

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 2

PART 1

REFERENCES TO COMMON LAW OFFENCE OF INCITEMENT

- 1 Section 30(4) of the Theft Act 1968 (c. 60) (restriction of proceedings against spouses and civil partners).
- 2 Section 1B(2) of the Biological Weapons Act 1974 (c. 6) (Revenue and Customs prosecutions).
- 3 Section 17(1) of the Industry Act 1975 (c. 68) (no criminal proceedings to lie in respect of contravention of a prohibition order).
- 4 Section 7(2)(ix) of the Sexual Offences (Amendment) Act 1976 (c. 82) (meaning of “rape offence” in relation to court martial proceedings).
- 5 In the Magistrates' Courts Act 1980 (c. 43)—
 - (a) section 22(11)(b) (aggregation of value in relation to charges involving two or more scheduled offences);
 - (b) section 103(2)(d) (written statement of child admissible in committal proceedings for certain offences);
 - (c) paragraph 2 of Schedule 2 (offences for which the value involved is relevant to the mode of trial).
- 6 Article 8(1A) of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I.6)) (driving disqualification where vehicle used for the purposes of crime).
- 7 In the Betting and Gaming Duties Act 1981 (c. 63)—
 - (a) section 9(5) (prohibitions for protection of revenue);
 - (b) section 9A(4) (prohibitions for protection of revenue: overseas brokers).
- 8 In section 32(1) of the Criminal Justice Act 1982 (c. 48) (early release of prisoners)
—
 - (a) paragraph (b)(iv) (imprisonment for excluded offence etc.);
 - (b) paragraph (c)(iv) (imprisonment for service offence corresponding to excluded offence etc.), inserted by paragraph 94(2) of Schedule 16 to the Armed Forces Act 2006 (c. 52).
- 9 Section 80(3)(c) of the Police and Criminal Evidence Act 1984 (c. 60) (compellability of accused’s spouse or civil partner).
- 10 Section 49(4) of the Airports Act 1986 (c. 31) (no criminal proceedings to lie in respect of contravention of compliance order).
- 11 Section 12(6)(a) of the Outer Space Act 1986 (c. 38) (offences).

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- 12 Section 30(4) of the Gas Act 1986 (c. 44) (no criminal proceedings to lie in respect of contravention of final or provisional order).
- 13 Section 7(1) of the Public Order Act 1986 (c. 64) (consent of DPP to prosecution).
- 14 Section 2(3)(ba) of the Ministry of Defence Police Act 1987 (c. 4) (jurisdiction of members of MoD police).
- 15 In the Road Traffic Offenders Act 1988 (c. 53)—
- (a) section 28(2) (penalty points to be attributed to an offence);
 - (b) section 34(5) (disqualification for certain offences);
 - (c) section 35(5A) (disqualification for repeated offences).
- 16 Paragraph 2(a) of Schedule 1 to the Football Spectators Act 1989 (c. 37) (offences).
- 17 Article 79(3)(c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (compellability of accused’s spouse or civil partner).
- 18 In the Aviation and Maritime Security Act 1990 (c. 31)—
- (a) section 11(3)(b) (destroying ships or fixed platforms or endangering their safety);
 - (b) section 15(2)(c) (master’s power of delivery).
- 19 In the Criminal Justice Act 1991 (c. 53)—
- (a) section 53(7) (cases involving children in which notice of transfer may be given);
 - (b) section 86A(4) (offences in respect of which prisoner custody officers have powers in relation to persons other than prisoners).
- 20 In the Sexual Offences (Amendment) Act 1992 (c. 34)—
- (a) subsections (1)(g) and (3)(k) of section 2 (offences to which Act applies);
 - (b) section 6(2A) (person who is to be treated as person against whom inchoate offences are committed).
- 21 In the Criminal Justice Act 1993 (c. 36)—
- (a) section 1(3)(d) (Group B offences);
 - (b) section 5(4) (incitement to commit Group A offence).
- 22 Section 12(7) of the Finance Act 1994 (c. 9) (offences of fraud and dishonesty).
- 23 Section 27 of the Antarctic Act 1994 (c. 15) (references to offences under the Act).
- 24 Section 9A(4) of the Criminal Justice and Public Order Act 1994 (c. 33) (offences in respect of which custody officers at contracted out secure training centres have powers in relation to persons other than those detained in the centre).
- 25 Paragraph (b) of the definition of “specified offence” in section 60(6) of the Drug Trafficking Act 1994 (c. 37) (Revenue and Customs prosecutions).
- 26 Article 40(4) of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I.1)) (no criminal proceedings to lie in respect of contravention of compliance order).
- 27 Article 4(1A) and (7) of the Children’s Evidence (Northern Ireland) Order 1995 (S.I. 1995/757 (N.I.3)) (cases involving children in which notice of transfer may be given).
- 28 Section 30A(2) of the Chemical Weapons Act 1996 (c. 6) (Revenue and Customs prosecutions).

