

SCHEDULES

SCHEDULE 5

Section 104

OTHER OFFENCES FOR PURPOSES OF PART 2

England and Wales

- 1 Murder.
- 2 Manslaughter.
- 3 Kidnapping.
- 4 False imprisonment.
- 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).
- 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).

Status: This is the original version (as it was originally enacted).

- 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).
- 32 An offence under section 8 of the Theft Act 1968 (c. 60) (robbery or assault with intent to rob).
- 33 An offence under section 9 of that Act of burglary with intent to—
(a) inflict grievous bodily harm on a person, or
(b) do unlawful damage to a building or anything in it.
- 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).
- 44 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).

Status: This is the original version (as it was originally enacted).

- 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).
- 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).
- 57 An offence under section 4 of the Protection from Harassment Act 1997 (c. 40) (putting people in fear of violence).
- 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).
- 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.
- 62 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 16 or over.
- 63 An offence under any of sections 48 to 53 or 57 to 59 of this Act.

Scotland

- 64 Murder.
- 65 Culpable homicide.
- 66 Assault.
- 67 Assault and robbery.
- 68 Abduction.
- 69 Plagium.

Status: This is the original version (as it was originally enacted).

- 70 Wrongful imprisonment.
- 71 Threatening personal violence.
- 72 Breach of the peace inferring personal violence.
- 73 Wilful fireraising.
- 74 Culpable and reckless fireraising.
- 75 Mobbing and rioting.
- 76 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 77 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosives with intent to endanger life or property).
- 78 An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (c. 37) (cruelty to persons under 16).
- 79 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 80 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 81 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 82 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).
- 83 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- 84 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 85 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 86 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 87 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 88 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 89 An offence under section 105 of the Mental Health (Scotland) Act 1984 (c. 36) (ill-treatment of patients).
- 90 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 91 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 92 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 93 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
- 94 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).

Status: This is the original version (as it was originally enacted).

- 95 An offence under section 9 of that Act (hijacking of ships).
- 96 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 97 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 98 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 99 An offence under section 13 of that Act (offences involving threats).
- 100 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).
- 101 An offence under section 7 of the Criminal Law (Consolidation) (Scotland) Act 1995 ([c. 39](#)) (procuring).
- 102 An offence under section 9 of that Act (permitting girl to use premises for intercourse).
- 103 An offence under section 11 of that Act (trading in prostitution and brothel-keeping).
- 104 An offence under section 12 of that Act (allowing child to be in brothel).
- 105 An offence under section 13(9) of that Act (living on earnings of male prostitution etc.).
- 106 An offence under section 50A of that Act (racially-aggravated harassment).
- 107 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.
- 108 An offence under section 1 of the [International Criminal Court \(Scotland\) Act 2001 \(asp 13\)](#) (genocide, crimes against humanity, war crimes and related offences as specified in Schedule 1 to that Act).
- 109 An offence under section 22 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) (traffic in prostitution etc.).
- 110 An offence to which section 74 of that Act applies (offences aggravated by religious prejudice).
- 111 An offence under section 315 of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#) (ill-treatment and wilful neglect of mentally disordered person).

Northern Ireland

- 112 Murder.
- 113 Manslaughter.
- 114 Kidnapping.
- 115 Riot.
- 116 Affray.
- 117 False imprisonment.
- 118 An offence under section 4 of the Offences against the Person Act 1861 ([c. 100](#)) (soliciting murder).

Status: This is the original version (as it was originally enacted).

- 119 An offence under section 16 of that Act (threats to kill).
- 120 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 121 An offence under section 20 of that Act (malicious wounding).
- 122 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).
- 123 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
- 124 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 125 An offence under section 27 of that Act (abandoning children).
- 126 An offence under section 28 of that Act (causing bodily injury by explosives).
- 127 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 128 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 129 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).
- 130 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 131 An offence under section 35 of that Act (injuring persons by furious driving).
- 132 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 133 An offence under section 47 of that Act of assault occasioning actual bodily harm.
- 134 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).
- 135 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 136 An offence under section 25 of the Criminal Justice (Northern Ireland) Act 1945 (c. 15) (child destruction).
- 137 An offence under section 1 of the Infanticide Act (Northern Ireland) 1939 (c. 5) (infanticide).
- 138 An offence under section 7(1)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (assault with intent to resist arrest).
- 139 An offence under section 20 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to children).
- 140 An offence under section 8 of the Theft Act (Northern Ireland) 1969 (c. 16) (robbery or assault with intent to rob).
- 141 An offence under section 9 of that Act of burglary with intent to—
(a) inflict grievous bodily harm on a person, or
(b) do unlawful damage to a building or anything in it.
- 142 An offence under section 10 of that Act (aggravated burglary).

- 143 An offence of arson under Article 3 of the Criminal Damage Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4)).
- 144 An offence under Article 3(2) of that Order (destroying or damaging property) other than an offence of arson.
- 145 An offence under Article 17 of the Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2)) (possession of firearm with intent to endanger life).
- 146 An offence under Article 17A of that Order (possession of firearm with intent to cause fear of violence).
- 147 An offence under Article 18(1) of that Order (use of firearm to resist arrest).
- 148 An offence under Article 18(2) of that Order (possession of firearm at time of committing or being arrested for an offence specified in Schedule 1 to that Order).
- 149 An offence under Article 19 of that Order (carrying a firearm with criminal intent).
- 150 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 151 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 152 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 153 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).
- 154 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 155 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 156 An offence under Article 121 of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4) (ill-treatment of patients).
- 157 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 158 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 159 An offence under section 9 of that Act (hijacking of ships).
- 160 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 161 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 162 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 163 An offence under section 13 of that Act (offences involving threats).
- 164 An offence under Article 9 of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)) (causing death or grievous bodily injury by dangerous driving).
- 165 An offence under Article 14 of that Order (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).

Status: This is the original version (as it was originally enacted).

- 166 An offence under Article 6 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9) (putting people in fear of violence).
- 167 An offence under section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaulting or obstructing a constable etc.).
- 168 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).
- 169 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.
- 170 An offence under section 47 of this Act, where the victim or (as the case may be) other party was 17 or over.
- 171 An offence under any of sections 48 to 53 or 57 to 59 of this Act.

Service offences

- 172 An offence under—
- (a) section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18),
 - (b) section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19), or
 - (c) section 42 of the Naval Discipline Act 1957 (c. 53),
- of which the corresponding civil offence (within the meaning of that Act) is an offence under a provision listed in any of paragraphs 1 to 63.

General

- 173 A reference in a preceding paragraph to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence, and
 - (b) a reference to aiding, abetting, counselling or procuring the commission of that offence.
- 174 A reference in a preceding paragraph to a person's age is a reference to his age at the time of the offence.