

Status: Point in time view as at 02/02/2009.

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SCHEDULE

OFFENCES REFERRED TO IN S. 3

1 In the application of section three of this Act to England and Wales and to Northern Ireland, the expression “offence against the person” means any of the following offences, that is to say:—

- [^{F1}(za) [^{F2}rape and buggery (offences under the law of Northern Ireland);]]
- (a) murder, manslaughter, ^{F3}... [^{F4}, torture], ^{F3}... [^{F5}robbery] and assault [^{F6}and any offence of aiding, abetting, counselling or procuring suicide or an attempt to commit suicide]; and
- (b) any offence not falling within the foregoing sub-paragraph, being an offence punishable under any of the following enactments:—
- (i) the Offences against the ^{M1}Person Act, 1861, except section fifty-seven thereof (which relates to bigamy);
- ^{F7}(ii) the ^{M2}Criminal Law Amendment Act 1885;
- (iii) the ^{M3}Punishment of Incest Act, 1908;
- (iv) [^{F8}..... ^{F9} section eighty-nine of the ^{M4} Mental Health Act (Northern Ireland), 1948 (which relate respectively to certain offences against mentally defective females);]
- (v) ^{F10}
- (vi) sections one to five and section eleven of the ^{M5}Children and Young Persons Act, 1933, and sections eleven, twelve, fourteen, fifteen, sixteen and twenty-one of the ^{M6}Children and Young Persons Act (Northern Ireland), 1950; and
- (vii) the ^{M7}Infanticide Act, 1938 and the ^{M8}Infanticide Act (Northern Ireland), 1939. [^{F11}and
- (vii) article 3(1)(a) of the Protection of Children (Northern Ireland) Order 1978]
- ^{F12}(viii)]
- [^{F13}(ix) section 1(1)(a) of the Protection of Children Act 1978]
- [^{F14}(x) the Child Abduction Act 1984.]
- [^{F15}[^{F16}(xi) the Female Genital Mutilation Act 2003;]
[the Child Abduction (Northern Ireland) Order 1985]
- ^{F17}(xii)
[Part 1 of the Sexual Offences Act 2003.]
- ^{F18}(xiii)
[the Sexual Offences (Northern Ireland) Order 2008.]
- ^{F19}(xiv)
[
- ^{F20}(c) an offence of making such a threat as is mentioned in subsection (3)(a) of section 1 of the Internationally Protected Persons Act 1978 and any of the following offences against a protected person within the meaning of that section, namely an offence of kidnapping, an offence of false imprisonment and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.]

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- [an offence under section 2 of the Nuclear Material (Offences) Act 1983,
^{F21}(d) where the circumstances are that—
- (i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within sub-paragraph (a) or (b) of this paragraph, or
 - (ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence]
- ^{F22}[(e) an offence of making such a threat as is mentioned in section 3 of the United Nations Personnel Act 1997 and any of the following offences against a UN worker within the meaning of that Act—
- (i) an offence of kidnapping;
 - (ii) an offence of false imprisonment;
 - (iii) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.]]

Textual Amendments

- F1** Sch. para. 1(z^a) inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), **Sch. 6 para 8(2)**
- F2** Sch. para 1(z^a) repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), Sch. 1 para. 10(2)(a),
- F3** Words in Sch. para. 1(a) repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, Sch. 6 para. 8(3), **Sch. 7**; S.I. 2004/874, art. 2
- F4** Word inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(1), **Sch. 15 para. 15**
- F5** Word inserted (E.W.) by Theft Act 1968 (c. 60), **Sch. 2 Pt. III** and (N.I.) by Theft Act (Northern Ireland) 1969 (c. 16), **Sch. 2**
- F6** Words inserted by Suicide Act 1961 (c. 60), s. 3(3), **Sch. 1 Pt. II**
- F7** Sch. para 1(b)(ii)(iii) repealed (E.W.) by Sexual Offences Act 1956 (c. 69), S. 52, **Sch.4**
- F8** Sch. para. 1(b)(iv) repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), Sch. 1 para. 10(2)(b), **Sch. 3**; S.R. 2008/510, art. 2
- F9** Words repealed by Sexual Offences Act 1956 (c. 69), **Sch. 4**
- F10** Sch. paras. 1(b)(v), 3(a)(d)(e) repealed (E.W.) (S.) by Theft Act 1968 (c. 60), s. 33(3), **Sch. 3 Pt. III** and (N.I.) by Theft Act (Northern Ireland) 1969 (c. 16), **Sch. 3 Pt. II**
- F11** Sch. para. 1(b)(vii)(A) added (N.I.) by S.I. 1978/1047 (N.I.), **art. 9**
- F12** Sch. para. 1(b)(viii) repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), s. 141, **Sch. 7**; S.I. 2004/874, art. 2
- F13** Sch. para. 1(b)(ix) added (E.W.) by Protection of Children Act 1978 (c. 37, SIF 39:5), **s. 1(7)**
- F14** Sch. para. 1(b)(x) inserted (E.W.) by Child Abduction Act 1984 (c. 37, SIF 39:4), **s. 11(1)**
- F15** Sch. para. 1(b)(xi) substituted (3.3.2004) by Female Genital Mutilation Act 2003 (c. 31), **ss. 7(2), 8(2)** (with s. 8(5)); S.I. 2004/286, art. 2
- F16** Sch. para. 1(b)(xi) inserted by Prohibition of Female Circumcision Act 1985 (c. 38, SIF 39:4), **s. 3(2)**
- F17** Sch. para. 1(b)(xii) inserted by S.I. 1985/1638 (N.I. 17), **art. 7(1)**
- F18** Sch. para. 1(xiii) inserted (1.5.2004) by Sexual Offences Act 2003 (c. 42), **Sch. 6 para 8(4)**
- F19** Sch. para 1(b)(xiv) repealed (N.I.) (2.2.2009) by The Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), art. 1(3), Sch. 1 para. 10(2)(c)
- F20** Sch. para. 1(c) added by Internationally Protected Persons Act 1978 (c. 17, SIF 39:2), **s. 2(4)(a)**
- F21** Sch. para. 1(d) added (*prosp.*) by Nuclear Material (Offences) Act 1983 (c. 18, SIF 8), **ss. 4(2)(a), 8(2)**
- F22** Sch. para. 1(e) inserted (27.4.1997) by United Nations Personnel Act 1997 (c. 13), **ss. 7, 10(2), Sch. para. 1(2)**

