

## SCHEDULES

### SCHEDULE 18

Section 122

#### LIFE SENTENCE FOR SECOND LISTED OFFENCE ETC: NEW SCHEDULE 15B TO CRIMINAL JUSTICE ACT 2003

In the Criminal Justice Act 2003, after Schedule 15A insert—

#### “SCHEDULE 15B

Sections 224A, 226A and 246A

#### OFFENCES LISTED FOR THE PURPOSES OF SECTIONS 224A, 226A AND 246A

#### PART 1

#### OFFENCES UNDER THE LAW OF ENGLAND AND WALES LISTED FOR THE PURPOSES OF SECTIONS 224A(1), 224A(4), 226A AND 246A

The following offences to the extent that they are offences under the law of England and Wales—

- 1 Manslaughter.
- 2 An offence under section 4 of the Offences against the Person Act 1861 (soliciting murder).
- 3 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 4 An offence under section 16 of the Firearms Act 1968 (possession of a firearm with intent to endanger life).
- 5 An offence under section 17(1) of that Act (use of a firearm to resist arrest).
- 6 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- 7 An offence of robbery under section 8 of the Theft Act 1968 where, at some time during the commission of the offence, the offender had in his possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.
- 8 An offence under section 1 of the Protection of Children Act 1978 (indecent images of children).
- 9 An offence under section 56 of the Terrorism Act 2000 (directing terrorist organisation).
- 10 An offence under section 57 of that Act (possession of article for terrorist purposes).
- 11 An offence under section 59 of that Act (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life.
- 12 An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).

- 13 An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).
- 14 An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).
- 15 An offence under section 1 of the Sexual Offences Act 2003 (rape).
- 16 An offence under section 2 of that Act (assault by penetration).
- 17 An offence under section 4 of that Act (causing a person to engage in sexual activity without consent) if the offender is liable on conviction on indictment to imprisonment for life.
- 18 An offence under section 5 of that Act (rape of a child under 13).
- 19 An offence under section 6 of that Act (assault of a child under 13 by penetration).
- 20 An offence under section 7 of that Act (sexual assault of a child under 13).
- 21 An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
- 22 An offence under section 9 of that Act (sexual activity with a child).
- 23 An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
- 24 An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
- 25 An offence under section 12 of that Act (causing a child to watch a sexual act).
- 26 An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
- 27 An offence under section 15 of that Act (meeting a child following sexual grooming etc).
- 28 An offence under section 25 of that Act (sexual activity with a child family member) if the offender is aged 18 or over at the time of the offence.
- 29 An offence under section 26 of that Act (inciting a child family member to engage in sexual activity) if the offender is aged 18 or over at the time of the offence.
- 30 An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice) if the offender is liable on conviction on indictment to imprisonment for life.
- 31 An offence under section 31 of that Act (causing or inciting a person with a mental disorder to engage in sexual activity) if the offender is liable on conviction on indictment to imprisonment for life.
- 32 An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder) if the offender is liable on conviction on indictment to imprisonment for life.
- 33 An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc) if the offender is liable on conviction on indictment to imprisonment for life.
- 34 An offence under section 47 of that Act (paying for sexual services of a child) against a person aged under 16.

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

- 35 An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
- 36 An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).
- 37 An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
- 38 An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence) if the offender is liable on conviction on indictment to imprisonment for life.
- 39 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).
- 40 An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).
- 41 An offence under section 9 of that Act (making or possession of radioactive device or materials).
- 42 An offence under section 10 of that Act (misuse of radioactive devices or material and misuse and damage of facilities).
- 43 An offence under section 11 of that Act (terrorist threats relating to radioactive devices, materials or facilities).
- 44 (1) An attempt to commit an offence specified in the preceding paragraphs of this Part of this Schedule (“a listed offence”) or murder.
- (2) Conspiracy to commit a listed offence or murder.
- (3) Incitement to commit a listed offence or murder.
- (4) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence or murder is the offence (or one of the offences) which the person intended or believed would be committed.
- (5) Aiding, abetting, counselling or procuring the commission of a listed offence.

## PART 2

### FURTHER OFFENCES UNDER THE LAW OF ENGLAND AND WALES LISTED FOR THE PURPOSES OF SECTIONS 224A(4), 226A AND 246A

The following offences to the extent that they are offences under the law of England and Wales—

- 45 Murder.
- 46 (1) Any offence that—
- (a) was abolished (with or without savings) before the coming into force of this Schedule, and
- (b) would, if committed on the relevant day, have constituted an offence specified in Part 1 of this Schedule.
- (2) “Relevant day”, in relation to an offence, means—
- (a) for the purposes of this paragraph as it applies for the purposes of section 246A(2), the day on which the offender was convicted of that offence, and

- (b) for the purposes of this paragraph as it applies for the purposes of sections 224A(4) and 226A(2), the day on which the offender was convicted of the offence referred to in section 224A(1)(a) or 226A(1)(a) (as appropriate).

### **PART 3**

#### OFFENCES UNDER SERVICE LAW LISTED FOR THE PURPOSES OF SECTIONS 224A(4), 226A AND 246A

- 47 An offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning of the Act in question) is an offence specified in Part 1 or 2 of this Schedule.
- 48 (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence specified in Part 1 or 2 of this Schedule.
- (2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy etc) applies for the purposes of this paragraph as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this paragraph.

### **PART 4**

#### OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM LISTED FOR THE PURPOSES OF SECTIONS 224A(4) AND 226A

- 49 An offence for which the person was convicted in Scotland, Northern Ireland or a member State other than the United Kingdom and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule.

### **PART 5**

#### INTERPRETATION

- 50 In this Schedule “imprisonment for life” includes custody for life and detention for life.”