

APPENDIX A

**POLICY AND GUIDANCE ON CONVICTIONS AND
CAUTIONS TO BE USED WHEN DETERMINING
WHETHER OR NOT TO GRANT, RENEW, SUSPEND OR
REVOKE A HACKNEY CARRIAGE DRIVERS LICENCE A
PRIVATE HIRE DRIVERS LICENCE OR OPERATORS
LICENCE**

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1. **BACKGROUND DOCUMENTS**

1.1 This Policy and Guidance original approved by the Licensing Committee on 2nd June 2011 and as amended, is based on the guidelines relating to the relevance of convictions and cautions contained in the following publications:

- Disclosure of Criminal Records: Applicants for Hackney Carriage and Private Hire Vehicle Driver's Licences
- Home Office Circular 30/2005 – Cautioning of Adult Offenders
- The Crown Prosecution Service – National Standards for Cautioning
- Road Transport Act 2006
- Home Office Circular 6/2006 The Notifiable Occupations Scheme: Revised Guidance for Police Forces
- Home Office Circular 13/92, and
- The Slough Borough Council – Guidelines Relating to the Relevance of Convictions – adopted by Slough Borough Council in 1998
- 'Local Government Regulation' Taxi and PHV Licensing Criminal Convictions Policy (2010)
- Enforcement and Regulatory Services Enforcement Policy

1.2 The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states:-

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

1.3 **Simply, the Section requires that all local authorities consider crime and disorder reduction while exercising their duties.**

2. **SPENT CONVICTIONS**

2.1 With effect from 28th February 2002, The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, added Hackney Carriage and Private Hire Drivers to the list of “Exempted Occupations” contained in the Act. Applicants must disclose **ALL** convictions.

- 2.2 Nothing is now “SPENT” for such applications including cautions. However the Council is required to have a policy as to what it does in respect of convictions / cautions disclosed by the Criminal Records Bureau. Legal advice has been taken, which shows that this “Guidance” meets that policy requirement.
- 2.3 The Council must also take into account those people banned or prohibited from working with children within the terms of the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, and those person barred by the Disclosure and Barring Service.

3. CAUTIONS

- 3.1 The following conditions / criteria that **MUST** be met before a caution can be administered by the Police or any other prosecuting agency in accordance with the “National Standards for Cautioning”:

- **There is a realistic prospect of conviction**
- **The offender admits the offence**
- **The offender understands the significance of a caution and gives informed consent to being cautioned**

4. REQUIREMENT TO DISCLOSE CONVICTIONS, CAUTIONS, MOTORING OFFENCES INCLUDING FIXED PENALTY NOTICES

- 4.1 **All new applicants and current licence holders must complete a ‘Declaration of Offences’ form at the time of making an application or at the time of renewal.**
- 4.2 **ALL Hackney Carriage Drivers, Private Hire Drivers or Private Hire Operators MUST notify the Licensing Authority (Licensing Team) in writing within seven days of any conviction, caution or motoring offence including fixed penalty notice.**

5. GENERAL POLICY

- 5.1 Slough Borough Council licenses Hackney Carriage / Private Hire Drivers and Operators under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 The Council may refuse to grant, renew, suspend or revoke a Drivers or Operators Licence on any of the following grounds:
- (a) there has been a conviction for an offence involving dishonesty, indecency or violence
 - (b) there has been a conviction for an offence under or a failure to comply with statutory legislation or by-laws, or
 - (c) any other reasonable cause (for example but not limited to formal Police caution or serious road traffic offence)

6. **FIT AND PROPER**

- 6.1 It should be considered whether the applicant is a 'fit and proper person' to hold a drivers licence. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters is disclosed the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
- 6.2 Where an applicant has been convicted of a criminal offence the Council cannot review the merits of the conviction (***Nottingham City Council v. Mohammed Farooq (1998)***).
- 6.3 A driver need not necessarily have been convicted or cautioned in respect of a criminal offence for his behaviour to be taken into account in deciding whether the test of 'fit and proper' has been satisfied. Furthermore, the fact that an applicant does have a criminal conviction does not necessarily mean that the applicant is not a 'fit and proper person' to hold Hackney Carriage or Private Hire Drivers Licence.
- 6.4 **The Council is not considering whether the applicant is guilty of an offence but whether he or she is a 'fit and proper person'.**
- 6.5 **In all cases the overriding consideration will be the protection and wellbeing of the public.**
- 6.6 ALL new applicants who have not resided in the UK for a full five (5) years immediately before submitting the application must also satisfy the Licensing Team / Committee that they are a 'fit and proper person'. This will require:
- Obtaining a Certificate of good Conduct via the respective embassy from the country(s) where the applicant has resided for the previous 5 years
 - Obtaining a written English translation certificate at the applicants own expense for the above certificate, where applicable
 - Production of National Insurance details and / or documentary evidence that allows an applicant to work in the UK in line with Immigration requirements.

