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STATUTORY INSTRUMENTS

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**2004 No. 1910**

**IMMIGRATION**

The Nationality, Immigration and Asylum Act 2002  
(Specification of Particularly Serious Crimes) Order 2004

*Made* - - - - - *20th July 2004*  
*Laid before Parliament* *22nd July 2004*  
*Coming into force* *12th August 2004*

THE NATIONALITY, IMMIGRATION AND  
ASYLUM ACT 2002 (SPECIFICATION OF  
PARTICULARLY SERIOUS CRIMES) ORDER 2004

1. This Order may be cited as the Nationality, Immigration and...
2. An offence of a description set out in any of...  
Signature

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SCHEDULE 1 — STATUTORY OFFENCES THAT APPLY THROUGHOUT THE  
UNITED KINGDOM

***Offences under the Explosive Substances Act 1883***

Section 3(1)(a) (unlawfully and maliciously doing an act, intending or...  
Section 3(1)(b) (unlawfully and maliciously making, possessing, or having  
under...  
Section 4 (making, or knowingly possessing, an explosive substance in...

***Offences under the Misuse of Drugs Act 1971***

Section 4(3)(b) (being concerned in the supply of a controlled...  
Section 4(3)(c) (being concerned in the making of an offer...  
Section 5(3) (possessing a controlled drug intending to supply it...  
Section 8(a) (occupying or managing premises where the production or...  
Section 8(b) (occupying or managing premises where the supply, or...  
Section 9(a) (smoking or otherwise using opium).  
Section 9(b) (frequenting a place used for opium smoking).  
Section 9(c)(i) (possessing pipes or utensils for use in connection...  
Section 9(c)(ii) (possessing utensils for use in connection with preparing...  
Section 20 (assisting or inducing, while in the United Kingdom,...

***Offences under the Immigration Act 1971***

Section 25A (facilitating, for gain, the arrival in the United...

Section 25B (facilitating a breach of a deportation or exclusion...

***Offences under the Biological Weapons Act 1974***

Section 1(1)(b) (developing, producing, stockpiling, acquiring or retaining a weapon,...

Section 1(1A)(a) (transferring a biological agent or toxin for non-peaceful...

Section 1(1A)(b) (making arrangements for the transfer of a biological...

***Offences under the Customs and Excise Act 1979***

Section 68(1) (exporting or shipping as stores, or bringing to...

Section 68(2) (knowingly being concerned in exporting, or shipping as...

Section 170(2)(b) (knowingly being concerned in the fraudulent evasion of...

***Offences under the Taking of Hostages Act 1982***

***Offences under the Aviation Security Act 1982***

Section 2(1)(a) (unlawfully and intentionally destroying an aircraft in service...

Section 2(1)(b) (unlawfully and intentionally committing an act of violence...

Section 3(1) (unlawfully and intentionally destroying, damaging or interfering with...

Section 3(3) (intentionally communicating materially false, misleading or deceptive information...

Section 4(1)(a) (possessing, without lawful authority or reasonable excuse, a...

Section 4(1)(b) (possessing, without lawful authority or reasonable excuse, a...

Section 4(1)(c) (possessing, without lawful authority or reasonable excuse, a...

Section 4(1)(d) (possessing, without lawful authority or reasonable excuse, a...

***Offences under the Nuclear Materials (Offences) Act 1983***

Section 2(2)(b) (receiving, holding or dealing with nuclear material being...

Section 2(3) (making a threat to do an act by...

Section 2(4) (threatening to obtain nuclear material by an act...

***Offences under the Criminal Justice Act 1988***

Section 134(2) (intentionally inflicting severe pain or suffering on another...

***Offences under the Criminal Justice (International Co-operation) Act 1990***

***Offences under the Aviation and Maritime Security Act 1990***

Section 1(2)(a)(i) (unlawfully and intentionally destroying or seriously damaging property...

Section 1(2)(a)(ii) (unlawfully and intentionally destroying or seriously damaging an...

Section 1(2)(b) (unlawfully and intentionally disrupting the services of an...

Section 9 (unlawfully seizing, or exercising of control, of a...

Section 13(1) (threatening to do an act to a ship...

Section 13(2) (threatening to do an act which is an...

***Offences under the Channel Tunnel (Security) Order 1994***

Article 5(1) (unlawfully seizing, or exercising control, of the tunnel...

Article 6(1)(a) (unlawfully and intentionally destroying a Channel Tunnel train...

