
Status: Point in time view as at 12/08/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

2004 No. 1910

IMMIGRATION

**The Nationality, Immigration and Asylum Act 2002
(Specification of Particularly Serious Crimes) Order 2004**

<i>Made</i>	- - - -	<i>20th July 2004</i>
<i>Laid before Parliament</i>		<i>22nd July 2004</i>
<i>Coming into force</i>	- -	<i>12th August 2004</i>

In exercise of the powers conferred upon him by section 72(4)(a) of the Nationality, Immigration and Asylum Act 2002⁽¹⁾, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004 and shall come into force on 12th August 2004.

Commencement Information

I1 Art. 1 in force at 12.8.2004, see [art. 1](#)

2. An offence of a description set out in any of Schedules 1 to 6 to this Order is hereby specified for the purposes of section 72(4)(a) of the Nationality, Immigration and Asylum Act 2002.

Commencement Information

I2 Art. 2 in force at 12.8.2004, see [art. 1](#)

Home Office
20th July 2004

Des Browne
Minister of State

(1) 2002 c. 41.

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SCHEDULE 1

STATUTORY OFFENCES THAT APPLY THROUGHOUT THE UNITED KINGDOM

Commencement Information

I3 Sch. 1 in force at 12.8.2004, see [art. 1](#)

Offences under the Explosive Substances Act 1883(2)

Section 2 (unlawfully and maliciously causing an explosion likely to endanger life or cause serious injury to property).

Section 3(1)(a) (unlawfully and maliciously doing an act, intending or conspiring to cause an explosion likely to endanger life or cause serious injury to property).

Section 3(1)(b) (unlawfully and maliciously making, possessing, or having under control, an explosive substance intending to endanger life or cause serious injury to property).

Section 4 (making, or knowingly possessing, an explosive substance in circumstances that lead to reasonable suspicion that such making or possession is for an unlawful object).

Offences under the Misuse of Drugs Act 1971(3)

Section 4(3)(a) (supplying or offering to supply a controlled drug, where the offence in question is in respect of a Class A drug or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 4(3)(b) (being concerned in the supply of a controlled drug, where the offence in question is in respect of a Class A drug or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 4(3)(c) (being concerned in the making of an offer to supply a controlled drug, where the offence in question is in respect of a Class A drug or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 5(3) (possessing a controlled drug intending to supply it to another, where the offence in question is in respect of a Class A drug or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 8(a) (occupying or managing premises where the production or attempted production of a controlled drug is knowingly permitted on those premises).

Section 8(b) (occupying or managing premises where the supply, or attempted supply, of or the offer to supply a controlled drug is knowingly permitted on those premises).

Section 9(a) (smoking or otherwise using opium).

Section 9(b) (frequenting a place used for opium smoking).

Section 9(c)(i) (possessing pipes or utensils for use in connection with opium smoking which have been used, permitted or intended for use, for that purpose).

Section 9(c)(ii) (possessing utensils for use in connection with preparing opium for smoking which have been used, permitted or intended for use for that purpose).

Section 20 (assisting or inducing, while in the United Kingdom, the commission of an offence under a corresponding law outside the United Kingdom).

(2) [1883 46 and 47 Vict c. 3.](#)

(3) [1971 c. 38.](#)

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Offences under the Immigration Act 1971(4)

Section 25(1)(a) (facilitating the breach of immigration law by a person who is not a citizen of the European Union)(5).

Section 25A (facilitating, for gain, the arrival in the United Kingdom of an asylum seeker)(6).

Section 25B (facilitating a breach of a deportation or exclusion order in force against a citizen of the European Union)(7).

Offences under the Biological Weapons Act 1974(8)

Section 1(1)(a) (developing, producing, stockpiling, acquiring or retaining a biological agent or toxin in a quantity that has no justification for peaceful purposes).

Section 1(1)(b) (developing, producing, stockpiling, acquiring or retaining a weapon, equipment or means of delivery designed to use a biological agent or toxin for hostile purposes or in an armed conflict).

Section 1(1A)(a) (transferring a biological agent or toxin for non-peaceful purposes or entering into an agreement to do so)(9).

Section 1(1A)(b) (making arrangements for the transfer of a biological agent or toxin for non-peaceful purposes or entering into an agreement to do so).

Offences under the Customs and Excise Act 1979(10)

Section 50(3) (importing or being concerned in importing goods contrary to any prohibition or restriction, intending to evade that prohibition or restriction, where the offence in question is in respect of a Class A drug or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 68(1) (exporting or shipping as stores, or bringing to the United Kingdom for the purpose of exporting or shipping as stores, goods contrary to any prohibition or restriction, where the offence in question is in respect of a Class A drug or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 68(2) (knowingly being concerned in exporting, or shipping as stores, any goods, intending to evade a prohibition or restriction, where the offence in question is in respect of a Class A or Class B drug controlled by the Misuse of Drugs Act 1971).

Section 170(2)(b) (knowingly being concerned in the fraudulent evasion of any prohibition or restriction in relation to goods, where the offence in question is in respect of a Class A or Class B drug controlled by the Misuse of Drugs Act 1971).

Offences under the Taking of Hostages Act 1982(11)

Section 1(1) (detaining a person and threatening to kill, injure or continue to detain that person in order to compel a State, international governmental organisation or person to do, or abstain from doing, any act).

(4) **1971 c. 77.**

(5) Section 25(1)(a) was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002.

(6) Section 25A was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002.

(7) Section 25B was substituted by section 143 of the Nationality, Immigration and Asylum Act 2002.

(8) **1974 c. 6.**

(9) Section 1(1A) was inserted by section 44 of the Anti-terrorism, Crime and Security Act 2001 (c. 24).

(10) **1979 c. 2.**

(11) **1982 c. 28.**

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*Offences under the Aviation Security Act 1982***(12)**

Section 1(1) (unlawfully seizing, or exercising control of, an aircraft by using force or threats).

Section 2(1)(a) (unlawfully and intentionally destroying an aircraft in service or damaging such an aircraft so as to render it incapable of flight or endanger its safety in flight).

Section 2(1)(b) (unlawfully and intentionally committing an act of violence on board an aircraft in flight likely to endanger its safety).*claire*

Section 3(1) (unlawfully and intentionally destroying, damaging or interfering with any property used for the provision of air navigation facilities where such destruction, damage or interference is likely to endanger the safety of aircraft in flight).

Section 3(3) (intentionally communicating materially false, misleading or deceptive information which endangers, or is likely to endanger, the safety of an aircraft in flight).

Section 4(1)(a) (possessing, without lawful authority or reasonable excuse, a firearm or explosive, or article having the appearance of either, or any article made or adapted for injuring a person or destroying or damaging property, in any aircraft registered in the United Kingdom).

Section 4(1)(b) (possessing, without lawful authority or reasonable excuse, a firearm, explosive or article having the appearance of either or any article made or adapted for injuring a person or destroying or damaging property in any aircraft not registered in the United Kingdom when it is in, or flying over, the United Kingdom).

Section 4(1)(c) (possessing, without lawful authority or reasonable excuse, a firearm, explosive or article having the appearance of either or any article made or adapted for injuring a person or destroying or damaging property in an aerodrome in the United Kingdom).

