

SCHEDULES

SCHEDULE 1

Sections 2 and 3

SERIOUS OFFENCES

PART 1

SERIOUS OFFENCES IN ENGLAND AND WALES

Drug trafficking

- 1 (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
 - (b) section 5(3) (possession of controlled drug with intent to supply);
 - (c) section 8 (permitting etc. certain activities relating to controlled drugs);
 - (d) section 20 (assisting in or inducing the commission outside the United Kingdom of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
 - (b) section 68(2) (exportation of prohibited or restricted goods);
 - (c) section 170 (fraudulent evasion of duty etc.).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990 (c. 5)—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
 - (b) section 19 (using a ship for illicit traffic in controlled drugs).

People trafficking

- 2 (1) An offence under section 25, 25A or 25B of the Immigration Act 1971 (c. 77) (assisting unlawful immigration etc.).
- (2) An offence under any of sections 57 to 59 of the Sexual Offences Act 2003 (c. 42) (trafficking for sexual exploitation).
- (3) An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (trafficking people for exploitation).

Arms trafficking

- 3 (1) An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited or restricted goods);
 - (b) section 170 (fraudulent evasion of duty etc.).
- (2) An offence under section 3(1) of the Firearms Act 1968 (c. 27) (dealing etc. in firearms or ammunition by way of trade or business without being registered).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in section 57 of the Firearms Act 1968.

Prostitution and child sex

- 4 (1) An offence under section 33A of the Sexual Offences Act 1956 (c. 69) (keeping a brothel used for prostitution).
- (2) An offence under any of the following provisions of the Sexual Offences Act 2003 (c. 42)—
- (a) section 14 (arranging or facilitating commission of a child sex offence);
 - (b) section 48 (causing or inciting child prostitution or pornography);
 - (c) section 49 (controlling a child prostitute or a child involved in pornography);
 - (d) section 50 (arranging or facilitating child prostitution or pornography);
 - (e) section 52 (causing or inciting prostitution for gain);
 - (f) section 53 (controlling prostitution for gain).

Armed robbery etc.

- 5 (1) An offence under section 8(1) of the Theft Act 1968 (c. 60) (robbery) where the use or threat of force involves a firearm, an imitation firearm or an offensive weapon.
- (2) An offence at common law of an assault with intent to rob where the assault involves a firearm, imitation firearm or an offensive weapon.
- (3) In this paragraph—
- “firearm” has the meaning given by section 57(1) of the Firearms Act 1968;
 - “imitation firearm” has the meaning given by section 57(4) of that Act;
 - “offensive weapon” means any weapon to which section 141 of the Criminal Justice Act 1988 (c. 33) (offensive weapons) applies.

Money laundering

- 6 An offence under any of the following provisions of the Proceeds of Crime Act 2002 (c. 29)—
- (a) section 327 (concealing etc. criminal property);
 - (b) section 328 (facilitating the acquisition etc. of criminal property by or on behalf of another);
 - (c) section 329 (acquisition, use and possession of criminal property).

Fraud

- 7 (1) An offence under section 17 of the Theft Act 1968 (c. 60) (false accounting).
- (2) An offence under any of the following provisions of the Fraud Act 2006 (c. 35)—
- (a) section 1 (fraud by false representation, failing to disclose information or abuse of position);
- (b) section 6 (possession etc. of articles for use in frauds);
- (c) section 7 (making or supplying articles for use in frauds);
- (d) section 9 (participating in fraudulent business carried on by sole trader etc.);
- (e) section 11 (obtaining services dishonestly).
- (3) An offence at common law of conspiracy to defraud.

Offences in relation to public revenue

- 8 (1) An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (fraudulent evasion of duty etc.) so far as not falling within paragraph 1(2)(c) or 3(1)(b) above.
- (2) An offence under section 72 of the Value Added Tax Act 1994 (c. 23) (fraudulent evasion of VAT etc.).
- (3) An offence under section 144 of the Finance Act 2000 (c. 17) (fraudulent evasion of income tax).
- (4) An offence under section 35 of the Tax Credits Act 2002 (c. 21) (tax credit fraud).
- (5) An offence at common law of cheating in relation to the public revenue.

Corruption and bribery

- 9 (1) An offence under section 1 of the Public Bodies Corrupt Practices Act 1889 (c. 69) (corruption in public office).
- (2) An offence which is the first or second offence under section 1(1) of the Prevention of Corruption Act 1906 (c. 34) (corrupt transactions with agents other than those of giving or using false etc. documents which intended to mislead principal).
- (3) An offence at common law of bribery.

Counterfeiting

- 10 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (a) section 14 (making counterfeit notes or coins);
- (b) section 15 (passing etc. counterfeit notes or coins);
- (c) section 16 (having custody or control of counterfeit notes or coins);
- (d) section 17 (making or having custody or control of counterfeiting materials or implements).

