

Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 was enacted on 11 February 2015. The Act was commenced in full on 29 April 2016.

In accordance with the provisions of the Act a person is not obliged to disclose certain convictions which are over 7 years old. A person will not be penalised in law or incur any liability for failing to disclose a spent conviction.

In accordance with the provisions of the Act the following convictions are now spent:

- 1) All convictions in the District Court for Motoring offences which are more than 7 years old subject to the proviso that spent convictions for dangerous driving are limited to a single conviction.
- 2) All convictions in the District Court for minor public order offences which are more than 7 years old.
- 3) In addition, where a person has one, and only one, conviction (other than a motoring or public order offence) which resulted in a term of imprisonment of less than 12 months (or a fine) that conviction is also spent after 7 years. This provision applies to either a District Court or Circuit Court conviction.

Where a person is convicted of 2 or more offences which were committed at the same time or relate to the same event, these are regarded as a single conviction for the purposes of the Act.

The provisions of the Act do not apply to certain employments such as employment working with children or vulnerable adults. There are separate

and slightly modified spent conviction provisions contained in the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

The Department of Justice & Equality estimates that slightly Over 80% of all criminal convictions now become spent after 7 years.