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## SCHEDULES

### SCHEDULE 5

Section 104

#### OTHER OFFENCES FOR PURPOSES OF PART 2

##### *England and Wales*

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- [<sup>F1</sup>4A Outraging public decency.]

#### **Textual Amendments**

- F1** Sch. 5 para. 4A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), 3(2)

- 5 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).
- 6 An offence under section 16 of that Act (threats to kill).
- 7 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 8 An offence under section 20 of that Act (malicious wounding).
- 9 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
- 10 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
- 11 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 12 An offence under section 27 of that Act (abandoning children).
- 13 An offence under section 28 of that Act (causing bodily injury by explosives).
- 14 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 15 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 16 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).

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- 17 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 18 An offence under section 35 of that Act (injuring persons by furious driving).
- 19 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 20 An offence under section 38 of that Act (assault with intent to resist arrest).
- 21 An offence under section 47 of that Act (assault occasioning actual bodily harm).
- 22 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 23 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 24 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).
- 25 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).
- 26 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).
- 27 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 28 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 29 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 30 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
- 31 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- [<sup>F2</sup>31A An offence under section 1 of the Theft Act 1968 (c.60) (theft).]

#### Textual Amendments

- F2** Sch. 5 para. 31A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(3)**

- 32 An offence under section 8 of [<sup>F3</sup>that Act](robbery or assault with intent to rob).

#### Textual Amendments

- F3** Words in Sch. 5 para. 32 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(4)**

- [<sup>F4</sup>33 An offence under section 9(1)(a) of that Act (burglary with intent to steal, inflict grievous bodily harm or do unlawful damage).]

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#### Textual Amendments

**F4** Words in Sch. 5 para. 33 substituted (19.2.2007) by virtue of [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(5)**

- 34 An offence under section 10 of that Act (aggravated burglary).
- 35 An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.
- 36 An offence of arson under section 1 of the Criminal Damage Act 1971 (c. 48).
- 37 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.
- 38 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 39 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 40 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 41 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 42 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 43 An offence under section 127 of the Mental Health Act 1983 (c. 20) (ill-treatment of patients).
- [<sup>F5</sup>43A An offence under section 1 of the Child Abduction Act 1984 (c. 37) (offence of abduction of child by parent, etc).

#### Textual Amendments

**F5** Sch. 5 paras. 43A, 43B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(6)**

- 43B An offence under section 2 of that Act (offence of abduction of child by other persons).]

#### Textual Amendments

**F5** Sch. 5 paras. 43A, 43B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(6)**

- 44 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 45 An offence under section 1 of the Public Order Act 1986 (c. 64) (riot).
- 46 An offence under section 2 of that Act (violent disorder).
- 47 An offence under section 3 of that Act (affray).
- 48 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).

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- 49 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 50 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
- 51 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 52 An offence under section 9 of that Act (hijacking of ships).
- 53 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 54 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 55 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 56 An offence under section 13 of that Act (offences involving threats).
- [<sup>F6</sup>56A An offence under section 2 [<sup>F7</sup>or 2A] of the Protection from Harassment Act 1997 (c. 40) ([<sup>F8</sup>offences of harassment and stalking]).]

#### Textual Amendments

- F6** Sch. 5 para. 56A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(7)**
- F7** Words in Sch. 5 para. 56A inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(a)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F8** Words in Sch. 5 para. 56A substituted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(a)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)

- 57 An offence under section 4 [<sup>F9</sup>or 4A] of [<sup>F10</sup>that Act] (putting people in fear of violence [<sup>F11</sup>and stalking involving fear of violence or serious alarm or distress]).

#### Textual Amendments

- F9** Words in Sch. 5 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(b)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F10** Words in Sch. 5 para. 57 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(8)**
- F11** Words in Sch. 5 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(b)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)

- 58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated assaults).
- 59 An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c. 64)).
- 60 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

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[<sup>F12</sup>60ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

#### Textual Amendments

**F12** Sch. 5 para. 60ZA inserted "after paragraph 60" (25.1.2010) by virtue of Policing and Crime Act 2009, ss. 112(1), 116(1), {Sch. 7 para. 25(2)}; S.I. 2009/3096, art. 3(x)

[<sup>F13</sup>60A An offence under section 85(3) or (4) of the Postal Services Act 2000 (c. 26) (prohibition on sending certain articles by post).]

