



Home Office

Victoria Atkins MP
Minister for Crime, Safeguarding
and Vulnerability
Minister for Women

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

6th September 2018

Mike Gapes MP
House of Commons
London
SW1A 0AA

James Gray MP
House of Commons
London
SW1A 0AA

OFFENSIVE WEAPONS BILL – Rehabilitation of Offenders Act

During the Committee session on the 4th September I undertook, at the request of Louise Haigh MP, to provide the Committee with an answer which addresses the question of whether the Rehabilitation of Offenders Act 1974 was applicable to clause 7(2) of the Offensive Weapons Bill.

Clause 7(2) provides that a relevant conviction for the purposes of clause 6 is a reference to any of the offences listed in clause 6(1) regardless of when that offence had been committed. Clause 6 relates to appropriate custodial sentence for conviction under section 5.

Section 4(1) of the Rehabilitation of Offenders Act 1974 prevents a person who has been convicted of any offence and has become a rehabilitated person from being treated for all purposes of law as a person who has been convicted of that offence.

However section 7(2)(a) of the Rehabilitation of Offenders Act 1974 provides that section 4(1) does not “affect the determination of any issue ... relating to a person’s previous convictions or to circumstances ancillary thereto .. in any criminal proceedings before a court in England Wales or Scotland (including any appeal or reference in a criminal matter).

Accordingly section 7(2)(a) allows the prosecutor to adduce evidence of previous convictions, whenever they are committed if it is relevant to a criminal proceedings for a further offence.

I am copying this letter to the Clerk to the Committee and to the members of the Public Bill Committee, and am placing a copy in the House Library.

A handwritten signature in blue ink that reads "Victoria Atkins". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'y'.

Victoria Atkins MP
Minister for Crime, Safeguarding and Vulnerability
Minister for Women