprisonment or youth custody or corrective training for a term exceeding six months but not exceeding thirty months. | 10 yrs | 5 yrs |
| A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service. | 10 yrs | 5 yrs |
| A sentence of imprisonment or youth custody for a term not exceeding six months | 7 yrs | 3½ yrs |
| A sentence of dismissal from Her Majesty's service. | 7 yrs | 3½ yrs |
| Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence in respect of a conviction in service disciplinary proceedings. | 5 yrs | 2½ yrs |
| A fine or any other sentence subject to rehabilitation under the 1974 Act, not being a sentence to which table B below or section 5(3) to (8) applies. | 5 yrs | 2½ yrs |

Offending committed by those under the age of 18

4.2.3. Where a person under the age of 18 is convicted in a criminal court, the protections given to spent convictions under the 1974 Act apply. For certain sentences, (as in Table A above), the rehabilitation period is reduced by half where the offender is under 18 at the time of conviction. In addition, table B below provides details of certain sentences which are only available to young offenders which have their own specified rehabilitation periods.

TABLE B - REHABILITATION PERIODS FOR CERTAIN SENTENCES CONFINED TO YOUNG OFFENDERS

| Sentence | Rehabilitation period |
|--|-----------------------|
| A sentence of borstal training ^[66] | 7 yrs |
| A variety of armed forces offences committed by young individuals, including offences committed by civilians ^[67] | 3 to 7 yrs |

TABLE C - REHABILITATION PERIODS FOR A NUMBER OF MISCELLANEOUS SENTENCES AVAILABLE TO SCOTTISH COURTS

| Sentence | Rehabilitation period | Rehabilitation period (under 18) |
|--|---|---|
| Absolute Discharge ^[68] | 6 months | 6 months |
| Conditional discharge ^[69] | 1 yr. or date of order (the longer of) | 1 yr. or date of order (the longer of) |
| Community Order/Service Community Order ^[70] | 5 yrs | 2½ yrs |
| Referral Order ^[71] | | Length of order |
| An Order extending period for which a youth offender contract has effect ^[72] | | Length of order |
| An Order under section 1(2A) of the Street Offences Act 1959 ^[73] | 6 months | 6 months |
| A variety of Order imposed on those mainly under 18 ^[74] | | 1 yr. from date of conviction or length of Order (the longer of) |
| An Order for custody in a remand home, approved school Order, Attendance centre Order, A secure Training Order ^[75] | | Length of Order plus 1 yr. |
| Detention & Training Orders ^[76] | | Length of Order plus 1 yr. or 5 yrs from date of conviction, depending on age of offender |
| Hospital Order ^[77] | 5 yrs or length of Order plus 2 yrs (the longer of) | 5 yrs or length of Order plus 2 yrs (the longer of) |

Disclosure Scotland will disclose any offences on the "Offences that must be disclosed and disclosed subject to rules" lists. These offences can be found at the following links.

www.disclosurescotland.co.uk/news/documents/UKSCOffencesThatWillAlwaysBeDisclosedv1website10September2015.pdf

www.disclosurescotland.co.uk/news/documents/UKSCOffencesThatWillBeDisclosedSubjectToRulesv1website10September2015.pdf