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## SCHEDULES

### SCHEDULE 9

Section 65.

#### SCHEDULED OFFENCES

#### PART I

#### SUBSTANTIVE OFFENCES

#### *Common law offences*

- 1 Murder subject to note 1 below.
- 2 Manslaughter subject to note 1 below.
- 3 Riot subject to note 1 below.
- 4 Kidnapping subject to note 1 below.
- 5 False imprisonment subject to note 1 below.

#### *Malicious Damage Act 1861 (c. 97)*

- 6 Offences under section 35 of the <sup>M1</sup>Malicious Damage Act 1861 (interference with railway) subject to note 1 below.

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**Marginal Citations**

**M1** 1861 c. 97

#### *Offences against the Person Act 1861 (c. 100)*

- 7 Offences under the following provisions of the <sup>M2</sup>Offences against the Person Act 1861 subject to note 1 below—
  - (a) section 4 (offences relating to murder),
  - (b) section 16 (threats to kill),

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- (c) section 18 (wounding with intent to cause grievous bodily harm),
- (d) section 20 (causing grievous bodily harm),
- (e) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm), and
- (f) section 47 (assault occasioning actual bodily harm).

**Marginal Citations**

**M2** 1861 c. 100.

*Explosive Substances Act 1883 (c. 3)*

- 8 Offences under the following provisions of the <sup>M3</sup>Explosive Substances Act 1883 subject to note 1 below—
- (a) section 2 (causing explosion likely to endanger life or damage property),
  - (b) section 3 (intending or conspiring to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property), and
  - (c) section 4 (making or possessing explosives in suspicious circumstances).

**Marginal Citations**

**M3** 1883 c. 3.

*Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))*

- 9 Offences under the following provisions of the <sup>M4</sup>Prison Act (Northern Ireland) 1953 subject to note 1 below—
- (a) section 25 (being unlawfully at large while under sentence),
  - (b) section 26 (escaping from lawful custody and failing to surrender to bail),
  - (c) section 27 (attempting to break prison),
  - (d) section 28 (breaking prison by force or violence),
  - (e) section 29 (rescuing or assisting or permitting to escape from lawful custody persons under sentence of death or life imprisonment),
  - (f) section 30 (rescuing or assisting or permitting to escape from lawful custody persons other than persons under sentence of death or life imprisonment),
  - (g) section 32 (causing discharge of prisoner under pretended authority), and
  - (h) section 33 (assisting prisoners to escape by conveying things into prisons).

**Marginal Citations**

**M4** 1953 c. 18(N.I.).

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*Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))*

- 10 Offences under the following provisions of the <sup>M5</sup>Theft Act (Northern Ireland) 1969—
- (a) section 1 (theft) subject to note 2 below,
  - (b) section 8 (robbery) subject to notes 1 and 3 below,
  - (c) section 9 (burglary) subject to note 2 below,
  - (d) section 10 (aggravated burglary) subject to notes 1 and 3 below,
  - (e) section 15 (obtaining property by deception) subject to note 2 below, and
  - (f) section 20 (blackmail) subject to notes 1 and 2 below.

**Marginal Citations**

**M5** 1969 c. 16(N.I.).

*Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.))*

- 11 Offences under the following provisions of the <sup>M6</sup>Protection of the Person and Property Act (Northern Ireland) 1969 subject to note 1 below—
- (a) section 1 (intimidation),
  - (b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances), and
  - (c) section 3 (throwing or using petrol bomb, etc.).

**Marginal Citations**

**M6** 1969 c. 29(N.I.).

*Hijacking*

- 12 Offences under section 1 of the <sup>M7</sup>Aviation Security Act 1982 (aircraft) subject to note 1 below.

**Marginal Citations**

**M7** 1982 c. 36.

- 13 Offences in Northern Ireland under section 2 of the <sup>M8</sup>Criminal Jurisdiction Act 1975 (vehicles or ships) subject to note 1 below.