Article 6(1)(b) (unlawfully and intentionally damaging a Channel Tunnel train...

Article 6(1)(c) (committing an act of violence on board a...  
Article 6(2)(a) (unlawfully and intentionally placing a device or substance...  
Article 6(2)(b) (unlawfully and intentionally placing a device or  
substance...  
Article 7(1) (unlawfully and intentionally destroying, damaging, or  
interfering with,...  
Article 7(3) (intentionally communicating information, knowing it to be  
false...  
Article 8(1) (threatening to commit an offence under article 6(1)...  
Article 8(2) (threatening to commit an offence under article 7(1)...  
**Offences under the Chemical Weapons Act 1996**  
Section 2(1)(b) (developing or producing a chemical weapon).  
Section 2(1)(c) (possessing a chemical weapon).  
Section 2(1)(d) (participating in the transfer of a chemical weapon)...  
Section 2(1)(e) (engaging in military preparations, intending to use a...  
Section 11(1)(a) (constructing premises, intending them to be used for...  
Section 11(1)(b) (altering premises, intending them to be used for...  
Section 11(1)(c) (installing or constructing equipment, intending it to be...  
Section 11(1)(d) (altering equipment, intending it to be used for...  
Section 11(1)(e) (occupying land and permitting construction of premises  
on...  
Section 11(1)(f) (occupying land and permitting premises to be altered...  
Section 11(1)(g) (occupying land and permitting installation or construction  
on...  
Section 11(1)(h) (occupying land and permitting equipment to be altered...  
**Offences under the Terrorism Act 2000**  
Section 12(1) (inviting support for a proscribed organisation that is...  
Section 12(2)(a) (arranging, managing or assisting in the arrangement or...  
Section 12(2)(b) (arranging, managing or assisting in the arrangement or...  
Section 12(2)(c) (arranging, managing or assisting in the arrangement or...  
Section 12(3) (addressing a meeting for the purpose of encouraging...  
Section 15(1) (inviting another to provide money or property, intending,...  
Section 15(2) (receiving money or property, intending, or having  
reasonable...  
Section 15(3) (providing money or property, intending, or having  
reasonable...  
Section 16(1) (using money or property for terrorist purposes).  
Section 16(2) (possessing money or property, intending, or having  
reasonable...  
Section 17(1) (entering into, or becoming concerned in, an arrangement...  
Section 18(1)(a) (entering into, or becoming concerned in, an  
arrangement...  
Section 18(1)(b) (entering into, or becoming concerned in, an  
arrangement...  
Section 18(1)(c) (entering into, or becoming concerned in, an  
arrangement...  
Section 18(1)(d) (entering into, or becoming concerned in, an  
arrangement...  
Section 19(2) (not disclosing as soon as reasonably practicable a...  
Section 38B(1)(a) (not disclosing information, knowing or believing it to...  
Section 38B(1)(b) (not disclosing information, knowing or believing it to...  
Section 54(1)(a) (providing instruction or training in the making or...  
Section 54(1)(aa) (providing instruction or training in the making or...

Section 54(1)(b) (providing instruction or training in the making or...  
 Section 54(1)(c) (providing instruction or training in the making or...  
 Section 54(2)(a) (receiving instruction or training in the making or...  
 Section 54(2)(aa) (receiving instruction or training in the making or...  
 Section 54(2)(b) (receiving instruction or training in the making or...  
 Section 54(2)(c) (receiving instruction or training in the making or...  
 Section 54(3)(a) (inviting another to receive instruction or training where...  
 Section 54(3)(b) (inviting another to receive instruction or training where...  
 Section 56(1) (directing the activities of an organisation at any...  
 Section 57(1) (possessing an article giving rise to a reasonable...  
 Section 58(1)(a) (collecting or making a record of information of...  
 Section 58(1)(b) (possessing a record of information of a kind...  
**Offences under the Anti-terrorism, Crime and Security Act 2001**  
 Section 47(1)(b) (developing or producing a nuclear weapon, or  
 participating...  
 Section 47(1)(c) (possessing a nuclear weapon).  
 Section 47(1)(d) (participating in the transfer of a nuclear weapon)...  
 Section 47(1)(e) (engaging in military preparations intending, or  
 threatening, to...  
 Section 113(1) (using a noxious substance or thing in a...  
 Section 114(1) (placing or sending a substance or thing, intending...  
 Section 114(2) (communicating information knowing or believing it to be...  
**Offences under the Proceeds of Crime Act 2002**  
 Section 327(1)(b) (disguising criminal property).  
 Section 327(1)(c) (converting criminal property).  
 Section 327(1)(d) (transferring criminal property).  
 Section 327(1)(e) (removing criminal property from England and Wales,  
 Scotland...  
 Section 328(1) (entering into, or becoming concerned in, an arrangement,...  
 Section 329(1)(a) (acquiring criminal property).  
 Section 329(1)(b) (using criminal property).  
 Section 329(1)(c) (possessing criminal property).  
 Section 332(1) (failing, as a nominated person, to disclose known...  
 Section 333 (disclosing information likely to prejudice any investigation  
 that...)

