



**Rehabilitation of Offenders Act 1974 \***  
**with 2014 Amendments**

**Advice to Applicants to HM Armed Forces**

**\* For Northern Ireland the Rehabilitation of Offenders  
(Northern Ireland) Order 1978 S.I. 1978 No. 1908 (N.I.27) refers**

**Note:**

**Applicants should read this form carefully before completing the Certificate on the last page.**

**Further information can be found on the National Association for Care and Resettlement  
(NACRO) Website at [www.nacro.org.uk/rehabilitation-of-offenders-act-1974](http://www.nacro.org.uk/rehabilitation-of-offenders-act-1974).**

# Rehabilitation of Offenders Act 1974 \* (see note 1)

## - Advice to Applicants to HM Armed Forces

### Notes:

1. Includes 2001, 2008, 2012 and 2014 amendments.
2. For Northern Ireland the Rehabilitation of Offenders (Northern Ireland) Order 1978 S.I. 1978 No. 1908 (N.I.27) refers.
3. Paragraph 6 – [R of O(Ex) Order 1975 No. 1023] – For Northern Ireland the Rehabilitation of Offenders (Northern Ireland) Order (Exceptions) Order 1979 (Statutory Rule 195) refers.

1. You are required to give any details of any civil convictions you may have which are considered 'unspent' under the Rehabilitation of Offenders Act 1974\* before your application to join one of HM Forces can be considered. It is your responsibility to distinguish between 'spent' and 'unspent' convictions and the following advice will concern you if you have ever been convicted in a civil court of an offence. You should read it carefully before filling in any enrolment form or answering any questions put to you by recruiting staff or the interview board about civil convictions. (For disclosure of service convictions see paragraph 9.)

2. The purpose of The Rehabilitation of Offenders Act 1974\*, which applies to both civilians and Service personnel, is to give those who have been convicted of offences a chance to 'live down' their convictions. This means that if a certain period of time has passed since the date on which you were convicted, the conviction becomes 'spent' and you are therefore entitled to ignore the conviction and to fill in the application form and to answer any questions put to you by the recruiting officer or interview board as if the offence, conviction and sentence **had never taken place**. The periods after which the convictions become 'spent' are set out as to type of sentence overleaf. You should note that 'conviction' includes an absolute or conditional discharge, supervision, probation, care, hospital and community service orders and binding over. In the interests of national security, however, both spent and unspent convictions have to be declared to the Security Authorities. These details are to be inserted on a Security Questionnaire but are solely a matter between yourself and the Security Department.

3. If you have been in prison, remand home, approved school or any other form of corrective training or youth custody establishment as a result of a conviction which has become 'spent', you are entitled to ignore the fact in describing your past education and employment on the application form and in answering questions put to you by the recruiting staff or the interview board. The recruiting staff may ask you about the gaps as these may be owing to an error by the applicant. You may inform them that you have given all the details which you are required to disclose and that you have nothing to add.

4. If you fail to disclose a conviction which is not 'spent', you may become liable to prosecution, either by the Service or civil authorities and may be discharged from the Service. **However, an 'unspent' conviction will not necessarily debar you from entry into the Armed Forces.**

5. Should you have any doubt about whether a conviction is 'spent' or not, you should, before filling in the application form or answering questions, make sure of your position by consulting a Citizen's Advice Bureau, or a Community Law Centre or the Clerk to the Court where you were last convicted, or a Solicitor or probation officer or any other competent authority.

6. **If you wish to serve in a dental, legal, medical, nursing or police trade or branch within the Armed forces, or be employed within a cadet force concerned with training for the Armed Forces, then the advice set out above does not apply to you. Under the Rehabilitation of Offenders (Exceptions) Order 1975 No. 1023, anyone who wishes to serve in these employments must disclose all convictions, 'spent' as well as 'unspent', on the appropriate part of the application form and answer fully in discussion with the recruiting officer or interview board any questions about 'spent' convictions.**

7. If entered into the Service you may be required for work on highly classified material. If such a stage occurs in your Service career all past conviction 'spent' and 'unspent' will have to become known to the security authorities in confidence.

