

SCHEDULE 1

Regulation 15(4)

SPECIFIED OFFENCES

Offences in Scotland

1. An offence of rape.
2. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(1) (offences against children under the age of 17 years to which special provisions apply) except—
 - (a) an offence under subsection (5) of section 13 of the Criminal Law (Consolidation) (Scotland) Act 1995(2) (homosexual offences) of committing or being party to the commission of, or procuring or attempting to procure the commission of an act of sodomy otherwise than in private;
 - (b) in a case where the offender—
 - (i) was under 18 at the time the offence was committed, an offence of assault; or
 - (ii) was under 20 at the time the offence was committed, the offences mentioned in paragraph 3 below, and
 - (c) any offence specified in paragraph 2B of that Schedule (certain offences under section 52 or 52A of the Civic Government (Scotland) Act 1982)(3).
3. The offences are—
 - (a) an offence contrary to subsection (3) of section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse with a girl between 13 and 16);
 - (b) an offence under section 13(5)(4) of that Act of committing or being party to the commission of, or procuring or attempting to procure the commission of a homosexual act with a person under the age of 16 years; and
 - (c) an offence under section 6 of that Act (indecent behaviour towards a girl between 12 and 16).
4. An offence under section 170 of the Customs and Excise Management Act 1979(5) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876(6) (prohibitions and restrictions relating to pornography) where the prohibited goods included indecent photographs of children under the age of 16.
5. An offence under section 52 (taking, distributing, showing or publishing etc. any indecent photograph or pseudo-photograph of a child) or 52A (possessing any indecent photograph or pseudo-photograph of a child) of the Civic Government (Scotland) Act 1982.

(1) 1995 c. 46. Schedule 1 was amended by the [Prohibition of Female Mutilation \(Scotland\) Act 2005 asp 8](#), section 7 and the [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 asp 9](#), schedule 1.

(2) 1995 c. 39. Section 13 was amended by the [Sexual Offences \(Amendment\) Act 2000 c. 44](#), sections 1 and 2 and the [Convention Rights \(Compliance\) \(Scotland\) Act 2001 asp 7](#), section 10.

(3) 1982 c. 45. Section 52 was amended by the following enactments: the [Criminal Justice and Public Order Act 1994 c. 33](#), section 84; the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 c. 40](#), Schedule 4; the [Criminal Justice \(Scotland\) Act 2003 asp 7](#), section 19, and the [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 asp 9](#), section 16. Section 52A was inserted by the [Criminal Justice Act 1988 c. 33](#), section 16(1)(2) and was subsequently amended by the [Criminal Justice and Public Order Act 1994](#), section 84 and the [Criminal Justice \(Scotland\) Act 2003](#), section 19.

(4) Section 5(3) was amended by the [Crime and Punishment \(Scotland\) Act 1997 c. 48](#), section 14.

(5) 1979 c. 2. Section 170 was amended by the [Finance \(No. 2\) Act 1992 c. 48](#), Schedule 2; the [Criminal Justice Act 2003 c. 44](#), section 293; the [Criminal Justice and Immigration Act 2008 c. 4](#), Schedule 17, S.I.1996/2686 and S.I. 2004/702.

(6) 1876 c. 36. Section 42 was repealed in part by the [Statute Law \(Repeals\) Act 1993 c. 50](#), Part IX of the Schedule and the [Statute Law \(Repeals\) Act 2008 c. 12](#), Schedule 2.

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Offences in Northern Ireland

6. An offence of rape under Article 5 of the Sexual Offences (Northern Ireland) Order 2008(7).
7. An offence of assault by penetration under Article 6 of that Order.
8. An offence of causing a person to engage in sexual activity without consent under Article 8 of that Order if the activity fell within paragraph (4) of that Article.
9. An offence of rape of a child under 13 under Article 12 of that Order.
10. An offence of sexual activity with a child family member under Article 32 of that Order if the touching fell within paragraph (6) of that Article.
11. An offence of inciting a child family member to engage in sexual activity under Article 33 of that Order if the touching to which the incitement related fell within paragraph (6) of that Article.
12. An offence of sexual activity with a person with a mental disorder impeding choice under Article 43 of that Order if the touching fell within paragraph (3) of that Article.
13. An offence of causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity under Article 44 of that Order if the activity caused or incited fell within paragraph (3) of that Article.
14. An offence of inducement, threat or deception to procure sexual activity with a person with a mental disorder under Article 47 of that Order if the touching fell within paragraph (2) of that Article.
15. An offence of causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception under Article 48 of that Order if the activity caused or agreed to fell within paragraph (2) of that Article.
16. An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968(8) except for—
 - (a) the offence of common assault or battery;
 - (b) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861(9) (assault occasioning actual bodily harm).
17. An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978(10) (indecent photographs).
18. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988(11) (possession of indecent photographs of children).
19. An offence contrary to section 170 of the Customs and Excise Management Act 1979(12) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions relating to pornography) where the prohibited goods included indecent photographs of children under the age of 16.

(7) 2008 No. 1769 (N.I. 2).

(8) 1968 c. 34. Schedule 1 was amended by the Sexual Offences Act 2003 c. 42, Schedule 6 and the Domestic Violence Crime and Victims Act 2004, c. 28, Schedule 10 and by S.I. 1978 No. 1047 (N.I. 17); S.I. 1985 No. 1638 (N.I. 17); S.I. 2003 No. 1247 (N.I. 13); S.I. 1986 No. 595 (N.I. 4); S.I. 1995 No. 755 (N.I. 2).

(9) 1861 c. 100.

(10) Northern Ireland Order in Council 1978 No. 1047 (N.I. 17). Article 3 was amended by the Criminal Justice and Public Order Act 1994 c. 33, section 84 and the Criminal Justice and Court Services Act 2000 c. 43, section 41 and by S.I. 2003 No. 1247 (N.I. 13).

(11) Northern Ireland Order in Council 1988 No. 1847 (N.I. 17). Article 15 was amended by the Criminal Justice and Public Order Act 1994 c. 33, section 84 and the Criminal Justice and Court Services Act 2000 c. 43, section 41.

(12) Section 17 was repealed by the Commissioners for Revenue and Customs Act 2005 c. 11, Schedule 5.

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