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- 29 Section 29(6)(i) of the Criminal Procedure and Investigations Act 1996 (c. 25) (meaning of “terrorism offence” for purpose of requirement to hold preparatory hearing).
- 30 In the Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)—
- (a) section 2(1) and (2) (incitement to commit certain sexual acts outside the United Kingdom);
 - (b) section 3(8) (extended meaning of offence of incitement to commit a listed sexual offence).
- 31 In the Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I.9))—
- (a) paragraph (h) of the definition of “drug trafficking offence” in Article 2(2) (interpretation);
 - (b) paragraph (b) of the definition of “specified offence” in Article 55 (Revenue and Customs prosecutions).
- 32 In the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I.10))—
- (a) Article 30(2) (penalty points to be attributed to an offence);
 - (b) Article 35(6) (disqualification for certain offences);
 - (c) Article 40(7) (disqualification for repeated offences).
- 33 In the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I.24)) —
- (a) Article 38(3)(d) (Group B offences);
 - (b) Article 42(2) (incitement to commit Group A offence).
- 34 Paragraph 8 of the Schedule to the Sexual Offences (Protected Material) Act 1997 (c. 39) (sexual offences for the purposes of that Act).
- 35 Section 14(2)(d) of the Northern Ireland (Sentences) Act 1998 (c. 35) (inadmissibility).
- 36 Section 51C(3)(e) of the Crime and Disorder Act 1998 (c. 37) (notices in certain cases involving children).
- 37 Section 62(2) of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (meaning of “sexual offence” and other references to offences).
- 38 Article 3(2) of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I.8)) (meaning of “sexual offence” and other references to offences).
- 39 Section 147(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (driving disqualification where vehicle used for purposes of crime).
- 40 Paragraph 3(t)(i) of Schedule 4 to the Criminal Justice and Court Services Act 2000 (c. 43) (meaning of “offence against a child”).
- 41 Section 34(1)(g) of the Criminal Justice and Police Act 2001 (c. 16) (meaning of “drug trafficking offence”).
- 42 Sections 55(1)(b) and 62(1)(b) of the International Criminal Court Act 2001 (c. 17) (meaning of “ancillary offence”).
- 43 Section 53(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (Revenue and Customs prosecutions).
- 44 In the Proceeds of Crime Act 2002 (c. 29)—
- (a) section 340(11)(b) (interpretation of Part 7: money laundering);

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- (b) section 415(2)(a) (money laundering offences for purposes of Part 8: investigations);
 - (c) section 447(9)(b) (interpretation of Part 11: national and international co-operation);
 - (d) section 451(6)(c) (Revenue and Customs prosecutions).
- 45 Section 4 of the Dealing in Cultural Objects (Offences) Act 2003 (c. 27) (Revenue and Customs prosecutions).
- 46 Section 142(7)(a) of the Extradition Act 2003 (c. 41) (extradition from category 1 territory to the United Kingdom).
- 47 Paragraph 3(a) of Schedule 2 to the Sexual Offences Act 2003 (c. 42) (sexual offences to which section 72 of that Act applies).
- 48 In the Criminal Justice Act 2003 (c. 44)—
- (a) in Schedule 15 (specified violent and sexual offences for the purposes of Chapter 5 of Part 12 of that Act), paragraphs 64(a) and 153(a);
 - (b) in Schedule 17 (Northern Ireland violent and sexual offences specified for the purposes of section 229(4) of that Act), paragraphs 61(a) and 110(a).
- 49 Paragraph 3(i)(i) of the Schedule to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (S.I. 2003/417 (N.I.4)) (meaning of “offence against a child”).
- 50 Section 14 of the Gangmasters (Licensing) Act 2004 (c. 11) (enforcement officer’s power of arrest).
- 51 Section 76(3)(p) of the Serious Organised Crime and Police Act 2005 (c. 15) (offences giving rise to financial reporting order).
- 52 In the Terrorism Act 2006 (c. 11)—
- (a) section 17(2)(f) (commission of offences abroad);
 - (b) paragraph 12(b) of Schedule 1 (Convention offences).