

ZWIĄZEK HARCERSTWA POLSKIEGO
ZARZĄD OKRĘGU w WIELKIEJ BRYTANII
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Recruiting with Convictions Policy and Self-Disclosure Form

Polish Scouting Association (UK Region) – PSA UK Region
Policy accepted on: 14 09 2021

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Recruiting People with Convictions Policy

The purpose of this policy is to provide assurance to applicants, staff and volunteers and guidance to those making recruitment decisions of our organisations process in assessing whether any conviction information provided to us, either through self-disclosure or in a disclosure certificate impacts on a person's ability to carry out the role that they have applied for or which they hold within our organisation. It is important to recognise that having a criminal record does not necessarily mean that someone cannot work or volunteer for our organisation.

PSA UK Region aims to treat all applicants fairly and consistently in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended) and Management of Offenders (Scotland) Act 2019. We do not differentiate between paid and unpaid roles when applying the criteria detailed in this policy, the assessment is based entirely on the requirements of the role and any information shared with us either through self-disclosure or contained in a disclosure certificate. The level of disclosure which we will access will be the appropriate level for the role (basic, standard, enhanced or PVG).

Self-Disclosure

We operate a fair recruitment process and will ensure anyone applying or holding for a role in our organisation is given the opportunity to discuss any unspent convictions which they are required to tell us about.

As part of our recruitment process, the self-disclosure form should be completed and returned with application form. The form should be returned in a separate sealed envelope and will only be opened if the candidate is offered the role. Any self-disclosure forms for unsuccessful candidates will be securely destroyed without being opened.

Once in post, any member of staff or volunteer who gains any new convictions, must complete the self-disclosure form in Appendix 1 and return it to **Anna Gebski**. It is important to note that failing to follow this ongoing self-disclosure process may result in disciplinary action and could ultimately result in dismissal.

The rules around what you need to disclose are complex and it may be difficult to know what should and should not be disclosed. We should, therefore, only be told about unspent convictions, using the form in Appendix 1. There is a guidance document in Appendix 2 which will give you detailed information on how long a conviction is considered unspent and a table of rehabilitation times in Appendix 5. If you are in doubt you can seek legal advice (at your own expense) or you can wait until the appropriate level of disclosure is received.

Appendices 3 and 4 list offences that are made available for a longer period of time for roles which require a standard, enhanced or PVG disclosure. The offences in Appendix 3 are made available on the disclosure certificate for a minimum of 15 years, with the opportunity to appeal for removal after 15 years from the date of the conviction has passed. The offences in Appendix 4 are made available on the disclosure certificate for at least the time that they are unspent and then up to a maximum of 15 years with the opportunity to appeal for removal in the extended timeframe from becoming spent (under normal circumstances) until 15 years from the date of the conviction. After this time the offence will no longer be disclosed.

Disclosure Certificate

In order to ensure there is no bias in our recruitment process, accessing the disclosure certificate will be the final part of our recruitment process and will only be requested when we offer the role, subject to a satisfactory disclosure.

When we receive our copy of your disclosure certificate, we will compare it to the self-disclosure form which you have completed. If there are any differences between the details on the two documents, we will arrange to discuss this with you. We will not make any judgement on the reasons that information differs prior to our discussion as we understand that the rules around what information you should share with us is complex.

How We Will Use Disclosed Information

Any information disclosed will be treated in the strictest confidence and only people required to see the information to help assess it will have access to it. There may be instances where we need to seek support or guidance externally (for example, from a solicitor). When this is necessary, we will not share any information which will identify you, only the vetting information which we require support or guidance on.

Where information has been detailed on the self-disclosure form but is not shared on the disclosure, we must always disregard this information as this means that you have provided information that you were not required to share.

We do, however, need to risk assess any conviction or vetting information carefully to ensure there is no risk to our organisation or those who use our services. In order to ensure we carry out a fair and consistent practice when we assess any conviction or vetting information, we will take into account the following criteria:-

Is the conviction relevant to the position being offered?

How serious was the offence?

How long is it since the offence took place?

Is there a pattern of offending behaviour?

Have the personal circumstances changed since the time of the offending behaviour?

How has the person become rehabilitated?

Is the person barred from the type of regulated work we need them to do?

If we determine that the disclosed information is relevant to the role, we will withdraw the job or volunteering role offer. For those already in post, this may result in disciplinary action and could ultimately result in dismissal. The reason(s) for our decision will be fully explained.

