

*Status: Point in time view as at 01/03/2014.*

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## SCHEDULES

### SCHEDULE 5

#### 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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