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Marginal Citations

- M1** 1861 c. 100.
- M2** 1885 c. 69.
- M3** 1908 c. 45.
- M4** 1948 c. 17 (N.I.)
- M5** 1933 c. 12.
- M6** 1950 c. 5 (N.I.)
- M7** 1938 c. 36.
- M8** 1939 c. 5 (N.I.)

- 2 In the application of the said section three to Scotland, the expression “offence against the person” means any of the following offences, that is to say:—
- (a) murder, culpable homicide, rape [^{F23}, torture], robbery, assault, incest, sodomy, lewd, indecent and libidinous practices, procuring abortion, abduction, cruel and unnatural treatment of persons, threats to murder or to injure persons; and
 - (b) any offence not falling within the last foregoing sub-paragraph, being an offence punishable under any of the following enactments:—
 - (i) the ^{M9}Criminal Law Amendment Act, 1885;
 - (ii) section forty-six of the ^{M10}Mental Deficiency and Lunacy (Scotland) Act, 1913 (which relates to certain offences against mentally defective females); [^{F24}and]
 - (iii) sections twelve to sixteen and twenty-two of the ^{M11}Children and Young Persons (Scotland) Act, 1937.
- [^{F25}(iv) section 52(1)(a) of the Civic Government (Scotland) Act 1982.]
- [^{F26}(c) an offence of making such a threat as is mentioned in subsection (3)(a) of section 1 of the Internationally Protected Persons Act 1978 and the following offence against a protected person within the meaning of that section, namely, an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.]
 - [^{F27}(d) an offence under section 2 of the Nuclear Material (Offences) Act 1983, where the circumstances are that—
 - (i) in the case of a contravention of subsection (2); the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within sub-paragraph (a) or (b) of this paragraph, or
 - (ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence]
 - [^{F28}(e) an offence of making such a threat as is mentioned in section 3 of the United Nations Personnel Act 1997 and an offence of causing an explosion likely to endanger life, committed against a UN worker (within the meaning of that Act), under section 2 of the Explosive Substances Act 1883.]

Textual Amendments

- F23** Word inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 15**
- F24** Word repealed (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 52(6)
- F25** [Sch. para. 2\(b\)\(iv\)](#) added (S.) by [Civic Government \(Scotland\) Act 1982 \(c. 45, SIF 81:2\)](#), s. 52(6)

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- F26** Sch. para. 2(c) added by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), **s. 2(4)(b)**
- F27** Sch. para. 2(d) added (2.10.1991) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), **ss. 4(2)(a), 8(2)**; S.I. 1991/1716, **art. 2**
- F28** Sch. para. 2(e) inserted (27.4.1997) by 1997 c. 13, ss. 7, 10(2), **Sch. para. 1(3)**

Marginal Citations

- M9** 1885 c. 69.
- M10** 1913 c. 38.
- M11** 1937 c. 37.

