

SCHEDULE 3

Article 3(4)

Non-Scottish offences leading to automatic listing in the children's list

1. Murder contrary to the common law of England and Wales where the offence was committed against a child.
2. Murder contrary to the common law of Northern Ireland where the offence was committed against a child.
3. Murder contrary to the customary law of Jersey where the offence was committed against a child.
4. Murder contrary to the common law of Guernsey, Alderney or Sark where the offence was committed against a child.
5. Murder contrary to section 18 of the Criminal Code 1872 (an Act of Tynwald)(1) where the offence was committed against a child.
6. Rape contrary to the common law of Northern Ireland.
7. Rape contrary to the customary law of Jersey.
8. Rape contrary to the common law of Guernsey, Alderney or Sark.
9. Rape contrary to section 1 of the Sexual Offences Act 1992 (an Act of Tynwald)(2).
10. Sodomy contrary to the customary law of Jersey.
11. An offence under section 4 (defilement of girl under 13) of the Criminal Law Amendment Act 1885(3).
12. An offence under article 2 of the “Loi relative à la protection des Femmes et des Filles mineures” (Law for the Protection of Women and Young Girls) 1914 (carnal knowledge of a girl under 13)(4).
13. An offence under article 122(1)(a) (sexual intercourse with a woman suffering from severe mental handicap) of the Mental Health (Northern Ireland) Order 1986(5).
14. An offence under article 3(b) of the “Loi relative à la protection des Femmes et des Filles mineures” (Law for the Protection of Women and Young Girls) 1914 (carnal knowledge of a woman suffering from a mental handicap).
15. An offence under article 5 (rape) of the Sexual Offences (Northern Ireland) Order 2008(6).
16. An offence under article 6 (assault by penetration) of that Order.
17. An offence under article 12 (rape of a child under 13) of that Order.
18. An offence under article 13 (assault of a child under 13 by penetration) of that Order.
19. An offence under articles 43(3)(a) and (b) (sexual assault of a person with a mental disorder impeding choice) of that Order.
20. Intercourse with a person under the age of 13 contrary to section 4(1) of the Sexual Offences Act 1992 (an Act of Tynwald)(7).

(1) iv p.160.

(2) 1992 c.6.

(3) 48 & 49 Vict. c.69. The whole Act was repealed by Schedule 2 to the Sexual Offences (Scotland) Act 1976 (c.67) in relation to Scotland.

(4) Guernsey Ordres en Conseil (Orders in Council) Vol. V, p.74, as amended.

(5) S.I. 1986/595 (N.I. 4).

(6) S.I. 2008/1769.

(7) 1992 c.6.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:
The Protection of Vulnerable Groups (Scotland) Act 2007 (Automatic Listing) (Specified Criteria) Order 2010 No. 241

21. An offence under section 1 (rape) of the Sexual Offences Act 2003⁽⁸⁾.
22. An offence under section 2 (assault by penetration) of that Act.
23. An offence under section 5 (rape of a child under 13) of that Act.
24. An offence under section 6 (assault of a child under 13 by penetration) of that Act.
25. An offence under section 30(1) and (3)(a) or (b) (sexual assault by penetration with a person with a mental disorder impeding choice) of that Act.
26. Any offence contrary to section 42 of the Armed Forces Act 2006 where the corresponding offence under the law of England and Wales is one which corresponds to an offence specified in this Schedule, provided that where it corresponds to an offence at paragraphs 1, 2, 3, 4 or 5 it was committed in the relevant circumstances applicable to that offence.

⁽⁸⁾ 2003 c.42.