Section 4(1)(d) (possessing, without lawful authority or reasonable excuse, a firearm, explosive or article having the appearance of either or any article made or adapted for injuring a person or destroying or damaging property in any air navigation installation in the United Kingdom).

*Offences under the Nuclear Materials (Offences) Act 1983***(13)**

Section 2(2)(a) (receiving, holding or dealing with nuclear material intending to do an act which is an offence referred to in section 1(1)(a) or (b) of the Nuclear Materials (Offences) Act 1983).

Section 2(2)(b) (receiving, holding or dealing with nuclear material being reckless as to whether another would do an act which is an offence referred to in section 1(1)(a) or (b) of the Nuclear Materials (Offences) Act 1983).

Section 2(3) (making a threat to do an act by means of nuclear material which is an offence referred to in section 1(1)(a) or (b) of the Nuclear Materials (Offences) Act 1983, intending that the person to whom the threat is made shall fear that it will be carried out).

Section 2(4) (threatening to obtain nuclear material by an act which is an offence referred to in section 1(1)(c) of the Nuclear Materials (Offences) Act 1983 in order to compel a state, international governmental organisation or person to do, or abstain from doing, an act).

*Offences under the Criminal Justice Act 1988***(14)**

Section 134(1) (intentionally inflicting severe pain or suffering on another, where the offender is a public official or person acting in an official capacity who does such acts in performance, or purported performance, of his official duties).

(12) 1982 c. 36.

(13) 1983 c. 18.

(14) 1988 c. 33.

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Section 134(2) (intentionally inflicting severe pain or suffering on another at the instigation, consent or acquiescence of a public official or person acting in an official capacity who at the time of such instigation, consent or acquiescence is acting in performance, or purported performance, of his official duties).

*Offences under the Criminal Justice (International Co-operation) Act 1990***(15)**

Section 12(1) (manufacturing or supplying a scheduled substance, knowing or suspecting that the substance is to be used for the unlawful production of a controlled drug).

*Offences under the Aviation and Maritime Security Act 1990***(16)**

Section 1(1) (intentionally committing an act of violence at an aerodrome serving international civil aviation with any device, substance or weapon which causes, or is likely to cause, serious personal injury or death and endangers the safe operation of that aerodrome or the safety of persons there).

Section 1(2)(a)(i) (unlawfully and intentionally destroying or seriously damaging property used for the provision of any facilities at an aerodrome serving international civil aviation with any device, substance or weapon in a way that endangers, or is likely to endanger, the safe operation of that aerodrome or the safety of persons there).

Section 1(2)(a)(ii) (unlawfully and intentionally destroying or seriously damaging an out of service aircraft at an aerodrome serving international civil aviation with any device, substance or weapon in a way that endangers, or is likely to endanger, the safe operation of that aerodrome or the safety of persons there).

Section 1(2)(b) (unlawfully and intentionally disrupting the services of an aerodrome serving international civil aviation with any device, substance or weapon in a way that endangers, or is likely to endanger, the safe operation of that aerodrome or the safety of persons there).

Section 9 (unlawfully seizing, or exercising of control, of a ship by force or with threats).

Section 13(1) (threatening to do an act to a ship or fixed platform which is an offence under section 11(1) of the Aviation and Maritime Security Act 1990).

Section 13(2) (threatening to do an act which is an offence under section 12(1) of the Aviation and Maritime Security Act 1990).

*Offences under the Channel Tunnel (Security) Order 1994***(17)**

Article 4(1) (unlawfully seizing, or exercising control, of a Channel Tunnel train by using force or threats).

Article 5(1) (unlawfully seizing, or exercising control, of the tunnel system by using force or threats).

Article 6(1)(a) (unlawfully and intentionally destroying a Channel Tunnel train or the tunnel system or any goods on a train or within the tunnel system so as to endanger, or to be likely to endanger, the safe operation of the train or the safety of the tunnel system).

Article 6(1)(b) (unlawfully and intentionally damaging a Channel Tunnel train or the tunnel system or any goods on a train or within the tunnel system so as to endanger, or to be likely to endanger, the safe operation of the train or the safety of the tunnel system).

(15) 1990 c. 5.

(16) 1990 c. 31.

(17) S.I. 1994/570.

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Article 6(1)(c) (committing an act of violence on board a Channel Tunnel train or within the tunnel system likely to endanger the safe operation of the train or the safety of the tunnel system).

Article 6(2)(a) (unlawfully and intentionally placing a device or substance on a Channel Tunnel train likely to destroy or damage it, or goods on it, so as to endanger its safe operation).

Article 6(2)(b) (unlawfully and intentionally placing a device or substance in the tunnel system likely to destroy or damage it so as to endanger its safety).

Article 7(1) (unlawfully and intentionally destroying, damaging, or interfering with, the operation of property referred to in article 7(2) of the Channel Tunnel (Security) Order 1994 likely to endanger the safe operation of any Channel Tunnel train or the safety of the tunnel system).

Article 7(3) (intentionally communicating information, knowing it to be false in a material particular, which endangers the safe operation of any Channel Tunnel train or the safety of the tunnel system).

Article 8(1) (threatening to commit an offence under article 6(1) of the Channel Tunnel (Security) Order 1994 in order to compel a person to do, or abstain from doing, any act, where the making of such a threat is likely to endanger the safe operation of a train or the safety of the tunnel system).

Article 8(2) (threatening to commit an offence under article 7(1) of the Channel Tunnel (Security) Order 1994 in order to compel a person to do, or abstain from doing, any act, where the making of such a threat is likely to endanger the safe operation of a train or the safety of the tunnel system).

*Offences under the Chemical Weapons Act 1996***(18)**

Section 2(1)(a) (using a chemical weapon).

Section 2(1)(b) (developing or producing a chemical weapon).

Section 2(1)(c) (possessing a chemical weapon).

Section 2(1)(d) (participating in the transfer of a chemical weapon).

Section 2(1)(e) (engaging in military preparations, intending to use a chemical weapon).

Section 11(1)(a) (constructing premises, intending them to be used for producing a chemical weapon).

Section 11(1)(b) (altering premises, intending them to be used for producing a chemical weapon).

Section 11(1)(c) (installing or constructing equipment, intending it to be used for producing a chemical weapon).

Section 11(1)(d) (altering equipment, intending it to be used for producing a chemical weapon).

Section 11(1)(e) (occupying land and permitting construction of premises on it, intending those premises to be used for producing a chemical weapon).

Section 11(1)(f) (occupying land and permitting premises to be altered on it, intending those premises to be used for producing a chemical weapon).

Section 11(1)(g) (occupying land and permitting installation or construction on it of equipment, intending that equipment to be used for producing a chemical weapon).

Section 11(1)(h) (occupying land and permitting equipment to be altered on it, intending that equipment to be used for producing a chemical weapon).

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Offences under the Terrorism Act 2000(19)

Section 11(1) (belonging, or professing to belong, to a proscribed organisation).

Section 12(1) (inviting support for a proscribed organisation that is not restricted to the provision of money or property).

