

SCHEDULE

Prescribed Categories of Offences

PART 2

SEXUAL OFFENCES (PERSONS UNDER THE AGE OF 16) CATEGORY

1. An offence under section 1 of the Sexual Offences Act 1956(1) (rape) if it was committed in relation to a person under the age of 16.

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Commencement Information

I1 Sch. Pt. 2 para. 1 in force at 29.12.2004, see [art. 1\(1\)](#)

2. An offence under section 5 of the Sexual Offences Act 1956(2)(intercourse with a girl under thirteen).

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Commencement Information

I2 Sch. Pt. 2 para. 2 in force at 29.12.2004, see [art. 1\(1\)](#)

3. An offence under section 6 of that Act(3) (intercourse with a girl under sixteen).

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Commencement Information

I3 Sch. Pt. 2 para. 3 in force at 29.12.2004, see [art. 1\(1\)](#)

4. An offence under section 7 of that Act(4) (intercourse with a defective) if it was committed in relation to a person under the age of 16.

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Commencement Information

I4 Sch. Pt. 2 para. 4 in force at 29.12.2004, see [art. 1\(1\)](#)

5. An offence under section 10 of that Act (incest by a man) if it was committed in relation to a person under the age of 16.

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Commencement Information

I5 Sch. Pt. 2 para. 5 in force at 29.12.2004, see [art. 1\(1\)](#)

6. An offence under section 11 of that Act (incest by a woman) if it was committed in relation to a person under the age of 16.

- (1) 1956 c. 69; section 1 was substituted by section 142 of the Criminal Justice and Public Order Act 1994 (c. 33).
(2) Sections 5 to 7 and 10 to 15 of the Sexual Offences Act 1956 (c. 69); section 54 of the Criminal Law Act 1977 (c. 45); section 1 of the Indecency with Children Act 1960 (c. 33); section 128 of the Mental Health Act 1959 (c. 72) and section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) were repealed by sections 139 and 140 of and paragraph 11(a) of Schedule 6 and Schedule 7 to the Sexual Offences Act 2003 (c. 42).
(3) Section 6 was amended by section 10(1) and paragraph 14 of Schedule 2 to the Criminal Law Act 1967 (c. 80).
(4) Section 7 was substituted by section 127(1)(a) of the Mental Health Act 1959 (c. 72).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Justice Act 2003 (Categories of Offences) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I6 Sch. Pt. 2 para. 6 in force at 29.12.2004, see [art. 1\(1\)](#)

7. An offence under section 12 of that Act⁽⁵⁾ (buggery) if it was committed in relation to a person under the age of 16.

Commencement Information

I7 Sch. Pt. 2 para. 7 in force at 29.12.2004, see [art. 1\(1\)](#)

8. An offence under section 13 of that Act⁽⁶⁾ (indecenty between men) if it was committed in relation to a person under the age of 16.

Commencement Information

I8 Sch. Pt. 2 para. 8 in force at 29.12.2004, see [art. 1\(1\)](#)

9. An offence under section 14 of that Act (indecent assault on a woman) if it was committed in relation to a person under the age of 16.

Commencement Information

I9 Sch. Pt. 2 para. 9 in force at 29.12.2004, see [art. 1\(1\)](#)

10. An offence under section 15 of that Act (indecent assault on a man) if it was committed in relation to a person under the age of 16.

Commencement Information

I10 Sch. Pt. 2 para. 10 in force at 29.12.2004, see [art. 1\(1\)](#)

11. An offence under section 128 of the Mental Health Act 1959⁽⁷⁾ (sexual intercourse with patients) if it was committed in relation to a person under the age of 16.

Commencement Information

I11 Sch. Pt. 2 para. 11 in force at 29.12.2004, see [art. 1\(1\)](#)

12. An offence under section 1 of the Indecency with Children Act 1960⁽⁸⁾ (indecent conduct towards young child).

(5) Section 12 was amended by section 143 of the Criminal Justice and Public Order Act 1994 (c. 33); sections 1 and 2 of the Sexual Offences (Amendment) Act 2000 (c. 44) and section 119 of and Part V of Schedule 6 to the Police and Criminal Evidence Act 1984 (c. 60).

(6) Section 13 was amended by section 2(2) of the Sexual Offences (Amendment) Act 2000 (c. 44).

(7) 1959 c. 72; section 128 was amended by section 129 of and paragraph 29 of Schedule 15 and Schedule 16 to the National Health Service Act 1977 (c. 49); section 148 of and paragraph 15 of Schedule 3 to the Mental Health Act 1983 (c. 20); and section 57 of and paragraph 2 of Schedule 1 to the Registered Homes Act 1984 (c. 23) and section 116 of and paragraph 2 of Schedule 4 to the Care Standards Act 2000 (c. 14).

(8) 1960 c. 33; section 1 was amended by section 39 of the Criminal Justice and Court Services Act 2000 (c. 43) and section 52 of the Crime (Sentences) Act 1997 (c. 44).

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Commencement Information

I12 Sch. para. 12 in force at 29.12.2004, see [art. 1\(1\)](#)

13. An offence under section 54 of the Criminal Law Act 1977⁽⁹⁾ (inciting a girl under 16 to have incestuous sexual intercourse).