Appeals

If you feel that the risk assessment has not been carried out appropriately or that our decision is unfair, you have the right to appeal. Appeals should be made in writing (insert details of your appeal process such as where the appeal should be sent, who will hear the appeal, how long the process should take, how long they have to lodge their appeal)

Appendix 1

Self-Disclosure Form for Declaring Convictions – Scotland

The Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) (as amended)

The post that you have applied for requires a basic, standard or enhanced disclosure or is one where your normal duties include regulated work and requires a PVG disclosure in accordance with at least one of the following pieces of legislation:-

- Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended)
- Exclusions and Exceptions (Scotland) Order 2013 (as amended)
- Protection of Vulnerable Groups (Scotland) Act 2007 (as amended)
- Police Act 1997 (as amended)
- Management of Offenders (Scotland) Act 2019

You are therefore required to disclose certain convictions or admonishments together with any other relevant non conviction information as detailed below. Having a criminal record will not necessarily be a bar to working or volunteering with us. We will consider any information disclosed fairly and in accordance with the requirements of Rehabilitation of Offenders Act 1974.

This guidance relates to convictions or admonishments in Scotland. If you have any vetting information from England, Wales or Northern Ireland, you should refer to that country's guidance on what to disclose.

Data Protection Act 2018 and GDPR

The information given in this form will be treated in strict confidence. When completed, the document contains sensitive personal data as defined by the Data Protection Act and GDPR which will be used only for the purpose it was requested and handled in accordance with the Act.

Unspent Convictions

You must complete this section.

Do you have any unspent convictions?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If you have crossed yes, please provide details below.

All unspent convictions must be disclosed. Please provide details of any unspent convictions here:-

Date	Court	Offence	Disposal

Spent Convictions

This section should only be completed if you will be applying for a standard, enhanced or PVG disclosure. Do not complete this section if you are applying for a basic disclosure.

The 2020 amendment order gives 2 lists of offences that may be disclosed for an extended period.

Convictions detailed in Appendix 3 should only be detailed if 15 years from the date of conviction have not passed, unless you received a custodial sentence exceeding 48 months in which case you must always disclose this information. Those in appendix 4 should only be disclosed if they are still within the rehabilitation periods detailed in Appendix 5.

If you have any convictions for offences detailed in these lists which have passed the timescales detailed, you should not disclose these on this form, however, please be aware that if you are applying for a Standard, Enhanced or PVG disclosure, this information can be released on your certificate for longer than the normal rehabilitation period (see Conviction Disclosure Guidelines in Appendix 2). Disclosure Scotland will notify you if you have any convictions which fall under this extended disclosure period as you can (if you wish) apply to have this information removed from your disclosure. Where such information is

Appendix 1

released, we will discuss this with you when we receive our copy of your disclosure. Please note that applying to have this information removed does not guarantee its removal, the final decision on this will be made by a Sheriff or using the review mechanism when it becomes available.

If you have any convictions detailed in Appendix 3 and the extended disclosure period has not passed, please provide the information here

Date	Court	Offence	Disposal

Conviction Disclosure Guidelines

Minor conviction	Conviction detailed in Appendix 3	Conviction detailed in Appendix 4	A custodial sentence of more than 48 months
Will be detailed for the rehabilitation period as detailed in Appendix 2 The conviction will not be detailed after it becomes spent.	Will be detailed for a minimum of 15 years and then, if spent, the individual can apply to have the information removed.	Will be detailed for a minimum of the rehabilitation period and then potentially for up to 15 years from the date of conviction. After the initial rehabilitation period and if spent, the individual can apply to have the information removed. The conviction will not be detailed after this period.	Never spent

Please provide the details of any other information which you consider to be relevant here:-

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Barred Lists

This section should only be completed if you will be applying for PVG disclosure. Do not complete this section if you are applying for a basic, standard or enhanced disclosure.