Section 12(2)(a) (arranging, managing or assisting in the arrangement or management of a meeting, knowing that it supports a proscribed organisation).

Section 12(2)(b) (arranging, managing or assisting in the arrangement or management of a meeting, knowing that it furthers the activities of a proscribed organisation).

Section 12(2)(c) (arranging, managing or assisting in the arrangement or management of a meeting, knowing that it is to be addressed by a member or professed member of a proscribed organisation).

Section 12(3) (addressing a meeting for the purpose of encouraging support or furthering the activities of a proscribed organisation).

Section 15(1) (inviting another to provide money or property, intending, or having reasonable cause to suspect, that it may be used for terrorist purposes).

Section 15(2) (receiving money or property, intending, or having reasonable cause to suspect, that it may be used for terrorist purposes).

Section 15(3) (providing money or property, intending, or having reasonable cause to suspect, that it may be used for terrorist purposes).

Section 16(1) (using money or property for terrorist purposes).

Section 16(2) (possessing money or property, intending, or having reasonable cause to suspect, that it may be used for terrorist purposes).

Section 17(1) (entering into, or becoming concerned in, an arrangement where money or other property is made available knowing, or having reasonable cause to suspect, that it may be used for terrorist purposes).

Section 18(1)(a) (entering into, or becoming concerned in, an arrangement facilitating the retention or control of terrorist property by concealment).

Section 18(1)(b) (entering into, or becoming concerned in, an arrangement facilitating the retention or control of terrorist property by removal from the jurisdiction).

Section 18(1)(c) (entering into, or becoming concerned in, an arrangement facilitating the retention or control of terrorist property by transfer to nominees).

Section 18(1)(d) (entering into, or becoming concerned in, an arrangement facilitating the retention or control of terrorist property in any other way).

Section 19(2) (not disclosing as soon as reasonably practicable a belief or suspicion, and the information on which the belief or suspicion is based, that an offence has been committed under sections 15 to 18 of the Terrorism Act 2000).

Section 38B(1)(a) (not disclosing information, knowing or believing it to be of material assistance in preventing an act of terrorism)(20).

Section 38B(1)(b) (not disclosing information, knowing or believing it to be of material assistance in securing the apprehension, prosecution or conviction of a person for a terrorist offence).

Section 54(1)(a) (providing instruction or training in the making or use of a firearm).

(19) 2000 c. 11.

(20) Section 38B was inserted by section 117(1) and (2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24).

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Section 54(1)(aa) (providing instruction or training in the making or use of a radioactive material or weapon designed or adapted to discharge it)(**21**).

Section 54(1)(b) (providing instruction or training in the making or use of an explosive).

Section 54(1)(c) (providing instruction or training in the making or use of a chemical, biological or nuclear weapon).

Section 54(2)(a) (receiving instruction or training in the making or use of a radioactive material or weapon designed or adapted to discharge it).

Section 54(2)(aa) (receiving instruction or training in the making or use of a radioactive material or weapon designed or adapted to discharge it)(**22**).

Section 54(2)(b) (receiving instruction or training in the making or use of an explosive).

Section 54(2)(c) (receiving instruction or training in the making or use of a chemical, biological or nuclear weapon).

Section 54(3)(a) (inviting another to receive instruction or training where receipt would constitute an offence under section 54(2) of the Terrorism Act 2000).

Section 54(3)(b) (inviting another to receive instruction or training where receipt would constitute an offence under section 54(2) of the Terrorism Act 2000 but for the fact that it would take place outside the United Kingdom).

Section 56(1) (directing the activities of an organisation at any level which is concerned in the commission of a terrorist act).

Section 57(1) (possessing an article giving rise to a reasonable suspicion that possessing it is connected with the commission, preparation or instigation of a terrorist act).

Section 58(1)(a) (collecting or making a record of information of a kind likely to be useful to a person committing or preparing a terrorist act).

Section 58(1)(b) (possessing a record of information of a kind likely to be useful to a person committing or preparing a terrorist act).

Offences under the Anti-terrorism, Crime and Security Act 2001(**23**)

Section 47(1)(a) (knowingly causing a nuclear weapon explosion).

Section 47(1)(b) (developing or producing a nuclear weapon, or participating in either activity).

Section 47(1)(c) (possessing a nuclear weapon).

Section 47(1)(d) (participating in the transfer of a nuclear weapon).

Section 47(1)(e) (engaging in military preparations intending, or threatening, to use a nuclear weapon).

Section 113(1) (using a noxious substance or thing in a way which causes serious violence or serious damage to property, endangers human life, creates a serious risk to health or safety or induces in the public a fear that such an act will endanger their lives or health or safety, and which is designed to influence the government or intimidate the public).

Section 114(1) (placing or sending a substance or thing, intending to induce a belief that it is a noxious substance or thing likely to endanger human life or create a serious risk to human health).

(21) Section 54(1)(aa) was inserted by section 120(1) of the Anti-terrorism, Crime and Security Act 2001.

(22) Section 54(2)(aa) was inserted by section 120(1) of the Anti-terrorism, Crime and Security Act 2001.

(23) **2001 c. 24.**

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Section 114(2) (communicating information knowing or believing it to be false, intending to induce a belief that a noxious substance or thing is present in any place, thereby to endanger human life or create a serious risk to human health).

*Offences under the Proceeds of Crime Act 2002***(24)**

Section 327(1)(a) (concealing criminal property).

Section 327(1)(b) (disguising criminal property).

Section 327(1)(c) (converting criminal property).

Section 327(1)(d) (transferring criminal property).

Section 327(1)(e) (removing criminal property from England and Wales, Scotland or Northern Ireland).

Section 328(1) (entering into, or becoming concerned in, an arrangement, knowing or suspecting that it will facilitate the acquisition, retention, use, or control of criminal property).

Section 329(1)(a) (acquiring criminal property).

Section 329(1)(b) (using criminal property).

Section 329(1)(c) (possessing criminal property).

Section 332(1) (failing, as a nominated person, to disclose known or suspected money laundering as soon as reasonably practicable after the information on which that knowledge or suspicion is based is obtained in consequence of a disclosure under section 337 or 338 of the Proceeds of Crime Act 2002).

Section 333 (disclosing information likely to prejudice any investigation that might be conducted following the disclosure of information by a nominated person under section 337 or 338 of the Proceeds of Crime Act 2002).

SCHEDULE 2

OFFENCES UNDER THE COMMON LAW OF ENGLAND AND WALES AND STATUTORY OFFENCES THAT APPLY ONLY IN ENGLAND AND WALES

1. Offences under the Common Law of England and Wales.

Manslaughter.

Commencement Information

I4 Sch. 2 para. 1n1 in force at 12.8.2004, see [art. 1](#)

2. Statutory offences that apply only in England and Wales.

Commencement Information

I5 Sch. 2 para. 2 in force at 12.8.2004, see [art. 1](#)

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*Offences under the Infant Life (Preservation) Act 1929***(25)**

Section 1 (doing a wilful act, intending to destroy the life of a child capable of being born alive that causes a child to die before it is born).

*Offences under the Infanticide Act 1938***(26)**

Section 1 (doing a wilful act causing the death of a child before it is over 12 months old, where that act is done by the mother of the child and her balance of mind is disturbed for reasons relating to lactation or the birth of the child).

