

Changes to legislation: Criminal Justice and Immigration Act 2008, SCHEDULE 24 is up to date with all changes known to be in force on or before 29 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 24

Section 140

SECTION 327A OF CRIMINAL JUSTICE ACT 2003: MEANING OF “CHILD SEX OFFENCE”

Annotations:

Commencement Information

II Sch. 24 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 43

The following is the Schedule to be inserted as Schedule 34A to the Criminal Justice Act 2003 (c. 44)—

“SCHEDULE 34A

CHILD SEX OFFENCES FOR PURPOSES OF SECTION 327A

Offences under provisions repealed by Sexual Offences Act 2003

- 1 An offence under—
 - (a) section 5 or 6 of the Sexual Offences Act 1956 (intercourse with girl under 13 or 16), or
 - (b) section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16).
- 2 An offence under any of—
 - (a) section 1 of that Act (rape),
 - (b) section 10 of that Act (incest by a man), and
 - (c) sections 12 to 16 of that Act (buggery, indecency between men, indecent assault and assault with intent to commit buggery),where the victim or (as the case may be) the other party was under 18 at the time of the offence.
- 3 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14).
- 4 An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape where the intended offence was an offence against a person under 18.
- 5 An offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest).
- 6 An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust).

Other offences

- 7 An offence under any of—

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- (a) sections 5 to 8 of the Sexual Offences Act 2003 (rape and other offences against children under 13),
 - (b) sections 9 to 15 of that Act (child sex offences),
 - (c) sections 16 to 19 of that Act (abuse of position of trust),
 - (d) sections 25 and 26 of that Act (familial child sex offences), and
 - (e) sections 47 to 50 of that Act (abuse of children through prostitution and pornography).
- 8 An offence under any of—
- (a) sections 1 to 4 of that Act (rape, assault and causing sexual activity without consent),
 - (b) sections 30 to 41 of that Act (persons with a mental disorder impeding choice, inducements etc to persons with a mental disorder, and care workers for persons with a mental disorder), and
 - (c) section 61 of that Act (administering a substance with intent),
- where the victim of the offence was under 18 at the time of the offence.
- 9 An offence under section 62 or 63 of that Act (committing an offence with intent to commit a sexual offence and trespass with intent to commit a sexual offence) where the intended offence was an offence against a person under 18.
- 10 An offence under section 66 or 67 of that Act (exposure and voyeurism) where the victim or intended victim of the offence was under 18 at the time of the offence.
- 11 An offence under—
- (a) section 1 of the Protection of Children Act 1978 (indecent photographs of children), or
 - (b) section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child).
- 12 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles) where the prohibited goods included any indecent photograph showing a person under 18.
- 13 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) in relation to an image showing a person under 18.

General

- 14 A reference in this Schedule to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
 - (b) a reference to a conspiracy to commit offence A,
 - (c) a reference to incitement to commit offence A,
 - (d) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
 - (e) a reference to aiding and abetting, counselling or procuring the commission of offence A.
- 15 A reference in this Schedule to an offence (“offence A”) includes—

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- (a) a reference to an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning given by the section in question) is offence A, and
 - (b) a reference to an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is offence A;
- and section 48 of that Act (attempts etc. outside England and Wales) applies for the purposes of paragraph (b) as if the reference in subsection (3)(b) to any of the following provisions of that Act were a reference to that paragraph.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)