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Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008, SCHEDULE 2 is up to date with all changes known to be in force on or before 02 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Article 12(3).

SPECIFIED OFFENCES

PART 1

SPECIFIED VIOLENT OFFENCES

1. Manslaughter.
2. Kidnapping.
3. Riot.
4. Affray.
5. False imprisonment.

The Offences against the Person Act 1861 (c. 100)

6. An offence under—
 - section 4 (soliciting murder),
 - section 16 (threats to kill),
 - section 18 (wounding with intent to cause grievous bodily harm),
 - section 20 (malicious wounding),
 - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence),
 - section 22 (using chloroform etc. to commit or assist in the committing of any indictable offence)
 - section 23 (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm),
 - section 27 (abandoning children),
 - section 28 (causing bodily injury by explosives),
 - section 29 (using explosives etc. with intent to do grievous bodily harm),
 - section 30 (placing explosives with intent to do bodily injury),
 - section 31 (setting spring guns etc. with intent to do grievous bodily harm),
 - section 32 (endangering the safety of railway passengers),
 - section 35 (injuring persons by furious driving), or
 - section 37 (assaulting officer preserving wreck).
7. An offence under section 47 of assault occasioning actual bodily harm.

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The Explosive Substances Act 1883 (c. 3)

8. An offence under—
section 2 (causing explosion likely to endanger life or property),
section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property), or
section 4 (possession of explosives or ammunition in suspicious circumstances).

The Infanticide Act (Northern Ireland) 1939 (c. 5)

9. An offence under section 1 (infanticide).

The Criminal Justice Act (Northern Ireland) 1945 (c. 15)

10. An offence under section 25 (child destruction).

The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)

11. An offence under section 7(1)(b) (assault with intent to resist arrest).

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

12. An offence under section 20 (cruelty to children).

The Theft Act (Northern Ireland) 1969 (c. 16)

13. An offence under section 8 (robbery or assault with intent to rob).
14. An offence under section 9 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.
15. An offence under section 10 (aggravated burglary).

VALID FROM 05/05/2011

[^{F1}The Criminal Jurisdiction Act 1975 (c. 59)

Textual Amendments

- F1** Sch. 2 Pt. 1 para. 15A and preceding cross-heading inserted (5.5.2011) by virtue of [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), [ss. 57\(1\)\(b\)\(2\)](#), [111\(1\)\(b\)](#) (with s. 106(4), [Sch. 6 para. 6](#))

- 15A** An offence under section 2 (hi-jacking of vehicles or ships).]

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

16. An offence of arson under Article 3.
17. An offence under Article 3(2) (destroying or damaging property) other than offence of arson

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The Road Traffic (Northern Ireland) Order 1981 (NI 1)

18. An offence under Article 172B (aggravated vehicle-taking causing death or grievous bodily injury).

The Taking of Hostages Act 1982 (c. 28)

19. An offence under section 1 (hostage-taking).

The Aviation Security Act 1982 (c. 36)

20. An offence under—
section 1 (hijacking),
section 2 (destroying, damaging or endangering safety of aircraft),
section 3 (other acts endangering or likely to endanger safety of aircraft), or
section 4 (offences in relation to certain dangerous articles).

The Mental Health (Northern Ireland) Order 1986 (NI 4)

21. An offence under Article 121 (ill-treatment of patients).

The Criminal Justice Act 1988 (c. 33)

22. An offence under section 134 (torture).

The Aviation and Maritime Security Act 1990 (c. 31)

23. An offence under—
section 1 (endangering safety at aerodromes),
section 9 (hijacking of ships),
section 10 (seizing or exercising control of fixed platforms),
section 11 (destroying fixed platforms or endangering their safety),
section 12 (other acts endangering or likely to endanger safe navigation), or
section 13 (offences involving threats).

The Channel Tunnel (Security) Order 1994 (S.I.1994/570)

24. An offence under Part 2 (offences relating to Channel Tunnel trains and the tunnel system).

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

25. An offence under—
Article 9 (causing death or grievous bodily injury by dangerous driving), or
Article 14 (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs).

The Protection from Harassment (Northern Ireland) Order 1997 (NI 9)

26. An offence under Article 6 (putting people in fear of violence).

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The Police (Northern Ireland) Act 1998 (c. 32)

27. An offence under section 66 (assaulting or obstructing a constable etc.).

VALID FROM 12/01/2010

[^{F2}The Terrorism Act 2000 (c. 11)

Textual Amendments

F2 Sch. 2 Pt. 1 para. 27A and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 139\(6\)](#), [182\(5\)](#) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, [art. 2\(a\)](#)

27A An offence under—
section 54 (weapons training),
section 56 (directing terrorist organisation),
section 57 (possession of article for terrorist purposes), or
section 59 (inciting terrorism overseas).]

