

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) [View outstanding changes](#)

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.

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Changes and effects yet to be applied to :

- Sch. 2 word substituted by [S.I. 2023/250 reg. 2](#)