

The Criminal Justice (Spent Convictions and Certain Disclosures) Act, 2016 (the “Act”) became law on 29 April 2016. The Act provides that certain convictions do not have to be disclosed where they are “spent”.

We have set out below some guidance on spent convictions where the conviction was obtained in Ireland. This is guidance only. You should take your own legal advice if you have any concerns or queries, or if you are unsure as to whether a conviction can be regarded as “spent”. This guidance solely relates to applications for registration with the Medical Council. Different disclosure requirements apply for different scenarios, as referred to in the Act. For example, different requirements exist for the purpose of employment or seeking to work with children or vulnerable persons, or where a vetting disclosure is being sought in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012 - 2016.

A. When does a conviction become “spent” which means that you may not have to tell us about it?

Where all of the following criteria are met:

1. You were convicted in a Court in Ireland, and were 18 years or older when you committed the offence.

(Note: If you were convicted of a criminal offence in another jurisdiction please refer to our guidance document for convictions obtained outside of Ireland)

2. You received one of the following:
 - (a) a non-custodial sentence;
 - (b) a prison sentence of 12 months or less;
 - (c) a suspended sentence of 2 years or less which was not revoked in whole or in part.
3. You have served, undergone or complied with the sentence imposed or order made by the Court.
4. More than 7 years has passed since the effective date of your conviction (i.e. the date on which your custodial or non-custodial sentence became operative).
5. The sentence imposed by the Court was not an “excluded sentence” as referred to in the Act. An excluded sentence includes a sentence for an offence reserved by law to be tried by the Central Criminal Court or a conviction from a Court other than a District Court for a sexual offence, as defined in Schedule 1 of the Act -
<http://www.irishstatutebook.ie/eli/2016/act/4/schedule/1/enacted/en/html#schedule1>

Please note that if you were convicted of multiple offences which were committed at the same time or which arose out of the same incident, these convictions may be considered as one conviction when considering whether it is spent in accordance with the criteria set out above.

Please read section B below if you have more than one conviction.

B. What if I have more than one conviction which meets the above criteria?

The Act refers to minor convictions in section 5(5). These minor convictions are:

1. Convictions for motoring offences in the District Court.

Note: This does not include a conviction for dangerous driving.

2. Convictions for minor public order offences in the District Court under the following legislation: - Section 37A of the Intoxicating Liquor Act, 1988 or - Section 4, 5, 6, 7, 8, 8A(4) or 9 of the Criminal Justice (Public Order) Act, 1994.

Therefore there are minor convictions which are referred to in the above list, and other convictions which we will refer to as non-minor convictions.

The rules where you have more than one conviction which meet the criteria in A above are as follows:

- If you have two (or more) non-minor convictions, then none of your convictions are deemed spent, and you must tell us about all of your convictions. For the avoidance of doubt, all of your convictions include convictions for minor offences.
- If you have one non-minor conviction, together with one or more minor conviction(s), then you do not have to tell us about any of these convictions.
- If you have no non-minor convictions, but have minor convictions, you do not have to tell us about these minor convictions.