8. You must declare if you are prohibited from having a firearm or ammunition under section 21 of the Firearms Act 1968

9. (Re-entrants and Ex-Servicemen only.) There is a requirement for you to list all unspent convictions for Service offences on Annex B of this form.

**Notes for use in conjunction with the Rehabilitation of Offenders Act  
(Advice to applicants)**

- ☐ 'Imprisonment' includes detention in a young offenders institution in Scotland and Northern Ireland.
- ☐ Consecutive terms of imprisonment or of detention under section 53 of the Children and Young Persons Act 1933 or section 206 of the Criminal Procedure (Scotland) Act 1975 and terms which are wholly or partly concurrent (being terms of imprisonment or detention imposed in respect of offences of which a person was convicted in the same proceedings) shall be treated as a single term.
- ☐ No account shall be taken of any subsequent variation, made by a court in dealing with a person in respect of a suspended sentence of imprisonment, of the term originally imposed.
- ☐ A sentence imposed by a civil criminal court outside the United Kingdom shall be treated as a sentence of that one of the descriptions mentioned overleaf which most nearly corresponds to the sentence imposed.
- ☐ When more than one sentence is imposed in respect of a conviction and none is an excluded sentence the rehabilitation period shall be the longer or longest of the relevant periods applying to those sentences.
- ☐ Where a person has been conditionally discharged or placed on probation for an offence and after the end of the rehabilitation period is further sentenced for that offence as a result breach of conditional discharge or probation then the initial conviction shall not be regarded as spent until the end of the new rehabilitation period applicable to that further offence.
- ☐ Where during the rehabilitation period a person is convicted of another offence and a sentence subject to rehabilitation is imposed, the shorter of the rehabilitation periods shall be extended to end at the same time as the other. This is subject to three exceptions:

1. A conviction resulting solely in a disqualification, disability, prohibition or other penalty (of a like nature) shall not have the effect of extending a rehabilitation period arising from an earlier conviction.
2. Convictions in Northern Ireland of offences which are not triable on indictment, in England and Wales of a summary offence or of a scheduled offence within the meaning of the section 22 of the Magistrates Court Act 1980 tried summarily because the value involved is small, and convictions in Scotland of offences which are not excluded from the jurisdiction of inferior courts of summary jurisdiction by virtue of section 4 of the Summary Jurisdiction (Scotland) Act 1954 shall not have the effect of extending a rehabilitation period arising from an earlier conviction.
3. Convictions by courts outside the United Kingdom of offences which would not have been offences if committed in the United Kingdom shall not have the effect of extending a rehabilitation period arising from an earlier conviction.

☐ **Convictions where certain sentences are imposed are excluded from rehabilitation. Thus convictions will never be spent if the sentence imposed is :**

1. **Life Imprisonment**
2. **Imprisonment, Youth custody Detention or Corrective Training for more than 48 months**
3. **Preventive Detention**
4. **Custody for Life**
5. **Certain long sentences imposed on children and young offenders.**

