

SCHEDULES

SCHEDULE 2

Section 72(7)

SEXUAL OFFENCES TO WHICH SECTION 72 APPLIES

England and Wales

- 1 In relation to England and Wales, the following are sexual offences to which section 72 applies—
- (a) an offence under any of sections 5 to 15 (offences against children under 13 or under 16);
 - (b) an offence under any of sections 1 to 4, 16 to 41, 47 to 50 and 61 where the victim of the offence was under 16 at the time of the offence;
 - (c) an offence under section 62 or 63 where the intended offence was an offence against a person under 16;
 - (d) an offence under—
 - (i) section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children), or
 - (ii) section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of child),in relation to a photograph or pseudo-photograph showing a child under 16.

Northern Ireland

- 2 (1) In relation to Northern Ireland, the following are sexual offences to which section 72 applies—
- (a) rape;
 - (b) an offence under—
 - (i) section 52 of the Offences against the Person Act 1861 (c. 100) (indecent assault upon a female person), or
 - (ii) section 53 or 54 of that Act (abduction of woman);
 - (c) an offence under—
 - (i) section 2 of the Criminal Law Amendment Act 1885 (c. 69) (procurement of girl under 21),
 - (ii) section 3 of that Act (procuring defilement of woman using threats, etc.),
 - (iii) section 4 of that Act of unlawful carnal knowledge of a girl under 14,
 - (iv) section 5 of that Act of unlawful carnal knowledge of a girl under 17, or
 - (v) section 7 of that Act (abduction of girl under 18);
 - (d) an offence under—
 - (i) section 1 of the Punishment of Incest Act 1908 (c. 45) (incest by males), or

Status: This is the original version (as it was originally enacted).

- (ii) section 2 of that Act (incest by females);
 - (e) an offence under—
 - (i) section 21 of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.)) (causing or encouraging seduction, etc. of girl under 17), or
 - (ii) section 22 of that Act (indecent conduct towards a child);
 - (f) an offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) (indecent photographs of children);
 - (g) an offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)) (inciting girl under 16 to have incestuous sexual intercourse);
 - (h) an offence under Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (S.I. 1988/1847 (N.I. 17)) (indecent photographs of children);
 - (i) an offence under—
 - (i) Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) (buggery),
 - (ii) Article 20 of that Order (assault with intent to commit buggery), or
 - (iii) Article 21 of that Order (indecent assault on a male);
 - (j) an offence under—
 - (i) section 15 of this Act (meeting a child following sexual grooming etc.), or
 - (ii) any of sections 16 to 19 or 47 to 50 of this Act (abuse of trust, prostitution, child pornography).
- (2) Sub-paragraph (1), apart from paragraphs (f) and (h), does not apply where the victim of the offence was 17 or over at the time of the offence.

General

- 3 A reference in paragraph 1 or 2(1) to an offence includes—
- (a) a reference to an attempt, conspiracy or incitement to commit that offence; and
 - (b) a reference to aiding and abetting, counselling or procuring the commission of that offence.