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## SCHEDULES

### <sup>F1</sup>SCHEDULE 2

[<sup>F1</sup>Section 113]

#### “SCHEDULE 2 OFFENCES”

##### Textual Amendments

- F1** Sch. 2 shoulder reference substituted (22.5.2019 for specified purposes, 1.7.2019 in so far as not already in force) by [Armed Forces Act 2016 \(c. 21\)](#), **ss. 3(8)**, 19(1); [S.I. 2019/961](#), reg. 2(1)(a)(b) (with reg. 3)

1 An offence under section 1 (assisting an enemy).

##### Commencement Information

- I1** Sch. 2 para. 1 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))  
**I2** Sch. 2 para. 1 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

2 An offence under section 2(1) (misconduct on operations).

##### Commencement Information

- I3** Sch. 2 para. 2 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))  
**I4** Sch. 2 para. 2 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

3 An offence under section 3 (obstructing operations) which relates to an action or operation against an enemy.

##### Commencement Information

- I5** Sch. 2 para. 3 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))  
**I6** Sch. 2 para. 3 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

4 An offence under section 4(1) or (2) (looting).

##### Commencement Information

- I7** Sch. 2 para. 4 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))  
**I8** Sch. 2 para. 4 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

5 An offence under section 6 (mutiny).

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**Commencement Information**

- I9** Sch. 2 para. 5 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I10** Sch. 2 para. 5 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

6 An offence under section 7 (failure to suppress mutiny).

**Commencement Information**

- I11** Sch. 2 para. 6 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I12** Sch. 2 para. 6 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

7 An offence under section 8 (desertion) where the accused intended to avoid a period of active service (within the meaning of that section).

**Commencement Information**

- I13** Sch. 2 para. 7 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I14** Sch. 2 para. 7 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

8 An offence under section 31(1) (hazarding of ship).

**Commencement Information**

- I15** Sch. 2 para. 8 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I16** Sch. 2 para. 8 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

9 An offence under section 33(1) (dangerous flying etc).

**Commencement Information**

- I17** Sch. 2 para. 9 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I18** Sch. 2 para. 9 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

10 An offence under section 39 of attempting to commit an offence within any of paragraphs 1 to 9.

**Commencement Information**

- I19** Sch. 2 para. 10 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), **art. 3(a)(b)** (with transitional provisions in [S.I. 2009/1059](#))
- I20** Sch. 2 para. 10 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), **art. 4**

11 An offence under section 40 of [<sup>F2</sup>encouraging or assisting the commission of] an offence within any of paragraphs 1 to 9.

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### Textual Amendments

- F2** Words in Sch. 2 para. 11 substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 5 para. 13\(a\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)

### Commencement Information

- I21** Sch. 2 para. 11 in force at 28.3.2009 for specified purposes by [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#))
- I22** Sch. 2 para. 11 in force at 31.10.2009 in so far as not already in force by [S.I. 2009/1167](#), art. 4

- 12 An offence under section 42 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is—
- (a) murder;
  - (b) manslaughter;
  - (c) kidnapping;
  - (d) high treason;
  - (e) piracy;
  - (f) cheating the public revenue;
  - (g) an offence under section 2 of the Treason Act 1842 (c. 51) (attempt to injure or alarm the Sovereign);
  - (h) an offence under section 3 of the Treason Felony Act 1848 (c. 12) (compassing the deposition of the Sovereign etc);
  - (i) an offence under section 4, 18, 22, 23, 28 or 29 of the Offences against the Person Act 1861 (c. 100) (soliciting murder, wounding with intent, using chloroform etc to commit indictable offence, administering poison, causing injury by explosives, using explosives etc with intent);
  - (j) an offence under section 20 of that Act of inflicting grievous bodily harm;
  - (k) an offence under section 2 or 3 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property etc);
  - <sup>F3</sup>(l) .....
  - <sup>F3</sup>(m) .....
  - (n) an offence under section 1 or 2 of the Perjury Act 1911 (c. 6) (perjury or false statements on oath);
  - (o) an offence under section 1 or 7 of the Official Secrets Act 1911 (c. 28) (spying or harbouring spies);
  - (p) an offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction);
  - (q) an offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children);
  - (r) an offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide);
  - [<sup>F4</sup>(ra) an offence under section 1A of the Prevention of Crime Act 1953 (threatening with offensive weapon in public);]
  - (s) an offence under section 33 or 33A of the Sexual Offences Act 1956 (c. 69) (keeping a brothel etc);
  - (t) an offence under section 1 of the Geneva Conventions Act 1957 (c. 52) (grave breaches of conventions);
  - (u) an offence under section 2 of the Suicide Act 1961 (c. 60) (assisting suicide etc);

