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## 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

[<sup>F1</sup>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 <sup>M1</sup>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 <sup>M2</sup>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 <sup>M3</sup>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 <sup>M4</sup>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. . . <sup>F2</sup>);
- (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**F2** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**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 <sup>M5</sup>Telegraph Act 1868 (disclosing or intercepting messages).

**Marginal Citations**

**M5** [1868 c. 110.](#)

7 Offences under section 13 of the <sup>M6</sup>Debtors Act 1869 (transactions intended to defraud creditors).

**Marginal Citations**

**M6** [1869 c. 62.](#)

8 Offences under section 5 of the <sup>M7</sup>Public Stores Act 1875 (obliteration of marks with intent to conceal).

**Marginal Citations**

**M7** [1875 c. 25.](#)

9 Offences under section 12 of the <sup>M8</sup>Corn Returns Act 1882 (false returns).

**Marginal Citations**

**M8** [1882 c. 37.](#)

10 ..... <sup>F3</sup>

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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 <sup>M9</sup>Submarine Telegraph Act 1885 (damaging submarine cables).

**Marginal Citations**

**M9** 1885 c. 49.

12 Offences under section 13 of the <sup>M10</sup>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 <sup>M11</sup>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 <sup>M12</sup>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 <sup>M13</sup>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 <sup>M14</sup>Census Act 1920 (disclosing census information).

**Marginal Citations**

**M14** [1920 c. 41](#).

19 Offences under section 36 of the <sup>M15</sup>Criminal Justice Act 1925 (forgery of passports etc.).

**Marginal Citations**

**M15** [1925 c. 86](#).

20 Offences under section 11 of the <sup>M16</sup>Agricultural Credits Act 1928 (frauds by farmers).

**Marginal Citations**

**M16** [1928 c. 43](#).

21 ..... <sup>F6</sup>

**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 <sup>M17</sup>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 <sup>M18</sup>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 <sup>M19</sup>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 <sup>M20</sup>Sexual Offences Act 1967 (procuring others to commit homosexual acts).

**Marginal Citations**

**M20** 1967 c. 60.

28 All indictable offences under the <sup>M21</sup>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 <sup>M22</sup>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 ..... <sup>F9</sup>

**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. . . <sup>F10</sup>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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