

Spent convictions

In 2007, the Commission published a Report on [Spent Convictions](#) (LRC 84- 2007). The Commission's Consultation Paper on the [Court Poor Box](#) (LRC CP 31-2004) had pointed out that the Court Poor Box is often used to avoid entering a conviction, which under current law involves a permanent criminal record. The Commission noted that many other States operate 'spent conviction' laws, under which minor and old convictions could be removed from the record for some purposes, though they could be disclosed for other purposes, especially involving sensitive jobs. The Commission's Report on Spent Convictions recommends that such a scheme be introduced in this State for adult offenders (a scheme for 18s already exists under the *Children Act 2001*).

The Report recommends that some offences should be excluded from the proposed scheme

- (a) any offence triable by the Central Criminal Court, such as murder;
- (b) any sexual offence as defined in the Sex Offenders Act 2001; and
- (c) any other offence where a sentence of more than 6 months (including a suspended sentence) has been imposed in court.

The Report recommends that the length of time a person must be conviction-free to qualify for the conviction to be regarded as "spent" is 7 years from the date of conviction where a custodial sentence of up to 6 months is imposed, and 5 years from the date of conviction where a non-custodial order is made, such as a fine or disqualification. The Report recommends that convictions, including spent convictions, would still be disclosed at a sentencing hearing and in some non-criminal cases such as involving access to children and that it would also have to take account of the need for disclosure in the context of vetting.