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SCHEDULES

SCHEDULE 5

Section 116.

SERIOUS ARRESTABLE OFFENCES

PART I

OFFENCES MENTIONED IN SECTION 116(2)(A)

- 1 Treason.
- 2 Murder.
- 3 Manslaughter.
- 4 Rape.
- 5 Kidnapping.
- 6 Incest with a girl under the age of 13.
- 7 Buggery with—
 - (a) a boy under the age of 16; or
 - (b) a person who has not consented.
- 8 Indecent assault which constitutes an act of gross indecency.

PART II

OFFENCES MENTIONED IN SECTION 116(2)(B)

Explosive Substances Act 1883 (c. 3)

- 1 Section 2 (causing explosion likely to endanger life or property).

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Sexual Offences Act 1956 (c. 69)

2 Section 5 (intercourse with a girl under the age of 13).

Firearms Act 1968 (c. 27)

3 Section 16 (possession of firearms with intent to injure).

4 Section 17(1) (use of firearms and imitation firearms to resist arrest).

5 Section 18 (carrying firearms with criminal intent).

F1

6

Textual Amendments
F1 Entry repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, **Sch. 1 Pt. I**

Taking of Hostages Act 1982 (c. 28)

7 Section 1 (hostage-taking).

Aviation Security Act 1982 (c. 36)

8 Section 1 (hi-jacking).

[^{F2} Criminal Justice Act 1988 (c. 33)]

Textual Amendments
F2 Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 102**

9 Section 134 (Torture).

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[^{F3} The Road Traffic Act 1988 (c. 52)]

Textual Amendments

F3 Words inserted by [Road Traffic Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 27\(5\)](#)

Section 1 (causing death by [^{F4}dangerous] driving). [^{F5}Section 3A (causing death by careless driving when under the influence of drink or drugs).]

Textual Amendments

F4 Word in [Sch. 5 Pt. II](#) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40\)](#), s. 48, [Sch. 4 para. 39\(a\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch.

F5 Words in [Sch. 5 Pt. II](#) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40\)](#), s. 48, [Sch. 4 para. 39\(b\)](#); [S.I. 1992/1286](#), [art. 2](#), Sch..

[^{F6} Aviation and Maritime Security Act 1990 (c. 31)]

Textual Amendments

F6 Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 53(1), [Sch. 3 para. 8](#)

11 Section 1 (endangering safety at aerodromes).

12 Section 9 (hijacking of ships).

13 Section 10 (seizing or exercising control of fixed platforms).

VALID FROM 05/03/1994

[^{F7} Channel Tunnel (Security) Order 1994 No.]

Textual Amendments

F7 [Sch. 5 Pt. II paras. 14-15](#), relating to Channel Tunnel (Security) Order 1994 added (5.3.1994) at the end of Pt. II by [S.I. 1994/570](#), [art. 38](#), [Sch. 3 para.4](#).

^{F8}14 Article 4 (hijacking of Channel Tunnel trains).

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Textual Amendments

- F8** Sch. 5 Pt. II paras. 14-15, relating to Channel Tunnel (Security) Order 1994 added (5.3.1994) at the end of Pt. II by S.I. 1994/570, art. 38, **Sch. 3 para.4**.

^{F9}15 Article 5 (seizing or exercising control of the tunnel system).

Textual Amendments

- F9** Sch. 5 Pt. II paras. 14-15, relating to Channel Tunnel (Security) Order 1994 added (5.3.1994) at the end of Pt. II by S.I. 1994/570, art. 38, **Sch. 3 para.4**.

VALID FROM 03/02/1995

[^{F10} Protection of Children Act 1978 (c. 37.)]

Textual Amendments

- F10** Sch. 5 Pt. II para. 14 relating to 1978 c. 37 inserted (3.2.1995) at the end of Pt. II by 1994 c. 33, s. 85(3); S.I. 1995/127, art. 2(1), **Sch. 1**.

^{F11}16 Section 1 (indecent photographs and pseudo-photographs of children).

Textual Amendments

- F11** Sch. 5 Pt. II para. 16 relating to 1978 c. 37 inserted (3.2.1995) at the end of Pt. II by 1994 c. 33, s. 85(3); S.I. 1995/127, art. 2(1), **Sch. 1**

VALID FROM 03/02/1995

[^{F12} Obscene Publications Act 1959 (c.66.)]

Textual Amendments

- F12** Sch. 5 Pt. II paras. 15, relating to 1959 c. 66 inserted (3.2.1995) at the end of Pt. II by 1994 c. 33, s. 85(3); S.I. 1995/127, art. 2(1).

^{F13}17 Section 2 (publication of obscene matter).

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Textual Amendments

F13 Sch. 5 Pt. II para. 17, relating to 1959 c. 66 inserted (3.2.1995) at the end of Pt. II by 1994 c. 33, s. 85(3); S.I. 1995/127, art. 2(1)

VALID FROM 01/05/2004

Sexual Offences Act 2003

- | | |
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| 18 | Section 1 (rape). |
| 19 | Section 2 (assault by penetration). |
| 20 | Section 4 (causing a person to engage in sexual activity without consent), where the activity caused involved penetration within subsection (4)(a) to (d) of that section. |
| 21 | Section 5 (rape of a child under 13). |
| 22 | Section 6 (assault of a child under 13 by penetration). |
| 23 | Section 8 (causing or inciting a child under 13 to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused. |
| 24 | Section 30 (sexual activity with a person with a mental disorder impeding choice), where the touching involved penetration within subsection (3)(a) to (d) of that section. |
| 25 | Section 31 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity), where an activity involving penetration within subsection (3)(a) to (d) of that section was caused. |

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