The International Criminal Court Act 2001 (c. 17)

28. An offence under section 51 or 52 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

VALID FROM 12/01/2010

[^{F3}The Anti-terrorism, Crime and Security Act 2001 (c. 24)

Textual Amendments

F3 Sch. 2 Pt. 1 para. 28A and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 139\(7\)](#), [182\(5\)](#) (with s. 180, Sch. 22 para. 38); S.I. 2010/28, [art. 2\(a\)](#)

28A An offence under—
section 47 (use etc of nuclear weapons),
section 50 (assisting or inducing certain weapons-related acts overseas), or
section 113 (use of noxious substance or thing to cause harm or intimidate).]

The Female Genital Mutilation Act 2003 (c. 31)

29. An offence under—
section 1 (female genital mutilation),
section 2 (assisting a girl to mutilate her own genitalia), or
section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

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The Domestic Violence, Crime and Victims Act 2004 (c. 28)

30. An offence under section 5 (causing or allowing the death of a child or vulnerable adult).

The Firearms (Northern Ireland) Order 2004 (NI 3)

31. An offence under—

Article 58 (possession with intent),

Article 59 (use of firearm to resist arrest),

Article 60 (carrying firearm with criminal intent), or

Article 64 (possession of a firearm in suspicious circumstances).

VALID FROM 12/01/2010

[^{F4}The Terrorism Act 2006 (c. 11)

Textual Amendments

F4 Sch. 2 Pt. 1 para. 31A and preceding cross-heading inserted (12.1.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 139\(8\)](#), [182\(5\)](#) (with [s. 180](#), [Sch. 22 para. 38](#)); [S.I. 2010/28](#), [art. 2\(a\)](#)

31A An offence under—

section 5 (preparation of terrorist acts),

section 6 (training for terrorism),

section 9 (making or possession of radioactive device or material),

section 10 (use of radioactive device or material for terrorist purposes etc), or

section 11 (terrorist threats relating to radioactive devices etc).]

Other offences

32. An offence of—

(a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,

(b) conspiring to commit an offence so specified, or

(c) attempting to commit an offence so specified.

33. An offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to an offence specified in this Part of this Schedule.

34. An attempt to commit murder or a conspiracy to commit murder.

PART 2

SPECIFIED SEXUAL OFFENCES

1. Rape.

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The Offences against the Person Act 1861 (c. 100)

2. An offence under—
 - section 52 (indecent assault upon a female),
 - section 53 (abduction of woman etc.),
 - section 54 (abduction of woman by force), or
 - section 55 (abduction of unmarried girl under 16 from parent or guardian)

The Criminal Law Amendment Act 1885 (c. 69)

3. An offence under—
 - section 2 (procuration),
 - section 3 (procurement of woman or girl by threats etc. or administering drugs),
 - section 4 (intercourse or attempted intercourse with girl under 14),
 - section 5 (intercourse or attempted intercourse with girl under 17),
 - section 6 (permitting girl under 17 to use premises for intercourse),
 - section 7 (abduction of girl under 18 from parent or guardian), or
 - section 8 (unlawful detention of woman or girl in brothel etc.).

The Vagrancy Act 1898 (c. 38)

4. An offence under section 1 (living on earnings of prostitution or soliciting or importuning in a public place).

The Punishment of Incest Act 1908 (c. 45)

- 5 An offence under—
 - section 1 (incest by a man), or
 - section 2 (incest by a woman).

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

6. An offence under—
 - section 21 (causing or encouraging seduction or prostitution of girl under 17), or
 - section 22 (indecent conduct towards child).

The Theft Act (Northern Ireland) 1969 (c. 16)

7. An offence under section 9 of burglary with intent to commit rape.

The Protection of Children (Northern Ireland) Order 1978 (NI 17)

8. An offence under Article 3 (indecent photographs of children).

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The Customs and Excise Management Act 1979 (c. 2)

9. An offence under section 170 (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).

The Criminal Justice (Northern Ireland) Order 1980 (NI 6)

10. An offence under Article 9 (inciting girl under 16 to have incestuous sexual intercourse).

The Mental Health (Northern Ireland) Order 1986 (NI 4)

11. An offence under—
Article 122 (protection of women suffering from severe mental handicap), or
Article 123 (protection of patients).