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- (v) an offence under section 5, 16, 16A, 17, 18 or 20 of the Firearms Act 1968 (c. 27) (unlawful possession or use of firearm etc);
- (w) an offence under section 8, 10 or 21 of the Theft Act 1968 (c. 60) (robbery, aggravated burglary, blackmail);
- (x) an offence under section 12A of that Act (aggravated vehicle taking) involving an accident which caused the death of any person;
- (y) an offence under section 4, 5(3) or 8 of the Misuse of Drugs Act 1971 (c. 38) (production and supply of controlled drugs, possession of such drugs with intent to supply, permitting production of such drugs);
- (z) an offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) (destroying or damaging property with intent to endanger life);
- (aa) an offence under section 1 of the Biological Weapons Act 1974 (c. 6) (developing biological agents etc);
- (ab) an offence under section 51 of the Criminal Law Act 1977 (c. 45) (bomb hoaxes);
- (ac) an offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children);
- (ad) an offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (fraudulent evasion of duty etc);
- (ae) an offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking);
- (af) an offence under any of sections 1 to 4 of the Aviation Security Act 1982 (c. 36) (hijacking, destroying, damaging or endangering safety of aircraft etc);
- (ag) an offence under section 1 or 2 of the Child Abduction Act 1984 (c. 37) (abduction of child);
- (ah) an offence under any of sections 1 [F5, 18 to 23 and 29B to 29G] of the Public Order Act 1986 (c. 64) (riot, stirring up [F6]hatred by reference to race], possession of inflammatory material);
- (ai) an offence under section 134 [F7, 139AA] or 160 of the Criminal Justice Act 1988 (c. 33) (torture, [F8]threatening with article with blade or point or offensive weapon,] possession of indecent photograph of child);
- (aj) an offence under section 1, [F9]1A,] [F10]2C,] 3A or 22A of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving, [F11]causing serious injury by dangerous driving,] [F12]causing serious injury by careless, or inconsiderate, driving,] causing death by careless driving when under the influence of drink or drugs, causing danger to road-users);
- (ak) an offence under any of sections 1 to 6 or 8(6) of the Official Secrets Act 1989 (c. 6) (disclosure of information relating to security, intelligence, defence, international relations etc);
- [F13](aka) an offence under section 3ZA of the Computer Misuse Act 1990 (unauthorised acts causing, or creating risk of, serious damage);
- (al) an offence under any of sections 1 or 9 to 13 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes, offences against the safety of ships and fixed platforms);
- (am) an offence under section 72 of the Value Added Tax Act 1994 (c. 23) (evasion of VAT);

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- (an) 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);
- (ao) an offence under section 2 of the Chemical Weapons Act 1996 (c. 6) (use etc of chemical weapons);
- (ap) an offence under section 11, 12, 15, 16, 17, 18, 38B, 39, 54, 56, 57 or 58 of the Terrorism Act 2000 (c. 11);
- (aq) an offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes etc);
- (ar) an offence under section 47, 79, 80, 113 or 114 of the Anti-terrorism, Crime and Security Act 2001 (c. 24);
- (as) an offence under section 1 of the Dealing in Cultural Objects (Offences) Act 2003 (c. 27) (dealing in tainted cultural objects);
- (at) any offence under Part 1 of the Sexual Offences Act 2003 (c. 42) except one under section <sup>F14</sup>... 71;
- (au) an offence under any of sections 1, 2, 5, 6 or 8 to 11 of the Terrorism Act 2006.
- [<sup>F15</sup>(av) an offence under section 62(1) of the Coroners and Justice Act 2009 (possession of prohibited images of children).]
- [<sup>F16</sup>(aw) an offence under section 1, 2 or 6 of the Bribery Act 2010.]
- [<sup>F17</sup>(ax) an offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).]
- [<sup>F18</sup>(ay) an offence under section 1 or 2 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour and human trafficking).]
- [<sup>F19</sup>(az) an offence under any of paragraphs 1 to 5 of Schedule 4 to the Space Industry Act 2018 (hijacking, destroying, damaging or endangering safety of spacecraft etc).]
- [<sup>F20</sup>(az1) an offence under section 1, 2, 3, 4, 12 or 18 of the National Security Act 2023.]
- [<sup>F21</sup>(ba) an offence under section 184 of the Online Safety Act 2023 (encouraging or assisting serious self-harm).]

