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SCHEDULES

FIRST SCHEDULE

Sections 13, 14, 15, 40, 41, 42, 43, 63, 67,
99 and 108.

OFFENCES AGAINST CHILDREN AND YOUNG PERSONS, WITH RESPECT TO WHICH SPECIAL PROVISIONS OF THIS ACT APPLY

Modifications etc. (not altering text)

- C1** Sch. 1 extended by Indecency with [Children Act 1960 \(c. 33\), s. 1\(3\)](#) and [Suicide Act 1961 \(c. 60\), Sch. 1 Pt. I](#)

The murder or manslaughter of a child or young person.

Infanticide.

[^{F1} An offence under section 2(1) of the [Suicide Act 1961](#) (encouraging or assisting suicide) where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person.]

Textual Amendments

- F1** Words in Sch. 1 inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\), s. 182\(5\), Sch. 21 para. 53](#) (with s. 180); [S.I. 2010/145, art. 2\(2\)](#), [Sch. para. 25\(a\)](#)

[^{F2} An offence under section 5 of the [Domestic Violence, Crime and Victims Act 2004](#), in respect of a child or young person.]

Textual Amendments

- F2** Words in Sch. 1 inserted (21.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(1\), 60, Sch. 10 para. 2; S.I. 2005/579, art. 2\(b\)\(c\)](#)

Any offence under sections twenty-seven, . . . ^{F3} or fifty-six of the [Offences against the Person Act 1861](#), and any offence against a child or young person under sections five, . . . ^{F4} . . . ^{F3} of that Act. . . . ^{F3}

Textual Amendments

- F3** Words repealed by [Sexual Offences Act 1956 \(c. 69\), s. 52, Sch 4](#)
F4 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 170\(2\), Sch. 16](#)

Marginal Citations

- M1** [1861 c. 100.](#)

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[^{F5}Common assault, or battery.] . . . ^{F6}

Textual Amendments

- F5** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(1), **Sch. 15 para. 8**
F6 Entry repealed by [Sexual Offences Act 1956 \(c. 69\)](#), s. 52, **Sch. 4**

Any offence under sections one, . . . ^{F3} three, four, eleven or twenty-three of this Act.

[^{F7}Any offence against a child or young person under any of sections 1 to 41, 47 to 53, ^{F8}... 61, 66]^{F9}, 67 and 67A of the Sexual Offences Act 2003], or any attempt to commit such an offence. Any offence under section 62 or 63 of the Sexual Offences Act 2003 where the intended offence was an offence against a child or young person, or any attempt to commit such an offence.]

Textual Amendments

- F7** Sch. 1: entry substituted (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), ss. 139, 141, **Sch. 6 para. 7; S.I. 2004/874, art. 2**
F8 Words in Sch. 1 omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 1(2); S.I. 2015/1476, reg. 2(j)** (with regs. 3, 8)
F9 Words in Sch. 1 substituted (12.4.2019) by [Voyeurism \(Offences\) Act 2019 \(c. 2\)](#), ss. **1(5), 2(2)**

^{F10} ...

Textual Amendments

- F10** Words in Sch. 1 omitted (31.7.2015) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 1(3); S.I. 2015/1476, reg. 2(j)** (with regs. 3, 8)

[^{F11}An offence against a child or young person under section 2 of the Modern Slavery Act 2015 (human trafficking), or any attempt to commit such an offence.]

Textual Amendments

- F11** Words in Sch. 1 inserted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 1(4); S.I. 2015/1476, reg. 2(j)** (with regs. 3, 8)

Any other offence involving bodily injury to a child or young person.

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[^{F12}SCHEDULE 1A

Section 39A

PROHIBITION ON PUBLICATION OF CERTAIN MATTERS: PROVIDERS OF INFORMATION SOCIETY SERVICES

Textual Amendments

F12 Sch. 1A inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), Sch. 15 para. 1; S.I. 2015/778, art. 3, Sch. 1 para. 81 (with Sch. 2 para. 5)

Domestic service providers: extension of liability

- 1 (1) This paragraph applies where a service provider is established in England and Wales (a “domestic service provider”).
- (2) Section 39 applies to a domestic service provider who—
 - (a) includes matter in a publication in an EEA state other than the United Kingdom, and
 - (b) does so in the course of providing information society services, as well as to a person who includes matter in a publication in England and Wales.
- (3) In the case of an offence under section 39, as it applies to a domestic service provider by virtue of sub-paragraph (2)—
 - (a) proceedings for the offence may be taken at any place in England and Wales, and
 - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (4) Nothing in this paragraph affects the operation of paragraphs 3 to 5.