## Rehabilitation Periods

Sentence (including suspended sentences)	Rehabilitation ("Spent") Periods (reckoned from the date of sentence completed)
<p>Custodial sentence, including: Imprisonment, detention in a young offenders institution or Youth Custody, Borstal Training (Abolished 1983), corrective training, Detention, Detention and Training Orders</p> <p>For over 4 years</p> <p>for over 30 months but not over 48 months; for the same period:</p> <p>more than 6 months but not exceeding 30 months:</p> <p>a period not exceeding 6 months:</p>	<p>If under 18 at time of conviction</p> <p>Never</p> <p>3 ½ years</p> <p>2 Years</p> <p>1½ years</p>
Fine (including fines upon children or young persons but ordered to be paid by their parents):	1 year from date of conviction, subject to reduction by half for persons under the age of 18.
Hospital Order:	Until end of order
Formal/Simple Caution, warnings given by constable or Procurator Fiscal (Scotland), fixed penalties notices under section 129 of the Antisocial Behavior (Scotland) Act 2004.	Spent immediately
Order for custody in a remand home, approved school order or attendance centre order:	1 year after the order expires
Compensation Orders:	The date the payment is made in full
Conditional Caution:	3 months; or earlier, when the caution ceases to have effect.
Reparation Order or Absolute Discharge (England and Wales):	Spent immediately
Conditional discharge; bound over to keep the peace, bound over to be of good behaviour, Street Offences Act Order, A Referral Order under section 16 Sentencing Act 2000 :	The last day the order has effect, if no date given then 2 years from date of conviction.
Disqualification; disability; prohibition etc or a relevant order or penalty not listed elsewhere:	Until expiry of disqualification etc.
Supervision Requirement or Order or Supervision Order or Care Order or Fit Person Order because a child has committed a criminal offence. Youth Rehabilitation order or Residential Training of a child by a court order under section 413 Criminal Procedure (Scotland) Act 1975:	1 year or until expiry of order, whichever is longer
Absolute discharge (Scotland); Admonishment (Scotland), discharge by Children's Hearing in Scotland following acceptance or judicial establishment of the commission of a criminal offence by the child:	6 Months from date of order/discharge
Curfew Orders, Community Order, Community Sentence, Combination Orders, Youth Conference Order and Community Responsibility Order (Northern Ireland Only), Overseas Community Order, and any other sentence not appearing in this list and subject to rehabilitation:	1 year from date order ceased to be in force if no date given then 2 years from date of conviction, subject to reduction by half for persons under the age of 18.

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### Certificate

- ☐ I certify that I have read and understood the advice on page 2. 'Unspent' convictions are listed below. If none, tick box
- ☐ (Applicants applying under paragraph 6 on page 2 are to list 'spent' convictions also. If none tick box)


URN:

Name:

Signature

Date

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## Rehabilitation Periods for those with Previous Military Service

Sentence (including suspended sentences)	Rehabilitation ("Spent") Periods (reckoned from the date of sentence completed)	
Service Detention (See note 1) :	<b>Sentence plus 1 year</b> (See note 1)	<b>If under 18 at time of conviction Sentence plus 6 months</b>
Cashiering, Discharge with Ignominy or Dismissal with Disgrace from Her Majesty's Service:	<b>1 year</b>	<b>6 months</b>
Dismissal from Her Majesty's Service:	<b>1 year</b>	<b>6 months</b>
Forfeit of Seniority	<b>Spent Immediately</b>	
Reduction in Rank	<b>Spent Immediately</b>	
Severe Reprimand	<b>Spent Immediately</b>	
Reprimand	<b>Spent Immediately</b>	
Service Supervision and Punishment Order	<b>For the period specified in the order (See note 2)</b>	
Stoppage of Leave	<b>Last day the order has effect (See note 3)</b>	
Restriction of Privileges	<b>Last day the order has effect (See note 3)</b>	
Admonition	<b>Spent Immediately</b>	
Service Fine (from a Service Court or a CO at Summary Hearing)	<b>1 year from date of conviction, subject to reduction by half for persons under the age of 18.</b>	
Service Compensation Order	<b>The date the payment is made in full</b>	
Service Community Order	<b>1 year from date order ceased to be in force if no date given then 2 years from date of conviction, subject to reduction by half for persons under the age of 18.</b>	

### Notes:

- (1) Starting from the day on which the sentence is completed i.e. the date on which the individual is actually released from Detention.
- (2) For example, where an individual is awarded a SSPO for 60 days the sentence will be rehabilitated after 60 days even if the individual's CO reviews the punishment and decides to conclude the punishment earlier.
- (3) Where the CO decides that the punishment should not begin immediately, the sentence will be rehabilitated on the last day the order has effect.

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### Certificate

- ☐ I certify that I have read and understood the advice on page 2. 'Unspent' convictions are listed below. If none, tick box ☐
- ☐ (Applicants applying under paragraph 6 on page 2 are to list 'spent' convictions also. If none tick box) ☐


URN:

Name:

Signature

Date