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#### Marginal Citations

**M8** [1975 c. 59.](#)

*Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))*

- 14 Offences under the following provisions of the <sup>M9</sup>Criminal Damage (Northern Ireland) Order 1977 subject to note 1 below—
- (a) Article 3(1) and (3) or Article 3(2) and (3) (arson),
  - (b) Article 3(2) (destroying or damaging property with intent to endanger life),
  - (c) Article 4 (threats to destroy or damage property), and
  - (d) Article 5 (possessing anything with intent to destroy or damage property).

#### Marginal Citations

**M9** [S.I. 1977/426 \(N.I. 4\).](#)

*Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 (N.I. 16))*

- 15 Offences under Article 3 of the <sup>M10</sup>Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes) subject to note 1 below.

#### Marginal Citations

**M10** [S.I. 1977/1249 \(N.I. 16\)](#)

*Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))*

- 16 Offences under the following provisions of the <sup>M11</sup>Firearms (Northern Ireland) Order 1981 subject to note 1 below—
- (a) Article 4(1), (2), (3) or (4) (manufacturing, dealing in, repairing, etc, firearm or ammunition without being registered),
  - (b) Article 5 (shortening barrel of shot gun or converting imitation firearm into firearm),
  - (c) Article 6(1) (manufacturing, dealing in or possessing certain weapons, etc.),
  - (d) Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property),
  - (e) Article 18 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another etc.),
  - (f) Article 19 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another),
  - (g) Article 20 (carrying firearm, etc. in public place) subject to note 4 below,

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- (h) Article 22 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc. and sale of firearm or ammunition to such a person), and
- (i) Article 23 (possessing firearm or ammunition in suspicious circumstances).

**Marginal Citations**

**M11** [S.I. 1981/155](#) (N.I. 2)

*Taking of Hostages Act 1982 (c. 28)*

- 17 Offences under the <sup>M12</sup>Taking of Hostages Act 1982 subject to note 1 below.

**Marginal Citations**

**M12** [1982 c. 28](#)

*Nuclear Material (Offences) Act 1983 (c. 18)*

- 18 Offences under section 2 of the <sup>M13</sup>Nuclear Material (Offences) Act 1983 (offences involving nuclear material: preparatory acts and threats) subject to note 1 below.

**Marginal Citations**

**M13** [1983 c. 18](#)

*Computer Misuse Act 1990 (c. 18)*

- 19 Offences under the following provisions of the <sup>M14</sup>Computer Misuse Act 1990 subject to note 1 below—
- (a) section 1 (unauthorised access to computer material),
  - (b) section 2 (unauthorised access with intent to commit further offence), and
  - (c) section 3 (unauthorised modification).

**Marginal Citations**

**M14** [1990 c. 18](#)

*Aviation and Maritime Security Act 1990 (c. 31)*

- 20 Offences under the following provisions of the <sup>M15</sup>Aviation and Maritime Security Act 1990 subject to note 1 below—

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- (a) section 1 (endangering safety at aerodromes),
- (b) section 9 (hijacking of ships), and
- (c) section 10 (seizing or exercising control of fixed platforms).

**Marginal Citations**

**M15** 1990 c. 31

*Channel Tunnel (Security) Order 1994 (S.I. 1994/570)*

21 Offences under the following provisions of <sup>M16</sup>the Channel Tunnel (Security) Order 1994 subject to note 1 below—

- (a) Article 4 (hijacking of Channel Tunnel trains), and
- (b) Article 5 (seizing or exercising control of the tunnel system).

**Marginal Citations**

**M16** S.I. 1994/570

*This Act*

22 Offences under the following provisions of this Act—

- (a) section 11,
- (b) section 12,
- (c) section 13,
- (d) sections 15 to 19,
- (e) section 54,
- (f) section 56,
- (g) section 57,
- (h) section 58,
- (i) section 103,
- (j) paragraph 37 of Schedule 4,
- (k) Schedule 5,
- (l) paragraph 10 of Schedule 10 subject to note 1 below, and
- (m) paragraphs 2 and 3 of Schedule 13 subject to note 1 below.

