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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.
- [<sup>F17</sup>     Buggery with a person under the age of 16.]

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**Textual Amendments**

**F1**   Item 7 (buggery) in Sch. 5 Pt. I substituted (3.11.1994) by [1994 c. 33, s. 168\(2\)](#), [Sch. 10 para.59](#).

- 8       Indecent assault which constitutes an act of gross indecency.

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**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).

*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).

F2 .....

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**Textual Amendments**  
F2 Entry repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 3, [Sch. 1 Pt.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).

*[F3 Criminal Justice Act 1988 (c. 33)]*

**Textual Amendments**  
F3 Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), [Sch. 15 para. 102](#)

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9 Section 134 (Torture).

*[<sup>F4</sup> The Road Traffic Act 1988 (c. 52)]*

**Textual Amendments**

**F4** Words inserted by [Road Traffic Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 27\(5\)](#)

Section 1 (causing death by [<sup>F5</sup> dangerous] driving). [<sup>F6</sup>Section 3A (causing death by careless driving when under the influence of drink or drugs).]

**Textual Amendments**

**F5** 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.

**F6** 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..

*[<sup>F7</sup> Aviation and Maritime Security Act 1990 (c. 31)]*

**Textual Amendments**

**F7** 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).

*[<sup>F8</sup> Channel Tunnel (Security) Order 1994 No.]*

**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](#).

<sup>F9</sup>14 Article 4 (hijacking of Channel Tunnel trains).

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#### 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**.

<sup>F10</sup>15 Article 5 (seizing or exercising control of the tunnel system).

#### Textual Amendments

- F10** 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**.

*[<sup>F11</sup> Protection of Children Act 1978 (c. 37.)]*

#### Textual Amendments

- F11** 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**.

<sup>F12</sup>16 Section 1 (indecent photographs and pseudo-photographs of children).

#### Textual Amendments

- F12** 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**.

*[<sup>F13</sup> Obscene Publications Act 1959 (c.66.)]*

#### Textual Amendments

- F13** 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).

<sup>F14</sup>17 Section 2 (publication of obscene matter).

#### Textual Amendments

- F14** 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).

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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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