Blackmail

- 11 (1) An offence under section 21 of the Theft Act 1968 (c. 60) (blackmail).

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

- (2) An offence under section 12(1) or (2) of the Gangmasters (Licensing) Act 2004 (c. 11) (acting as a gangmaster other than under the authority of a licence, possession of false documents, etc.).

Intellectual property

- 12 (1) An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1)(a), (b), (d)(iv) or (e) (making, importing or distributing an article which infringes copyright);
 - (b) section 198(1)(a), (b) or (d)(iii) (making, importing or distributing an illicit recording);
 - (c) section 297A (making or dealing etc. in unauthorised decoders).
- (2) An offence under section 92(1), (2) or (3) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark etc.).

Environment

- 13 (1) An offence under section 1 of the Salmon and Freshwater Fisheries Act 1975 (c. 51) (fishing for salmon, trout or freshwater fish with prohibited implements etc.).
- (2) An offence under section 14 of the Wildlife and Countryside Act 1981 (c. 69) (introduction of new species etc.).
- (3) An offence under section 33 of the Environmental Protection Act 1990 (c. 43) (prohibition on unauthorised or harmful deposit, treatment or disposal etc. of waste).
- (4) An offence under regulation 8 of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (S.I. 1997/1372) (purchase and sale etc. of endangered species and provision of false statements and certificates).

Inchoate offences

- 14 (1) An offence of attempting or conspiring the commission of an offence specified or described in this Part of this Schedule.
- (2) An offence under Part 2 of this Act (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence specified or described in this Part of this Schedule.
- (3) An offence of aiding, abetting, counselling or procuring the commission of an offence specified or described in this Part of this Schedule.
- (4) The references in sub-paragraphs (1) to (3) to offences specified or described in this Part of this Schedule do not include the offence at common law of conspiracy to defraud.

Earlier offences

- 15 (1) This Part of this Schedule (apart from paragraph 14(2)) has effect, in its application to conduct before the passing of this Act, as if the offences specified or described in this Part included any corresponding offences under the law in force at the time of the conduct.

- (2) Paragraph 14(2) has effect, in its application to conduct before the passing of this Act or before the coming into force of section 59 of this Act, as if the offence specified or described in that provision were an offence of inciting the commission of an offence specified or described in this Part of this Schedule.

Scope of offences

- 16 Where this Part of this Schedule refers to offences which are offences under the law of England and Wales and another country, the reference is to be read as limited to the offences so far as they are offences under the law of England and Wales.

PART 2

SERIOUS OFFENCES IN NORTHERN IRELAND

Drug trafficking

- 17 (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
 - (b) section 5(3) (possession of controlled drug with intent to supply);
 - (c) section 8 (permitting etc. certain activities relating to controlled drugs);
 - (d) section 20 (assisting in or inducing the commission outside the United Kingdom of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
 - (b) section 68(2) (exportation of prohibited or restricted goods);
 - (c) section 170 (fraudulent evasion of duty etc.).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990 (c. 5)—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
 - (b) section 19 (using a ship for illicit traffic in controlled drugs).

People trafficking

- 18 (1) An offence under section 25, 25A or 25B of the Immigration Act 1971 (c. 77) (assisting unlawful immigration etc.).
- (2) An offence under any of sections 57 to 59 of the Sexual Offences Act 2003 (c. 42) (trafficking for sexual exploitation).
- (3) An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (trafficking people for exploitation).

Arms trafficking

- 19 (1) An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited or restricted goods);
 - (b) section 170 (fraudulent evasion of duty etc.).
- (2) An offence under Article 24 of the Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I.3)) (dealing etc. in firearms or ammunition by way of trade or business without being registered).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in Article 2(2) of the Firearms (Northern Ireland) Order 2004.

Prostitution and child sex

- 20 (1) An offence under section 13(1) of the Criminal Law Amendment Act 1885 (c. 69) (keeping a brothel used for prostitution).
- (2) An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 48 (causing or inciting child prostitution or pornography);
 - (b) section 49 (controlling a child prostitute or a child involved in pornography);
 - (c) section 50 (arranging or facilitating child prostitution or pornography);
 - (d) section 52 (causing or inciting prostitution for gain);
 - (e) section 53 (controlling prostitution for gain).

Armed robbery etc.

- 21 (1) An offence under section 8(1) of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.)) (robbery) where the use or threat of force involves a firearm, an imitation firearm or an offensive weapon.
- (2) An offence at common law of an assault with intent to rob where the assault involves a firearm, imitation firearm or an offensive weapon.
- (3) In this paragraph—
- “firearm” and “imitation firearm” have the meaning given by Article 2(2) of the Firearms (Northern Ireland) Order 2004;
 - “offensive weapon” means any weapon to which section 141 of the Criminal Justice Act 1988 (c. 33) (offensive weapons) applies.