#### Textual Amendments

**F13** Sch. 5 para. 60A inserted (19.2.2007) by The Sexual Offences Act 2003 (Amendment of Schedules 3 and 5) Order 2007 (S.I. 2007/296), arts. 1(1), 3(9)

61 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

[<sup>F14</sup>61A An offence under section 127(1) of the Communications Act 2003 (c. 21) (improper use of public electronic communications network).]

#### Textual Amendments

**F14** Sch. 5 para. 61A inserted (19.2.2007) by The Sexual Offences Act 2003 (Amendment of Schedules 3 and 5) Order 2007 (S.I. 2007/296), arts. 1(1), 3(10)

62 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 16 or over.

[<sup>F15</sup>63 An offence under any of sections 51 to 53 or 57 to [<sup>F16</sup>59][<sup>F16</sup>59A] of this Act.]

#### Textual Amendments

**F15** Words in Sch. 5 para. 63 substituted (19.2.2007) by virtue of The Sexual Offences Act 2003 (Amendment of Schedules 3 and 5) Order 2007 (S.I. 2007/296), arts. 1(1), 3(11)

**F16** Word in Sch. 5 para. 63 substituted (E.W.) (6.4.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 140(4) (with s. 97); S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

[<sup>F17</sup>63A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [<sup>F18</sup>the death of a child or vulnerable adult][<sup>F18</sup>a child or vulnerable adult to die or suffer serious physical harm]).]

#### Textual Amendments

**F17** Sch. 5 para. 63A inserted (21.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, Sch. 10 para. 59(2); S.I. 2005/579, art. 2(b)(c)

**F18** Words in Sch. 5 para. 63A substituted (E.W.) (2.7.2012) by Domestic Violence, Crime and Victims (Amendment) Act 2012 (c. 4), s. 4(2), Sch. para. 5; S.I. 2012/1432, art. 2

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[<sup>F19</sup>63B An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).]

**Textual Amendments**

**F19** Sch. 5 para. 63B inserted (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(1), Sch. 5 para. 5(3); S.I. 2015/1476, reg. 2(j)

*Scotland*

- 64 Murder.
- 65 Culpable homicide.
- 66 Assault.
- 67 Assault and robbery.
- 68 Abduction.
- 69 Plagium.
- 70 Wrongful imprisonment.
- 71 Threatening personal violence.
- 72 Breach of the peace inferring personal violence.
- 73 Wilful fireraising.
- 74 Culpable and reckless fireraising.
- 75 Mobbing and rioting.
- 76 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 77 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosives with intent to endanger life or property).
- 78 An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (c. 37) (cruelty to persons under 16).
- 79 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 80 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 81 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 82 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
- 83 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- 84 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 85 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 86 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).

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- 87 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 88 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 89 An offence under section 105 of the Mental Health (Scotland) Act 1984 (c. 36) (ill-treatment of patients).
- 90 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 91 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 92 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 93 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
- 94 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 95 An offence under section 9 of that Act (hijacking of ships).
- 96 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 97 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 98 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 99 An offence under section 13 of that Act (offences involving threats).
- 100 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- 101 An offence under section 7 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) (procuring).
- 102 An offence under section 9 of that Act (permitting girl to use premises for intercourse).
- 103 An offence under section 11 of that Act (trading in prostitution and brothel-keeping).
- 104 An offence under section 12 of that Act (allowing child to be in brothel).
- 105 An offence under section 13(9) of that Act (living on earnings of male prostitution etc.).
- 106 An offence under section 50A of that Act (racially-aggravated harassment).
- [<sup>F20</sup>106A An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

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#### Textual Amendments

**F20** Sch. 5 para. 106A inserted (25.1.2010) by Policing and Crime Act 2009, ss. 112(1), 116(1), {Sch. 7 para. 25(3)}; [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 107 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.
- 108 An offence under section 1 of the International Criminal Court (Scotland) Act 2001 (asp 13) (genocide, crimes against humanity, war crimes and related offences as specified in Schedule 1 to that Act).
- 109 An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (asp 7) (traffic in prostitution etc.).
- 110 An offence to which section 74 of that Act applies (offences aggravated by religious prejudice).
- 111 An offence under section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) (ill-treatment and wilful neglect of mentally disordered person).

#### *Northern Ireland*

- 112 Murder.
- 113 Manslaughter.
- 114 Kidnapping.
- 115 Riot.
- 116 Affray.
- 117 False imprisonment.
- [<sup>F21</sup>117A Outraging public decency.]

