

SHG Policy on updating Rehabilitation periods under the Rehabilitation of Offenders Act 1974

Introduction

The Rehabilitation of Offenders Act 1974 applies to St Helena through the English Law (Application) Ordinance 2005. This means it applies to St Helena as it did in England on 1 January 2006. Since that date rehabilitation periods have been shortened in England and Wales. This in effect means that convictions become spent quicker and are therefore not disclosable in most criminal records checks from an earlier date. Rehabilitation periods in St Helena are to be brought up to date with those in the England and Wales.

Objectives

1. To prevent residents of St Helena being disproportionately penalised for previous offending.
2. To modernise the criminal justice system and application of the relevant laws.

Policy

1. The new rehabilitation periods in England and Wales will be applied to St Helena through an application order made under the English Law (Application) Ordinance 2005.
2. Important changes in Rehabilitation periods are detailed below:

Sentence	End of rehabilitation period for adult offenders	End of rehabilitation period for offenders under 18 at date of conviction
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed At present there is no Rehabilitation period for sentences of more than 30 months under RoA as applied in St Helena.	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed At present there is no Rehabilitation period for sentences of more than 30 months under RoA as applied in St Helena.
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed

	Rehabilitation under RoA as applied in St Helena 10 years	Rehabilitation under RoA as applied in St Helena 5 years
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed Rehabilitation under RoA as applied in St Helena Seven years	The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed Rehabilitation under RoA as applied in St Helena Three years
Removal from Her Majesty's service	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed Rehabilitation under RoA as applied in St Helena Seven years	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed Rehabilitation under RoA as applied in St Helena Seven years
A sentence of service detention	The end of the period of 12 months beginning with the day on which the sentence is completed	The end of the period of 6 months beginning with the day on which the sentence is completed
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed Rehabilitation under RoA as applied in St Helena Five years	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed Rehabilitation under RoA as applied in St Helena 2.5 years
A compensation order	The date on which the payment is made in full Rehabilitation under RoA as applied in St Helena 5 years	The date on which the payment is made in full Rehabilitation under RoA as applied in St Helena 2.5 years
A community or youth rehabilitation order	The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which the order is to have effect	The end of the period of 6 months beginning with the day provided for by or under the order as the last day on which the order is to have effect

	Rehabilitation under RoA as applied in St Helena 5 years	Rehabilitation under RoA as applied in St Helena 2.5 years
<p>A relevant order</p> <p>Means: an order of conditional discharge</p> <p>A binding over order</p> <p>A Hospital order under the Mental Health Act</p> <p>An order that imposes a disqualification, disability, prohibition or other penalty and is otherwise not dealt with in this table</p>	<p>The day provided for by or under the order as the last day on which the order is to have effect</p> <p>Rehabilitation under RoA as applied in St Helena 1 year</p>	<p>The day provided for by or under the order as the last day on which the order is to have effect</p> <p>Rehabilitation under RoA as applied in St Helena 6 months</p>
<p>Order discharging a person absolutely for an offence</p> <p>Other sentence in respect of a conviction that is not dealt with in this table</p>	<p>Nil</p> <p>Rehabilitation under RoA as applied in St Helena Six months</p>	<p>Nil</p> <p>Rehabilitation under RoA as applied in St Helena Three months</p>

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