I understand that my role involves regulated work and confirm that I am not barred from the relevant regulated work group(s).	
Signed	Date

Declaration

I certify that the information contained in this form is true and complete to the best of my knowledge and belief. I understand that any false information or omission in the information I have given may lead to the immediate suspension or termination of my volunteering or employment with the organisation.	
I confirm that I have read and understood this declaration.	
Full name	
Address	
Signed	
Date	

Summary guidance for the self-disclosure of previous convictions & alternatives to prosecution in Scotland under the Rehabilitation of Offenders Act 1974

August 2020

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- [WHAT HAPPENS IF I GET ANOTHER CONVICTION FOR WHICH AN "EXCLUDED SENTENCE" IS IMPOSED BEFORE MY FIRST CONVICTION BECOMES SPENT?](#)
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- [WHAT HAPPENS IF I BREACH A COMMUNITY PAYBACK ORDER \(CPO\), DRUG TESTING AND TREATMENT ORDER \(DTTO\) OR A RESTRICTION OF LIBERTY ORDER \(RLO\)?](#)



Appendix 2

Summary guidance for the self-disclosure of previous convictions & alternatives to prosecution in Scotland under the Rehabilitation of Offenders Act 1974 (“the 1974 Act”)¹

- 1) Disclosure Periods: Custodial sentences
- 2) Section 5 Rules Consecutive and concurrent sentences
- 3) Suspended sentences
- 4) Sentences imposed outwith Scotland
- 5) 4. What happens if a person gets a custodial sentence over 48 months?
- 6) Disclosure Periods: Non-custodial sentences
- 7) 5. What happens if I have been convicted on an offence and also put on the Sex Offenders Register?
- 8) Children’s hearings
- 9) Alternatives to Prosecution (AtP)
- 10) Disclosure periods: Service Disciplinary Offences
- 11) Section 6 (the disclosure period applicable to a conviction)
- 12) Section 6(4) of the 1974 Act rule: Solemn proceedings
- 13) Section 6(5) to 6(5B) rule: Ancillary orders
- 14) Section 6(6) rule: Summary proceedings, service proceedings and convictions outside a Scottish court
- 15) 8. What happens if I get another conviction for which an “excluded sentence” is imposed before my first conviction becomes spent?

¹ This Guidance will apply when Part 2 of the Management of Offenders (Scotland) Act 2019 is commenced.

Appendix 2

- 16) 9. What happens if I was given an excluded sentence and was convicted again?
- 17) What happens if I get an AtP before my first conviction becomes spent?
- 18) What happens if I was given a life sentence or an equivalent to a life sentence?
- 19) 15. What happens if I breach a Community Payback Order (CPO), Drug Testing and Treatment Order (DTTO) or a Restriction of Liberty Order (RLO)?

Appendix 2



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Appendix 3

Offences which must be disclosed subject to exceptions

Common law offences

1. Abduction.
2. Abortion.
3. Assault to the danger of life.
4. Assault to severe injury.
5. Assault with intent to rape or ravish.
6. Assault with intent to commit the statutory offence of rape.
7. Bestiality.
8. Cruel and unnatural treatment of persons.
9. Culpable homicide.
10. Drugging.
11. Extortion.
12. Hamesucken.
13. Hijacking.
14. Piracy.
15. Plagium.
16. Reset of plagium.
17. Treason.
18. Uttering threats.

Statutory offences (CLICK ON HEADINGS TO JUMP TO THAT SECTION)

[ARMED FORCES](#)

[AVIATION AND MARITIME](#)

[CHILDREN](#)

[EXPLOSIVES](#)

[FORCED MARRIAGE](#)

[MEDICINES](#)

[OFFICIAL SECRETS ACTS](#)

[PROSTITUTION](#)

[SERIOUS ORGANISED CRIME](#)

[SERIOUS ORGANISED CRIME](#)

[STALKING AND HARASSMENT](#)

[TERRORISM](#)

[VIOLENT OFFENDER ORDERS](#)

[VULNERABLE PERSONS](#)

[WITNESS PROTECTION](#)

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[OTHER](#)

[Armed forces](#)

[Aviation and maritime](#)

[Children](#)

[Explosives](#)

[Forced marriage](#)

[Medicines](#)

[Official Secrets Acts](#)

[Prostitution](#)

[Serious organised crime](#)

Appendix 3

Sexual offences

Stalking and harassment

Terrorism

Violent offender orders

Vulnerable persons

Witness protection

Statutory aggravations

Other

COMMON LAW AGGRAVATIONS

INCHOATE OFFENCES

SUPERSEDED OFFENCES

COMBINED OFFENCES

CORRESPONDING OFFENCES ELSEWHERE IN THE UK OR ABROAD

Common law aggravations

Inchoate offences

Superseded offences

Combined offences

Corresponding offences elsewhere in the UK or abroad

Appendix 4

Offences Which Are To Be Disclosed Subject To Rules (CLICK ON HEADINGS TO JUMP TO THAT SECTION)

