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Changes to legislation: Magistrates' Courts Act 1980, SCHEDULE 1 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 17.

OFFENCES TRIABLE EITHER WAY BY VIRTUE OF SECTION 17

1 Offences at common law of public nuisance.

VALID FROM 20/01/2004

[^{F1}1A An offence at common law of outraging public decency.]

Textual Amendments

F1 Sch. 1 para. 1A inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 320, 336; S.I. 2004/81, art. 2(2)(d)

2 Offences under section 8 of the ^{M1}Disorderly Houses Act 1751 (appearing to be keeper of bawdy house etc.).

Marginal Citations

M1 1751 c. 36.

3 Offences consisting in contravention of section 13 of the ^{M2}Statutory Declarations Act 1835 (administration by a person of an oath etc. touching matters in which he has no jurisdiction).

Marginal Citations

M2 1835 c. 62.

4 Offences under section 36 of the ^{M3}Malicious Damage Act 1861 (obstructing engines or carriages on railways).

Marginal Citations

M3 1861 c. 97.

5 Offences under the following provisions of the Offences against the ^{M4}Person Act 1861—

- (a) section 16 (threats to kill);
- (b) section 20 (inflicting bodily injury, with or without a weapon);

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- (c) section 26 (not providing apprentices or servants with food etc.);
- (d) section 27 (abandoning or exposing child);
- (e) section 34 (doing or omitting to do anything so as to endanger railway passengers);
- (f) section 36 (assaulting a clergyman at a place of worship etc.);
- (g) section 38 (assault with intent to resist apprehension);
- (h) section 47 (assault occasioning bodily harm. . . ^{F2});
- (i) section 57 (bigamy);
- (j) section 60 (concealing the birth of a child).

Textual Amendments

F2 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M4 [1861 c. 100.](#)

6 Offences under section 20 of the ^{M5}Telegraph Act 1868 (disclosing or intercepting messages).

Marginal Citations

M5 [1868 c. 110.](#)

7 Offences under section 13 of the ^{M6}Debtors Act 1869 (transactions intended to defraud creditors).

Marginal Citations

M6 [1869 c. 62.](#)

8 Offences under section 5 of the ^{M7}Public Stores Act 1875 (obliteration of marks with intent to conceal).

Marginal Citations

M7 [1875 c. 25.](#)

9 Offences under section 12 of the ^{M8}Corn Returns Act 1882 (false returns).

Marginal Citations

M8 [1882 c. 37.](#)

10 ^{F3}

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Textual Amendments

F3 Sch. 1 para. 10 repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), Sch. 17 para. 35(1), **Sch. 18**

11 Offences under section 3 of the ^{M9}Submarine Telegraph Act 1885 (damaging submarine cables).

Marginal Citations

M9 1885 c. 49.

12 Offences under section 13 of the ^{M10}Stamp Duties Management Act 1891 (offences in relation to dies and stamps).

Marginal Citations

M10 1891 c. 38.

13 Offences under section 8(2) of the ^{M11}Cremation Act 1902 (making false representations etc. with a view to procuring the burning of any human remains).

Marginal Citations

M11 1902 c. 8.

14 All offences under the ^{M12}Perjury Act 1911 except offences under—
(a) section 1 (perjury in judicial proceedings);
(b) section 3 (false statements etc. with reference to marriage);
(c) section 4 (false statements etc. as to births or deaths).

Marginal Citations

M12 1911 c. 6.

15 **F4**

Textual Amendments

F4 Sch. 1 para. 15 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. I**

16 Offences under section 17 of the ^{M13}Deeds of Arrangement Act 1914 (trustee making preferential payments).

Marginal Citations

M13 1914 c. 47.

17 **F5**

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Textual Amendments

F5 Sch. 1 para. 17 repealed by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), [Sch. 5 Pt. III](#)

18 Offences under section 8(2) of the ^{M14}Census Act 1920 (disclosing census information).

Marginal Citations

M14 [1920 c. 41](#).

19 Offences under section 36 of the ^{M15}Criminal Justice Act 1925 (forgery of passports etc.).

Marginal Citations

M15 [1925 c. 86](#).

20 Offences under section 11 of the ^{M16}Agricultural Credits Act 1928 (frauds by farmers).

Marginal Citations

M16 [1928 c. 43](#).

21 ^{F6}

Textual Amendments

F6 Sch. 1 para. 21, 24 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#)

22 Offences under the following provisions of the ^{M17}Post Office Act 1953—
(a) section 53 (unlawfully taking away or opening mail bag);
(b) section 55 (fraudulent retention of mail bag or postal packet);
(c) section 57 (stealing, embezzlement, destruction etc. by officer of Post Office of postal packet);
(d) section 58 (opening or delaying of postal packets by officers of the Post Office).

Marginal Citations

M17 [1953 c. 36](#).

23 Offences under the following provisions of the ^{M18}Sexual Offences Act 1956—
(a) section 6 (unlawful sexual intercourse with a girl under 16);

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- (b) section 13 (indecenty between men);
- (c) section 26 (permitting a girl under 16 to use premises for sexual intercourse).

Marginal Citations

M18 1956 c. 69.

24 **F7**

Textual Amendments

F7 Sch. 1 para. 21, 24 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

25 **F8**

Textual Amendments

F8 Sch. 1 para. 25 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

- 26 The following offences under the ^{M19}Criminal Law Act 1967—
- (a) offences under section 4(1) (assisting offenders); and
 - (b) offences under section 5(1) (concealing arrestable offences and giving false information),
- where the offence to which they relate is triable either way.

Marginal Citations

M19 1967 c. 58.

- 27 Offences under section 4(1) of the ^{M20}Sexual Offences Act 1967 (procuring others to commit homosexual acts).

Marginal Citations

M20 1967 c. 60.

- 28 All indictable offences under the ^{M21}Theft Act 1968 except:—
- (a) robbery, aggravated burglary, blackmail and assault with intent to rob;
 - (b) burglary comprising the commission of, or an intention to commit, an offence which is triable only on indictment;
 - (c) burglary in a dwelling if any person in the dwelling was subjected to violence or the threat of violence.

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Marginal Citations
M21 1968 c. 60.

- 29 Offences under the following provisions of the ^{M22}Criminal Damage Act 1971—
section 1(1) (destroying or damaging property);
section 1(1) and (3) (arson);
section 2 (threats to destroy or damage property);
section 3 (possessing anything with intent to destroy or damage property).

Marginal Citations
M22 1971 c. 48.

- 30 Offences in relation to stamps issued for the purpose of national insurance under the provisions of any enactments as applied to those stamps.
- 31 Uttering any forged document the forgery of which is an offence listed in this Schedule.
- 32 Committing an indecent assault upon a person whether male or female.
- 33 Aiding, abetting, counselling or procuring the commission of any offence listed in the preceding paragraphs of this Schedule except paragraph 26.
- 34 ^{F9}

Textual Amendments
F9 Sch. 1 para. 34 repealed by Criminal Attempts Act 1981 (c. 47, SIF 39:1), s. 10, Sch. Pt. I

- 35 Any offence consisting in the incitement to commit an offence triable either way except an offence mentioned in paragraph 33. . . ^{F10}above.

Textual Amendments
F10 Words repealed by Criminal Attempts Act 1981 (c. 47, SIF 39:1), s. 10, Sch. Pt. I

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