SCHEDULE 2 — OFFENCES UNDER THE COMMON LAW OF ENGLAND AND  
 WALES AND STATUTORY OFFENCES THAT APPLY ONLY IN  
 ENGLAND AND WALES

1. Offences under the Common Law of England and Wales. Manslaughter...
2. Statutory offences that apply only in England and Wales.

**Offences under the Infant Life (Preservation) Act 1929)**

**Offences under the Infanticide Act 1938**

**Offences under the Theft Act 1968**

Section 8(1) (stealing, and before or at the time of...  
 Section 9(1)(a) (entering a building as a trespasser, intending to...  
 Section 9(1)(b) (having entered a building as a trespasser, stealing...  
 Section 10(1) (committing burglary with a firearm, imitation firearm,  
 weapon...  
 Section 12A (aggravated taking of a vehicle).

**Offences under the Criminal Damage Act 1971**

Section 1(2) (destroying or damaging, without lawful excuse, property,  
 intending,...

Section 2 (threatening, without lawful excuse, to destroy or damage...  
Section 3(a) (having in custody or under control anything intending,...  
Section 3(b) (having in custody or under control anything, intending,...  
***Offences under the Criminal Law Act 1977***  
Section 51(1) (placing or dispatching an article, intending to induce...  
Section 51(2) (communicating information, knowing or believing it to be...  
***Offences under the Magistrates Courts Act 1980***  
***Offences under the Criminal Attempts Act 1981***  
***Offences under the Public Order Act 1986***  
Section 2(1) (being in a group of 3 or more...  
Section 3(1) (using, or threatening, unlawful violence so as to...  
***Offences under the Protection from Harassment Act 1997***  
***Offences under the Crime and Disorder Act 1998***  
Section 29(1)(b) (causing actual bodily harm so as to constitute...  
Section 29(1)(c) (committing a common assault that is racially or...  
Section 31(1)(a) (committing an offence under section 4(1) of the...  
Section 31(1)(b) (committing an offence under section 4A(1) of the...  
***Offences under the Sexual Offences Act 2003***  
Section 2(1) (intentionally sexually penetrating the vagina or anus of...  
Section 3(1) (intentionally sexually touching another, where the victim  
does...  
Section 4(1) (intentionally causing another to engage in sexual activity,...  
Section 5(1) (intentionally sexually penetrating the vagina, anus or mouth...  
Section 6(1) (intentionally sexually penetrating the vagina or anus of...  
Section 7(1) (intentionally sexually touching a person who is under...  
Section 8(1) (intentionally causing or inciting another who is under...  
Section 9(1) (intentionally sexually touching another who is 13 or...  
Section 10(1) (intentionally causing or inciting another to engage in...  
Section 11(1) (intentionally engaging, for the purpose of sexual  
gratification,...  
Section 12(1) (intentionally causing, for the purpose of sexual  
gratification,...  
Section 13(1) (committing an offence under section 9 to 12...  
Section 14(1) (intentionally arranging or facilitating something in any  
part...  
Section 25 (intentionally sexually touching a family member, where the...  
Section 26 (intentionally inciting a family member to touch or...  
Section 30(1) (intentionally sexually touching another where the victim is...  
Section 31(1) (intentionally inciting another to engage in sexual activity...  
Section 32(1) (intentionally engaging in sexual activity for sexual  
gratification...  
Section 33(1) (intentionally causing, for sexual gratification, another to  
watch,...  
Section 34(1) (intentionally sexually touching another with a mental  
disorder,...  
Section 35(1) (intentionally causing another with a mental disorder, by...  
Section 36(1) (intentionally engaging in sexual activity, for the purpose...  
Section 37(1) (intentionally causing another with a mental disorder, by...  
Section 38(1) (intentionally sexually touching another with a mental  
disorder...  
Section 39(1) (intentionally causing or inciting another with a mental...  
Section 61(1) (intentionally administering a substance to another knowing  
that...