Non-UK service providers: restriction on institution of proceedings

- 2 (1) This paragraph applies where a service provider is established in an EEA state other than the United Kingdom (a “non-UK service provider”).
- (2) Proceedings for an offence under section 39 may not be instituted against a non-UK service provider in respect of anything done in the course of the provision of information society services unless the derogation condition is satisfied.
- (3) The derogation condition is satisfied where the institution of proceedings—
 - (a) is necessary for the purposes of the public interest objective,
 - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to that objective, and
 - (c) is proportionate to that objective.
- (4) “The public interest objective” means the pursuit of public policy.

Exceptions for mere conduits

- 3 (1) A service provider is not capable of being guilty of an offence under section 39 in respect of anything done in the course of providing so much of an information society service as consists in—

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- (a) the provision of access to a communication network, or
 - (b) the transmission in a communication network of information provided by a recipient of the service,
- if the condition in sub-paragraph (2) is satisfied.

- (2) The condition is that the service provider does not—
 - (a) initiate the transmission,
 - (b) select the recipient of the transmission, or
 - (c) select or modify the information contained in the transmission.
- (3) For the purposes of sub-paragraph (1)—
 - (a) the provision of access to a communication network, and
 - (b) the transmission of information in a communication network,
 includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.
- (4) Sub-paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Exception for caching

- 4 (1) This paragraph applies where an information society service consists in the transmission in a communication network of information provided by a recipient of the service.
- (2) The service provider is not capable of being guilty of an offence under section 39 in respect of the automatic, intermediate and temporary storage of information so provided, if—
 - (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
 - (b) the condition in sub-paragraph (3) is satisfied.
- (3) The condition is that the service provider—
 - (a) does not modify the information,
 - (b) complies with any conditions attached to having access to the information, and
 - (c) where sub-paragraph (4) applies, expeditiously removes the information or disables access to it.
- (4) This sub-paragraph applies if the service provider obtains actual knowledge that—
 - (a) the information at the initial source of the transmission has been removed from the network,
 - (b) access to it has been disabled, or
 - (c) a court or administrative authority has ordered the removal from the network of, or the disablement of access to, the information.

Exception for hosting

- 5 (1) A service provider is not capable of being guilty of an offence under section 39 in respect of anything done in the course of providing so much of an information society

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service as consists in the storage of information provided by a recipient of the service if sub-paragraph (2) or (3) is satisfied.

- (2) This sub-paragraph is satisfied if the service provider had no actual knowledge when the information was provided that it consisted of or included matter whose inclusion in a publication is prohibited by a direction under section 39.
- (3) This sub-paragraph is satisfied if, on obtaining such knowledge, the service provider expeditiously removed the information or disabled access to it.
- (4) Sub-paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the service provider.

Interpretation

- 6 (1) This paragraph applies for the purposes of this Schedule.
- (2) “Publication” has the meaning given in section 39.
- (3) “Information society services”—
 - (a) has the meaning given in Article 2(a) of the E-Commerce Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations), and
 - (b) is summarised in recital 17 of the E-Commerce Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”,and “the E-Commerce Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce).
- (4) “Recipient”, in relation to a service, means a person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible.
- (5) “Service provider” means a person providing an information society service.
- (6) For the purpose of interpreting references in this Schedule to a service provider who is established in England and Wales or an EEA state—
 - (a) a service provider is established in England and Wales or in a particular EEA state, if the service provider—
 - (i) effectively pursues an economic activity using a fixed establishment in England and Wales or that EEA state, for an indefinite period, and
 - (ii) is a national of an EEA state or a company or firm mentioned in Article 54 of the Treaty on the Functioning of the European Union;
 - (b) the presence or use in a particular place of equipment or other technical means of providing an information society service does not, of itself, constitute the establishment of a service provider;
 - (c) where it cannot be determined from which of a number of establishments a given information society service is provided, that service is to be regarded as provided from the establishment at the centre of the service provider’s activities relating to that service.]

