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## SCHEDULES

### SCHEDULE 5

#### 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.

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**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)

*[<sup>F1</sup> Corporate manslaughter*

**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.

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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)

*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)

*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.

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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](#))

*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.

**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](#))

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*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).

**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](#))

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*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.

**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).

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**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.

**Commencement Information**

- I6** 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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