#### Textual Amendments

- F3** Sch. 2 para. 12(l)(m) repealed (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), s. 19(1), **Sch. 2** (with ss. 16, 18(3), 19(5)); S.I. 2011/1418, art. 2
- F4** Sch. 2 para. 12(ra) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 26 para. 30(2)**; S.I. 2012/2770, art. 2(f)
- F5** Words in Sch. 2 para. 12(ah) substituted (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 26 para. 82(2)(a)**; S.I. 2009/2606, art. 3(i)
- F6** Words in Sch. 2 para. 12(ah) substituted (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 26 para. 82(2)(b)**; S.I. 2009/2606, art. 3(i)
- F7** Word in Sch. 2 para. 12(ai) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 26 para. 30(3)(a)**; S.I. 2012/2770, art. 2(f)
- F8** Words in Sch. 2 para. 12(ai) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 26 para. 30(3)(b)**; S.I. 2012/2770, art. 2(f)
- F9** Word in Sch. 2 para. 12(aj) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 27 para. 11(a)**; S.I. 2012/2770, art. 2(g)
- F10** Word in Sch. 2 para. 12(aj) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(i), **Sch. 8 para. 4(a)**

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- F11** Words in Sch. 2 para. 12(aj) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 27 para. 11\(b\)](#); S.I. 2012/2770, art. 2(g)
- F12** Words in Sch. 2 para. 12(aj) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(i), [Sch. 8 para. 4\(b\)](#)
- F13** Sch. 2 para. 12(aka) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 75\(a\)](#); S.I. 2015/820, reg. 2(r)(xiv)
- F14** Words in Sch. 2 para. 12(at) omitted (1.3.2018) by virtue of [The Armed Forces Act 2006 \(Amendment of Schedule 2\) Order 2018 \(S.I. 2018/149\)](#), arts. 1, [2\(2\)](#)
- F15** Sch. 2 para. 12(av) added (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 21 para. 64](#) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 20(a)
- F16** Sch. 2 para. 12(aw) inserted (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), s. 19(1), [Sch. 1 para. 11](#) (with ss. 16, 18(3), 19(5)); S.I. 2011/1418, art. 2
- F17** Sch. 2 para. 12(ax) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 75\(b\)](#); S.I. 2015/820, reg. 2(r)(xiv)
- F18** Sch. 2 para. 12(ay) inserted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), [16](#)
- F19** Sch. 2 para. 12(az) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#), s. 70(1), [Sch. 12 para. 28](#); S.I. 2021/817, reg. 2, Sch. para. 117 (with reg. 3)
- F20** Sch. 2 para. 12(az1) inserted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Primary Legislation\) Regulations 2023 \(S.I. 2023/1386\)](#), reg. 1(2), [Sch. para. 25](#)
- F21** Sch. 2 para. 12(ba) inserted (31.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), s. 240(1), [Sch. 14 para. 11](#); S.I. 2024/31, reg. 2

#### Commencement Information

- I23** Sch. 2 para. 12 in force at 28.3.2009 for specified purposes by S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059)
- I24** Sch. 2 para. 12 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, [art. 4](#)

- 13 An offence under section 42 as respects which the corresponding offence under the law of England and Wales is—
- (a) an offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence within a sub-paragraph of paragraph 12;
  - (b) an offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit such an offence;
  - (c) an offence [<sup>F22</sup>under Part 2 of the Serious Crime Act 2007 of encouraging or assisting the commission of] such an offence.

#### Textual Amendments

- F22** Words in Sch. 2 para. 13 substituted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 5 para. 13\(b\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

#### Commencement Information

- I25** Sch. 2 para. 13 in force at 28.3.2009 for specified purposes by S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059)
- I26** Sch. 2 para. 13 in force at 31.10.2009 in so far as not already in force by S.I. 2009/1167, [art. 4](#)

- [<sup>F23</sup>14 An offence under paragraph 4 of Schedule 2A (lay member of the Court Martial engaging in prohibited conduct).]

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**Textual Amendments**

**F23** Sch. 2 paras. 14, 15 inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 14 para. 8](#); [S.I. 2015/778](#), art. 3, Sch. 1 para. 80

[<sup>F23</sup>15 An offence under paragraph 5 of Schedule 2A (disclosing information about the deliberations of members of the Court Martial) committed by a person described in sub-paragraph (2) of that paragraph.]

**Textual Amendments**

**F23** Sch. 2 paras. 14, 15 inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 14 para. 8](#); [S.I. 2015/778](#), art. 3, Sch. 1 para. 80

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