Each Case will be decided on its own merits.

- 6.7 On 22nd January 2001 the Licensing Committee resolved to authorise Licensing Officers with powers for the following matters:
- (a) To review and monitor applicants for and holders of Hackney Carriage and Private Hire Vehicle Drivers Licenses who have more than 6 penalty points endorsed on their driving licences and bring before the Committee those cases where the endorsement is for offences of dangerous or careless driving or driving without insurance,
 - (b) To automatically revoke the licence of a driver who has been disqualified from driving and not bring any further application before the committee until at least 12

months has elapsed from the end of disqualification subject to the right of appeal to the Committee.

- 6.8 A new applicant who has more than 6 current points on the D.V.L.A. driving licence will not be considered.

7. RELEVANT LEGISLATION

- 7.1 The main requirement for any person to be granted either a Private Hire Drivers Licence or Hackney Carriage Drivers licence is that the applicant must be a "Fit and Proper" Person.

- 7.2 For Private Hire Drivers the relevant legislation, Section 51 (1) LG (MP) Act 1976 states;
Provided that a District Council shall not grant a licence –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence: or
- (b) to any person who has not for at least twelve months been, and is not at the date of the application for a drivers licence, the holder of a licence granted under Part 111 of the Act 1972 (not being a provisional licence) authorising him to drive a motor car.

- 7.3 For Hackney Carriages Drivers the relevant legislation, Section 59 (1) LG (MP) Act 1976 states;

Notwithstanding anything in the Act of 1847, a District Council shall not grant a licence to drive a Hackney Carriage –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence ; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the time of the application for driver's licence so authorised.

- 7.4 Section 61 of the relevant legislation (*as amended by Section 52 Road Safety Act 2006*) gives the District Council power to suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Drivers licence and states;

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or Section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds;-

- (a) that he has since the grant of the licence –
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or

(b) any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within 14 days of such demand return to the district council the drivers badge issued to him in accordance with Section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level1 on the standard scale].

[(2A) Subject to section (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [subsection (1) of] this section may appeal to a magistrates court.

8. Enforcement and regulatory Services Enforcement Policy.

8.1 The Enforcement and Regulatory Services Enforcement Policy (originally approved by the Cabinet on 23rd June 2014) details specific requirements for new applicants for and current licence holders of hackney carriage and private hire driver licenses. The purpose of these requirements is to ensure that drivers are and continue to be 'fit and proper persons' to hold drivers licence with the protection of the public being of paramount importance. The policy requirements are as follows:

Section 7.16.2

Grounds for Refusal, Suspension or Revocation of a Hackney Carriage or Private Hire Drivers Licence

- Where application is for the GRANT of a licence, the Committee has to be satisfied that the applicant is a "fit and proper" person to hold a licence.
- The Committee's current policy requires an applicant to have held a full DVLA driver's licence for at least two years.
- All new applicants are required to pass a driving assessment and

undergo a medical examination prior to becoming licensed.

- Applicants are also subject to a criminal record check.
- Where a new applicant for a Hackney Carriage or Private Hire drivers licence or where an existing licence holder has been convicted or is subsequently convicted of any offence of dishonesty, a licence will not be granted, will not be renewed and will be either suspended or revoked with immediate effect where it is deemed necessary in the interests of public safety to do so.
- Where a new applicant for a Hackney Carriage or Private Hire drivers licence has been convicted of any offence of indecency or violence or any other criminal offence of a serious nature, a licence will not be granted, until the applicant is free from conviction for at least a period of 10 years (the date when the conviction becomes spent being the start date for the calculation of the 10 year period)
- Where an existing Hackney Carriage or Private Hire drivers licence holder is convicted, during the period of the licence, of any offence of indecency or violence or any other criminal offence of a serious nature, the licence will be either suspended or revoked with immediate effect, and any new application will not be considered until the applicant is free from conviction for at least a period of 10 years (the date when the conviction becomes spent being the start date for the calculation of the 10 year period)

Whilst each case will be considered on its own merits, the protection of the public is paramount.

9. OFFENCES AND SENTENCING GENERAL GUIDE

9.1 GENERAL GUIDE

9.2 Where a period of imprisonment / community sentence or court order has been imposed the applicant must show 3 years conviction free from the end of the imprisonment /

sentence NOT the reduced sentence.

9.3 A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but must show 3 to 5 years free from conviction, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

9.4 The following examples afford a **GENERAL GUIDE** on the action to be taken where convictions or cautions are disclosed, other than those detailed in the Enforcement and Regulatory Services Enforcement Policy.