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VALID FROM 14/07/2004

*[<sup>F1</sup>Justice (Northern Ireland) Act 2004]*

**Textual Amendments**

- F1** Sch. 9 Pt. 1 para. 22A and preceding cross-heading inserted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), s. 11, **Sch. 2 para. 1(5)** (with para. 5); S.R. 2004/267, **art. 2**

- 22A Offences under paragraph 1(1) or (2) of Schedule 2 to the Justice (Northern Ireland) Act 2004 (absconding by persons admitted to bail in respect of a scheduled offence), subject to note 1 below.

VALID FROM 19/02/2006

*[<sup>F2</sup>Prevention of Terrorism Act 2005*

**Textual Amendments**

- F2** Sch. 9 Pt. 1 para. 22B and preceding cross-heading inserted (19.2.2006) by Terrorism (Northern Ireland) Act 2006 (c. 4), ss. {3(3)}, 5(3)

- 22B Offences under section 9 of the Prevention of Terrorism Act 2005 (contravention of control order obligations and obstruction of persons serving control order).]

VALID FROM 13/04/2006

*[<sup>F3</sup>Terrorism Act 2006*

**Textual Amendments**

- F3** Sch. 9 Pt. 1 para. 22C and preceding cross-heading inserted (13.4.2006) by Terrorism Act 2006 (c. 11), s. 37(4); S.I. 2006/1013, **art. 2**

- 22C Offences under Part 1 of the Terrorism Act 2006 (terrorism-related offences).]

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VALID FROM 15/01/2007

*[<sup>F4</sup>Fraud Act 2006*

**Textual Amendments**

**F4** Sch. 9 Pt. 1 para. 23 and preceding cross-heading inserted after para. 22 (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 14(1), [Sch. 1 para. 30\(2\)](#); S.I. 2006/3200, [art. 2](#)

23 Offences under section 1 of the Fraud Act 2006 (fraud) subject to note 2 below.]

*Notes*

- 1 Any offence specified in this Part of this Schedule which is stated to be subject to this note is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.
- 2 An offence specified in paragraph 10(a), (c) or (e) is a scheduled offence only where it is charged that the offence was committed in relation to or by means of nuclear material within the meaning of the <sup>M17</sup>Nuclear Material (Offences) Act 1983; and the Attorney General for Northern Ireland shall not certify that the offence specified in paragraph 10(f) is not to be treated as a scheduled offence in a case where it is charged that the offence was so committed.

**Marginal Citations**

**M17** 1983 c. 18.

- 3 An offence specified in paragraph 10(b) or (d) is a scheduled offence only where it is charged—
- (a) that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence, or
  - (b) that the offence was committed in relation to or by means of nuclear material within the meaning of the <sup>M18</sup>Nuclear Material (Offences) Act 1983;
- and expressions defined in section 10 of the <sup>M19</sup>Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.

**Marginal Citations**

**M18** 1983 c. 18.

**M19** 1969 c. 16(N.I.).

- 4 The offence specified in paragraph 16(g) is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.



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## PART II

### INCHOATE AND RELATED OFFENCES

Each of the following offences, that is to say—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in Part I of this Schedule (hereafter in this paragraph referred to as a “substantive offence”),
- (b) attempting or conspiring to commit a substantive offence,
- (c) an offence under section 4 of the <sup>M20</sup>Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence, and
- (d) an offence under section 5(1) of the <sup>M21</sup>Criminal Law Act (Northern Ireland) 1967 of failing to give information to a constable which is likely to secure, or to be of material assistance in securing, the apprehension, prosecution or conviction of a person for a substantive offence,

shall be treated for the purposes of Part VII of this Act as if it were the substantive offence.

#### Marginal Citations

**M20** 1967 c. 18(N.I.).

**M21** 1967 c. 18(N.I.).

#### Marginal Citations

**M20** 1967 c. 18(N.I.).

**M21** 1967 c. 18(N.I.).

## PART III

### EXTRA-TERRITORIAL OFFENCES

Any extra-territorial offence as defined in section 1(3) of the <sup>M22</sup>Criminal Jurisdiction Act 1975.

#### Marginal Citations

**M22** 1975 c. 59.

#### Marginal Citations

**M22** 1975 c. 59.

#### Note

An extra-territorial offence is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.

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