Section 62(1) (committing an offence intending to commit a sexual...  
Section 63(1) (trespassing on premises, knowing that, or being reckless...

SCHEDULE 3 — OFFENCES UNDER THE COMMON LAW OF SCOTLAND  
AND STATUTORY OFFENCES THAT APPLY ONLY IN  
SCOTLAND

1. Offences under the Common Law of Scotland. Abduction. Abduction of...
2. Statutory offences that apply only in Scotland.
  - Offences under the Children and Young Persons (Scotland) Act 1937***
  - Offences under the Civic Government (Scotland) Act 1982***
  - Section 52A (possessing indecent images of children).
  - Offences under the Prohibition of Female Circumcision Act 1985***
  - Offences under the Criminal Law (Consolidation) (Scotland) Act 1995***
  - Section 5(1) (having sexual intercourse with a girl under 13)....
  - Section 6 (engaging in lewd, indecent or libidinous behaviour towards...
  - Section 50A(1)(a) (pursuing a racially aggravated course of conduct amounting...
  - Section 50A(1)(b) (acting in a racially aggravated manner which causes,...
  - Section 52(1) (wilfully or recklessly destroying or damaging property).
  - Offences under the Criminal Procedure (Scotland) Act 1995***
  - Section 294 (attempting to commit an indictable offence, provided that...
  - Offences under the Sexual Offences (Amendment) Act 2000***
  - Offences under the International Criminal Court (Scotland) Act 2001***
  - Offences under the Criminal Justice (Scotland) Act 2003***
  - Section 22(1)(a)(ii) (arranging or facilitating the arrival or travel in...
  - Section 22(1)(b)(i) (arranging or facilitating the departure from the United...
  - Section 22(1)(b)(ii) (arranging or facilitating the departure from the United...

SCHEDULE 4 — OFFENCES UNDER THE COMMON LAW OF NORTHERN  
IRELAND AND STATUTORY OFFENCES THAT APPLY ONLY  
IN NORTHERN IRELAND

1. Offences under the Common Law of Northern Ireland. Affray. Rape....
2. Statutory offences that apply only in Northern Ireland.
  - Offences under the Offences Against the Person Act 1861***
  - Section 53 (abducting a woman by force, intending to have...
  - Offences under the Criminal Law (Amendment) Act 1885***
  - Section 5 (having unlawful sexual intercourse with a girl under...
  - Offences under the Infanticide Act (Northern Ireland) 1939***
  - Offences under the Criminal Justice Act (Northern Ireland) 1945***
  - Offences under the Attempted Rape Act (Northern Ireland) 1960***
  - Offences under the Children and Young Persons Act (Northern Ireland) 1968***
  - Section 22 (committing an act of gross indecency with or...
  - Offences under the Theft Act (Northern Ireland) 1969***
  - Section 8(1) (stealing, and before or at the time of...
  - Section 9(1)(a) (entering a building as a trespasser, intending to...
  - Section 9(1)(b) (having entered a building as a trespasser, stealing...
  - Section 10(1) (committing burglary with a firearm or imitation firearm,...
  - Offences under the Protection of the Person and Property Act (Northern Ireland) 1969***
  - Offences under the Criminal Damage (Northern Ireland) Order 1977***

Article 3(2) (destroying or damaging, without lawful excuse, property, intending,...

Article 4 (threatening, without lawful excuse, to destroy or damage...

Section 5(a) (having in custody or under control anything, intending,...

Section 5(b) (having in custody or under control anything, intending,...

***Offences under the Criminal Law (Amendment) (Northern Ireland) Order 1977***

Article 3(2) (communicating information, knowing or believing it to be...

***Offences under the Firearms (Northern Ireland) Order 1981***

Article 6(1A) (possessing, purchasing, acquiring, manufacturing, selling or transferring any...

Article 17 (possessing a firearm or ammunition, intending to endanger...

Article 17A (possessing a firearm or imitation firearm, intending to...

Article 18(1) (making or attempting to make use of a...

Article 18(2) (committing, or being arrested for, an offence specified...

Article 19(1) (having a firearm or imitation firearm, intending to...

Article 20(1) (having, without lawful authority or reasonable excuse, in...

