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## SCHEDULES

### SCHEDULE 5

#### QUALIFYING OFFENCES FOR PURPOSES OF PART 10

#### PART 2

#### LIST OF OFFENCES FOR NORTHERN IRELAND

##### *Offences Against the Person*

##### *Murder*

30 Murder.

##### *Attempted murder*

31 An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit murder.

##### *Soliciting murder*

32 An offence under section 4 of the Offences against the Person Act 1861 (c. 100).

##### *Manslaughter*

33 Manslaughter.

[<sup>F1</sup>Corporate manslaughter

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##### **Textual Amendments**

**F1** Sch. 5 para. 33A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(3\)](#); S.I. 2008/401, [art. 2](#)

33A An offence under section 1 of the Corporate Manslaughter and Corporate Homicide Act 2007.]

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##### **Textual Amendments**

**F1** Sch. 5 para. 33A and cross-heading inserted (6.4.2008) by [Corporate Manslaughter and Corporate Homicide Act 2007 \(c. 19\)](#), ss. 26, 27, [Sch. 2 para. 3\(3\)](#); S.I. 2008/401, [art. 2](#)

##### *Kidnapping*

34 Kidnapping.

##### *Sexual Offences*

##### *Rape*

35 Rape.

[<sup>F2</sup>35A An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

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**Textual Amendments**

**F2** Sch. 5 Pt. 2 para. 35A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(2)**; S.R. 2008/510, **art. 2**

*Attempted rape*

36 An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960.

[<sup>F3</sup>36A An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

**Textual Amendments**

**F3** Sch. 5 Pt. 2 para. 36A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(3)**; S.R. 2008/510, **art. 2**

*Intercourse with a girl under fourteen*

37 An offence under section 4 of the Criminal Law Amendment Act 1885 (c. 69) of unlawfully and carnally knowing a girl under fourteen.

*Incest by a man with a girl under fourteen*

38 An offence under section 1(1) of the Punishment of Incest Act 1908 (c. 45) alleged to have been committed with a girl under fourteen.

[<sup>F4</sup>*Assault by penetration*

**Textual Amendments**

**F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

38A An offence under Article 6 of the Sexual Offences (Northern Ireland) Order 2008.

**Textual Amendments**

**F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Causing a person to engage in sexual activity without consent*

38B An offence under Article 8 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the activity caused involved penetration within paragraph (4) (a) to (d) of that Article.

**Textual Amendments**

**F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Rape of a child under thirteen*

38C An offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

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#### Textual Amendments

- F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

#### *Attempted rape of a child under thirteen*

- 38D An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

#### Textual Amendments

- F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

#### *Assault of child under thirteen by penetration*

- 38E An offence under Article 13 of the Sexual Offences (Northern Ireland) Order 2008.

#### Textual Amendments

- F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

#### *Causing a child under thirteen to engage in sexual activity by penetration*

- 38F An offence under Article 15 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused.

#### Textual Amendments

- F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

#### *Sexual activity with a person with a mental disorder impeding choice*

- 38G An offence under Article 43 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the touching involved penetration within paragraph (3)(a) to (d) of that Article.

#### Textual Amendments

- F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

#### *Causing a person with a mental disorder impeding choice to engage in sexual activity*

- 38H An offence under Article 44 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused.]

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### Textual Amendments

- F4** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

### *Drugs Offences*

#### *Unlawful importation of Class A drug*

- 39 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*

- 40 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*

- 41 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*

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

### *Criminal Damage Offences*

#### *Arson endangering life*

- 43 An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 alleged to have been committed by destroying or damaging property by fire.

#### *Causing explosion likely to endanger life or property*

- 44 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*

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

### *War Crimes and Terrorism*

#### *Genocide, crimes against humanity and war crimes*

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

#### *Grave breaches of the Geneva Conventions*

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

#### *Directing terrorist organisation*

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

#### *Hostage-taking*

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

### *Conspiracy*

#### *Conspiracy*

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- 50 An offence under Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of conspiracy to commit an offence listed in this Part of this Schedule.

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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](#)