

Small Society Lotteries Statutory Declaration



South Holland District Council, Council Offices, Priory Road, Spalding, Lincs PE11 2XE

(See over for Explanatory Notes)

I _____ (full _____ name),
 Of _____ (address)
 Date of Birth _____ state:

1. I have never been convicted for any offence (please tick)

OR

2. I have been convicted for an offence or offences and I list below every offence for which I have been convicted, within the terms of the Rehabilitation of Offenders Act 1974, together with the date and place where the offence was committed, the court which dealt with the matter, the date the sentence was imposed and the sentence imposed by the Court. I have not been convicted for any other offences.

Date and place offence committed	Court which dealt with the matter (type of Court and town) or offence code	Date of Court hearing	Date sentence imposed (if different from date of hearing)	Sentence imposed

3. I have matters pending (Please provide details on a separate sheet.)

DECLARATION TO BE SIGNED IN ALL CASES

I declare that I have read and understood the notes contained in this form and in the Council's Guidance Notes. I understand that I may be liable to prosecution if I have knowingly or recklessly made a false statement or have omitted any relevant material.

Signed _____ Date _____

Explanatory notes on the Rehabilitation of Offenders Act 1974

This Act provides that after a certain lapse of time, convictions for criminal offences are to be regarded as 'spent' for certain purposes. The Council will consider the offence committed and the time elapsed since conviction for that offence. The following is a guide to the periods of time that have to elapse before the offence is spent for other purposes.

Sentences of imprisonment exceeding 30 months duration can never be treated as spent.

Custodial sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).
Custodial sentence of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order	1 year	6 months

Non custodial sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

The periods of time which must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may be extended by the commission of a further offence during the rehabilitation period. As a result of this, the summarised provisions above are intended only as a general guide. Further guidance on this may be obtained from the Home Office publication 'A Guide to the Rehabilitation of Offenders Act, 1974' or from a Solicitor or the Citizens Advice Bureau.

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.

Relevant Offences as listed in Schedule 7 to the Gambling Act 2005

Gambling offences

1 An offence under—

- (a) this Act,
- (b) the Betting, Gaming and Lotteries Act 1963 (c. 2),
- (c) the Gaming Act 1968 (c. 65),
- (d) the Lotteries and Amusements Act 1976 (c. 32),
- (e) the National Lottery etc. Act 1993 (c. 39), or
- (f) the National Lottery Act 1998 (c. 22).

Theft, &c.

2 An offence under any of the following provisions of the Theft Act 1968 (c.

60)—

- (a) section 1 (theft),
- (b) section 8 (robbery),
- (c) section 9 (burglary),
- (d) section 10 (aggravated burglary),
- (e) section 11 (theft from exhibition, &c.),
- (f) section 12A (aggravated vehicle-taking),
- (g) section 13 (abstracting electricity),
- (h) section 15 (obtaining property by deception),
- (i) section 15A (obtaining money transfer by deception),
- (j) section 16 (obtaining pecuniary advantage by deception),
- (k) section 17 (false accounting),
- (l) section 19 (false statement by director, &c.),
- (m) section 20 (suppression of document, &c.),
- (n) section 21 (blackmail),
- (o) section 22 (handling stolen goods),
- (p) section 24A (retaining wrong credit), and
- (q) section 25 (going equipped for stealing, &c.).

3 An offence under section 1 or 2 of the Theft Act 1978 (c. 31) (obtaining services, or evading liability, by deception).

4 An offence under section 170 or 170B of the Customs and Excise Management Act 1979 (c. 2) (evasion of duty).

5 An offence under section 58(1) of the Civic Government (Scotland) Act 1982 (c. 45) (convicted thief in possession).

6 Both in England and Wales and in Scotland, the offence at common law of conspiracy to defraud.

7 In Scotland the offences at common law of—

- (a) theft,
- (b) robbery,
- (c) theft by housebreaking,
- (d) fraud,
- (e) extortion, and
- (f) reset.

Miscellaneous

8 A sexual offence within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

9 A violent offence within the meaning of section 161(3) of that Act.

10 An offence under—

- (a) the Firearms Act 1968 (c. 27), or
- (b) the Firearms (Amendment) Act 1988 (c. 45).

11 An offence under any of the following provisions of the Misuse of Drugs

Act 1971 (c. 38)—

- (a) section 4(2) (production),
- (b) section 4(3) (supply),
- (c) section 5(3) (possession with intent to supply), and
- (d) section 8 (permitting activity on premises).

12 An offence under the Forgery and Counterfeiting Act 1981 (c. 45), except for sections 18 and 19 (reproduction and imitation notes and coins).

13 An offence under section 3 of the Private Security Industry Act 2001 (c.12) (unlicensed activity).

14 An offence under section 70 of the Army Act 1955 (c. 18) in so far as it relates to an offence listed elsewhere in this Schedule.

15 An offence under section 70 of the Air Force Act 1955 (c. 19) in so far as it relates to an offence listed elsewhere in this Schedule.

16 An offence under section 42 of the Naval Discipline Act 1957 (c. 53) in so far as it relates to an offence listed elsewhere in this Schedule.

17 An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 (offences relating to indecent photographs of children).

18 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)—

- (a) section 1 (incest),
- (b) section 2 (intercourse with a stepchild),
- (c) section 3 (intercourse with child under 16 by person in position of trust),
- (d) section 5 (unlawful intercourse with a girl under 16),
- (e) section 6 (indecent behaviour towards girl between 12 and 16),
- (f) section 8 (detention of woman in brothel or other premises),
- (g) section 10 (person having parental responsibilities causing or encouraging sexual activity in relation to a girl under 16), and
- (h) section 13(5) (homosexual offences).

19 In Scotland, the offences at common law of—

- (a) rape,
- (b) clandestine injury to women,
- (c) abduction of a woman or girl with intent to rape or ravish,
- (d) assault with intent to rape or ravish,
- (e) indecent assault,
- (f) lewd, indecent or libidinous behaviour or practices,
- (g) shameless indecency,
- (h) sodomy,
- (i) murder,
- (j) culpable homicide, and
- (k) assault.

20 In Scotland, the offence at common law of uttering and fraud.

21 An inchoate offence relating to an offence listed elsewhere in this Schedule.

22 A reference in this Part of this Schedule to an offence under an Act or a provision of an Act includes a reference to an offence under subordinate legislation made under that Act or provision.