

SCHEDULE 3

Regulation 3(7)

SPECIFIED OFFENCES

Offences in England and Wales

1.—(1) An offence under section 49 or 50(9) of the 1989 Act (offences relating to the abduction of a child in care).

(2) An offence under any of the following provisions of the Sexual Offences Act 2003—

- (a) section 62 or 63 (committing an offence or trespassing with intent to commit a sexual offence);
- (b) section 64 or 65 (sex with an adult relative);
- (c) section 69 (intercourse with an animal); or
- (d) section 70 (sexual penetration of a corpse).

(3) An offence in relation to a children's home under or by virtue of any of the following provisions of the Care Standards Act 2000—

- (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⁽¹⁾.

(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⁽²⁾ (offences relating to indecent photographs of children).

(5) An offence under section 3 of the Sexual Offences (Amendment) Act 2000⁽³⁾ (abuse of trust).

(6) An offence under any of the following—

- (a) section 81, 83 or 89 of the Children (Scotland) Act 1995 or section 17(8) or 71 of the Social Work (Scotland) Act 1968⁽⁴⁾ (harbouring offences);
- (b) section 6 of the Child Abduction Act 1984⁽⁵⁾ (taking or sending child out of United Kingdom); or
- (c) section 15 of the Foster Children (Scotland) Act 1984 (offences relating to private fostering).

(1) 1995 c. 46.

(2) 1982 c. 45. Section 52 was amended by section 84 of the 1994 Act, Schedule 4 of the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40) and section 19 of the Criminal Justice (Scotland) Act 2003 (asp 7). Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33) and was amended by section 19 of the Criminal Justice (Scotland) Act 2003. Both sections 52 and 52A were amended by section 16 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9).

(3) 2000 c. 44; section 3 was amended in relation to Scotland by paragraph 62 of Part 4 of Schedule 28 to the Civil Partnership Act 2004 (c. 33).

(4) Sections 17(8) and 71 of the 1968 Act were repealed by the Children (Scotland) Act 1995.

(5) 1984 c. 37; section 6 was amended in relation to Scotland by paragraph 34(c) of Schedule 4 to the Children (Scotland) Act 1995.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) An offence under or by virtue of section 60(3), 61(3) or 62(6) of the Social Work (Scotland) Act 1968(6) (offences relating to residential and other establishments).

(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(7)—

- (a) section 21 (offences in relation to registration);
- (b) section 22 (false statements in applications); or
- (c) section 29(10) (offences under regulations).

Offences in Northern Ireland

3.—(1) An offence of rape.

(2) An offence under section 66, 69 or 70 of the Sexual Offences Act 2003.

(3) An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968.

(4) An offence under article 3 of the Protection of Children (Northern Ireland) Order 1978(8) (indecent photographs).

(5) An offence contrary to article 9 of the Criminal Justice (Northern Ireland) Order 1980(9) (inciting girl under 16 to have incestuous sexual intercourse).

(6) An offence contrary to article 15 of the Criminal Justice (Evidence etc.) (Northern Ireland) Order 1988(10) (possession of indecent photographs of children).

(7) An offence under sections 16 to 19 of the Sexual Offences Act 2003 (abuse of position of trust).

(8) 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(11) (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).

Offences in Jersey

4. An offence contrary to—

- (a) Part 7 of the Children's Jersey Law 1969(12);

(6) Sections 60-68 were repealed by Schedule 4 to the Regulation of Care (Scotland) Act 2001 (asp 8) with effect from 1st April 2002 (S.S.I. 2002/162).

(7) 2001 asp 8.

(8) S.I.1978/1047 (N.I.17). Article 3 was amended by section 84(10) of the 1994 Act, section 41(2) of the 2000 Act and Schedule 1, paragraph 8 of the Criminal Justice (Northern Ireland) Order (S.I. 2003/1247) (N.I.13).

(9) S.I.1980/704 (N.I.6).

(10) S.I.1988/1847 (N.I.17). Article 15 was amended by sections 84(11) and 86(2) of the 1994 Act and section 41(4) of the 2000 Act.

(11) This section and the sections of the Children and Young Persons Act (Northern Ireland) 1968 referred to in paragraphs (8)(c) and (d) were repealed by the Children (Northern Ireland) Order 1995

(12) Jersey Law 16/1969.

- (b) Schedule 4 of the Children (Jersey) Law 2002(13); or
- (c) The Day Care of Children (Jersey) Law 2002(14).

Offences in Guernsey

- 5. An offence contrary to—
 - (a) the ‘Loi pour la Puniton d’Inceste’ (Law for the Punishment of Incest) 1909(15);
 - (b) the ‘Loi relative a la protection des Femmes et des Filles Mineures’ (Law for the Protection of Women and Young Girls) 1914(16);
 - (c) the ‘Loi relative a la Sodomie’ (Law relating to Sodomy) 1929(17);
 - (d) article 7, 9, 10, 11 or 12, section 1 of article 41 or section 1, 2, 3 or 4 of article 51 of the ‘Loi ayant rapport a la Protection des Enfants et des Jeunes Personnes’ (Law relating to the Protection of Children and Young Persons) 1917(18);
 - (e) the Children and Young Persons (Guernsey) Law 1967;
 - (f) the Protection of Children (Bailiwick of Guernsey) Law 1985(19).

Offences in the Isle of Man

- 6. An offence specified in Schedule 8 to the Children and Young Persons Act 2001 (an Act of Tynwald).

Other Offences

7.—(1) An offence contrary to section 170 of the Customs and Excise Management Act 1979(20) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876(21) (prohibitions and restrictions) where the prohibited goods included indecent photographs of a child.

- (2) An offence by virtue of—
 - (a) section 72 of the Sexual Offences Act 2003 (offences outside the United Kingdom); or
 - (b) section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995(22) (commission of certain sexual offences outside the United Kingdom).
- (3) An offence contrary to section 32(3) of the Children and Young Persons Act 1969(23) (detention of absentees).

(13) Jersey Law 50/2002.

(14) Jersey Law 51/2002.

(15) Orders in Council Vol IV p.288.

(16) Orders in Council Vol V p.74.

(17) Orders in Council Vol VIII p.273.

(18) Order in Council Vol V p. 342 as amended by Loi Supplémentaire a la Loi ayant rapport a la Protection des Enfants et des Jeunes Personnes 1937, Orders in Council Col XI p.116 and The Protection of Children and Young Persons (Amendment) Law 1955 Orders in Council Vol XVI p.277.

(19) Orders in Council XXIX as amended by The Administration of Justice (Bailiwick of Guernsey) Law 1985 Order in Council 1 of 1991.

(20) 1979 c. 2.

(21) 1876 c. 36.

(22) 1995 c. 39.

(23) 1969 c. 54.