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TO

Amend the length of time for which an individual may have a criminal record under the Rehabilitation of Offenders Act 1974.

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 Shortening the length of time for criminal records under the Rehabilitation of Offenders Act 1974

(1) Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences) is amended as follows.

(2) For subsection (1) substitute— 5

“(1) The sentences excluded from rehabilitation under this Act are—

- (a) a sentence of imprisonment for life;
- (b) a sentence of preventive detention;
- (c) a sentence of detention during Her Majesty’s pleasure or for life; 10
- (d) a sentence of imprisonment for public protection;
- (e) a sentence of detention for public protection;
- (f) an extended sentence of imprisonment;
- (g) an extended sentence of detention;

and any other sentence is a sentence subject to rehabilitation under this Act.” 15

(3) In subsection (2), for the table substitute –

<i>“Sentence</i>	<i>End of rehabilitation period for adult offenders</i>	<i>End of rehabilitation period for offenders under 18 at date of conviction</i>	
A custodial sentence of more than four years	The end of the period of four years beginning with the day on which the sentence (including any licence period) is completed.	The end of the period of four years beginning with the day on which the sentence (including any licence period) is completed.	5 10
A custodial sentence of more than two years and up to, or consisting of, four years	The end of the period of two years beginning with the day on which the sentence (including any licence period) is completed.	The end of the period of two years beginning with the day on which the sentence (including any licence period) is completed.	15
A custodial sentence of up to, or consisting of, two years	The end of the period of one year beginning with the day on which the sentence (including any licence period) is completed.	The end of the period of six months beginning with the day on which the sentence (including any licence period) is completed.	20
Removal from Her Majesty’s service	The end of the period of one year beginning with the date of the conviction in respect of which the sentence is imposed.	The end of the period of six months beginning with the date of the conviction in respect of which the sentence is imposed.	25
A sentence of service detention	The end of the period of one year beginning with the day on which the sentence is completed.	The end of the period of six months beginning with the day on which the sentence is completed.	30
A compensation order	The end of the period of one year beginning with the date on which the order was passed or the date on which the payment is made in full (whichever is sooner).	The end of the period of one year beginning with the date on which the order was passed or the date on which the payment is made in full (whichever is sooner).	35 40
A community or youth rehabilitation order	The last day on which the order is to have effect.	The last day on which the order is to have effect.”	

(4) For subsection (3) substitute –

“(3) Where no provision is made by or under a community or youth order for the last day on which the order is to have effect, the rehabilitation period for the order is one year.”

2 Road traffic endorsements

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Article 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No.9 Saving Provision and Specification of Commencement Date) Order 2014 (S.I. 2014/423) is repealed.

3 Extent, commencement and short title

(1) This Act extends to England and Wales only.

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(2) Section 1 comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.

(3) This Act may be cited as the Criminal Records Act 2020.

Criminal Records Bill [HL]

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To amend the length of time for which an individual may have a criminal record under the Rehabilitation of Offenders Act 1974.

Lord Ramsbotham

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