

## SCHEDULE

Regulation 2(6)(b)

### SPECIFIED OFFENCES

#### Offences in England and Wales

- 1.—(1) An offence under any of the following—
- (a) section 49 or 50(9) of the Act (offences relating to the abduction of a child in care);
  - (b) section 78, 79D or 79F(6) of the Act (offences relating to child minding and day care);
  - (c) section 70 of the Act, section 16 of the Foster Children Act 1980(1), or section 14 of the Children Act 1958(2) (offences relating to private fostering); or
  - (d) paragraph 1(5) of Schedule 5 to, section 63(10) of, or paragraph 2(3) of Schedule 6 to, the Act (offences relating to voluntary homes and children’s homes)(3).
- (2) An offence in relation to a children’s home under or by virtue of any of the following provisions of the 2000 Act—
- (a) section 11(1) (failure to register);
  - (b) section 24 (failure to comply with conditions);
  - (c) section 25 (contravention of regulations);
  - (d) section 26 (false descriptions of establishments and agencies); or
  - (e) section 27 (false statements in applications).

#### Offences in Scotland

- 2.—(1) An offence of rape.
- (2) An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(4).
- (3) The common law offence of plagiary (theft of a child below the age of puberty).
- (4) An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 (offences relating to indecent photographs of children)(5).
- (5) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)(6).
- (6) An offence under any of the following—
- (a) section 83 or 89 of the Children (Scotland) Act 1995 or section 17(8) or 71 of the Social Work (Scotland) Act 1968(7) (harbouring offences);
  - (b) section 6 of the Child Abduction Act 1984 (taking or sending child out of United Kingdom)(8);
  - (c) section 78 of the Act (offences relating to child minding and day care); or
  - (d) section 15 of the Foster Children (Scotland) Act 1984 (offences relating to private fostering).
- (7) An offence under or by virtue of section 60(3), 61(3) or 62(6) of the Social Work (Scotland) Act 1968 (offences relating to residential and other establishments).

(1) This provision was repealed by the Children Act 1989.

(2) This provision was repealed by the Foster Children Act 1980.

(3) These provisions are repealed by the Care Standards Act 2000 with effect from 1st April 2002 (S.I. 2001/3852) (C.125).

(4) 1995 c. 46.

(5) 1982 c. 45. Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33).

(6) 2000 c. 44.

(7) Sections 17(8) and 71 of the 1968 Act were repealed by the Children (Scotland) Act 1995.

(8) 1984 c. 37.

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- (8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following provisions of the Regulation of Care (Scotland) Act 2001—
- (a) section 21 (offences in relation to registration);
  - (b) section 22 (false statements in applications); or
  - (c) section 29(10) (offences in regulations).

### **Offences in Northern Ireland**

- 3.—(1) An offence of rape.
- (2) An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968.
- (3) An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs)(9).
- (4) An offence contrary to Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse)(10).
- (5) An offence contrary to Article 15 of the Criminal Justice (Evidence etc.) (Northern Ireland) Order 1988 (possession of indecent photographs of children)(11).
- (6) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust).
- (7) An offence under any of the following—
- (a) Article 68 or 69(9) of the Children (Northern Ireland) Order 1995 (offences relating to the abduction of a child in care);
  - (b) Article 132 of the Children (Northern Ireland) Order 1995, or section 14 of the Children and Young Persons Act (Northern Ireland) 1968(12) (offences relating to child minding and day care);
  - (c) Article 117 of the Children (Northern Ireland) Order 1995, or section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to private fostering); or
  - (d) Article 79(3), 81(4), 95(3) or 97(4) of the Children (Northern Ireland) Order 1995, or section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to voluntary homes and children's homes).

### **Other offences**

- 4.—(1) An offence contrary to section 170 of the Customs and Excise Management Act 1979(13) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions)(14) where the prohibited goods included indecent photographs of children under the age of 16.
- (2) An offence by virtue of—
- (a) section 7 of the Sex Offenders Act 1997 (extension of jurisdiction: England and Wales and Northern Ireland)(15); or

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(9) S.I. 1978/1047 (N.I.17).

(10) S.I. 1980/1704 (N.I.6).

(11) S.I. 1988/1847 (N.I.17).

(12) This section of the Children and Young Persons Act (Northern Ireland) 1968, and those mentioned in the following subparagraphs were repealed by the Children (Northern Ireland) Order 1995.

(13) 1979 c. 2.

(14) 1876 c. 36.

(15) 1997 c. 51.

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- (b) section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (commission of certain sexual offences outside the United Kingdom)(**16**).
- (3) An offence contrary to section 32(3) of the Children and Young Persons Act 1969 (detention of absentees).

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(16) 1995 c. 39. Section 16A was inserted by section 8 of the Sex Offenders Act 1997.