

THE CRIMINAL RECORDS (REHABILITATION
OF OFFENDERS) ACT

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THE CRIMINAL RECORDS (REHABILITATION
OF OFFENDERS) ACT

Acts
18 of 1988,
24 of 1993,
12 of 2014,
5 of 2015
S. 15.

[30th September, 1988.]

1. This Act may be cited as the Criminal Records (Rehabilitation of Offenders) Act. Short title.

2. In this Act—

Interpreta-
tion.

“the Board” means the Criminal Records (Rehabilitation of Offenders) Board established in accordance with section 18;

“conviction” includes any finding in any criminal proceedings or in proceedings under the Child Care and Protection Act that an offence has been committed by any person;

“expunged conviction” means any spent conviction expunged from the records under section 23;

“proceedings before a judicial authority” includes any proceedings before a court-martial under service law;

“rehabilitation period” means any period specified under section 5 as a rehabilitation period for the conviction to which it relates, commencing and terminating on such dates as are provided for in this Act;

“rehabilitated person” means any person who is treated as a rehabilitated person under section 3;

“sentence” includes any order, not being an order dismissing the case, made by a court with respect to a conviction and directing any thing to be done or not to be done by the offender;

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“service disciplinary proceedings” means proceedings before a court-martial under service law;

“service law” has the meaning assigned to that expression under the Defence Act;

12/2014
S. 2(a).

“specified offence” means—

Third
Schedule.

(a) any offence specified in the Third Schedule;
and

(b) any offence to which, having regard to the sentence imposed, section 3 does not apply;

“spent conviction” means any conviction treated as a spent conviction under section 3.

PART I—*Spent Convictions*

Rehabili-
tated person
and spent
conviction.

3.—(1) Subject to the provisions of this Act, a person who (whether before or after the 30th day of September, 1988) has been convicted of an offence to which this section applies shall, at the expiration of the appropriate rehabilitation period, be treated as a rehabilitated person in respect of the conviction for that offence and, for the purposes of this Act, the conviction shall be treated as a spent conviction.

24/1993
S. 2.

(2) In relation to a conviction referred to in subsection (1) that occurred before the 30th day of September, 1988, the provisions of this Act shall be deemed to have been in force at the time of such conviction and continued in force thereafter, so, however, that notwithstanding the fact that the appropriate rehabilitation period expired at any time prior to that date, the conviction shall not be treated

as a spent conviction in relation to any time prior to that date.

(3) Subject to sections 6 and 9, this section—

12/2014
S. 3(a).

(a) shall apply in relation to any offence for which a person is convicted where the sentence imposed by the court—

(i) does not include a term of imprisonment;
or

(ii) if it includes a term of imprisonment, that term does not exceed five years; and

(b) shall not apply to any offence specified in the Third Schedule.

Third
Schedule.

(4) For the purposes of subsection (3), where a sentence includes a term of imprisonment only as an alternative to another penalty that term of imprisonment shall be disregarded.

(5) Subject to the provisions of this Act, for the purposes of this Act, a finding in service disciplinary proceedings that a person is guilty of an offence in respect of any act or omission which was the subject of those proceedings shall be treated as a conviction and any punishment awarded in respect of any such finding shall be treated as a sentence.

(6) Subsection (5) shall apply where the following conditions are satisfied, that is to say—

(a) the offence referred to therein is one to which this subsection applies; and

(b) the punishment awarded for the offence is a punishment to which this subsection applies.