Money laundering

- 22 An offence under any of the following provisions of the Proceeds of Crime Act 2002 (c. 29)—
- (a) section 327 (concealing etc. criminal property);
 - (b) section 328 (facilitating the acquisition etc. of criminal property by or on behalf of another);
 - (c) section 329 (acquisition, use and possession of criminal property).

Fraud

- 23 (1) An offence under section 17 of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.)) (false accounting).
- (2) An offence under any of the following provisions of the Fraud Act 2006 (c. 35)—
- (a) section 1 (fraud by false representation, failing to disclose information or abuse of position);
 - (b) section 6 (possession etc. of articles for use in frauds);
 - (c) section 7 (making or supplying articles for use in frauds);
 - (d) section 9 (participating in fraudulent business carried on by sole trader etc.);
 - (e) section 11 (obtaining services dishonestly).
- (3) An offence at common law of conspiracy to defraud.

Offences in relation to public revenue

- 24 (1) An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (fraudulent evasion of duty etc.) so far as not falling within paragraph 17(2) (c) or 19(1)(b) above.
- (2) An offence under section 72 of the Value Added Tax Act 1994 (c. 23) (fraudulent evasion of VAT etc.).
- (3) An offence under section 144 of the Finance Act 2000 (c. 17) (fraudulent evasion of income tax).
- (4) An offence under section 35 of the Tax Credits Act 2002 (c. 21) (tax credit fraud).
- (5) An offence at common law of cheating in relation to the public revenue.

Corruption and bribery

- 25 (1) An offence under section 1 of the Public Bodies Corrupt Practices Act 1889 (c. 69) (corruption in public office).
- (2) An offence which is the first or second offence under section 1(1) of the Prevention of Corruption Act 1906 (c. 34) (corrupt transactions with agents other than those of giving or using false etc. documents which intended to mislead principal).
- (3) An offence at common law of bribery.

Counterfeiting

- 26 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (a) section 14 (making counterfeit notes or coins);
 - (b) section 15 (passing etc. counterfeit notes or coins);
 - (c) section 16 (having custody or control of counterfeit notes or coins);
 - (d) section 17 (making or having custody or control of counterfeiting materials or implements).

Blackmail

- 27 (1) An offence under section 20 of the Theft Act (Northern Ireland) 1969 (c. 16) (blackmail).
- (2) An offence under section 12(1) or (2) of the Gangmasters (Licensing) Act 2004 (c. 11) (acting as a gangmaster other than under the authority of a licence, possession of false documents, etc.).

Intellectual property

- 28 (1) An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1)(a), (b), (d)(iv) or (e) (making, importing or distributing an article which infringes copyright);
 - (b) section 198(1)(a), (b) or (d)(iii) (making, importing or distributing an illicit recording);
 - (c) section 297A (making or dealing etc. in unauthorised decoders).
- (2) An offence under section 92(1), (2) or (3) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark etc.).

Environment

- 29 (1) An offence under section 62 or 63 of the Fisheries Act (Northern Ireland) 1966 (c. 17 (N.I.)) (prohibition of certain methods of fishing).
- (2) An offence under Article 15 of the Wildlife (Northern Ireland) Order 1985 (S.I. 1985/171 (N.I.2)) (introduction of new species, etc.).
- (3) An offence under Article 4 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (S.I. 1997/2778 (N.I.19)) (prohibition on unauthorised or harmful deposit, treatment or disposal, etc. of waste).
- (4) An offence under regulation 8 of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (S.I. 1997/1372) (purchase and sale etc. of endangered species and provision of false statements and certificates).

Inchoate offences

- 30 (1) An offence of attempting or conspiring the commission of an offence specified or described in this Part of this Schedule.
- (2) An offence under Part 2 of this Act (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence specified or described in this Part of this Schedule.
- (3) An offence of aiding, abetting, counselling or procuring the commission of an offence specified or described in this Part of this Schedule.
- (4) The references in sub-paragraphs (1) to (3) to offences specified or described in this Part of this Schedule do not include the offence at common law of conspiracy to defraud.

Earlier offences

- 31 (1) This Part of this Schedule (apart from paragraph 30(2)) has effect, in its application to conduct before the passing of this Act, as if the offences specified or described in this Part included any corresponding offences under the law in force at the time of the conduct.
- (2) Paragraph 30(2) has effect, in its application to conduct before the passing of this Act or before the coming into force of section 59 of this Act, as if the offence specified or described in that provision were an offence of inciting the commission of an offence specified or described in this Part of this Schedule.

Scope of offences

- 32 Where this Part of this Schedule refers to offences which are offences under the law of Northern Ireland and another country, the reference is to be read as limited to the offences so far as they are offences under the law of Northern Ireland.