

Status: Point in time view as at 27/11/2023.

Changes to legislation: Sexual Offences Act 2003, Cross Heading: England and Wales is up to date with all changes known to be in force on or before 23 July 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 5

OTHER OFFENCES FOR PURPOSES OF PART 2

England and Wales

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- [^{F1}4A Outraging public decency.]

Textual Amendments

- F1** Sch. 5 para. 4A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), 3(2)

- 5 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).
- 6 An offence under section 16 of that Act (threats to kill).
- 7 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 8 An offence under section 20 of that Act (malicious wounding).
- 9 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
- 10 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
- 11 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 12 An offence under section 27 of that Act (abandoning children).
- 13 An offence under section 28 of that Act (causing bodily injury by explosives).
- 14 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 15 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 16 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).

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- 17 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 18 An offence under section 35 of that Act (injuring persons by furious driving).
- 19 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 20 An offence under section 38 of that Act (assault with intent to resist arrest).
- 21 An offence under section 47 of that Act (assault occasioning actual bodily harm).
- 22 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 23 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 24 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).
- 25 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).
- 26 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).
- 27 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 28 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 29 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 30 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
- 31 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- [^{F2}31A An offence under section 1 of the Theft Act 1968 (c.60) (theft).]

Textual Amendments

- F2** Sch. 5 para. 31A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(3)**

- 32 An offence under section 8 of [^{F3}that Act](robbery or assault with intent to rob).

Textual Amendments

- F3** Words in Sch. 5 para. 32 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(4)**

- [^{F4}33 An offence under section 9(1)(a) of that Act (burglary with intent to steal, inflict grievous bodily harm or do unlawful damage).]

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Textual Amendments

F4 Words in Sch. 5 para. 33 substituted (19.2.2007) by virtue of [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(5)**

- 34 An offence under section 10 of that Act (aggravated burglary).
- 35 An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.
- 36 An offence of arson under section 1 of the Criminal Damage Act 1971 (c. 48).
- 37 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.
- 38 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 39 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 40 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 41 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 42 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 43 An offence under section 127 of the Mental Health Act 1983 (c. 20) (ill-treatment of patients).
- [^{F5}43A An offence under section 1 of the Child Abduction Act 1984 (c. 37) (offence of abduction of child by parent, etc).

Textual Amendments

F5 Sch. 5 paras. 43A, 43B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(6)**

- 43B An offence under section 2 of that Act (offence of abduction of child by other persons).]

Textual Amendments

F5 Sch. 5 paras. 43A, 43B inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(6)**

- 44 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 45 An offence under section 1 of the Public Order Act 1986 (c. 64) (riot).
- 46 An offence under section 2 of that Act (violent disorder).
- 47 An offence under section 3 of that Act (affray).
- 48 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).

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- 49 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 50 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
- 51 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 52 An offence under section 9 of that Act (hijacking of ships).
- 53 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 54 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 55 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 56 An offence under section 13 of that Act (offences involving threats).
- [^{F6}56A An offence under section 2 [^{F7}or 2A] of the Protection from Harassment Act 1997 (c. 40) (^{F8}offences of harassment and stalking).]

Textual Amendments

- F6** Sch. 5 para. 56A inserted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(7)**
- F7** Words in Sch. 5 para. 56A inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(a)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F8** Words in Sch. 5 para. 56A substituted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(a)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)

- 57 An offence under section 4 [^{F9}or 4A] of [^{F10}that Act] (putting people in fear of violence [^{F11}and stalking involving fear of violence or serious alarm or distress]).

Textual Amendments

- F9** Words in Sch. 5 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(b)(i)** (with s. 97); S.I. 2012/2075, art. 5(d)
- F10** Words in Sch. 5 para. 57 substituted (19.2.2007) by [The Sexual Offences Act 2003 \(Amendment of Schedules 3 and 5\) Order 2007 \(S.I. 2007/296\)](#), arts. 1(1), **3(8)**
- F11** Words in Sch. 5 para. 57 inserted (25.11.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 9 para. 146(b)(ii)** (with s. 97); S.I. 2012/2075, art. 5(d)

- 58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated assaults).
- 59 An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c. 64)).
- 60 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

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[^{F12}60ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).]

Textual Amendments

F12 Sch. 5 para. 60ZA inserted "after paragraph 60" (25.1.2010) by virtue of Policing and Crime Act 2009, ss. 112(1), 116(1), {Sch. 7 para. 25(2)}; S.I. 2009/3096, art. 3(x)

[^{F13}60A An offence under section 85(3) or (4) of the Postal Services Act 2000 (c. 26) (prohibition on sending certain articles by post).]

Textual Amendments

F13 Sch. 5 para. 60A inserted (19.2.2007) by The Sexual Offences Act 2003 (Amendment of Schedules 3 and 5) Order 2007 (S.I. 2007/296), arts. 1(1), 3(9)

61 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

[^{F14}61A An offence under section 127(1) of the Communications Act 2003 (c. 21) (improper use of public electronic communications network).]

Textual Amendments

F14 Sch. 5 para. 61A inserted (19.2.2007) by The Sexual Offences Act 2003 (Amendment of Schedules 3 and 5) Order 2007 (S.I. 2007/296), arts. 1(1), 3(10)

62 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 16 or over.

[^{F15}63 An offence under any of sections 51 to 53 or 57 to [^{F16}59][^{F16}59A] of this Act.]

Textual Amendments

F15 Words in Sch. 5 para. 63 substituted (19.2.2007) by virtue of The Sexual Offences Act 2003 (Amendment of Schedules 3 and 5) Order 2007 (S.I. 2007/296), arts. 1(1), 3(11)

F16 Word in Sch. 5 para. 63 substituted (E.W.) (6.4.2013) by Protection of Freedoms Act 2012 (c. 9), s. 120, Sch. 9 para. 140(4) (with s. 97); S.I. 2013/470, art. 2(d) (with arts. 3(b), 5-8)

[^{F17}63A An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing [^{F18}the death of a child or vulnerable adult][^{F18}a child or vulnerable adult to die or suffer serious physical harm]).]

Textual Amendments

F17 Sch. 5 para. 63A inserted (21.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1), 60, Sch. 10 para. 59(2); S.I. 2005/579, art. 2(b)(c)

F18 Words in Sch. 5 para. 63A substituted (E.W.) (2.7.2012) by Domestic Violence, Crime and Victims (Amendment) Act 2012 (c. 4), s. 4(2), Sch. para. 5; S.I. 2012/1432, art. 2

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[^{F19}63B An offence under section 2 of the Modern Slavery Act 2015 (human trafficking).]

Textual Amendments

F19 Sch. 5 para. 63B inserted (31.7.2015) by Modern Slavery Act 2015 (c. 30), s. 61(1), **Sch. 5 para. 5(3)**; S.I. 2015/1476, reg. 2(j)

[^{F20}63C An offence under section 75A of the Serious Crime Act 2015 (strangulation or suffocation).]

Textual Amendments

F20 Sch. 5 para. 63C inserted (7.6.2022) by Domestic Abuse Act 2021 (c. 17), s. 90(6), **Sch. 2 para. 6**; S.I. 2022/553, regs. 1(2), 3(b)

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