SCHEDULES

SCHEDULE 9

Section 65.

SCHEDULED OFFENCES

PART I

SUBSTANTIVE OFFENCES

Common law offences

1 Murder subject to note 1 below.

2 Manslaughter subject to note 1 below.

3 Riot subject to note 1 below.

4 Kidnapping subject to note 1 below.

5 False imprisonment subject to note 1 below.

Malicious Damage Act 1861 (c. 97)

6 Offences under section 35 of the Malicious Damage Act 1861 (interference with railway) subject to note 1 below.

Offences against the Person Act 1861 (c. 100)

7 Offences under the following provisions of the Offences against the Person Act 1861 subject to note 1 below—

(a) section 4 (offences relating to murder),

(b) section 16 (threats to kill),

(c) section 18 (wounding with intent to cause grievous bodily harm),

(d) section 20 (causing grievous bodily harm),

(e) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm), and

(f) section 47 (assault occasioning actual bodily harm).

Explosive Substances Act 1883 (c. 3)

8 Offences under the following provisions of the Explosive Substances Act 1883 subject to note 1 below—

(a) section 2 (causing explosion likely to endanger life or damage property),

(b) section 3 (intending or conspiring to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property), and

(c) section 4 (making or possessing explosives in suspicious circumstances).

Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))

9 Offences under the following provisions of the Prison Act (Northern Ireland) 1953 subject to note 1 below—

(a) section 25 (being unlawfully at large while under sentence),
(b) section 26 (escaping from lawful custody and failing to surrender to bail),
(c) section 27 (attempting to break prison),
(d) section 28 (breaking prison by force or violence),
(e) section 29 (rescuing or assisting or permitting to escape from lawful custody persons under sentence of death or life imprisonment),
(f) section 30 (rescuing or assisting or permitting to escape from lawful custody persons other than persons under sentence of death or life imprisonment),
(g) section 32 (causing discharge of prisoner under pretended authority), and
(h) section 33 (assisting prisoners to escape by conveying things into prisons).

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

10 Offences under the following provisions of the Theft Act (Northern Ireland) 1969—

(a) section 1 (theft) subject to note 2 below,
(b) section 8 (robbery) subject to notes 1 and 3 below,
(c) section 9 (burglary) subject to note 2 below,
(d) section 10 (aggravated burglary) subject to notes 1 and 3 below,
(e) section 15 (obtaining property by deception) subject to note 2 below, and
(f) section 20 (blackmail) subject to notes 1 and 2 below.

Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.))

11 Offences under the following provisions of the Protection of the Person and Property Act (Northern Ireland) 1969 subject to note 1 below—

(a) section 1 (intimidation),
(b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances), and
(c) section 3 (throwing or using petrol bomb, etc.).

Hijacking

12 Offences under section 1 of the Aviation Security Act 1982 (aircraft) subject to note 1 below.

13 Offences in Northern Ireland under section 2 of the Criminal Jurisdiction Act 1975 (vehicles or ships) subject to note 1 below.

Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))

14 Offences under the following provisions of the Criminal Damage (Northern Ireland) Order 1977 subject to note 1 below—

(a) Article 3(1) and (3) or Article 3(2) and (3) (arson),

(b) Article 3(2) (destroying or damaging property with intent to endanger life),
(c) Article 4 (threats to destroy or damage property), and
(d) Article 5 (possessing anything with intent to destroy or damage property).

Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 (N.I. 16))

15 Offences under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes) subject to note 1 below.

Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))

16 Offences under the following provisions of the Firearms (Northern Ireland) Order 1981 subject to note 1 below—
(a) Article 4(1), (2), (3) or (4) (manufacturing, dealing in, repairing, etc, firearm or ammunition without being registered),
(b) Article 5 (shortening barrel of shot gun or converting imitation firearm into firearm),
(c) Article 6(1) (manufacturing, dealing in or possessing certain weapons, etc.),
(d) Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property),
(e) Article 18 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another etc.),
(f) Article 19 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another),
(g) Article 20 (carrying firearm, etc. in public place) subject to note 4 below,
(h) Article 22 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc. and sale of firearm or ammunition to such a person), and
(i) Article 23 (possessing firearm or ammunition in suspicious circumstances).

Taking of Hostages Act 1982 (c. 28)

17 Offences under the Taking of Hostages Act 1982 subject to note 1 below.

Nuclear Material (Offences) Act 1983 (c. 18)

18 Offences under section 2 of the Nuclear Material (Offences) Act 1983 (offences involving nuclear material: preparatory acts and threats) subject to note 1 below.

Computer Misuse Act 1990 (c. 18)

19 Offences under the following provisions of the Computer Misuse Act 1990 subject to note 1 below—
(a) section 1 (unauthorised access to computer material),
(b) section 2 (unauthorised access with intent to commit further offence), and
(c) section 3 (unauthorised modification).

Aviation and Maritime Security Act 1990 (c. 31)

20 Offences under the following provisions of the Aviation and Maritime Security Act 1990 subject to note 1 below—

(a) section 1 (endangering safety at aerodromes),

(b) section 9 (hijacking of ships), and

(c) section 10 (seizing or exercising control of fixed platforms).

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

21 Offences under the following provisions of the Channel Tunnel (Security) Order 1994 subject to note 1 below—

(a) Article 4 (hijacking of Channel Tunnel trains), and

(b) Article 5 (seizing or exercising control of the tunnel system).

This Act

22 Offences under the following provisions of this Act—

(a) section 11,

(b) section 12,

(c) section 13,

(d) sections 15 to 19,

(e) section 54,

(f) section 56,

(g) section 57,

(h) section 58,

(i) section 103,

(j) paragraph 37 of Schedule 4,

(k) Schedule 5,

(l) paragraph 10 of Schedule 10 subject to note 1 below, and

(m) paragraphs 2 and 3 of Schedule 13 subject to note 1 below.

Notes

1 Any offence specified in this Part of this Schedule which is stated to be subject to this note is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.

2 An offence specified in paragraph 10(a), (c) or (e) is a scheduled offence only where it is charged that the offence was committed in relation to or by means of nuclear material within the meaning of the Nuclear Material (Offences) Act 1983; and the Attorney General for Northern Ireland shall not certify that the offence specified in paragraph 10(f) is not to be treated as a scheduled offence in a case where it is charged that the offence was so committed.

3 An offence specified in paragraph 10(b) or (d) is a scheduled offence only where it is charged—

(a) that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence, or

(b) that the offence was committed in relation to or by means of nuclear material within the meaning of the Nuclear Material (Offences) Act 1983;

and expressions defined in section 10 of the Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.

4 The offence specified in paragraph 16(g) is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.

PART II

INCHOATE AND RELATED OFFENCES

Each of the following offences, that is to say—

(a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in Part I of this Schedule (hereafter in this paragraph referred to as a "substantive offence"),

(b) attempting or conspiring to commit a substantive offence,

(c) an offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence, and

(d) an offence under section 5(1) of the Criminal Law Act (Northern Ireland) 1967 of failing to give information to a constable which is likely to secure, or to be of material assistance in securing, the apprehension, prosecution or conviction of a person for a substantive offence,

shall be treated for the purposes of Part VII of this Act as if it were the substantive offence.

PART III

EXTRA-TERRITORIAL OFFENCES

Any extra-territorial offence as defined in section 1(3) of the Criminal Jurisdiction Act 1975.

Note

An extra-territorial offence is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.