*Offences under the Theft Act 1968***(27)**

Section 1(1) (dishonestly appropriating another's property, intending to permanently deprive him of it).

Section 8(1) (stealing, and before or at the time of doing so, using force or putting another in fear of being there and then subjected to force).

Section 9(1)(a) (entering a building as a trespasser, intending to steal, inflict or attempt to inflict grievous bodily harm or rape).

Section 9(1)(b) (having entered a building as a trespasser, stealing or attempting to steal or inflicting or attempting to inflict grievous bodily harm).

Section 10(1) (committing burglary with a firearm, imitation firearm, weapon of offence or explosive).

Section 12A (aggravated taking of a vehicle)**(28)**.

*Offences under the Criminal Damage Act 1971***(29)**

Section 1(1) (destroying or damaging, without lawful excuse, another's property intending to destroy or damage it or being reckless as to that).

Section 1(2) (destroying or damaging, without lawful excuse, property, intending, or being reckless as to whether, that destruction or damage would result and intending that damage or destruction to endanger the life of another or being reckless as to that).

Section 2 (threatening, without lawful excuse, to destroy or damage property, knowing that such a threat is likely to endanger another's life).

Section 3(a) (having in custody or under control anything intending, without lawful excuse, to use, or permit use of, it to destroy or damage another's property).

Section 3(b) (having in custody or under control anything, intending, without lawful excuse, to use, or permit use of, it to destroy or damage property knowing that such an act is likely to endanger another's life).

*Offences under the Criminal Law Act 1977***(30)**

Section 1 (agreeing to pursue a course of conduct which, if carried out as intended, necessarily amounts to the commission of an offence or would do so but for the fact that such commission

(25) [1929 19 & 20 Geo 5 c. 34.](#)

(26) [1938 1 & 2 Geo 6 c. 36.](#)

(27) [1968 c. 60.](#)

(28) Section 12A was inserted by section 2(1) of the Aggravated Vehicle-Taking Act 1992 (c. 11).

(29) [1971 c. 48.](#)

(30) [1977 c. 45.](#)

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is impossible, provided that the offence in question is an offence described either in Schedule 1 to this Order or this Schedule).

Section 51(1) (placing or dispatching an article, intending to induce a belief that it will explode or ignite and cause personal injury or property damage).

Section 51(2) (communicating information, knowing or believing it to be false intending to induce a belief that a bomb or other thing is liable to explode in a place) .

Offences under the Magistrates Courts Act 1980(31)

Section 44 (aiding, abetting, counselling or procuring the commission of a summary offence, provided that the offence in question is described in Schedule 1 to this Order or this Schedule)(32).

Offences under the Criminal Attempts Act 1981(33)

Section 1(1) (intending to commit an offence and doing an act that is more than merely preparatory to the commission of that offence, provided that the offence in question is described in Schedule 1 to this Order or this Schedule) .

Offences under the Public Order Act 1986(34)

Section 1(1) (being in a group of 12 or more people who use, or threaten, unlawful violence for a common purpose so as to cause a person of reasonable firmness present at the scene to fear for his safety).

Section 2(1) (being in a group of 3 or more people who use, or threaten, unlawful violence for a common purpose so as to cause a person of reasonable firmness present at the scene to fear for his safety).

Section 3(1) (using, or threatening, unlawful violence so as to cause a person of reasonable firmness present at the scene to fear for his safety).

Offences under the Protection from Harassment Act 1997(35)

Section 4(1) (causing fear in another on at least two occasions that violence will be used against him, where the offender knows, or ought to know, that his course of conduct will cause such fear on each occasion).

Offences under the Crime and Disorder Act 1998(36)

Section 29(1)(a) (maliciously wounding or causing grievous bodily harm so as to constitute an offence under section 20 of the Offences Against the Person Act 1861(37) that is racially or religiously aggravated).

Section 29(1)(b) (causing actual bodily harm so as to constitute an offence under section 47 of the Offences Against the Person Act 1861 that is racially or religiously aggravated).

Section 29(1)(c) (committing a common assault that is racially or religiously aggravated).

(31) [1980 c. 43](#).

(32) Section 8 was amended by section 65(4) of the Criminal Law Act 1977 (c. 45).

(33) [1981 c. 47](#).

(34) [1986 c. 64](#).

(35) [1997 c. 40](#).

(36) [1998 c. 37](#).

(37) [1861 24 & 25 Vict c. 100](#).

Status: Point in time view as at 12/08/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Section 31(1)(a) (committing an offence under section 4(1) of the Public Order Act 1986 that is racially or religiously aggravated).

Section 31(1)(b) (committing an offence under section 4A(1) of the Public Order Act 1986⁽³⁸⁾ that is racially or religiously aggravated).

Offences under the Sexual Offences Act 2003⁽³⁹⁾

Section 1(1) (intentionally penetrating the vagina, anus or mouth of another with a penis, where the victim does not consent and the offender does not reasonably believe that there is consent).

Section 2(1) (intentionally sexually penetrating the vagina or anus of another with a part of the body or anything else, where the victim does not consent and the offender does not reasonably believe that there is consent).

Section 3(1) (intentionally sexually touching another, where the victim does not consent and the offender does not reasonably believe that there is consent).

Section 4(1) (intentionally causing another to engage in sexual activity, where the victim does not consent and the offender does not reasonably believe that there is consent).

Section 5(1) (intentionally sexually penetrating the vagina, anus or mouth of another with a penis, where the victim is under 13).

Section 6(1) (intentionally sexually penetrating the vagina or anus of another who is under 13 with a part of the body or anything else).

Section 7(1) (intentionally sexually touching a person who is under 13) .

Section 8(1) (intentionally causing or inciting another who is under 13 to engage in sexual activity).

Section 9(1) (intentionally sexually touching another who is 13 or under, or is 16 or under and the offender, who is 18 or over, does not believe that the victim is 16 or over) .

Section 10(1) (intentionally causing or inciting another to engage in sexual activity, where the victim is 13 or under, or is 16 or under and the offender, who is 18 or over, does not believe that the victim is 16 or over).

Section 11(1) (intentionally engaging, for the purpose of sexual gratification, in sexual activity in a place where another is present or can observe and the offender, who is 18 or over, knows, believes or intends the victim to be there and the victim is 13 or under, or is under 16 and the offender does not reasonably believe that the victim is 16 or over).

Section 12(1) (intentionally causing, for the purpose of sexual gratification, another to watch or look at an image of a third person engaging in sexual activity, where the victim is 13 or under, or is under 16 and the offender does not reasonably believe that the victim is 16 or over).

Section 13(1) (committing an offence under section 9 to 12 of the Sexual Offences Act 2003 which would be an offence if the offender was 18).

Section 14(1) (intentionally arranging or facilitating something in any part of the world that, if done, would involve the commission of any offence under sections 9 to 13 of the Sexual Offences Act 2003).

Section 25 (intentionally sexually touching a family member, where the offender could reasonably be expected to know that the victim is a family member, and the victim is 13, or is under 18 and the offender does not reasonably believe that the victim is 18 or over).

