
STATUTORY INSTRUMENTS

2014 No. 423 (C. 18)

REHABILITATION OF OFFENDERS

The Legal Aid, Sentencing and Punishment of Offenders
Act 2012 (Commencement No. 9, Saving Provision
and Specification of Commencement Date) Order 2014

Made - - - - 26th February 2014

The Secretary of State makes the following Order in exercise of the powers conferred by sections 141(12) and 151(1) and (5)(b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(1):

Citation and interpretation

1.—(1) This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 9, Saving Provision and Specification of Commencement Date) Order 2014.

(2) In this Order—

- (a) “the 1974 Act” means the Rehabilitation of Offenders Act 1974(2);
- (b) “the 2012 Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and
- (c) “road traffic endorsement” means an order for endorsement made by a court in relation to an offence mentioned in Schedule 2 to the Road Traffic Offenders Act 1988(3) (which is a sentence in relation to which the last entry in Table A in section 5(2) of the 1974 Act(4) applies).

(1) 2012 c. 10.

(2) 1974 c. 53.

(3) 1988 c. 53. Schedule 2 to that Act has been amended, in so far as it relates to endorsements, by paragraphs 2, 7, 19, 21, 23 and 30 of Schedule 2 to the Road Traffic Act 1991 (c. 40), section 3(1) of the Aggravated Vehicle-Taking Act 1992 (c. 40) and sections 18(6), 20(4), 21(3) and 28 of the Road Safety Act 2006 (c. 49). Section 56(4) of the Crime and Courts Act 2013 (c. 22) amends Schedule 2 but is not yet in force. There have been other amendments that are not relevant.

(4) The heading of Table A was amended by paragraph 5(b) of Schedule 8 and paragraph 22(2) of Schedule 12 to the Criminal Justice Act 1991 (c. 53). The last entry in Table A was amended by paragraph 6(2) of Schedule 4 to the Youth Justice and Criminal Evidence Act 1999 (c. 23).

Provisions coming into force on 10th March 2014

2. Subject to article 3, the following provisions of the 2012 Act come into force on 10th March 2014—

- (a) section 139 (establishment or alteration of rehabilitation periods);
- (b) section 141 (transitional and consequential provision) in so far as not already in force; and
- (c) Schedule 25 (rehabilitation of offenders: consequential provision) except paragraph 4 (which omits section 3 of the 1974 Act⁽⁵⁾) (special provision with respect to certain disposals by children’s hearings under the Social Work (Scotland) Act 1968)).

Saving provision in relation to road traffic endorsements

3. The provisions brought into force by virtue of article 2 except section 139(5)(b) of the 2012 Act (which omits section 6(6) of the 1974 Act) are of no effect in relation to a road traffic endorsement.

Specification of commencement date for the purposes of section 141(1) to (6) of the 2012 Act

4. The commencement date for the purposes of section 141(1) to (6) of the 2012 Act is 10th March 2014.

Signed by the authority of the Secretary of State

26th February 2014

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

(5) Section 3 of the 1974 Act was amended, in relation to Scotland, by paragraph 23(2) of Schedule 4 to the Children (Scotland) Act 1995 (c. 36). Section 3 was also modified, in relation to Scotland, by article 2(3) of the Children’s Hearings (Scotland) Act 2011 (Rehabilitation of Offenders) (Transitory Provisions) Order 2013 (S.S.I. 2013/146).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the ninth commencement order made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”).

Article 2 brings into force on 10th March 2014 sections 139 and 141(1) to (6), (10) and (11) of the 2012 Act together with Schedule 25 to that Act (with the exception of paragraph 4). Those provisions make amendments to the Rehabilitation of Offenders Act 1974 (c. 53) (“the 1974 Act”) and make consequential amendments to other legislation. Article 2 is subject to the saving provision in Article 3.

Article 3 makes saving provision for an endorsement given by a court for an offence mentioned in Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (“the 1988 Act”). Such an endorsement is a sentence in relation to which the last entry in Table A in section 5(2) of the 1974 Act applies. The principal effect of this saving provision is that such an endorsement continues to attract a rehabilitation period of 5 years.