#### Textual Amendments

**F21** Sch. 5 para. 117A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), [3\(12\)](#)

- 118 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).
- 119 An offence under section 16 of that Act (threats to kill).
- 120 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 121 An offence under section 20 of that Act (malicious wounding).
- 122 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
- 123 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).



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- 124 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 125 An offence under section 27 of that Act (abandoning children).
- 126 An offence under section 28 of that Act (causing bodily injury by explosives).
- 127 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 128 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 129 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).
- 130 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 131 An offence under section 35 of that Act (injuring persons by furious driving).
- 132 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 133 An offence under section 47 of that Act of assault occasioning actual bodily harm.
- 134 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 135 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 136 An offence under section 25 of the Criminal Justice (Northern Ireland) Act 1945 (c. 15) (child destruction).
- 137 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5) (infanticide).
- 138 An offence under section 7(1)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (assault with intent to resist arrest).
- [<sup>F22</sup>138A An offence under section 9(1)(a) of that Act (riotous, disorderly and indecent behaviour, etc).]

#### Textual Amendments

**F22** Sch. 5 para. 138A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(13)**

- 139 An offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to children).
- [<sup>F23</sup>139A An offence under section 1 of the Theft Act (Northern Ireland) 1969 (c.16) (basic definition of theft).]

#### Textual Amendments

**F23** Sch. 5 para. 139A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(14)**

- 140 An offence under section 8 of [<sup>F24</sup>that Act] (robbery or assault with intent to rob).

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#### Textual Amendments

**F24** Words in Sch. 5 para. 140 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(15)**

[<sup>F25</sup>141 An offence under section 9(1)(a) of that Act (burglary with intent to steal, inflict grievous bodily harm or do unlawful damage).]

#### Textual Amendments

**F25** Words in Sch. 5 para. 141 substituted (19.2.2007) by virtue of [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(16)**

- 142 An offence under section 10 of that Act (aggravated burglary).
- 143 An offence of arson under Article 3 of the Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)).
- 144 An offence under Article 3(2) of that Order (destroying or damaging property) other than an offence of arson.
- 145 An offence under [<sup>F26</sup>Article 58(1)] of the Firearms (Northern Ireland) Order [<sup>F27</sup>2004 (S.I. 2004/ (N.I. ))] (possession of firearm with intent to endanger life).

#### Textual Amendments

**F26** Words in Sch. 5 para. 145 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 27** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

**F27** Words in Sch. 5 para. 145 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 27** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

146 An offence under [<sup>F28</sup>Article 58(2)] of that Order (possession of firearm with intent to cause fear of violence).

#### Textual Amendments

**F28** Words in Sch. 5 para. 146 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 28** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

147 An offence under [<sup>F29</sup>Article 59(1)] of that Order (use of firearm to resist arrest).

#### Textual Amendments

**F29** Words in Sch. 5 para. 147 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 29** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

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- 148 An offence under [<sup>F30</sup>Article 59(2)] of that Order (possession of firearm at time of committing or being arrested for an offence specified in [<sup>F31</sup>Schedule 4] to that Order).

**Textual Amendments**

- F30** Words in Sch. 5 para. 148 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 30** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)
- F31** Words in Sch. 5 para. 148 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 30** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

- 149 An offence under [<sup>F32</sup>Article 60] of that Order (carrying a firearm with criminal intent).

**Textual Amendments**

- F32** Words in Sch. 5 para. 149 substituted (N.I.) (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I.3\)\)](#), arts. 1, 82(1), **Sch. 7 para. 31** (with art. 81); S.R. 2005/4, **art. 3** (with transitional provisions in arts. 4-7)

- 150 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 151 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 152 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 153 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 154 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- [<sup>F33</sup>154A An offence under Article 3 of the [Child Abduction \(Northern Ireland\) Order 1985 \(S.I. 1638 \(N.I. 17\)\)](#) (offence of abduction of child by parent).

**Textual Amendments**

- F33** Sch. 5 paras. 154A, 154B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(17)**

- 154B An offence under Article 4 of that Order (offence of abduction of child by other person).]

**Textual Amendments**

- F33** Sch. 5 paras. 154A, 154B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(17)**

*Status: Point in time view as at 29/06/2021.*

*Changes to legislation: Sexual Offences Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 21 June 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)*

- 155 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 156 An offence under Article 121 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4) (ill-treatment of patients)).
- 157 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 158 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 159 An offence under section 9 of that Act (hijacking of ships).
- 160 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 161 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 162 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 163 An offence under section 13 of that Act (offences involving threats).
- 164 An offence under Article 9 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)) (causing death or grievous bodily injury by dangerous driving).
- 165 An offence under Article 14 of that Order (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).
- [<sup>F34</sup>165A An offence under Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180) (N.I. 9)) (offence of harassment).]