Commencement Information

I13 Sch. para. 13 in force at 29.12.2004, see [art. 1\(1\)](#)

14. An offence under section 3 of the Sexual Offences (Amendment) Act 2000⁽¹⁰⁾ (abuse of a position of trust) if it was committed in relation to a person under the age of 16.

Commencement Information

I14 Sch. para. 14 in force at 29.12.2004, see [art. 1\(1\)](#)

15. An offence under section 1 of the Sexual Offences Act 2003⁽¹¹⁾ (rape) if it was committed in relation to a person under the age of 16.

Commencement Information

I15 Sch. para. 15 in force at 29.12.2004, see [art. 1\(1\)](#)

16. An offence under section 2 of that Act (assault by penetration) if it was committed in relation to a person under the age of 16.

Commencement Information

I16 Sch. para. 16 in force at 29.12.2004, see [art. 1\(1\)](#)

17. An offence under section 3 of that Act (sexual assault) if it was committed in relation to a person under the age of 16.

Commencement Information

I17 Sch. para. 17 in force at 29.12.2004, see [art. 1\(1\)](#)

18. An offence under section 4 of that Act (causing a person to engage in sexual activity without consent) if it was committed in relation to a person under the age of 16.

Commencement Information

I18 Sch. para. 18 in force at 29.12.2004, see [art. 1\(1\)](#)

19. An offence under section 5 of the Sexual Offences Act 2003 (rape of a child under 13).

⁽⁹⁾ 1977 (c. 45); section 54 was amended by section 119(2) and Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60).

⁽¹⁰⁾ 2000 c. 44.

⁽¹¹⁾ 2003 c. 42.

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Commencement Information

I19 Sch. para. 19 in force at 29.12.2004, see [art. 1\(1\)](#)

20. An offence under section 6 of that Act (assault of a child under 13 by penetration).

Commencement Information

I20 Sch. para. 20 in force at 29.12.2004, see [art. 1\(1\)](#)

21. An offence under section 7 of that Act (sexual assault of a child under 13).

Commencement Information

I21 Sch. para. 21 in force at 29.12.2004, see [art. 1\(1\)](#)

22. An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).

Commencement Information

I22 Sch. para. 22 in force at 29.12.2004, see [art. 1\(1\)](#)

23. An offence under section 9 of that Act (sexual activity with a child).

Commencement Information

I23 Sch. para. 23 in force at 29.12.2004, see [art. 1\(1\)](#)

24. An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).

Commencement Information

I24 Sch. para. 24 in force at 29.12.2004, see [art. 1\(1\)](#)

25. An offence under section 14 of that Act if doing it will involve the commission of an offence under sections 9 and 10 of that Act (arranging or facilitating the commission of a child sex offence).

Commencement Information

I25 Sch. para. 25 in force at 29.12.2004, see [art. 1\(1\)](#)

26. An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child) if it was committed in relation to a person under the age of 16.

Commencement Information

I26 Sch. para. 26 in force at 29.12.2004, see [art. 1\(1\)](#)

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27. An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity) if it was committed in relation to a person under the age of 16.

Commencement Information

I27 Sch. para. 27 in force at 29.12.2004, see [art. 1\(1\)](#)

28. An offence under section 25 of that Act (sexual activity with a child family member) if it was committed in relation to a person under the age of 16.

Commencement Information

I28 Sch. para. 28 in force at 29.12.2004, see [art. 1\(1\)](#)

29. An offence under section 26 of that Act (inciting a child family member to engage in sexual activity) if it was committed in relation to a person under the age of 16.

Commencement Information

I29 Sch. para. 29 in force at 29.12.2004, see [art. 1\(1\)](#)

30. An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice) if it was committed in relation to a person under the age of 16.

Commencement Information

I30 Sch. para. 30 in force at 29.12.2004, see [art. 1\(1\)](#)

31. An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity) if it was committed in relation to a person under the age of 16.

Commencement Information

I31 Sch. para. 31 in force at 29.12.2004, see [art. 1\(1\)](#)

32. An offence under section 34 of that Act (inducement, threat, or deception to procure activity with a person with a mental disorder) if it was committed in relation to a person under the age of 16.

Commencement Information

I32 Sch. para. 32 in force at 29.12.2004, see [art. 1\(1\)](#)

33. An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception) if it was committed in relation to a person under the age of 16.

Commencement Information

I33 Sch. para. 33 in force at 29.12.2004, see [art. 1\(1\)](#)

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34. An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder) if it was committed in relation to a person under the age of 16.

Commencement Information

I34 Sch. para. 34 in force at 29.12.2004, see [art. 1\(1\)](#)

35. An offence under section 39 of that Act (care workers: causing or inciting sexual activity) if it was committed in relation to a person under the age of 16.

Commencement Information

I35 Sch. para. 35 in force at 29.12.2004, see [art. 1\(1\)](#)

36. An offence of—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule; or
- (b) attempting to commit an offence so specified.

Commencement Information

I36 Sch. para. 36 in force at 29.12.2004, see [art. 1\(1\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. Pt. 2 para. 25 words substituted by [S.I. 2023/250 reg. 3](#)