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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 8A

#### OFFENCES WHICH MUST ALWAYS BE DISCLOSED

##### Textual Amendments

- F1** Schs. 8A, 8B inserted (S.) (8.2.2016) by [The Police Act 1997 and the Protection of Vulnerable Groups \(Scotland\) Act 2007 Remedial \(No. 2\) Order 2015 \(S.S.I. 2015/423\)](#), arts. 1(2), **3(8)** (with arts. 5-10, 12)

##### *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.

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### *Statutory offences*

#### *Armed forces*

19. An offence under section 42 of the Armed Forces Act 2006 (criminal conduct) where the corresponding offence under the law of England and Wales is, or corresponds to, an offence listed in this schedule.

#### *Aviation and maritime*

20. An offence under the Piracy Act 1837.
21. An offence under any of the following provisions of the Aviation Security Act 1982—
- (a) section 1 (hijacking);
  - (b) section 2 (destroying, damaging or endangering safety of aircraft);
  - (c) section 3 (other acts endangering or likely to endanger safety of aircraft); and
  - (d) section 4 (offences in relation to certain dangerous articles).
22. An offence under section 9 of the Aviation and Maritime Security Act 1990 (hijacking of ships).
- [<sup>F2</sup>23. An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).]

#### **Textual Amendments**

- F2** Sch. 8A para. 23 substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, [Sch. 14 para. 2\(b\)](#) (with arts. 17-23, 274(2)-(4))

#### **Textual Amendments**

- F2** Sch. 8A para. 23 substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, [Sch. 14 para. 2\(b\)](#) (with arts. 17-23, 274(2)-(4))

#### *Children*

24. An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (cruelty to persons under 16).

#### *Explosives*

25. An offence under the Explosive Substances Act 1883.

#### *Firearms and other weapons*

26. An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 4 (conversion of weapons);
  - (b) section 5 (weapons subject to a general prohibition);
  - (c) section 16 (possession of firearm with intent to injure);

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- (d) section 16A (possession of firearm with intent to cause fear or violence);
  - (e) section 17 (use of firearm to resist arrest);
  - (f) section 18 (carrying firearm with criminal intent);
  - (g) section 19 (carrying firearm in a public place);
  - (h) section 20 (trespassing with firearm);
  - (i) section 21 (possession of firearm by persons previously convicted of crime);
  - (j) section 24 (supplying firearms to minors);
  - (k) section 25 (supplying firearm to person drunk or insane);
  - (l) section 28A(7) (certificates: supplementary);
  - (m) section 29 (variation of firearm certificates);
  - (n) section 30D(3) (revocation of certificates: supplementary);
  - (o) section 39 (offences in connection with registration);
  - (p) section 40 (compulsory register of transactions in firearms);
  - (q) section 46(5) (power of search with warrant);
  - (r) section 47 (powers of constables to stop and search); and
  - (s) section 48 (production of certificates).
27. An offence under the Chemical Weapons Act 1996.

#### *Forced marriage*

28. An offence under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of forced marriage: Scotland).

#### *Human trafficking and exploitation*

29. An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.).
30. An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).
31. An offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour).
32. An offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.

#### *Medical professions etc.*

33. An offence under section 10Z9 of the National Health Service (Scotland) Act 1978 (offences in relation to registration).
34. An offence under any of the following provisions of the Medical Act 1983—
- (a) section 49 (penalty for pretending to be registered); and
  - (b) section 49A (penalty for pretending to hold a licence to practise).
35. An offence under article 38 (offences relating to the Register) of the Pharmacy Order 2010.

#### *Medicines*

36. An offence under any of the following provisions of the Medicines Act 1968—

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- (a) section 67(1A) and (1B) (offences under Part III); and
- (b) section 78 (restrictions on use of titles, descriptions and emblems).

*Official Secrets Acts*

37. An offence under the Official Secrets Act 1911.

*Prostitution*

38. An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 7 (procuring);
  - (b) section 11 (trading in prostitution and brothel-keeping); and
  - (c) section 12 (allowing child to be in brothel).

*Road traffic*

39. An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving);
  - (b) section 3ZC (causing death by driving: disqualified drivers); and
  - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

*Serious organised crime*

40. An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
- (a) section 28 (involvement in serious organised crime);
  - (b) section 30 (directing serious organised crime); and
  - (c) section 31 (failure to report serious organised crime).

*Sexual offences*

41. An offence under section 50(3) of the Customs and Excise Management Act 1979 (penalty for improper importation of goods) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876, but only where the prohibited goods include indecent photographs of persons.
42. A sexual offence within the meaning given by section 210A(10) of the Criminal Procedure (Scotland) Act 1995 other than an offence mentioned in paragraph (xxvii)(ZF) or (ZG) of that section (engaging while an older child in sexual conduct with or towards another older child).
43. An offence under section 113 of the Sexual Offences Act 2003 (breach of sexual offences prevention order or interim sexual offences prevention order, etc.).
44. An offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO etc.).