3 In the application of the said section three to England and Wales and to Northern Ireland, the expression “offence against property” means any offence punishable under any of the following enactments, that is to say:—

- (a) ^{F29}
- (b) the ^{M12}Malicious Damage Act, 1861;
- (c) section thirteen of the ^{M13}Debtors Act, 1869, and section thirteen of the ^{M14}Debtors Act (Ireland), 1872 (which relate respectively to the obtaining of credit by false pretences and to certain frauds on creditors);
- (d) ^{F29}
- (e) ^{F29}
- (f) section twenty-eight of the ^{M15}Road Traffic Act, 1930, and section four of the ^{M16}Motor Vehicles and Road Traffic Act (Northern Ireland), 1930 (which relate respectively to the taking of a motor vehicle without the owner’s consent.)
- [^{F30}(g) the ^{M17}Theft Act 1968, except section 8 (robbery)];
- [^{F31}(g) the ^{M18}Theft Act (Northern Ireland) 1969, except section 8 (robbery)];
- [^{F32}(h) the Criminal Damage (Northern Ireland) Order 1977.]
- [^{F33}(h) the ^{M19}Criminal Damage Act 1971.]
- [^{F34}(i) an offence under section 2 of the ^{M20}Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property in connection with such an attack as is mentioned in section 1(1)(b) of the Internationally Protected Persons Act 1978.]
- [^{F35}(j) the Theft Act 1978; [^{F36}and the Theft (Northern Ireland) Order 1978]]
- [^{F37}(k) an offence under section 2 of the Nuclear Material (Offences) Act 1983, where the circumstances are that—
- (i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within the foregoing subparagraphs, or
- (ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence.]
- [^{F38}(l) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property in connection with such an attack as is mentioned in section 2(1) of the United Nations Personnel Act 1997.]
- [^{F39}(m) the ^{M21}Fraud Act 2006.]

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Textual Amendments

- F29** Sch. paras. 1(b)(v), 3(a)(d)(e) repealed (E.W.) (S.) by [Theft Act 1968 \(c. 60\), s. 33\(3\)](#), [Sch. 3 Pt. III](#) and (N.I.) by [Theft Act \(Northern Ireland\) 1969 \(c. 16\)](#), [Sch. 3 Pt. II](#)
- F30** Para. 3(g) added (E.W.) by [Theft Act 1968 \(c. 60\)](#), [Sch. 2 Pt. III](#)
- F31** Para. 3(g) added (N.I.) by [Theft Act \(Northern Ireland\) 1969 \(c. 16\)](#), [Sch. 3 Pt. III](#)
- F32** Para. 3(h) added (N.I.) by [S.I. 1977/426](#), [art. 13\(2\)](#)
- F33** Para 3(h) added (E.W.) by [Criminal Damage Act 1971 \(c. 48\)](#), [s. 11\(6\)](#)
- F34** Sch. para. 3(i) added by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), [s. 2\(4\)\(c\)](#)
- F35** Sch. para. 3(j) added (E.W.) by [Theft Act 1978 \(c. 31, SIF 39:6\)](#), [s. 5\(4\)](#)
- F36** Words added (N.I.) by [S.I. 1978/1407](#), [art. 7\(3\)](#)
- F37** Sch. para. 3(k) added (2.10.1991) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), [ss. 4\(2\)\(b\)](#), 8(2)
- F38** Sch. para. 3(l) inserted (27.4.1997) by [1997 c. 13, ss. 7, 10\(2\)](#), [Sch. para. 1\(4\)](#)
- F39** Sch. para. 3(m) inserted (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), [Sch.1 para. 2](#)

Marginal Citations

- M12** 1861 c. 97.
M13 1869 c. 62.
M14 1872 c. 57.
M15 1930 c. 43.
M16 1930 c. 24 (N.I.)
M17 1968 c. 60.
M18 1969 c. 16 (N.I.)
M19 1971 c. 48.
M20 1883 c. 3
M21 2006 c. 35

- 4 In the application of the said section three to Scotland, the expression “offence against property” means any of the following offences, that is to say:—
- (a) theft, housebreaking with intent to steal, opening lockfast places with intent to steal, reset, plagiarism, breach of trust and embezzlement, falsehood, fraud and wilful imposition, threats to extort money or with intent to extort money, and malicious mischief; and
- (b) any offence under section twenty-eight of the ^{M22}Road Traffic Act, 1930.
- [^{F40}(c) any of the following offences in connection with such an attack as is mentioned in section 1(1)(b) of the Internationally Protected Persons Act 1978, namely an offence of wilful fireraising and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property.]
- [^{F41}(d) an offence under section 2 of the Nuclear Material (Offences) Act 1983, where the circumstances are that—
- (i) in the case of a contravention of subsection (2), the act falling within paragraph (a) or (b) of that subsection would, had it been done, have constituted an offence falling within sub-paragraph (a) or (b) of this paragraph, or
- (ii) in the case of a contravention of subsection (3) or (4), the act threatened would, had it been done, have constituted such an offence]
- [^{F42}(e) any of the following offences in connection with such an attack as is mentioned in section 2(1) of the United Nations Personnel Act 1997—
- (i) an offence of wilful fireraising;

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- (ii) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property.]

Textual Amendments

- F40** Sch. para. 4(c) added by [Internationally Protected Persons Act 1978 \(c. 17, SIF 39:2\)](#), **s. 2(4)(d)**
F41 Sch. para. 4(d) added (2.10.1991) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), **ss. 4(2)(a)**, 8(2); S.I. 1991/1716, **art. 2**
F42 Sch. para. 4(e) inserted (27.4.1997) by [1997 c. 13](#), ss. 7, 10(2), **Sch. para. 1(5)**

Marginal Citations

- M22** [1930 c. 43](#).

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