Common law offences

1. An offence of perverting, or attempting to pervert, the course of justice (by whatever means and however the offence is described), including in particular—
 - (a) false accusation of a crime;
 - (b) perjury;
 - (c) prevarication on oath;
 - (d) prison breaking; and
 - (e) subornation of perjury.
2. Assault excluding any assault of a kind listed in Appendix 1.
3. Breach of the peace.
4. Clandestinely taking possession.
5. Culpable and reckless conduct.
6. Culpable and reckless endangering of the public.
7. Culpable and reckless fireraising.
8. Embezzlement.
9. False accusation of a crime.
10. Fraud.
11. Housebreaking with intent to steal.
12. Mobbing and rioting.
13. Opening a lockfast place with intent to steal.
14. Public indecency.
15. Reser (excluding reser of plagium).
16. Robbery.
17. Theft (excluding plagium).
18. Uttering.
19. Wilful fireraising.

Statutory offences

ADULT SUPPORT AND PROTECTION	ANIMALS	ARMED FORCES
ASSAULTING OR HINDERING PUBLIC OFFICIALS	AVIATION	BOMB HOAXES
BRIBERY	CARE SERVICES	CHILD SUPPORT
CHILDREN	CROSSBOWS	DRUGS
ESCAPE FROM CUSTODY	FINANCIAL SERVICES	FIREARMS
FOOD SAFETY AND STANDARDS	FIRE SAFETY	FRAUD AND FORGERY
HARASSMENT	FORCED MARRIAGE	LANDMINES
MEDICINES	INSOLVENCY	OBSCENE MATERIAL
OFFENCES IN RELATION TO CHILDREN	NEGLECT OF DUTY	OFFENSIVE WEAPONS
OFFICIAL SECRETS ACTS	OFFENSIVE BEHAVIOUR	PUBLIC ORDER
ROAD TRAFFIC	PROSTITUTION	TERRORISM
VETS	SOLICITORS	STATUTORY AGGRAVATIONS
<u>OTHER</u>	MISCELLANEOUS STATUTORY OFFENCES	

Adult support and protection

Appendix 4

Animals

Armed forces

Assaulting or hindering public officials

Aviation

Bomb hoaxes

Bribery

Care services

Charities

Child Support

Children

Crossbows

Domestic abuse

Drugs

Escape from custody etc.

Financial Services

Fire safety

Firearms

Food safety and standards

Forced marriage

Fraud and forgery

Harassment

Immigration, etc.

Insolvency

Appendix 4

Landmines

Medicines

Mental health

Neglect of duty

Obscene material etc.

Offences in relation to children

Offensive behaviour etc.

Offensive weapons

Official Secrets Acts

Prisons

Prostitution

Public order

Road traffic

Sexual offences

Solicitors

Terrorism

Vets

Miscellaneous statutory offences

Statutory aggravations

Other

COMMON LAW AGGRAVATIONS

INCHOATE OFFENCES

SUPERSEDED OFFENCES

COMBINED OFFENCES

CORRESPONDING OFFENCES ELSEWHERE IN THE UK OR ABROAD

Appendix 4

Common law aggravations

Inchoate offences

Superseded offences

Combined offences

Corresponding offences elsewhere in the UK or abroad

Appendix 5

Table A - Disclosure periods: ordinary cases

Sentence	Disclosure period – aged 18 or over	Disclosure period – aged under 18
A custodial sentence not exceeding 12 months	The term of the sentence plus 2 years	The term of the sentence plus 1 year
A custodial sentence exceeding 12 months but not exceeding 30 months	The term of the sentence plus 4 years	The term of the sentence plus 2 years
A custodial sentence exceeding 30 months but not exceeding 48 months	The term of the sentence plus 6 years	The term of the sentence plus 3 years
A custodial sentence exceeding 48 months	NEVER SPENT A review mechanism will be available in due course for relevant sentences over 48 months.	NEVER SPENT A review mechanism will be available in due course for relevant sentences over 48 months.
A fine	12 months	6 months
A compensation order under section 249 of the Criminal Procedure (Scotland) Act 1995	12 months	6 months
An order for endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road Traffic Offenders Act 1988	5 years	2½ years
Caution for good behaviour where, in respect of a conviction, a person was ordained to find caution for good behaviour in respect of a period (“the caution period”).	whichever is the longer of— (i) 6 months from the date of the conviction, (ii) the length of the caution period	whichever is the longer of— (i) 3 months from the date of the conviction, (ii) the length of the caution period
Ancillary Orders Examples of 'ancillary orders' are, non-harassment order, supervision and treatment orders, football banning order, antisocial behaviour order, exclusion from licensed premises order, confiscation order, serious crime prevention order and an order disqualifying someone from driving.	Length of Order	
Category 2 Alternatives to Prosecution a conditional offer issued in respect of the offence under section 302 of the Criminal Procedure (Scotland) Act 1995,	Three Months	