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F13F13^{F14} SCHEDULE 2]

Textual Amendments

- F13** Sch. 2 repealed (5.9.2007) by [Courts Act 2003 \(c. 39\)](#), ss. 50(2), 109(3), 110, **Sch. 10**; S.I. 2007/2706, **art. 1**
- F14** Sch. 2 substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 17(1), **Sch. 2**

Modifications etc. (not altering text)

- C2** Sch. 2 amended by S.I. 1985/1383, **art. 3(6)**
- C3** References to the metropolitan stipendiary court area amended by virtue of [Administration of Justice Act 1964 \(c. 42, SIF 82\)](#), s. 12(1)
- C4** Functions of the Secretary of State in Sch. 2 transferred (1.4.1992) to the Lord Chancellor by virtue of S.I. 1992/709, art. 2(1)(c), **Sch. 1**.
Sch. 2 modified (*temp.* from 19.7.2000) by S.I. 2000/1920, **art. 4**

F69F69^{F69} THIRD SCHEDULE

Textual Amendments

- F69** S. 60 and Sch. 3 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), s. 132, **Sch. 6**

F69

FOURTH SCHEDULE

Sections 81 and 106.

PROVISIONS AS TO ADMINISTRATION OF APPROVED SCHOOLS AND TREATMENT OF PERSONS SENT THERETO

Modifications etc. (not altering text)

- C12** Sch. 4 (except paras. 1-3, 7, 14) extended by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 11(2)(4)

General Provisions

- F70**¹ (1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.
- (2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

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Textual Amendments

F70 Para. 1 repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72, 73(2), **Sch. 6**.

^{F71}2 No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

Textual Amendments

F71 Para. 2 repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72, 73(2), **Sch. 6**.

Treatment of Pupils

^{F72}3 A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State for the purpose of affording him religious assistance and instruction.

Textual Amendments

F72 Para. 3 repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72, 73(2), **Sch. 6**.

4—13. ^{F73}

Textual Amendments

F73 Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 72, **Sch. 6**.

Superannuation of Officers

^{F74}14 The Managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

- (a) a superannuation allowance or gratuity—
 - (i) to any officer who retires by reason of old age or permanent infirmity of mind or body;
 - (ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer.
- (b) a gratuity to any dependant of an officer who has died in the service of the school:

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

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Textual Amendments

F74 Para. 14 repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72, 73(2), [Sch. 6](#)

Modifications etc. (not altering text)

C13 Para 14 extended by [Superannuation \(Miscellaneous Provisions\) Act 1948 \(c. 33\)](#), [s. 14](#)

FIFTH SCHEDULE

Section 103.

TRANSITORY PROVISIONS

1 Any Order in Council, order, or regulation made, any certificate given, any deposition taken, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done, under the corresponding provisions of this Act.

2 Any rule, byelaw, warrant or licence under any enactment repealed either by the ^{M2}Children and Young Persons Act 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act:

Provided that this paragraph shall not apply to rules made under section fifty-four of the ^{M3}Children Act 1908 (hereinafter referred to as the Act of 1908) for the management and discipline of a certified school or to byelaws made under section ninety-one of the ^{M4}Education Act 1921, with respect to street trading.

Marginal Citations

- M2** 1932 c. 46.
- M3** 1908 c. 67.
- M4** 1921 c. 51.

^{F75}3

Textual Amendments

F75 Sch. 5 paras. 3-15 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.VIII](#).

^{F76}4

Textual Amendments

F76 Sch. 5 paras. 3-15 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt.VIII](#).

^{F77}5

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Textual Amendments

F77 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F78 6

Textual Amendments

F78 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F79 7

Textual Amendments

F79 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F80 8

Textual Amendments

F80 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F81 9

Textual Amendments

F81 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F82 10

Textual Amendments

F82 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F83 11

Textual Amendments

F83 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F84 12

Textual Amendments

F84 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

F85 13

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Textual Amendments

F85 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

^{F86}14

Textual Amendments

F86 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

^{F87}15

Textual Amendments

F87 Sch. 5 paras. 3-15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.VIII**.

^{F88F88}SIXTH SCHEDULE

Textual Amendments

F88 S. 109(2)(4) and Sch. 6 repealed by Statute Law Revision Act 1950 (c. 6)

..... ^{F88}

Status:

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