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Changes to legislation: Magistrates' Courts Act 1980, SCHEDULE 1 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 17.

OFFENCES TRIABLE EITHER WAY BY VIRTUE OF SECTION 17

1 Offences at common law of public nuisance.

VALID FROM 20/01/2004

[^{F1}1A An offence at common law of outraging public decency.]

Textual Amendments

F1 Sch. 1 para. 1A inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 320, 336; S.I. 2004/81, art. 2(2)(d)

2 Offences under section 8 of the ^{M1}Disorderly Houses Act 1751 (appearing to be keeper of bawdy house etc.).

Marginal Citations

M1 1751 c. 36.

3 Offences consisting in contravention of section 13 of the ^{M2}Statutory Declarations Act 1835 (administration by a person of an oath etc. touching matters in which he has no jurisdiction).

Marginal Citations

M2 1835 c. 62.

4 Offences under section 36 of the ^{M3}Malicious Damage Act 1861 (obstructing engines or carriages on railways).

Marginal Citations

M3 1861 c. 97.

5 Offences under the following provisions of the Offences against the ^{M4}Person Act 1861—

- (a) section 16 (threats to kill);
- (b) section 20 (inflicting bodily injury, with or without a weapon);

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- (c) section 26 (not providing apprentices or servants with food etc.);
- (d) section 27 (abandoning or exposing child);
- (e) section 34 (doing or omitting to do anything so as to endanger railway passengers);
- (f) section 36 (assaulting a clergyman at a place of worship etc.);
- (g) section 38 (assault with intent to resist apprehension);
- (h) section 47 (assault occasioning bodily harm. . . ^{F2});
- (i) section 57 (bigamy);
- (j) section 60 (concealing the birth of a child).

Textual Amendments

F2 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M4 [1861 c. 100.](#)

6 Offences under section 20 of the ^{M5}Telegraph Act 1868 (disclosing or intercepting messages).

Marginal Citations

M5 [1868 c. 110.](#)

7 Offences under section 13 of the ^{M6}Debtors Act 1869 (transactions intended to defraud creditors).

Marginal Citations

M6 [1869 c. 62.](#)

8 Offences under section 5 of the ^{M7}Public Stores Act 1875 (obliteration of marks with intent to conceal).

Marginal Citations

M7 [1875 c. 25.](#)

9 Offences under section 12 of the ^{M8}Corn Returns Act 1882 (false returns).

Marginal Citations

M8 [1882 c. 37.](#)

10 ^{F3}

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Textual Amendments

F3 Sch. 1 para. 10 repealed by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(4), Sch. 17 para. 35(1), **Sch. 18**

11 Offences under section 3 of the ^{M9}Submarine Telegraph Act 1885 (damaging submarine cables).

Marginal Citations

M9 1885 c. 49.

12 Offences under section 13 of the ^{M10}Stamp Duties Management Act 1891 (offences in relation to dies and stamps).

Marginal Citations

M10 1891 c. 38.

13 Offences under section 8(2) of the ^{M11}Cremation Act 1902 (making false representations etc. with a view to procuring the burning of any human remains).

Marginal Citations

M11 1902 c. 8.

14 All offences under the ^{M12}Perjury Act 1911 except offences under—
(a) section 1 (perjury in judicial proceedings);
(b) section 3 (false statements etc. with reference to marriage);
(c) section 4 (false statements etc. as to births or deaths).

Marginal Citations

M12 1911 c. 6.

15 **F4**

Textual Amendments

F4 Sch. 1 para. 15 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

16 Offences under section 17 of the ^{M13}Deeds of Arrangement Act 1914 (trustee making preferential payments).

Marginal Citations

M13 1914 c. 47.

17 **F5**

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Textual Amendments

F5 Sch. 1 para. 17 repealed by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), [Sch. 5 Pt. III](#)

18 Offences under section 8(2) of the ^{M14}Census Act 1920 (disclosing census information).

Marginal Citations

M14 [1920 c. 41](#).

19 Offences under section 36 of the ^{M15}Criminal Justice Act 1925 (forgery of passports etc.).

Marginal Citations

M15 [1925 c. 86](#).

20 Offences under section 11 of the ^{M16}Agricultural Credits Act 1928 (frauds by farmers).

Marginal Citations

M16 [1928 c. 43](#).

21 ^{F6}

Textual Amendments

F6 Sch. 1 para. 21, 24 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#)

22 Offences under the following provisions of the ^{M17}Post Office Act 1953—
(a) section 53 (unlawfully taking away or opening mail bag);
(b) section 55 (fraudulent retention of mail bag or postal packet);
(c) section 57 (stealing, embezzlement, destruction etc. by officer of Post Office of postal packet);
(d) section 58 (opening or delaying of postal packets by officers of the Post Office).

Marginal Citations

M17 [1953 c. 36](#).

23 Offences under the following provisions of the ^{M18}Sexual Offences Act 1956—
(a) section 6 (unlawful sexual intercourse with a girl under 16);

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- (b) section 13 (indecenty between men);
- (c) section 26 (permitting a girl under 16 to use premises for sexual intercourse).

Marginal Citations

M18 1956 c. 69.

24 **F7**

Textual Amendments

F7 Sch. 1 para. 21, 24 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

25 **F8**

Textual Amendments

F8 Sch. 1 para. 25 repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), ss. 3, 5(2), Sch. 1 Pt. I, **Sch. 4**

26 The following offences under the ^{M19}Criminal Law Act 1967—
(a) offences under section 4(1) (assisting offenders); and
(b) offences under section 5(1) (concealing arrestable offences and giving false information),
where the offence to which they relate is triable either way.

Marginal Citations

M19 1967 c. 58.

27 Offences under section 4(1) of the ^{M20}Sexual Offences Act 1967 (procuring others to commit homosexual acts).

Marginal Citations

M20 1967 c. 60.

28 All indictable offences under the ^{M21}Theft Act 1968 except:—
(a) robbery, aggravated burglary, blackmail and assault with intent to rob;
(b) burglary comprising the commission of, or an intention to commit, an offence which is triable only on indictment;
(c) burglary in a dwelling if any person in the dwelling was subjected to violence or the threat of violence.

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Marginal Citations
M21 1968 c. 60.

- 29 Offences under the following provisions of the ^{M22}Criminal Damage Act 1971—
section 1(1) (destroying or damaging property);
section 1(1) and (3) (arson);
section 2 (threats to destroy or damage property);
section 3 (possessing anything with intent to destroy or damage property).

Marginal Citations
M22 1971 c. 48.

- 30 Offences in relation to stamps issued for the purpose of national insurance under the provisions of any enactments as applied to those stamps.
- 31 Uttering any forged document the forgery of which is an offence listed in this Schedule.
- 32 Committing an indecent assault upon a person whether male or female.
- 33 Aiding, abetting, counselling or procuring the commission of any offence listed in the preceding paragraphs of this Schedule except paragraph 26.
- 34 ^{F9}

Textual Amendments
F9 Sch. 1 para. 34 repealed by Criminal Attempts Act 1981 (c. 47, SIF 39:1), s. 10, Sch. Pt. I

- 35 Any offence consisting in the incitement to commit an offence triable either way except an offence mentioned in paragraph 33. . . ^{F10}above.

Textual Amendments
F10 Words repealed by Criminal Attempts Act 1981 (c. 47, SIF 39:1), s. 10, Sch. Pt. I

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