

SCHEDULE 1

Article 2(1)(a)

Qualifying Offences

Offences against the Person

Murder

1. Murder.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.8.2013, see [art. 1](#)

Attempted murder

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

Commencement Information

I2 Sch. 1 para. 2 in force at 1.8.2013, see [art. 1](#)

Soliciting murder

3. An offence under section 4 of the Offences against the Person Act 1861(2).

Commencement Information

I3 Sch. 1 para. 3 in force at 1.8.2013, see [art. 1](#)

Manslaughter

4. Manslaughter.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.8.2013, see [art. 1](#)

Kidnapping

5. Kidnapping.

(1) [1981 c. 47](#). Section 1 was amended by section 7(3) of the Computer Misuse Act [1990 \(c. 18\)](#) and by paragraph 58 of Schedule 21 to the Coroners and Justice Act [2009 \(c. 25\)](#).

(2) [1861 c. 100](#). Section 4 was amended by section 5(10) of, and Schedule 13 to, the Criminal Law Act [1977 \(c. 45\)](#).

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, SCHEDULE 1. (See end of Document for details)

Commencement Information

I5 Sch. 1 para. 5 in force at 1.8.2013, see [art. 1](#)

Sexual Offences

Rape

6. An offence under section 1 of the Sexual Offences Act 1956⁽³⁾ or section 1 of the Sexual Offences Act 2003⁽⁴⁾.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.8.2013, see [art. 1](#)

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

I7 Sch. 1 para. 7 in force at 1.8.2013, see [art. 1](#)

Intercourse with a girl under thirteen

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

Commencement Information

I8 Sch. 1 para. 8 in force at 1.8.2013, see [art. 1](#)

Incest by a man with a girl under thirteen

9. An offence under section 10 of the Sexual Offences Act 1956⁽⁶⁾ alleged to have been committed with a girl under thirteen.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.8.2013, see [art. 1](#)

⁽³⁾ 1956 c. 69. Section 1 was repealed by paragraph 11(a) of Schedule 6 to the Sexual Offences Act 2003 (c. 42).

⁽⁴⁾ 2003 c. 42.

⁽⁵⁾ Section 5 was repealed by paragraph 11(a) of Schedule 6 to the Sexual Offences Act 2003 (c. 42).

⁽⁶⁾ Section 10 was repealed by paragraph 11(a) of Schedule 6 to the Sexual Offences Act 2003 (c. 42).

Assault by penetration

10. An offence under section 2 of the Sexual Offences Act 2003.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.8.2013, see [art. 1](#)

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

I11 Sch. 1 para. 11 in force at 1.8.2013, see [art. 1](#)

Rape of a child under thirteen

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

Commencement Information

I12 Sch. 1 para. 12 in force at 1.8.2013, see [art. 1](#)

Attempted rape of a child under thirteen

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

Commencement Information

I13 Sch. 1 para. 13 in force at 1.8.2013, see [art. 1](#)

Assault of a child under thirteen by penetration

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

Commencement Information

I14 Sch. 1 para. 14 in force at 1.8.2013, see [art. 1](#)

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.

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, SCHEDULE 1. (See end of Document for details)

Commencement Information

I15 Sch. 1 para. 15 in force at 1.8.2013, see [art. 1](#)

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

I16 Sch. 1 para. 16 in force at 1.8.2013, see [art. 1](#)

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

I17 Sch. 1 para. 17 in force at 1.8.2013, see [art. 1](#)

Drugs Offences

Unlawful importation of Class A drug

18. An offence under section 50(2) of the Customs and Excise Management Act 1979(7) 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

I18 Sch. 1 para. 18 in force at 1.8.2013, see [art. 1](#)

Unlawful exportation of Class A drug

19. An offence under section 68(2) of the Customs and Excise Management Act 1979(8) 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

I19 Sch. 1 para. 19 in force at 1.8.2013, see [art. 1](#)

(7) 1979 c. 2. Section 50(2) was amended by section 114(1) of the Police and Criminal Evidence Act 1984 (c. 60).

(8) Section 68(2) was amended by section 114(1) of the Police and Criminal Evidence Act 1984 (c. 60).

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⁽⁹⁾ 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

I20 Sch. 1 para. 20 in force at 1.8.2013, see [art. 1](#)

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

I21 Sch. 1 para. 21 in force at 1.8.2013, see [art. 1](#)

Criminal Damage Offences

Arson endangering life

22. An offence under section 1(2) of the Criminal Damage Act 1971⁽¹⁰⁾ alleged to have been committed by destroying or damaging property by fire.

Commencement Information

I22 Sch. 1 para. 22 in force at 1.8.2013, see [art. 1](#)

Causing explosion likely to endanger life or property

23. An offence under section 2 of the Explosive Substances Act 1883⁽¹¹⁾.

Commencement Information

I23 Sch. 1 para. 23 in force at 1.8.2013, see [art. 1](#)

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⁽¹²⁾.

⁽⁹⁾ Section 170(1) and (2) were amended by section 114(1) of the Police and Criminal Evidence Act 1984 (c. 60).

⁽¹⁰⁾ 1971 c. 48.

⁽¹¹⁾ 1883 c. 3. Section 2 was substituted by section 7 of the Criminal Jurisdiction Act 1975 (c. 59).

⁽¹²⁾ Section 3(1)(a) was substituted by section 7 of the Criminal Jurisdiction Act 1975 (c. 59) and amended by section 17(5) of the Terrorism Act 2006 (c. 11) and Schedule 12 to the Criminal Law Act 1977 (c. 45).

Changes to legislation: There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, SCHEDULE 1. (See end of Document for details)

Commencement Information

I24 Sch. 1 para. 24 in force at 1.8.2013, see [art. 1](#)

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**(13)**.

Commencement Information

I25 Sch. 1 para. 25 in force at 1.8.2013, see [art. 1](#)

Grave breaches of the Geneva Conventions

26. An offence under section 1 of the Geneva Conventions Act 1957**(14)**.

Commencement Information

I26 Sch. 1 para. 26 in force at 1.8.2013, see [art. 1](#)

Directing terrorist organisation

27. An offence under section 56 of the Terrorism Act 2000**(15)**.

Commencement Information

I27 Sch. 1 para. 27 in force at 1.8.2013, see [art. 1](#)

Hostage-taking

28. An offence under section 1 of the Taking of Hostages Act 1982**(16)**.

Commencement Information

I28 Sch. 1 para. 28 in force at 1.8.2013, see [art. 1](#)

(13) 2001 c. 17.

(14) 1957 c. 52. Section 1 has been amended by Part III of Schedule 3 to the Criminal Law Act 1967 (c. 58), section 1 of the Geneva Conventions (Amendment) Act 1995 (c. 27), section 70(1) of the International Criminal Court Act 2001 (c. 17) and section 1 of the Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6).

(15) 2000 c. 11.

(16) 1982 c. 28.

Conspiracy

Conspiracy

29. An offence under section 1 of the Criminal Law Act 1977⁽¹⁷⁾ of conspiracy to commit an offence listed in this Schedule.

Commencement Information

I29 Sch. 1 para. 29 in force at 1.8.2013, see [art. 1](#)

⁽¹⁷⁾ [1977 c. 45](#). Section 1 has been amended by section 5(1) of the Criminal Attempts Act 1981 ([c. 47](#)) and Schedule 1 to the Trade Union and Labour Relations (Consolidation) Act 1992 ([c. 52](#)).

Changes to legislation:

There are currently no known outstanding effects for the The Armed Forces (Retrial for Serious Offences) Order 2013, SCHEDULE 1.