Article 3 also provides that the saving provision does not apply to the commencement of section 139(5)(b) of the 2012 Act, which omits section 6(6) of the 1974 Act. The effect of the omission of section 6(6) of the 1974 Act is that summary offences and other offences in that subsection are taken into account when calculating the rehabilitation period under section 6(4) where a person is convicted of a further offence. The effect of article 3 is therefore that a conviction resulting in an endorsement given by a court in relation to an offence mentioned in Schedule 2 to the 1988 Act is affected by the omission of section 6(6) of the 1974 Act in the same way as any other conviction.

Article 4 specifies 10th March 2014 as the commencement date for the purposes of section 141(1) to (6) of the 2012 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part 1 (in so far as not already in force, except section 19(4))	1st April 2013	2013/453
Section 38(2)	4th March 2013	2013/453
Section 44 (for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 44 (in so far as not already in force)	1st April 2013	2013/77
Section 45(1) and (8)	1st October 2012	2012/2412
Section 45 (in so far as not already in force for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 45 (in so far as not already in force)	1st April 2013	2013/77

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 46 (for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 46 (in so far as not already in force)	1st April 2013	2013/77
Section 47	1st April 2013	2013/77
Section 48	19th January 2013	2013/77
Section 49	1st April 2013	2013/773
Section 50	1st April 2013	2013/773
Section 51	1st April 2013	2013/773
Section 52	1st April 2013	2013/773
Section 53	1st April 2013	2013/773
Section 54	1st April 2013	2013/773
Section 55	1st October 2012	2012/2412
Section 56	1st April 2013	2013/453
Section 57	1st April 2013	2013/453
Section 58	4th March 2013	2013/453
Section 59	1st April 2013	2013/453
Section 60	4th March 2013	2013/453
Section 61	1st October 2012	2012/2412
Section 62	1st October 2012	2012/2412
Chapter 1 of Part 3 (except sections 67(2)(a) and (5)(a), 76, 77, 78(3) and 85 to 88)	3rd December 2012	2012/2906
Section 88	8th April 2013	2013/453
Chapter 2 of Part 3	3rd December 2012	2012/2906
Chapter 3 of Part 3	3rd December 2012	2012/2906
Chapter 4 of Part 3 (except section 119)	3rd December 2012	2012/2906
Chapter 5 of Part 3	3rd December 2012	2012/2906
Chapter 6 of Part 3 (except section 129)	3rd December 2012	2012/2906
Section 132	8th April 2013	2013/453
Section 133	8th April 2013	2013/453
Section 134	8th April 2013	2013/453
Section 135	8th April 2013	2013/453
Section 136	8th April 2013	2013/453
Section 137	8th April 2013	2013/453
Section 138	8th April 2013	2013/453

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 140	1st October 2012	2012/2412
Section 141(7) to (9) and (12)	1st October 2012	2012/2412
Section 142	3rd December 2012	2012/2770
Section 143	3rd December 2012	2012/2770
Section 144	1st September 2012	2012/1956
Section 145	3rd December 2012	2012/2770
Section 146	3rd December 2012	2012/2770
Section 147	3rd December 2012	2012/2770
Section 148	14th May 2013	2012/1127
Schedule 1	1st April 2013	2013/453
Schedule 2	1st April 2013	2013/453
Schedule 3	1st April 2013	2013/453
Schedule 4	4th March 2013	2013/453
Schedule 5	1st April 2013	2013/453
Schedule 6	1st April 2013	2013/453
Schedule 7	1st October 2012	2012/2412
Schedule 8	1st October 2012	2012/2412
Schedule 9	3rd December 2012	2012/2906
Schedule 10	3rd December 2012	2012/2906
Schedule 11	3rd December 2012	2012/2906
Schedule 12	3rd December 2012	2012/2906
Schedule 13	3rd December 2012	2012/2906
Schedule 14	3rd December 2012	2012/2906
Schedule 15	3rd December 2012	2012/2906
Schedule 16	3rd December 2012	2012/2906
Schedule 17	3rd December 2012	2012/2906
Schedule 18	3rd December 2012	2012/2906
Schedule 19	3rd December 2012	2012/2906
Schedule 20	3rd December 2012	2012/2906
Schedule 21	3rd December 2012	2012/2906
Schedule 22	3rd December 2012	2012/2906
Schedule 23	8th April 2013	2013/453
Schedule 24	8th April 2013	2013/453
Schedule 26	3rd December 2012	2012/2770

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 27	3rd December 2012	2012/2770