1. MINOR TRAFFIC OFFENCES

Where a period of disqualification has been imposed, an application will not be considered until the D.V.L.A. driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed within that period. Should the D.V.L.A. licence demonstrate a further conviction since the disqualification period, then a 12 month period must elapse from the date of the last conviction on the D.V.L.A. licence before an application is approved.

Offences covered under this section include but is not limited to;

AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU60	Undefined failure to comply with Construction and Use Regulations
LC10	Driving without a licence
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test
MS60	Offences not covered by other codes
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined Contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
PL10	Driving without 'L' plates
PL20	Not accompanied by a qualified person
PL30	Carrying a person not qualified

PL40	Drawing an unauthorised trailer
PL50	Undefined failure to comply with conditions of a Provisional Licence
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motor way
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'Stop' sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign

2. MAJOR TRAFFIC OFFENCES

Where a period of disqualification has been imposed an application will not be considered until the D.V.L.A. driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed on it in that period. Should the D.V.L.A. licence demonstrate a further conviction since the disqualification period, then a 12 month period must elapse from the date of the last conviction on the D.V.L.A. licence before an application is approved.

Offences covered under this section include but is not limited to;

CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
IN10	Using a vehicle uninsured against third party risks
BA10	Driving while disqualified by order of Court
BA20	Driving while disqualified under age

An application received which details one of the following offences on the D.V.L.A. driving licence (DD30; DD60; DD70, MS50) will automatically be refused, or a current licence suspended or revoked. No further application will be considered until such time as that conviction become spent in accordance with the Rehabilitation of Offenders Act 1974 (Refer to final page). Other offences covered in this section will be treated under the dishonesty/violence category.

DD30	Reckless driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD70	Causing death by reckless driving
MS50	Motor racing on the highway
UT10	Taking or driving away a vehicle without consent or an attempt thereat (see under dishonesty)
UT20	Stealing or attempting to steal a vehicle (see under dishonesty)
UT30	Going equipped for stealing or taking a vehicle (see under dishonesty)

UT40	Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent, allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent (see under dishonesty)
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3. DRUNKENNESS

WITH MOTOR VEHICLE

An application with one conviction on the D.V.L.A. driving licence under this category will not be considered until a period of 36 months has elapsed since the restoration of the D.V.L.A. licence. (More than one conviction of this type and the application will be refused until only the most recent conviction remains on the D.V.L.A. licence an a period of 36 months has elapsed since the restoration of the licence)

Offences under this section include but is not limited to;

DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink or drugs
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink or drugs
DR60	In charge of a vehicle then refusing to supply a specimen for analysis
DR70	Failing to provide a specimen for breath test

NOT IN MOTOR VEHICLE

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In most cases a warning will be sufficient. However a number of convictions for drunkenness, over a short period of time could indicate an alcohol problem needing critical examination.

4. DRUGS

An application will not be considered until a minimum of 3 years free of conviction or Caution is shown.

Offences within this category will include but is not limited to;

1	Possessing Controlled Drug
2	Possessing Controlled Drug with Intent to Supply
3	Producing Controlled Drug
4	Import Drugs

5. INDECENCY OFFENCES

An application will not be considered until a period of 3 years free of conviction or caution is shown and any application with a conviction within this category will be put before the Licensing Committee for determination.

Offences within this category will include but is not limited to;

1.	Indecent Exposure
2.	Indecent Exposure to the Annoyance of Residents
3.	Indecent Exposure with intent to insult a Female
4.	Unlawful Sexual Intercourse
5.	Soliciting or persistently soliciting a woman for prostitution
6.	Importuning
7.	Gross indecency with Female
8.	Gross Indecency with Male
9.	Indecent Assault on Female
10.	Indecent Assault on a Child Under 16 years
11.	Living Off Immoral Earnings
12.	Prostitution
13.	Possessing or Distributing Obscene Material
14.	Buggery
15.	Rape
16.	Indecent or Nuisance Telephone Calls

6. VIOLENCE

A firm line should be taken with applicants who have convictions or Cautions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

Offences in this category will include but is not limited to;

1	Common Assault
2	Assault – Section 47
3	Grievous Bodily Harm – Section 20
4	Grievous Bodily Harm – Section 18
5	Assault Police
6	Affray
7	Riot
8	Manslaughter or Culpable Homicide with Driving
9	Using Threatening, Abusive Words or Behaviour
10	Breach of the Peace
11	Drunk and Disorderly
12	Common Assault – Aggravated
13	Obstruction
14	Robbery
15	Possess Offensive Weapon
16	Possess Firearm
17	Possess Firearm with Intent
18	Criminal Damage
19	Violent Disorder
20	Resist Arrest

21	Arson
22	Murder

An applicant with a conviction for murder will not be considered

An application will not be considered until a minimum period of 3 years free of conviction is shown with the exception of 9, 10 and 11 when 2 years for a single offence will be the appropriate period.

