

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 103(2)(b) of the Criminal Justice Act 2003 provides that a defendant's propensity to commit offences of the kind with which he is charged may (without prejudice to any other way of doing so) be established by evidence that he has been convicted of an offence of the same category as the one with which he is charged. Section 103(4)(b) provides that two offences are of the same category as each other if they belong to the same category of offences prescribed for the purposes of that section by an order made by the Secretary of State.

The categories prescribed by this Order are theft and sexual offences (persons under the age of 16). Each category consists of offences of the same type.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Justice Act 2003 (Categories of Offences) Order 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. Pt. 2 para. 25 words substituted by [S.I. 2023/250 reg. 3](#)