#### Textual Amendments

**F34** Sch. 5 para. 165A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(18)**

- 166 An offence under Article 6 of [<sup>F35</sup>that Order] (putting people in fear of violence).

#### Textual Amendments

**F35** Words in Sch. 5 para. 166 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(19)**

- 167 An offence under section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaulting or obstructing a constable etc.).
- 168 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- [<sup>F36</sup>168ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

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**Textual Amendments**

**F36** Sch. 5 para. 168ZA inserted (25.1.2010) by Policing and Crime Act 2009, ss. 112(1), 116(1), Sch. 7 para. 25(4); [S.I. 2009/3096](#), [art. 3\(x\)](#)

[<sup>F37</sup>168A An offence under section 85(3) or (4) of the Postal Services Act 2000 (c. 26) (prohibition on sending certain articles by post).]

**Textual Amendments**

**F37** Sch. 5 para. 168A inserted (18.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), [3\(20\)](#)

169 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

[<sup>F38</sup>169A An offence under section 127(1) of the Communications Act 2003 (c. 21) (improper use of public electronic communications network).]

**Textual Amendments**

**F38** Sch. 5 para. 169A inserted (18.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), [3\(21\)](#)

170 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 17 or over.

<sup>F39</sup>171 .....

**Textual Amendments**

**F39** Sch. 5 para. 171 repealed (N.I.) (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), [Sch. 5](#)

[<sup>F40</sup>171A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [<sup>F41</sup>a child or vulnerable adult to die or suffer serious physical harm]).]

**Textual Amendments**

**F40** Sch. 5 para. 171A inserted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60, [Sch. 10 para. 59\(3\)](#); [S.I. 2005/579](#), [art. 2\(b\)\(c\)](#)

**F41** Words in Sch. 5 para. 171A substituted (N.I.) (14.3.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 6 para. 2](#) (with [Sch. 8 para. 11](#)); [S.R. 2016/136](#), [art. 2\(b\)](#)

[<sup>F42</sup>171B An offence under Article 62 (causing or inciting prostitution for gain) or 63 (controlling prostitution for gain) of the Sexual Offences (Northern Ireland) Order 2008.]

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#### Textual Amendments

**F42** Sch. 5 para. 171B inserted (2.2.2009) by [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **14(b)**; S.R. 2008/510, **art. 2**

[<sup>F43</sup>171C An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.]

#### Textual Amendments

**F43** Sch. 5 para. 171C inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), s. 28(2), **Sch. 4 para. 5**

### *Service offences*

172 An offence under—

- (a) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18),
- (b) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or
- (c) section 42 of the Naval Discipline Act 1957 (c. 53),

of which the corresponding civil offence (within the meaning of that Act) is an offence under a provision listed in any of paragraphs 1 to [<sup>F44</sup>63A] .

#### Textual Amendments

**F44** Word in Sch. 5 para. 172 substituted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58(1), 60, **Sch. 10 para. 59(4)**; S.I. 2005/579, **art. 2(b)(c)**

[<sup>F45</sup>172(A) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence listed in any of paragraphs 1 to 63A.

(2) Section 48 of that Act (attempts, conspiracy, [<sup>F46</sup>encouragement and assistance] and aiding and abetting outside England and Wales) applies for the purposes of this paragraph as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to this paragraph.]

#### Textual Amendments

**F45** Sch. 5 para. 172A inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), **Sch. 16 para. 213**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

**F46** Words in Sch. 5 para. 172A(2) substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 60, 94, **Sch. 5 para. 4(3)** (with [Sch. 13 para. 5](#)); S.I. 2008/2504, **art. 2(a)**

### *General*

173 A reference in a preceding paragraph to an offence includes—

- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and

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(b) a reference to aiding, abetting, counselling or procuring the commission of that offence.

[<sup>F47</sup>173A A reference in a preceding paragraph to an offence (“offence A”) includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed.]

#### Textual Amendments

**F47** Sch. 5 para. 173A inserted (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(2), 94, [Sch. 6 para. 63\(3\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, [art. 2\(a\)](#)

174 A reference in a preceding paragraph to a person’s age is a reference to his age at the time of the offence.

**Status:**

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**Changes to legislation:**

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