Section 26 (intentionally inciting a family member to touch or allow himself to be touched sexually where the offender could reasonably be expected to know that the victim is a family

⁽³⁸⁾ Section 4A(1) was inserted by section 154 of the Criminal Justice and Public Order Act 1994 (c. 31).

⁽³⁹⁾ 2003 c. 42.

member, and the victim is 13 or under, or is under 18 and the offender does not reasonably believe that the victim is 18 or over).

Section 30(1) (intentionally sexually touching another where the victim is unable to refuse by reason of a mental disorder and the offender could reasonably be expected to know that the victim has a mental disorder that is likely to render him unable to refuse).

Section 31(1) (intentionally inciting another to engage in sexual activity where the victim is unable to refuse by reason of a mental disorder and the offender could reasonably be expected to know that the victim has a mental disorder that is likely to render him unable to refuse).

Section 32(1) (intentionally engaging in sexual activity for sexual gratification in a place where a person who is unable to refuse by reason of a mental disorder observes it or the offender knows, believes or intends the victim to observe it and the offender knows or could reasonably be expected to know that the victim has a mental disorder that is likely to render him unable to refuse).

Section 33(1) (intentionally causing, for sexual gratification, another to watch, or look at an image of, a third person engaging in sexual activity, where the victim is unable to refuse by reason of mental disorder and the offender knows or could reasonably be expected to know that the victim has a mental disorder that is likely to render him unable to refuse).

Section 34(1) (intentionally sexually touching another with a mental disorder, where the victim agrees and such agreement is obtained by inducement, threat, or deception and the offender knows, or could reasonably be expected to know, about that mental disorder).

Section 35(1) (intentionally causing another with a mental disorder, by inducement, threat, or deception, to engage in sexual activity and the victim has a mental disorder which the offender knows, or could reasonably be expected to know, about).

Section 36(1) (intentionally engaging in sexual activity, for the purpose of sexual gratification, in a place where another with a mental disorder is present or observes it, or the offender knows, believes or intends the victim to observe it, because of inducement, threat or deception and the offender knows, or could reasonably be expected to know, that the victim has a mental disorder).

Section 37(1) (intentionally causing another with a mental disorder, by inducement, threat or deception, to watch or look, for the purposes of sexual gratification, at an image of a third person engaging in sexual activity, and the offender knows, or could reasonably be expected to know, that the victim has a mental disorder).

Section 38(1) (intentionally sexually touching another with a mental disorder which the offender knows, or could reasonably be expected to know, about, where the offender is involved in the victim's care).

Section 39(1) (intentionally causing or inciting another with a mental disorder to engage in sexual activity, where the offender knows or could reasonably be expected to know that the victim has a mental disorder and the offender is involved in the victim's care).

Section 61(1) (intentionally administering a substance to another knowing that the victim does not consent, with the intention of stupefying or overpowering the victim so that sexual activity can be engaged in with the victim).

Section 62(1) (committing an offence intending to commit a sexual offence under Part I of the Sexual Offences Act 2003).

Section 63(1) (trespassing on premises, knowing that, or being reckless as to whether, trespass is taking place and intending to commit a sexual offence under Part I of the Sexual Offences Act 2003).

Status: Point in time view as at 12/08/2004.

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SCHEDULE 3

OFFENCES UNDER THE COMMON LAW OF SCOTLAND AND STATUTORY OFFENCES THAT APPLY ONLY IN SCOTLAND

1. Offences under the Common Law of Scotland.

Abduction.

Abduction of women or girls with intent to rape.

Aiding and abetting an offence under the Common Law of Scotland (provided that the offence in question is described in this paragraph of this Schedule).

Assault with intent to rape or ravish.

Assault and robbery.

Attempted murder.

Breach of the peace inferring personal violence.

Clandestine injury to women.

Conspiracy (in respect of an offence described in Schedule 1 to this Order or this Schedule).

Culpable homicide.

Culpable and reckless fire-raising.

Indecent assault.

Malicious mischief.

Mobbing and rioting.

Rape.

Robbery.

Theft by housebreaking.

Threatening personal violence.

Wilful fire-raising.

Wrongful imprisonment.

Commencement Information

I6 Sch. 3 para. 1n1 in force at 12.8.2004, see [art. 1](#)

2. Statutory offences that apply only in Scotland.

Commencement Information

I7 Sch. 3 para. 2 in force at 12.8.2004, see [art. 1](#)

Offences under the Children and Young Persons (Scotland) Act 1937(**40**)

Section 12 (ill-treating, neglecting, abandoning or exposing a child under 16, or causing such, where the offender is 16 and has parental responsibility for the victim or has charge or care of him).

(40) [1937 c. 37.](#)

Status: Point in time view as at 12/08/2004.

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*Offences under the Civic Government (Scotland) Act 1982***(41)**

Section 52 (taking and distributing indecent images of children)**(42)**.

Section 52A (possessing indecent images of children)**(43)**.

*Offences under the Prohibition of Female Circumcision Act 1985***(44)**

Section 1(1)(a) (excising, infibulating or otherwise mutilating the labia or clitoris of another).

*Offences under the Criminal Law (Consolidation) (Scotland) Act 1995***(45)**

Section 3(1) (having sexual intercourse with a member of the same household who is 16 or under where the offender is in a position of trust).

Section 5(1) (having sexual intercourse with a girl under 13).

Section 6 (engaging in lewd, indecent or libidinous behaviour towards a girl between 12 and 16, where that behaviour would have constituted a common law offence had that girl been under 12)**(46)**.

Section 50A(1)(a) (pursuing a racially aggravated course of conduct amounting to harassment that is intended to harass or which occurs in circumstances where it would appear to a reasonable person to constitute harassment)**(47)**.

Section 50A(1)(b) (acting in a racially aggravated manner which causes, or is intended to cause, alarm or distress).

Section 52(1) (wilfully or recklessly destroying or damaging property).

*Offences under the Criminal Procedure (Scotland) Act 1995***(48)**

Section 293(2) (aiding, abetting, counselling, procuring or inciting the commission of an offence against the provisions of any enactment, provided that the offence in question is described in Schedule 1 to this Order or in this paragraph of this Schedule).

Section 294 (attempting to commit an indictable offence, provided that the offence in question is described in Schedule 1 to this Order or this Schedule).

*Offences under the Sexual Offences (Amendment) Act 2000***(49)**

Section 3 (having sexual intercourse, or engaging in other sexual activity with, a person under 18, where the offender is 18 or over and is in a position of trust).

*Offences under the International Criminal Court (Scotland) Act 2001***(50)**

Section 1 (committing genocide, a crime against humanity or a war crime).

(41) [1982 c. 45](#).

(42) Section 52 was amended by section 84(6) of the Criminal Justice and Public Order Act [1994 \(c. 33\)](#), paragraph 44(3) of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act [1995 \(c. 40\)](#) and section 19 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#).

(43) Section 52A was inserted by section 161(c) of the Criminal Justice Act [1988 \(c. 33\)](#) and amended by section 84(7) of the Criminal Justice and Public Order Act [1994 \(c. 33\)](#) and section 19 of the Criminal Justice (Scotland) Act 2003.

