

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

SCHEDULES

PROSPECTIVE

SCHEDULE 4

Section 62

QUALIFYING OFFENCES FOR PURPOSES OF SECTION 62

PART 1

LIST OF OFFENCES

Offences Against the Person

Murder

- 1 Murder.
Attempted murder
- 2 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit murder.
Soliciting murder
- 3 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).
Manslaughter
- 4 Manslaughter.
^{F1}Corporate manslaughter

Textual Amendments

- F1** Sch. 4 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 2](#); S.I. 2008/401, [art. 2](#)

- 4A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

Textual Amendments

- F1** Sch. 4 para. 4A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 2](#); S.I. 2008/401, [art. 2](#)

Wounding or causing grievous bodily harm with intent

- 5 An offence under section 18 of the Offences against the Person Act 1861 (c. 100).
Kidnapping
- 6 Kidnapping.

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Sexual Offences

Rape

- 7 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) or section 1 of the Sexual Offences Act 2003 (c. 42).

Attempted rape

- 8 An offence under section 1 of the Criminal Attempts Act 1981 (c. 47) of attempting to commit an offence under section 1 of the Sexual Offences Act 1956 or section 1 of the Sexual Offences Act 2003.

Intercourse with a girl under thirteen

- 9 An offence under section 5 of the Sexual Offences Act 1956.

Incest by a man with a girl under thirteen

- 10 An offence under section 10 of the Sexual Offences Act 1956 alleged to have been committed with a girl under thirteen.

Assault by penetration

- 11 An offence under section 2 of the Sexual Offences Act 2003.

Causing a person to engage in sexual activity without consent

- 12 An offence under section 4 of the Sexual Offences Act 2003 where it is alleged that the activity caused involved penetration within subsection (4)(a) to (d) of that section.

Rape of a child under thirteen

- 13 An offence under section 5 of the Sexual Offences Act 2003.

Attempted rape of a child under thirteen

- 14 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence under section 5 of the Sexual Offences Act 2003.

Assault of a child under thirteen by penetration

- 15 An offence under section 6 of the Sexual Offences Act 2003.

Causing a child under thirteen to engage in sexual activity

- 16 An offence under section 8 of the Sexual Offences Act 2003 (c. 42) where it is alleged that an activity involving penetration within subsection (2)(a) to (d) of that section was caused.

Sexual activity with a person with a mental disorder impeding choice

- 17 An offence under section 30 of the Sexual Offences Act 2003 where it is alleged that the touching involved penetration within subsection (3)(a) to (d) of that section.

Causing or inciting a person with a mental disorder impeding choice to engage in sexual activity

- 18 An offence under section 31 of the Sexual Offences Act 2003 where it is alleged that an activity involving penetration within subsection (3)(a) to (d) of that section was caused.

Drugs Offences

Unlawful importation of Class A drug

- 19 An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Unlawful exportation of Class A drug

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20 An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Fraudulent evasion in respect of Class A drug

21 An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Producing or being concerned in production of Class A drug

22 An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Supplying or offering to supply Class A drug

23 An offence under section 4(3) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Theft Offences

Robbery

24 An offence under section 8(1) of the Theft Act 1968 (c. 60) where it is alleged that, at some time during the commission of the offence, the defendant had in his possession a firearm or imitation firearm (as defined by section 57 of the Firearms Act 1968 (c. 27)).

Criminal Damage Offences

Arson endangering life

25 An offence under section 1(2) of the Criminal Damage Act 1971 (c. 48) alleged to have been committed by destroying or damaging property by fire.

Causing explosion likely to endanger life or property

26 An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Intent or conspiracy to cause explosion likely to endanger life or property

27 An offence under section 3(1)(a) of the Explosive Substances Act 1883.

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

28 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Grave breaches of the Geneva Conventions

29 An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Directing terrorist organisation

30 An offence under section 56 of the Terrorism Act 2000 (c. 11).

Hostage-taking

31 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

Hijacking and Other Offences Relating to Aviation, Maritime and Rail Security

Hijacking of aircraft

32 An offence under section 1 of the Aviation Security Act 1982 (c. 36).

Destroying, damaging or endangering the safety of an aircraft

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33 An offence under section 2 of the Aviation Security Act 1982.
[^{F2}Hijacking of spacecraft

Textual Amendments

F2 Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2, Sch. para. 117](#) (with [reg. 3](#))

33A An offence under paragraph 1 of Schedule 4 to the Space Industry Act 2018.

Textual Amendments

F2 Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2, Sch. para. 117](#) (with [reg. 3](#))

Destroying, damaging or endangering the safety of spacecraft

33B An offence under paragraph 2 of Schedule 4 to the Space Industry Act 2018.]

Textual Amendments

F2 Sch. 4 paras. 33A, 33B inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\), s. 70\(1\), Sch. 12 para. 24](#); [S.I. 2021/817, reg. 2, Sch. para. 117](#) (with [reg. 3](#))

Hijacking of ships

34 An offence under section 9 of the Aviation and Maritime Security Act 1990 (c. 31).
Seizing or exercising control of fixed platforms

35 An offence under section 10 of the Aviation and Maritime Security Act 1990.
Destroying ships or fixed platforms or endangering their safety

36 An offence under section 11 of the Aviation and Maritime Security Act 1990.
Hijacking of Channel Tunnel trains

37 An offence under article 4 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).
Seizing or exercising control of the Channel Tunnel system

38 An offence under article 5 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

Conspiracy

Conspiracy

39 An offence under section 1 of the Criminal Law Act 1977 (c. 45) of conspiracy to commit an offence listed in this Part of this Schedule.

PART 2

SUPPLEMENTARY

40 A reference in Part 1 of this Schedule to an offence includes a reference to an offence of aiding, abetting, counselling or procuring the commission of the offence.

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41 A reference in Part 1 of this Schedule to an enactment includes a reference to the enactment as enacted and as amended from time to time.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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

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

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of [2013 c. 22, Sch. 16 para. 23\(2\)](#); [S.I. 2013/2981, art. 2\(d\)](#))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of [2013 c. 22, Sch. 16 para. 23\(2\)](#); [S.I. 2013/2981, art. 2\(d\)](#))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by [2008 c. 4, s. 11\(5\)](#))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by [2008 c. 4, s. 11\(5\)](#))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)

- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)