Appendix 5

<p>a compensation offer issued in respect of the offence under section 302A of the 1995 Act, a work order made against the person in respect of the offence under section 303ZA of the 1995 Act, has, under subsection (5) of section 20A of the Nature Conservation (Scotland) Act 2004 (asp 6), given notice of intention to comply with a restoration notice given under subsection (4) of that section, and has accepted an offer made by a procurator fiscal in respect of the offence to undertake an activity or treatment or to receive services or do any other thing as an alternative to prosecution,</p>		
<p>Particular Court Orders – Community Payback Order, Drug Treatment & Testing Order and Restriction of Liberty Order (see note 5 for the defined orders)</p>	<p>whichever is the longer of— (i) 1 year from the date of the conviction (ii) a period beginning with that date and ending when the order ceases to have effect.</p>	<p>whichever is the longer of— (i) Six months from the date of the conviction (ii) a period beginning with that date and ending when the order ceases to have effect.</p>
<p>Absolute Discharge</p>	<p>Nil - become spent immediately on imposition.</p>	
<p>Admonishment</p>	<p>Nil - become spent immediately on imposition.</p>	
<p>children's hearing discharge</p>	<p>Nil - become spent immediately on imposition.</p>	
<p>a supervision requirement under any provision of the Children (Scotland) Act 1995</p>	<p>Nil - become spent immediately on imposition.</p>	
<p>a guardianship order</p>	<p>Nil - become spent immediately on imposition.</p>	
<p>a compulsory supervision order under any provision of the Children's Hearings (Scotland) Act 2011</p>	<p>Nil - become spent immediately on imposition.</p>	
<p>Adjournment or Deferral</p>	<p>Until relevant sentence given See Note 6</p>	
<p>Certain Mental Health Orders - Assessment Order Treatment Order Interim Compulsion Order</p>	<p>Length of order. See Note 8</p>	
<p>Certain Mental Health Orders - Compulsion Order with Restriction Order</p>	<p>Length of order. If the restriction order ends and the CO remains, an application can be made to the Mental Health Tribunal for Scotland for disclosure of the CO to end 12 months after the restriction order ends. See Note 8</p>	
<p>Compulsion Orders</p>	<p>Length of order.</p>	

Appendix 5

	<p>After 12 months an application can be made to the Mental Health Tribunal for Scotland under section 164A of the MH 2003 Act for disclosure of CO to end.</p> <p>See Note 9</p>	
<p>Juvenile Offenders where</p> <p>(a) send the person to an approved school, or</p> <p>(b) commit the person to the care of a fit person</p>	n/a	One year from the date of conviction.
<p>Any sentence—</p> <p>(a) not mentioned above in this Table or in Table B, or</p> <p>(b) other than one to which section 5(2D) applies (see note 11)</p>	12 months	6 months

TABLE B -Disclosure periods: service disciplinary sentences

Sentence	Disclosure period – aged 18 or over	Disclosure period – aged under 18
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service	10 years	5 years
A sentence of dismissal from Her Majesty's service	7 years	3½ years
Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence, in respect of a conviction in service disciplinary proceedings	5 years	2½ years
A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months	7 years	7 years
A custodial order under schedule 5A of the Army Act 1955 or the Air Force Act 1955, or under schedule 4A of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months	7 years	7 years
A sentence of detention for a term exceeding 6 months but not exceeding 30 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval	5 years	5 years

Appendix 5

Discipline Act 1957 or section 209 of the Armed Forces Act 2006		
A sentence of detention for a term not exceeding 6 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006	3 years	3 years
A custodial order under any of the schedules of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 mentioned above, where the maximum period of detention specified in the order is 6 months or less	3 years	3 years
A custodial order under section 71AA of the Army Act 1955 or Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is 6 months or less	3 years	3 years*