(44) [1985 c. 38](#).

(45) [1995 c. 39](#).

(46) Section 6 was substituted by section 14(2) of the Crime and Punishment (Scotland) Act [1997 \(c. 48\)](#).

(47) Section 50A was inserted by section 33 of the Crime and Disorder Act [1998 \(c. 37\)](#).

(48) [1995 c. 46](#).

(49) [2000 c. 44](#).

(50) [2001 asp 13](#).

Status: Point in time view as at 12/08/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Offences under the Criminal Justice (Scotland) Act 2003***(51)**

Section 22(1)(a)(i) (arranging or facilitating the arrival or travel in the United Kingdom of a person and intending to exercise control over prostitution of the victim or involving the victim in the production of obscene or indecent material).

Section 22(1)(a)(ii) (arranging or facilitating the arrival or travel in the United Kingdom of a person and believing that another will exercise control over prostitution of the victim or involving the victim in the production of obscene or indecent material).

Section 22(1)(b)(i) (arranging or facilitating the departure from the United Kingdom of a person and intending to exercise control over prostitution of the victim or involving the victim in the production of obscene or indecent material).

Section 22(1)(b)(ii) (arranging or facilitating the departure from the United Kingdom of a person and believing that another will exercise control over prostitution of the victim or involving the victim in the production of obscene or indecent material).

SCHEDULE 4

OFFENCES UNDER THE COMMON LAW OF NORTHERN IRELAND AND STATUTORY OFFENCES THAT APPLY ONLY IN NORTHERN IRELAND

1. Offences under the Common Law of Northern Ireland.

Affray.

Rape.

Rioting.

Commencement Information

18 Sch. 4 para. 1n1 in force at 12.8.2004, see [art. 1](#)

2. Statutory offences that apply only in Northern Ireland.

Commencement Information

19 Sch. 4 para. 2 in force at 12.8.2004, see [art. 1](#)

Offences under the Offences Against the Person Act 1861

Section 52 (indecently assaulting a woman or a girl under 16).

Section 53 (abducting a woman by force, intending to have sexual intercourse with her).

*Offences under the Criminal Law (Amendment) Act 1885***(52)**

Section 4 (having unlawful sexual intercourse with a girl under 13).

Section 5 (having unlawful sexual intercourse with a girl under 16).

(51) [2003 asp 7](#).
(52) [1885 Ch. 69](#).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Offences under the Infanticide Act (Northern Ireland) 1939***(53)**

Section 1(1) (doing a wilful act causing the death of a child before it is over 12 months old, where that act is done by the mother of the child and her balance of mind is disturbed for reasons relating to lactation or the birth of the child).

*Offences under the Criminal Justice Act (Northern Ireland) 1945***(54)**

Section 25(1) (doing a wilful act, intending to destroy the life of a child capable of being born alive that causes the child to die before it is born).

*Offences under the Attempted Rape Act (Northern Ireland) 1960***(55)**

Section 2 (committing assault intending to commit rape)**(56)**.

*Offences under the Children and Young Persons Act (Northern Ireland) 1968***(57)**

Section 20(1) (wilfully assaulting, ill-treating, neglecting, abandoning or exposing, or causing such, of a child of 16 where the offender has responsibility for the victim, in a manner likely to cause the victim unnecessary suffering or injury to health).

Section 22 (committing an act of gross indecency with or towards a child or inciting a child to perform such an act).

*Offences under the Theft Act (Northern Ireland) 1969***(58)**

Section 1(1) (dishonestly appropriating another's property, intending to permanently deprive him of it).

Section 8(1) (stealing, and before or at the time of doing so, using force or putting another in fear of being there and then subjected to force).

Section 9(1)(a) (entering a building as a trespasser, intending to steal, inflict or attempt to inflict grievous bodily harm or rape).

Section 9(1)(b) (having entered a building as a trespasser, stealing or attempting to steal or inflicting or attempting to inflict grievous bodily harm).

Section 10(1) (committing burglary with a firearm or imitation firearm, a weapon of offence or an explosive).

*Offences under the Protection of the Person and Property Act (Northern Ireland) 1969***(59)**

Section 3 (throwing, placing, attaching or using a petrol bomb, intending to destroy, or damage, the property of another, or to cause personal injury to another, or to give another reasonable cause to fear any destruction of property or personal injury or being reckless in regard to causing any such destruction, damage, injury or fear).

(53) [1939 c. 5 \(NI\)](#).

(54) [1945 c. 15 \(NI\)](#).

(55) [1960 c. 60 \(NI\)](#).

(56) Section 2 was amended by article 12(3) of the Treatment of Offenders (Northern Ireland) Order 1989 ([1989 NI 15](#)) and paragraph 4 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 2003 ([2003 NI 13](#)).

(57) [1968 c. 34 \(NI\)](#).

(58) [1969 c. 16 \(NI\)](#).

(59) [1969 c. 29 \(NI\)](#).

Status: Point in time view as at 12/08/2004.

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*Offences under the Criminal Damage (Northern Ireland) Order 1977***(60)**

Article 3(1) (destroying or damaging, without lawful excuse, another's property, intending to destroy or damage it or being reckless as to that).

Article 3(2) (destroying or damaging, without lawful excuse, property, intending, or being reckless as to whether, that destruction or damage would result and intending that damage or destruction to endanger the life of another or being reckless as to that).

Article 4 (threatening, without lawful excuse, to destroy or damage property, knowing that such a threat is likely to endanger another's life).

Section 5(a) (having in custody or under control anything, intending, without lawful excuse, to use, or permit use of, it to destroy or damage another's property).

Section 5(b) (having in custody or under control anything, intending, without lawful excuse, to use, or permit use of, it to destroy or damage property knowing that such an act is likely to endanger another's life).

*Offences under the Criminal Law (Amendment) (Northern Ireland) Order 1977***(61)**

Article 3(1) (placing or sending an article, intending to induce a belief that it is likely to explode or ignite and cause personal injury or damage to property).

Article 3(2) (communicating information, knowing or believing it to be false and intending to induce a false belief that a bomb or other explosive device is present).

*Offences under the Firearms (Northern Ireland) Order 1981***(62)**

Article 6(1) (possessing, purchasing, acquiring, manufacturing, selling or transferring any of the items referred to in Article 6(1) of the Firearms (Northern Ireland) Order 1981).

Article 6(1A) (possessing, purchasing, acquiring, manufacturing, selling or transferring any of the items referred to in article 6(1A) of the Firearms (Northern Ireland) Order 1981)**(63)**.

Article 17 (possessing a firearm or ammunition, intending to endanger life or cause serious injury to property or to enable another to do so).

Article 17A (possessing a firearm or imitation firearm, intending to cause, or enable another to cause, a person to believe that he will be the victim of unlawful violence)**(64)**.

Article 18(1) (making or attempting to make use of a firearm or imitation firearm, intending to resist or prevent the lawful arrest or detention of himself or any other person).

Article 18(2) (committing, or being arrested for, an offence specified in Schedule 1 of the Firearms (Northern Ireland) Order 1981 and possessing a firearm or imitation firearm without lawful object).