7. DISHONESTY

An application will not be considered until a minimum period of 3 years free of conviction is shown.

Offences in this category will include but is not limited to;

1	Theft
2	Theft – Shoplifting
3	Theft – Employee
4	Theft – From Vehicle
5	Burglary & Theft – Dwelling
6	Burglary & Theft – Non Dwelling
7	Burglary – Aggravated
8	Fraudulent Use
9	Handling
10	Receiving
11	Forgery
12	Conspiracy to Defraud
13	Obtain Money by Deception
14	Obtain Money by Forged Instrument
15	Deception
16	False Accounting
17	False Statement to Obtain Benefit
18	Going Equipped
19	Taking/Driving or Attempt to Steal Vehicle
20	Allow to be Carried in Stolen Vehicle
21	Perverting the Course of Justice

8. COMBINATION OF ABOVE OFFENCES

More than one conviction for any combination of the above offences should raise serious concerns about a person’s fitness to hold a Hackney Carriage or Private Hire Licence. In general, a period of at least 5 years free from conviction should be required before entertaining an application.

9. CONDITIONS OF LICENCE

- 9.1 A warning should, in general, be sufficient where there are breaches of conditions of the licence issued by Slough Borough Council. However, where there are substantial and repeated breaches of the licence over a short period of time a period of suspension together with a strict warning will, generally, be required.**
- 9.2 Certain offences under the ‘relevant legislation’ such as illegally plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has elapsed.**

The list of offences in this guidance / policy is not exhaustive.

Notwithstanding the guidance given in the policy, any application may be put before the Council’s Licensing Committee, where it is considered to be the appropriate course of action. Similarly, where officers have indicated that the grant or renewal of a licence will not be recommended, the applicant will be informed that the matter will be referred to the Assistant Director Public Protection or Licensing Sub Committee for determination.

Nothing in this guidance / policy will remove an applicants right to appeal to a Magistrates Court against the Council’s refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made within 21 days of the refusal or decision.

DISCLOSURE GUIDANCE / REQUIREMENTS

APPLICANTS SHOULD NOTE THAT TO MAKE A FALSE STATUTORY DECLARATION IS A SERIOUS CRIMINAL OFFENCE, PUNISHABLE UPON CONVICTION BY IMPRISONMENT FOR A TERM NOT EXCEEDING TWO YEARS OR TO A FINE TO BE DECIDED BY THE COURT OR BOTH. THIS STATUTORY DECLARATION MAY IN CERTAIN CIRCUMSTANCES, BE FORWARDED TO THE POLICE FOR EXAMINATION.

Applicants for driver licenses are required to declare **ANY** convictions or cautions including those regarded as “**Spent**” under the Rehabilitation of Offenders Act 1974 (as amended).

The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the Licensing Authority is empowered in law to check with the Disclosure and Barring Service for the existence and content of ANY criminal record held in the name of the applicant. Information received from the Disclosure and Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.;

The disclosure of a criminal record or other information does not debar applicants from obtaining a licence unless the Council considers that the applicant is not a ‘fit and proper person’ to hold that licence.

In making this decision the Council will consider the nature of the offence(s), the period since convictions(s), at what age the offences were committed and any other relevant factors.

The Council will not be considering whether a person is guilty of the offence for which they have been convicted or cautioned for an offence but whether he or she is a ‘fit and proper person’.

This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and / or policy changes as approved by the Licensing Committee.

REHABILITATION OF OFFENDERS ACT 1974

(as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2014)

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	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
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
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	The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed
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	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
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	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made in full	The date on which the payment is made in full
A community or youth	The end of the period of 12 months	The end of the period of 6 months

Sentence	End of rehabilitation period for adult offenders	End of rehabilitation period for offenders under 18 at date of conviction
rehabilitation order	beginning with the day provided for by or under the order as the last day on which the order is to have effect	beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect	The day provided for by or under the order as the last day on which the order is to have effect

NOTES

- (i) There is no rehabilitation period for-
 - (a) An order discharging a person absolutely for an offence, or
 - (b) Any other sentence in respect of a conviction where the sentence is not dealt with in the above table
- (ii) Consecutive terms of imprisonment or other custodial sentences are to be treated as a single item
- (iii) Terms of imprisonment or other custodial sentences which are wholly or partly concurrent (as defined under section 7 (b) of the Act) are to be treated as a single item.