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[AS AMENDED IN COMMITTEE]

TO

Amend the Rehabilitation of Offenders Act 1974; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Rehabilitation of Offenders Act 1974

- (1) The Rehabilitation of Offenders Act 1974 (c. 53) is amended as follows.
- (2) For section 5(1) substitute—
- “(1) The sentences excluded from rehabilitation under this Act are—
- (a) a sentence of imprisonment for life; 5
 - (b) a sentence of preventive detention;
 - (c) a sentence of detention during Her Majesty’s pleasure or for life;
 - (d) a sentence in respect of which a court makes an order under subsection (9A); 10
 - (e) a sentence of imprisonment for public protection;
 - (f) a sentence of detention for public protection;
 - (g) an extended sentence of imprisonment;
 - (h) an extended sentence of detention;
- and any other sentence is a sentence subject to rehabilitation under this Act.” 15
- (3) In section 5(2)—
- (a) omit paragraph (b),
 - (b) omit “in either case”,
 - (c) for Tables A and B substitute— 20

“TABLE A
Rehabilitation periods

<i>Sentence</i>	<i>Rehabilitation periods</i>	
A sentence of imprisonment or youth custody or corrective training for a period of four years or more.	The length of the sentence plus a buffer period of four years.	5
A sentence of imprisonment or youth custody or corrective training for a period of less than four years.	The length of the sentence plus a buffer period of two years.	
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty’s service.	Four years.	10
A sentence of dismissal from Her Majesty’s Service.	Four years.	
Any sentence of detention for a period of four years or more in respect of a conviction in service disciplinary proceedings.	The length of the sentence plus a buffer period of four years.	15
Any sentence of detention for a period of less than four years in respect of a conviction in service disciplinary proceedings.	The length of the sentence plus a buffer period of two years.	20
A fine or any other sentence subject to rehabilitation under this Act, not being a sentence to which any of subsections (3) to (8) applies.	One year or, in the case of a person aged under 18 at the time of his conviction, six months.	25
A sentence of Borstal training.	Two years plus a buffer period of two years.	
A custodial order under Schedule 5A to or section 71AA of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or under Schedule 4A to or section 43AA of the Naval Discipline Act 1957 (c. 53) for a period of four years or more.	The length of the sentence plus a buffer period of four years.	30
		35
A custodial order under Schedule 5A to or section 71AA of the Army Act 1955 or the Air Force Act 1955, or under Schedule 4A to or section 43AA of the Naval Discipline Act 1957 for a period of less than four years.	The length of the sentence plus a buffer period of two years.	40

<i>Sentence</i>	<i>Rehabilitation periods</i>	
A sentence of detention passed under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) or under section 206 of the Criminal Procedure (Scotland) Act 1975 (c. 21) for a period of four years or more.	The length of the sentence plus a buffer period of four years.	5
A sentence of detention passed under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 206 of the Criminal Procedure (Scotland) Act 1975 for a period of less than four years.	The length of the sentence plus a buffer period of two years.	10
A sentence of detention in a detention centre.	The length of the sentence plus a buffer period of two years.”	15
(4) For section 5(2A) substitute –		
“(2A) In this section –		
(a) “sentence”, where it refers to a custodial sentence, means the length of time served in custody and any period of post-release supervision;		20
(b) “buffer period” means a variable length of time which begins after the sentence for a conviction (including any post-release supervision) is completed.		
(2B) The buffer periods specified in subsection (2) shall be subject to reduction by half in the case of a person aged under 18 years at the date of conviction.”		25
(5) For section 5(3) and (4) substitute –		
“(3) The rehabilitation period applicable –		
(a) to an order discharging a person absolutely for an offence; and		
(b) to the discharge by a children’s hearing of the referral of a child’s case; and		30
(c) to a recognizance or bond of caution to keep the peace or be of good behaviour;		
shall be the period beginning with the date of conviction and ending on the date when the order, discharge, recognizance or bond of caution ceases or ceased to have effect.		35
(4) Where in respect of a conviction a person was conditionally discharged, the rehabilitation period applicable to the sentence shall be the length of the sentence.”		
(6) In section 5(5) for “one year from the date of conviction or a period beginning with that date” substitute “a period beginning with the date of conviction”.		40
(7) For section 5(6A) substitute –		
“(6A) Where in respect of a conviction a detention and training order was made, the rehabilitation period applicable to the sentence shall be a		

period beginning with the date of conviction and ending one year after the date on which the order ceases or ceased to have effect.”

(8) For section 5(7) substitute—

“(7) Where in respect of a conviction a hospital order was made, the rehabilitation period applicable to the sentence shall be a period beginning with the date of conviction and ending four years after the date on which the hospital order ceases or ceased to have effect.”

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2 Short title, commencement and extent

(1) This Act may be cited as the Rehabilitation of Offenders (Amendment) Act 2010.

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(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

(3) This Act does not apply to Northern Ireland.

Rehabilitation of Offenders (Amendment) Bill

[HL]

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To amend the Rehabilitation of Offenders Act 1974; and for connected purposes.

Lord Dholakia

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