Article 21(1) (having a firearm, or imitation firearm when trespassing...

Article 21(2) (having a firearm, or imitation firearm when trespassing...

Article 23 (possessing a firearm or ammunition giving rise to...

***Offences under the Magistrates Courts (Northern Ireland) Order 1981***

***Offences under the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983***

Article 9 (agreeing to pursue a course of conduct which,...

***Offences under the Public Order (Northern Ireland) Order 1987***

***Offences under the Road Traffic (Northern Ireland) Order 1995***

Article 14(1)(a) (causing the death of, or grievous bodily injury...

Article 14(1)(b) (causing the death of, or grievous bodily injury...

Article 14(1)(c) (causing the death of, or grievous bodily injury...

***Offences under the Protection from Harassment (Northern Ireland) Order 1997***

***Offences under the Criminal Justice (Northern Ireland) Order 2003***

Article 21(1) (indecently assaulting a man).

SCHEDULE 5 — STATUTORY OFFENCES THAT APPLY ONLY IN ENGLAND AND WALES AND SCOTLAND

***Offences under the Firearms Act 1968***

Section 16 (possessing a firearm or ammunition, intending to endanger,...

Section 16A (possessing a firearm or imitation firearm, intending to...

Section 17(1) (using, or attempting to use, a firearm, intending...

Section 17(2) (unlawfully possessing a firearm or imitation firearm while...

Section 18(1) (having a firearm or imitation forearm, intending to...

Section 19 (unlawfully or unreasonably possessing, without lawful authority or...

***Offences under the Road Traffic Act 1988***

Section 3A(1)(a) (causing the death of another by driving without...

Article 3A(1)(b) (causing the death of another by driving without...

Article 3A(1)(c) (causing the death of another by driving without...

SCHEDULE 6 — OFFENCES UNDER THE COMMON LAW OF ENGLAND AND WALES AND NORTHERN IRELAND AND STATUTORY OFFENCES THAT APPLY ONLY IN ENGLAND AND WALES AND NORTHERN IRELAND

1. Offences under Common Law of England and Wales and Northern...
2. Statutory offences that apply only in England and Wales and...
  - Offences under the Accessories and Abettors Act 1861***
  - Offences under the Offences Against the Person Act 1861***
  - Section 16 (unlawfully threatening to kill, intending that the subject...
  - Section 18 (unlawfully and maliciously wounding or causing grievous bodily...
  - Section 20 (unlawfully and maliciously wounding or inflicting grievous bodily...
  - Section 21 (attempting to choke, suffocate or strangle another or...
  - Section 22 (applying or administering a stupefying or overpowering drug,...
  - Section 23 (unlawfully and maliciously administering a poison or destructive...
  - Section 27 (unlawfully abandoning or exposing a child under 2...
  - Section 28 (unlawfully and maliciously exploding a substance causing burning,...
  - Section 29 (unlawfully and maliciously causing an explosion or sending...
  - Section 30 (unlawfully and maliciously placing or throwing an explosive...
  - Section 32 (unlawfully and maliciously placing an obstruction on a...
  - Section 33 (unlawfully and maliciously throwing any object at a...
  - Section 47 (committing assault occasioning actual bodily harm).
  - Offences under the International Criminal Court Act 2001***
  - Section 58 (committing genocide, a crime against humanity or a...
  - Offences under the Nationality, Immigration and Asylum Act 2002***
  - Section 145(2) (arranging or facilitating the travel within the United...
  - Section 145(3) (arranging or facilitating the departure from the United...
  - Offences under the Female Genital Mutilation Act 2003***
  - Offences under the Sexual Offences Act 2003***
  - Section 16(1) (intentionally sexually touching a person under 13, or...
  - Section 17(1) (intentionally causing or inciting another to engage in...
  - Section 47(1) (intentionally obtaining the sexual services of a person...
  - Section 48(1) (intentionally causing or inciting another to become a...
  - Section 49(1) (intentionally controlling any activities of another relating to...
  - Section 50(1) (intentionally arranging or facilitating the prostitution or involvement...
  - Section 57(1)(a) (intentionally arranging or facilitating the arrival in the...
  - Section 57(1)(b) (intentionally arranging or facilitating the arrival in the...
  - Section 58(1)(a) (intentionally arranging or facilitating travel within the United...
  - Section 58(1)(b) (intentionally arranging or facilitating travel within the United...

Explanatory Note