The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)

12. An offence under Article 15 (possession of indecent photograph of a child).

The Sexual Offences Act 2003 (c. 42)

13. An offence under—
section 15 (meeting a child following sexual grooming etc.),
section 16 (abuse of position of trust: sexual activity with a child),
section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity),
section 18 (abuse of position of trust: sexual activity in the presence of a child),
section 19 (abuse of position of trust: causing a child to watch a sexual act),
section 47 (paying for sexual services of a child),
section 48 (causing or inciting child prostitution or pornography),
section 49 (controlling a child prostitute or a child involved in pornography),
section 50 (arranging or facilitating child prostitution or pornography),
section 52 (causing or inciting prostitution for gain),
section 53 (controlling prostitution for gain),
section 57 (trafficking into the UK for sexual exploitation),
section 58 (trafficking within the UK for sexual exploitation),
section 59 (trafficking out of the UK for sexual exploitation),
section 66 (exposure),
section 67 (voyeurism),
section 69 (intercourse with an animal),
section 70 (sexual penetration of a corpse),
section 91 (offences relating to notification),
section 113 (breach of sexual offences prevention order, etc),
section 122 (breach of foreign travel order),
section 128 (breach of risk of sexual harm order, etc).

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The Criminal Justice (Northern Ireland) Order 2003 (NI 13)

14. An offence under—

- Article 20 (assault with intent to commit buggery), or
- Article 21 (indecent assault on a male).

VALID FROM 02/02/2009

[^{F5}The Sexual Offences (Northern Ireland) Order 2008 (NI 2)

Textual Amendments

- F5** Sch. 2 Pt. 2 para. 14A and preceding cross-heading inserted (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 35(3)**; S.R. 2008/510, **art. 2**

14A. An offence under—

- Article 5 (rape),
- Article 6 (assault by penetration),
- Article 7 (sexual assault),
- Article 8 (causing a person to engage in sexual activity without consent),
- Article 12 (rape of a child under 13),
- Article 13 (assault of a child under 13 by penetration),
- Article 14 (sexual assault of a child under 13),
- Article 15 (causing or inciting a child under 13 to engage in sexual activity),
- Article 16 (sexual activity with a child),
- Article 17 (causing or inciting a child to engage in sexual activity),
- Article 18 (engaging in sexual activity in the presence of a child),
- Article 19 (causing a child to watch a sexual act),
- Article 20 (sexual offences against children committed by children or young persons),
- Article 21 (arranging or facilitating commission of a sexual offence against a child),
- Article 22 (meeting a child following sexual grooming etc.),
- Article 23 (abuse of position of trust: sexual activity with a child),
- Article 24 (abuse of position of trust: causing or inciting a child to engage in sexual activity),
- Article 25 (abuse of position of trust: sexual activity in the presence of a child),
- Article 26 (abuse of position of trust: causing a child to watch a sexual act),
- Article 32 (sexual activity with a child family member),
- Article 33 (inciting a child family member to engage in sexual activity),
- Article 37 (paying for sexual services of a child),
- Article 38 (causing or inciting child prostitution or pornography),
- Article 39 (controlling a child prostitute or a child involved in pornography),
- Article 40 (arranging or facilitating child prostitution or pornography),
- Article 43 (sexual activity with a person with a mental disorder impeding choice),

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Article 44 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity),

Article 45 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice),

Article 46 (causing a person, with a mental disorder impeding choice, to watch a sexual act),

Article 47 (inducement, threat or deception to procure sexual activity with a person with a mental disorder),

Article 48 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception),

Article 49 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder),

Article 50 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception),

Article 51 (care workers: sexual activity with a person with a mental disorder),

Article 52 (care workers: causing or inciting sexual activity),

Article 53 (care workers: sexual activity in the presence of a person with a mental disorder),

Article 54 (care workers: causing a person with a mental disorder to watch a sexual act),

Article 62 (causing or inciting prostitution for gain),

Article 63 (controlling prostitution for gain),

Article 65 (administering a substance with intent),

Article 66 (committing an offence with intent to commit a sexual offence),

Article 67 (trespass with intent to commit a sexual offence),

Article 71 (exposure),

Article 72 (voyeurism),

Article 74 (intercourse with an animal),

Article 75 (sexual penetration of a corpse).]

Other offences

15. An offence of—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule
- (b) conspiring to commit an offence so specified, or
- (c) attempting to commit an offence so specified.

16. An offence under Part 2 of the Serious Crime Act 2007 (c. 27) (encouraging or assisting crime) in relation to an offence specified in this Part of this Schedule.

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