

Status: Point in time view as at 06/04/2008.

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 5 is up to date with all changes known to be in force on or before 11 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 5

Section 75

QUALIFYING OFFENCES FOR PURPOSES OF PART 10

PART 1

LIST OF OFFENCES FOR ENGLAND AND WALES

Offences Against the Person

Murder

1 Murder.

Commencement Information

II Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Attempted murder

2 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit murder.

Commencement Information

II Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Soliciting murder

3 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

Commencement Information

II Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Manslaughter

4 Manslaughter.

Commencement Information

II Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

^{F1}Corporate manslaughter

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Textual Amendments

- F1** Sch. 5 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(2\)](#); S.I. 2008/401, [art. 2](#)

- 4A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

Textual Amendments

- F1** Sch. 5 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(2\)](#); S.I. 2008/401, [art. 2](#)

Kidnapping

- 5 Kidnapping.

Commencement Information

- I1** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Sexual Offences

Rape

- 6 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) or section 1 of the Sexual Offences Act 2003 (c. 42).

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Attempted rape

- 7 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 1 of the Sexual Offences Act 1956 or section 1 of the Sexual Offences Act 2003.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Intercourse with a girl under thirteen

- 8 An offence under section 5 of the Sexual Offences Act 1956.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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Incest by a man with a girl under thirteen

- 9 An offence under section 10 of the Sexual Offences Act 1956 alleged to have been committed with a girl under thirteen.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Assault by penetration

- 10 An offence under section 2 of the Sexual Offences Act 2003 (c. 42).

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Causing a person to engage in sexual activity without consent

- 11 An offence under section 4 of the Sexual Offences Act 2003 where it is alleged that the activity caused involved penetration within subsection (4)(a) to (d) of that section.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Rape of a child under thirteen

- 12 An offence under section 5 of the Sexual Offences Act 2003.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Attempted rape of a child under thirteen

- 13 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence under section 5 of the Sexual Offences Act 2003.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Assault of a child under thirteen by penetration

- 14 An offence under section 6 of the Sexual Offences Act 2003.

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Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Causing a child under thirteen to engage in sexual activity

- 15 An offence under section 8 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (2)(a) to (d) of that section was caused.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Sexual activity with a person with a mental disorder impeding choice

- 16 An offence under section 30 of the Sexual Offences Act 2003 where it is alleged that the touching involved penetration within subsection (3)(a) to (d) of that section.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Causing a person with a mental disorder impeding choice to engage in sexual activity

- 17 An offence under section 31 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

Commencement Information

- I2** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Drugs Offences

Unlawful importation of Class A drug

- 18 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Commencement Information

- I3** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 30 (subject to **art. 2(2)**, Sch. 2)

Unlawful exportation of Class A drug

- 19 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

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Commencement Information

- I3** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Fraudulent evasion in respect of Class A drug

- 20 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Commencement Information

- I3** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Producing or being concerned in production of Class A drug

- 21 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Commencement Information

- I3** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Criminal Damage Offences

Arson endangering life

- 22 An offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) alleged to have been committed by destroying or damaging property by fire.

Commencement Information

- I4** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Causing explosion likely to endanger life or property

- 23 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Commencement Information

- I4** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Intent or conspiracy to cause explosion likely to endanger life or property

- 24 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

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Commencement Information

- I4** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

- 25 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Commencement Information

- I5** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Grave breaches of the Geneva Conventions

- 26 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Commencement Information

- I5** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Directing terrorist organisation

- 27 An offence under section 56 of the Terrorism Act 2000 (c. 11).

Commencement Information

- I5** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Hostage-taking

- 28 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

Commencement Information

- I5** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 30](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Conspiracy

Conspiracy

- 29 An offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit an offence listed in this Part of this Schedule.

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Commencement Information

- 16** Sch. 5 Pt. 1 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

PART 2

LIST OF OFFENCES FOR NORTHERN IRELAND

Offences Against the Person

Murder

30 Murder.

Attempted murder

31 An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

Soliciting murder

32 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

Manslaughter

33 Manslaughter.

^{F2}Corporate manslaughter

Textual Amendments

- F2** Sch. 5 para. 33A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(3\)](#); S.I. 2008/401, [art. 2](#)

33A An offence under section 1 of the [Corporate Manslaughter and Corporate Homicide Act 2007](#).]

Textual Amendments

- F2** Sch. 5 para. 33A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(3\)](#); S.I. 2008/401, [art. 2](#)

Kidnapping

34 Kidnapping.

Sexual Offences

Rape

35 Rape.

Attempted rape

36 An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960.

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Intercourse with a girl under fourteen

- 37 An offence under section 4 of the Criminal Law Amendment Act 1885 (c. 69) of unlawfully and carnally knowing a girl under fourteen.

Incest by a man with a girl under fourteen

- 38 An offence under section 1(1) of the Punishment of Incest Act 1908 (c. 45) alleged to have been committed with a girl under fourteen.

Drugs Offences

Unlawful importation of Class A drug

- 39 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Unlawful exportation of Class A drug

- 40 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Fraudulent evasion in respect of Class A drug

- 41 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Producing or being concerned in production of Class A drug

- 42 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in respect of a Class A drug (as defined by section 2 of that Act).

Criminal Damage Offences

Arson endangering life

- 43 An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 alleged to have been committed by destroying or damaging property by fire.

Causing explosion likely to endanger life or property

- 44 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Intent or conspiracy to cause explosion likely to endanger life or property

- 45 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

- 46 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Grave breaches of the Geneva Conventions

- 47 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Directing terrorist organisation

- 48 An offence under section 56 of the Terrorism Act 2000 (c. 11).

Hostage-taking

- 49 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

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Conspiracy

Conspiracy

- 50 An offence under Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of conspiracy to commit an offence listed in this Part of this Schedule.

PART 3

SUPPLEMENTARY

- 51 A reference in this Schedule to an offence includes a reference to an offence of aiding, abetting, counselling or procuring the commission of the offence.

Commencement Information

- I7** Sch. 5 Pt. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

- 52 A reference in this Schedule to an enactment includes a reference to the enactment as enacted and as amended from time to time.

Commencement Information

- I8** Sch. 5 Pt. 3 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), Sch. 1 para. 30 (subject to [art. 2\(2\)](#), Sch. 2)

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