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### *Stalking and harassment*

45. An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially aggravated harassment).
46. An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
  - (a) section 38 (threatening or abusive behaviour); and
  - (b) section 39 (offence of stalking).

### *Terrorism*

47. An offence under any of the following provisions of the Terrorism Act 2000—
  - (a) section 11 (membership);
  - (b) section 12 (support);
  - (c) section 15 (fund-raising);
  - (d) section 16 (use and possession);
  - (e) section 17 (funding arrangements);
  - (f) section 17A(2) or (4) (insurance payments made in response to terrorist demands);
  - (g) section 18 (money laundering);
  - (h) section 19 (disclosure of information: duty);
  - (i) section 21A (failure to disclose: regulated sector);
  - (j) section 21D (tipping off: regulated sector);
  - (k) section 38B (information about acts of terrorism);
  - (l) section 39 (disclosure of information, &c.);
  - (m) section 54 (weapons training);
  - (n) section 56 (directing terrorist organisation);
  - (o) section 57 (possession for terrorist purposes);
  - (p) section 58 (collection of information);
  - (q) section 58A (eliciting, publishing or communicating); and
  - (r) section 61 (inciting terrorism overseas);
48. An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
  - (a) section 47 (use etc. of nuclear weapons);
  - (b) section 50 (assisting or inducing certain weapons-related acts overseas);
  - (c) section 52 (powers of entry);
  - (d) section 54 (offences);
  - (e) section 67 (offences);
  - (f) section 79 (prohibition of disclosures relating to nuclear security);
  - (g) section 80 (prohibition of disclosures of uranium enrichment technology);
  - (h) section 113 (use of noxious substances or things to cause harm and intimidate);
  - (i) section 114 (hoaxes involving noxious substances or things); and
  - (j) paragraph 7 of Schedule 3 (offences).
49. An offence under the Terrorism Act 2006.

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50. An offence under any of the following provisions of the Counter-Terrorism Act 2008—
- (a) section 2 (offence of obstruction);
  - (b) section 54 (offences relating to notification);
  - (c) paragraph 15 of Schedule 5 (breach of foreign travel restriction order and offence);
  - (d) paragraph 30 of Schedule 7 (offences: failure to comply with requirement imposed by direction);
  - (e) paragraph 30A of Schedule 7 (offences: relevant person circumventing requirements); and
  - (f) paragraph 31 of Schedule 7 (offences in connection with licences).

*Violent offender orders*

51. An offence under section 113(1) of the Criminal Justice and Immigration Act 2008 (breach of violent offender order or interim violent offender order).

*Vulnerable persons*

52. An offence under section 83 of the Adults with Incapacity (Scotland) Act 2000 (offence of ill-treatment and wilful neglect).
53. An offence under section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (ill-treatment and wilful neglect of mentally disordered person).
54. An offence under any of the following provisions of the Protection of Vulnerable Groups (Scotland) Act 2007—
- (a) section 34 (barred individuals not to do regulated work);
  - (b) section 35 (organisations not to use barred individuals for regulated work); and
  - (c) section 36 (personnel suppliers not to supply barred individuals for regulated work).
55. Any offence where the conduct in respect of which the person was convicted also constituted a breach of a banning order granted under section 19 of the Adult Support and Protection (Scotland) Act 2007 (banning orders).

*Witness protection*

56. An offence under any of the following provisions of the Serious Organised Crime and Police Act 2005—
- (a) section 86 (offence of disclosing information about protection arrangements); and
  - (b) section 88 (offences of disclosing information relating to persons assuming new identity).

*Statutory aggravations*

57. An offence in relation to which either of the following provisions apply—
- (a) section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime); or

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- (b) section 31 of the Counter-Terrorism Act 2008 (offences aggravated by terrorism).

*Other*

*Common law aggravations*

58. An offence, the conviction for which indicates that it was committed against a child.
59. An offence, the conviction for which indicates that it included a sexual element.

*Inchoate offences*

60. An offence committed by aiding, abetting, counselling, procuring or inciting the commission of the offence of murder or any offence listed in paragraphs 1 to 59 of this schedule.
61. An offence committed by attempting or conspiring to commit the offence of murder or any offence listed in paragraphs 1 to 59 of this schedule.

*Superseded offences*

62. An offence superseded (whether directly or indirectly) by any offence listed in paragraphs 1 to 61 of this schedule (and any qualification in relation to a listed offence applies to the superseded offence as it applies to the listed offence).

*Combined offences*

63. An offence which was charged, and the conviction for which was received, in conjunction with any offence listed in paragraphs 1 to 62 of this schedule.

*Corresponding offences elsewhere in the UK or abroad*

64. An offence under the law of England and Wales or Northern Ireland, or any country or territory outside the United Kingdom, which corresponds to any offence listed in paragraphs 1 to 63 of this schedule.]

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