Article 19(1) (having a firearm or imitation firearm, intending to commit an indictable offence, or to resist arrest or to prevent the arrest of another).

Article 20(1) (having, without lawful authority or reasonable excuse, in public a loaded shot gun, loaded air weapon or any other firearm together with ammunition suitable for use in that firearm).

Article 21(1) (having a firearm, or imitation firearm when trespassing in a building without reasonable excuse).

(60) [1977 NI 4](#).

(61) [1977 NI 16](#).

(62) [1981 NI 2](#).

(63) Article 6(1A) was inserted by regulation 4(1)(a) of the Firearms (Northern Ireland) 1981 (Amendment) Regulations 1992 (S.I. 1992/3267).

(64) Article 17A was inserted by article 3(1) of the Firearms (Amendment) (Northern Ireland) Order ([1994 NI 17](#)).

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Article 21(2) (having a firearm, or imitation firearm when trespassing on land without reasonable excuse).

Article 23 (possessing a firearm or ammunition giving rise to a reasonable suspicion that such possession is not for a lawful object).

Offences under the Magistrates Courts (Northern Ireland) Order 1981(65)

Article 59 (aiding, abetting, counselling or procuring the commission of a summary offence, provided that the offence in question is described in Schedule 1 to this Order or this Schedule).

Offences under the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983(66)

Article 3 (intending to commit an offence and doing an act that is more than merely preparatory to the commission of that offence, provided that the offence in question is described in Schedule 1 to this Order or this Schedule).

Article 9 (agreeing to pursue a course of conduct which, if carried out as intended, necessarily amounts to the commission of an offence to, or would do so but for the fact that such commission is impossible, provided that the offence in question is described in Schedule 1 to this Order or this Schedule).

Offences under the Public Order (Northern Ireland) Order 1987(67)

Article 18 (using threatening, abusive, or insulting words or behaviour, displaying anything, doing any act or, being the owner or occupier of any land or premises, causing or permitting anything to be displayed or any act to be done, intending to provoke a breach of the peace or by which a breach of the peace or public disorder is likely to be occasioned).

Offences under the Road Traffic (Northern Ireland) Order 1995(68)

Article 9 (causing the death of, or grievous bodily injury to, another by driving a mechanically propelled vehicle dangerously on a road or other public place) .

Article 14(1)(a) (causing the death of, or grievous bodily injury to, another by driving without due care and attention, or without reasonable consideration, and being unfit to drive through drink or drugs).

Article 14(1)(b) (causing the death of, or grievous bodily injury to, another by driving without due care and attention, or without reasonable consideration, having consumed so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit).

Article 14(1)(c) (causing the death of, or grievous bodily injury to, another by driving without due care and attention or without reasonable consideration and failing, without reasonable excuse, to provide a specimen in pursuance of Article 18 of the Road Traffic (Northern Ireland) Order 1995 within 18 hours of that incident).

Offences under the Protection from Harassment (Northern Ireland) Order 1997(69)

Article 6 (causing fear in another on at least two occasions that violence will be used against him, where the offender knows or ought to know that his course of conduct will cause such fear on each of those occasions).

(65) [1961 NI 26](#).

(66) [1983 NI 13](#).

(67) [1987 NI 7](#).

(68) [1995 NI 18](#).

(69) [1997 NI 9](#).

Status: Point in time view as at 12/08/2004.

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*Offences under the Criminal Justice (Northern Ireland) Order 2003***(70)**

Article 20 (committing assault, intending to commit buggery).

Article 21(1) (indecently assaulting a man).

SCHEDULE 5

STATUTORY OFFENCES THAT APPLY ONLY
IN ENGLAND AND WALES AND SCOTLAND

Commencement Information

I10 Sch. 5 in force at 12.8.2004, see [art. 1](#)

*Offences under the Firearms Act 1968***(71)**

Section 5(1) (possessing, purchasing, acquiring, manufacturing, selling or transferring, without authorisation, any item listed in section 5(1) of the Firearms Act 1968)**(72)**.

Section 16 (possessing a firearm or ammunition, intending to endanger, or enable another to endanger, life).

Section 16A (possessing a firearm or imitation firearm, intending to cause, or to enable another to cause, a belief that unlawful violence will be used)**(73)**.

Section 17(1) (using, or attempting to use, a firearm, intending to prevent or resist lawful arrest or detention).

Section 17(2) (unlawfully possessing a firearm or imitation firearm while committing an offence listed in Schedule 1 to the Firearms Act 1968).

Section 18(1) (having a firearm or imitation firearm, intending to commit an indictable offence or to resist or prevent arrest).

Section 19 (unlawfully or unreasonably possessing, without lawful authority or reasonable excuse, a loaded shot gun or air weapon or any other firearm, whether loaded or not, together with ammunition suitable for use in that firearm).

*Offences under the Road Traffic Act 1988***(74)**

Section 1 (causing the death of another by driving a mechanically propelled vehicle dangerously on a road or other public place)**(75)**.

Section 3A(1)(a) (causing the death of another by driving without due care and attention, or without reasonable consideration, and being unfit to drive through drink or drugs).

(70) [2003 NI 13](#).

(71) [1968 c. 27](#).

(72) Section 5(1) was amended by article 6(1) of, and paragraph 3(1) of the Schedule to, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999 ([S.I. 1999/1759](#)); sections 1(1) to (3) of the Firearms (Amendment) Act [1988 \(c. 45\)](#); sections 1(1) to (5) and 52(2) of, and Schedule 3 to, the Firearms (Amendment) Act [1997 \(c. 5\)](#); and sections 1 and 2(7) of, and the Schedule to, the Firearms (Amendment) (No.2) Act [1997 \(c. 64\)](#).

(73) Section 16A was inserted by section 1(1) of the Firearms (Amendment) Act [1994 \(c. 31\)](#).

(74) [1988 c. 52](#).

(75) Section 1 was substituted by section 1 of the Road Traffic Act [1991 \(c. 40\)](#).

Status: Point in time view as at 12/08/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Article 3A(1)(b) (causing the death of another by driving without due care and attention, or without reasonable consideration, having consumed so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit).

Article 3A(1)(c) (causing the death of another by driving without due care and attention or without reasonable consideration and failing, without reasonable excuse, to provide a specimen in pursuance of section 7 of the Road Traffic Act 1988 within 18 hours of that incident)(76).

SCHEDULE 6

OFFENCES UNDER THE COMMON LAW OF ENGLAND AND WALES AND NORTHERN IRELAND AND STATUTORY OFFENCES THAT APPLY ONLY IN ENGLAND AND WALES AND NORTHERN IRELAND

1. Offences under Common Law of England and Wales and Northern Ireland.

False Imprisonment.

Kidnapping.

Commencement Information

I11 Sch. 6 para. 1n1 in force at 12.8.2004, see [art. 1](#)

2. Statutory offences that apply only in England and Wales and Northern Ireland.

Commencement Information

I12 Sch. 6 para. 2 in force at 12.8.2004, see [art. 1](#)

Offences under the Accessories and Abettors Act 1861(77)

Section 8 (aiding, abetting, counselling or procuring the commission of an indictable offence, provided that the offence in question is described in Schedule 1, Schedule 2 or Schedule 4 to this Order or this Schedule)(78).

Offences under the Offences Against the Person Act 1861

Section 4 (soliciting, encouraging, persuading, endeavouring to persuade or proposing murder).

Section 16 (unlawfully threatening to kill, intending that the subject of the threat would fear that it would be carried out).

Section 18 (unlawfully and maliciously wounding or causing grievous bodily harm, intending to cause grievous bodily harm or to resist or prevent lawful apprehension or detention).

Section 20 (unlawfully and maliciously wounding or inflicting grievous bodily harm).

(76) Section 3A was inserted by section 3 of the Road Traffic Act 1991.

(77) [1861 24 and 25 Vict c. 97](#).

(78) Section 8 was amended by section 65(4) of the Criminal Law Act 1977 (c. 45) and, in respect of Northern Ireland, section 13 of, and Schedule 1 to, the Criminal Law Act (Northern Ireland) 1967 (c. 18).

Status: Point in time view as at 12/08/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Section 21 (attempting to choke, suffocate or strangle another or attempting, by means calculated to choke, suffocate or strangle, to render that person insensible, unconscious or incapable of resistance and intending to commit an indictable offence).

Section 22 (applying or administering a stupefying or overpowering drug, matter or thing intending to commit an indictable offence).

Section 23 (unlawfully and maliciously administering a poison or destructive or noxious thing so as to endanger life or inflict grievous bodily harm).

Section 27 (unlawfully abandoning or exposing a child under 2 so as to endanger life or cause permanent injury).

Section 28 (unlawfully and maliciously exploding a substance causing burning, maiming, disfigurement, disablement or grievous bodily harm).

Section 29 (unlawfully and maliciously causing an explosion or sending or delivering an explosive substance, or placing or throwing a corrosive, destructive or explosive substance, intending to burn, maim, disfigure, disable or do grievous bodily harm).

Section 30 (unlawfully and maliciously placing or throwing an explosive substance on or near a building, ship or vessel intending to do bodily injury).

Section 32 (unlawfully and maliciously placing an obstruction on a railway or interfering with railway equipment intending to endanger safety).

Section 33 (unlawfully and maliciously throwing any object at a railway vehicle intending to injure or endanger the safety of any person in that vehicle).

Section 47 (committing assault occasioning actual bodily harm).

*Offences under the International Criminal Court Act 2001***(79)**

Section 51 (committing genocide, a crime against humanity or a war crime against the laws of England and Wales).

Section 58 (committing genocide, a crime against humanity or a war crime against the laws of Northern Ireland).

Offences under the Nationality, Immigration and Asylum Act 2002

Section 145(1) (arranging or facilitating the arrival or travel in the United Kingdom of a person, intending to exercise control over prostitution of the victim or involving the victim in the production of obscene or indecent material).

Section 145(2) (arranging or facilitating the travel within the United Kingdom by a passenger, believing an offence to have been committed under section 145(1) of the Nationality, Immigration and Asylum Act 2002 and intending to exercise control over prostitution of him or believing that another person will exercise such control).

Section 145(3) (arranging or facilitating the departure from the United Kingdom of a passenger, intending to exercise control over prostitution of him outside the United Kingdom or believing that another person will exercise such control outside the United Kingdom).

*Offences under the Female Genital Mutilation Act 2003***(80)**

Section 1(1) (excising, infibulating or otherwise mutilating the whole or part of a girl's labia majora, labia minora or clitoris).

(79) 2001 c. 17.

(80) 2003 c. 31.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Offences under the Sexual Offences Act 2003

Section 15(1) (meeting, or travelling, intending to meet a person under 16 who has been met or communicated with on two previous occasions, where the offender intends to do something that would constitute a relevant offence (as defined in section 15(2)(b) of the Sexual Offences Act 2003) and does not believe the victim to be over 16).

Section 16(1) (intentionally sexually touching a person under 13, or under 18, where the offender is in a position of trust in relation to the victim and does not reasonably believe that the victim is over 18).

Section 17(1) (intentionally causing or inciting another to engage in sexual activity, where the offender is a person who is 18 or over and is in a position of trust in relation to the victim, and the victim is under 13, or is under 18 and the offender does not reasonably believe that the victim is 18 or over).

Section 47(1) (intentionally obtaining the sexual services of a person under 13, or under 18 and the offender does not reasonably believe that the victim is 18 or over, where the offender has made or promised payment for those services or knows that another has made or promised payment).

Section 48(1) (intentionally causing or inciting another to become a prostitute or be involved in pornography, where the victim is under 13, or is under 18 and the offender does not reasonably believe that the victim is 18 or over).

Section 49(1) (intentionally controlling any activities of another relating to the latter's prostitution or involvement in pornography, where the victim is under 13, or is under 18 and the offender does not reasonably believe that the victim is 18 or over).

Section 50(1) (intentionally arranging or facilitating the prostitution or involvement in pornography of another, where the victim is under 13, or is under 18 and the offender does not reasonably believe that the victim is 18 or over).

Section 57(1)(a) (intentionally arranging or facilitating the arrival in the United Kingdom of another and intending to do something in respect of that person after arrival that would constitute an offence specified under section 60 of the Sexual Offences Act 2003).

Section 57(1)(b) (intentionally arranging or facilitating the arrival in the United Kingdom of another and believing that a third party is likely to do something in respect of that person after arrival that would constitute an offence specified under section 60 of the Sexual Offences Act 2003).

Section 58(1)(a) (intentionally arranging or facilitating travel within the United Kingdom by another and intending to do something in respect of that person during or after the journey that would constitute an offence specified under section 60 of the Sexual Offences Act 2003).

Section 58(1)(b) (intentionally arranging or facilitating travel within the United Kingdom by another and believing that a third party is likely to do something during or after the journey in respect of that person that would constitute an offence specified under section 60 of the Sexual Offences Act 2003).

Status: Point in time view as at 12/08/2004.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 72 of the Nationality, Immigration and Asylum Act 2002 (“the 2002 Act”), which applies for the purpose of the construction and application of Article 33(2) of the United Nations 1951 Convention on the Status of Refugees (“the 1951 Convention”). Article 33(2) allows a person to be removed from the United Kingdom, notwithstanding that he is a refugee within the meaning of the 1951 Convention, if he, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community. Section 72(4)(a) of the 2002 Act states that a person shall be presumed to have been convicted by a final judgement of a particularly serious crime and that he constitutes a danger to the community of the United Kingdom if he is convicted of an offence specified by order of the Secretary of State.

This Order specifies that an offence described in any of the six Schedules to it, each reflecting the differing territorial extent of offences, is specified for the purposes of section 72(4)(a). Schedule 1 describes offences that apply throughout the United Kingdom. Schedule 2 describes offences that apply only in England and Wales. Schedule 3 describes offences that apply only in Scotland. Schedule 4 describes offences that apply only in Northern Ireland. Schedule 5 describes offences that apply only in England and Wales and Scotland. Schedule 6 describes offences that apply only in England and Wales and Northern Ireland.

Status:

Point in time view as at 12/08/2004.

Changes to legislation:

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