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PROSPECTIVE

SCHEDULE 1
LIST A OFFENCES

PART 2

STATUTORY OFFENCES

Armed forces

- 19 An offence under section 42 of the Armed Forces Act 2006 (criminal conduct) where the corresponding offence under the law of England and Wales is, or corresponds to, an offence listed in this schedule.

Bribery

- 20 An offence under the Bribery Act 2010.

Children

- 21 An offence under section 12 of the Children and Young Persons (Scotland) Act 1937 (cruelty to persons under 16).

Computer misuse

- 22 An offence under section 3ZA of the Computer Misuse Act 1990 (unauthorised acts causing, or creating risk of, serious damage).

Domestic abuse

- 23 An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).
- 24 An offence under section 2 of the Domestic Abuse (Scotland) Act 2011 (breach of domestic abuse interdict with power of arrest).
- 25 An offence under section 1 of the Domestic Abuse (Scotland) Act 2018 (abusive behaviour towards partner or ex-partner).

Explosives

- 26 An offence under the Explosive Substances Act 1883.

False statements and declarations

- 27 An offence under section 44 of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements and declarations).

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Firearms and other weapons

- 28 An offence under section 1A of the Prevention of Crime Act 1953 (threatening with offensive weapon in public).
- 29 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 4 (conversion of weapons),
 - (b) section 5 (weapons subject to general prohibition),
 - (c) section 16 (possession of firearm with intent to injure),
 - (d) section 16A (possession of firearm with intent to cause fear of violence),
 - (e) section 17 (use of firearm to resist arrest),
 - (f) section 18 (carrying firearm with criminal intent),
 - (g) section 19 (carrying firearm in a public place),
 - (h) section 20 (trespassing with firearm),
 - (i) section 21 (possession of firearm by persons previously convicted of crime),
 - (j) section 24 (supplying firearms to minors),
 - (k) section 25 (supplying firearm to person drunk or insane),
 - (l) section 46(5) (power of search with warrant),
 - (m) section 47 (powers of constables to stop and search),
 - (n) section 48 (production of certificates).
- 30 An offence under the Chemical Weapons Act 1996.
- 31 An offence under section 139AA of the Criminal Justice Act 1988 (threatening with article with blade or point or offensive weapon).

Forced marriage

- 32 An offence under section 9 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (offence of breaching order).
- 33 An offence under section 122 of the Anti-social Behaviour, Crime and Policing Act 2014 (offence of forced marriage: Scotland).

Fraud and forgery

- 34 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981—
- (a) Part 1 (forgery and kindred offences),
 - (b) section 14 (offences of counterfeiting notes and coins),
 - (c) section 15 (offences of passing etc. counterfeit notes and coins),
 - (d) section 16 (offences involving custody or control of counterfeit notes and coins),
 - (e) section 17 (offences involving the making or custody or control of counterfeiting materials and implements).

Harassment

- 35 An offence under section 234A of the Criminal Procedure (Scotland) Act 1995 (non-harassment orders).

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- 36 An offence under any of the following provisions of the Protection from Harassment Act 1997—
- (a) section 2 (offence of harassment),
 - (b) section 2A (offence of stalking),
 - (c) section 4 (putting people in fear of violence),
 - (d) section 4A (stalking involving fear of violence or serious alarm or distress),
 - (e) section 9 (breach of non-harassment order).

Human trafficking and exploitation

- 37 An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.).
- 38 An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).
- 39 An offence under section 47 of the Criminal Justice and Licensing (Scotland) Act 2010 (slavery, servitude and forced or compulsory labour).
- 40 An offence under section 3A of the Female Genital Mutilation Act 2003 (failure to protect girl from risk of genital mutilation).
- 41 An offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.
- 42 An offence under any of the following provisions of the Human Trafficking and Exploitation (Scotland) Act 2015—
- (a) section 1 (offence of human trafficking),
 - (b) section 4 (slavery, servitude and forced or compulsory labour),
 - (c) section 32(1) (breach of certain orders).

Insolvency

- 43 An offence under any of the following provisions of the Insolvency Act 1986—
- (a) section 206 (fraud, etc. in anticipation of winding up),
 - (b) section 207 (transactions in fraud of creditors),
 - (c) section 208 (misconduct in course of winding up),
 - (d) section 209 (falsification of company's books),
 - (e) section 210 (material omissions from statement relating to company's affairs),
 - (f) section 211 (false representations to creditors).

Medical professions etc.

- 44 An offence under section 10Z9 of the National Health Service (Scotland) Act 1978 (offences in relation to registration).
- 45 An offence under any of the following provisions of the Medical Act 1983—
- (a) section 49 (penalty for pretending to be registered),
 - (b) section 49A (penalty for pretending to hold a licence to practise).
- 46 An offence under article 38 of the Pharmacy Order 2010 (offences relating to the Register).

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Medicines

- 47 An offence under any of the following provisions of the Medicines Act 1968—
- (a) section 67(1A) and (1B) (offences under Part 3),
 - (b) section 78 (restrictions on use of titles, descriptions and emblems).

Proceeds of crime and money laundering

- 48 An offence under any of the following provisions of the Proceeds of Crime Act 2002—
- (a) Part 7 (money laundering), other than section 339(1A),
 - (b) Part 8 (investigations).

Prostitution

- 49 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 7 (procuring),
 - (b) section 9 (permitting girl to use premises for intercourse),
 - (c) section 11 (trading in prostitution and brothel-keeping),
 - (d) section 12 (allowing child to be in brothel),
 - (e) section 13(9) (living on the earnings of another from male prostitution).

Road traffic

- 50 An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1 (causing death by dangerous driving),
 - (b) section 3ZC (causing death by driving: disqualified drivers),
 - (c) section 3A (causing death by careless driving when under influence of drink or drugs).

Serious organised crime

- 51 An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
- (a) section 28 (involvement in serious organised crime),
 - (b) section 30 (directing serious organised crime),
 - (c) section 31 (failure to report serious organised crime).

Sexual offences

- 52 An offence under section 50(3) of the Customs and Excise Management Act 1979 (penalty for improper importation of goods) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876, but only where the prohibited goods include indecent photographs of persons.
- 53 An offence under section 51A of the Civic Government (Scotland) Act 1982 (extreme pornography).
- 54 A sexual offence within the meaning given in section 210A(10) of the Criminal Procedure (Scotland) Act 1995 other than an offence mentioned in paragraph (xxvii)(ZF) or (ZG) of the definition of “sexual offence” in that

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- subsection (engaging while an older child in sexual conduct with or towards another older child).
- 55 An offence under any of the following provisions of the Sexual Offences Act 2003—
- (a) section 67A (voyeurism: additional offences),
 - (b) section 103I (breach of sexual harm prevention order or interim sexual harm prevention order),
 - (c) section 113 (breach of sexual offences prevention order or interim sexual offences prevention order, etc.),
 - (d) section 122H (breach of sexual risk order or interim sexual risk order).
- 56 An offence under section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of risk of sexual harm order or interim risk of sexual harm order etc.).
- 57 An offence under any of the following provisions of the Sexual Offences (Scotland) Act 2009—
- (a) section 54 (incitement to commit certain sexual acts outside Scotland),
 - (b) section 54A (offences committed outside Scotland),
 - (c) section 55 (offences committed outside the United Kingdom).
- 58 An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile material).
- 59 An offence under any of the following provisions of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016—
- (a) section 2 (disclosing, or threatening to disclose, an intimate photograph or film),
 - (b) section 24 (breach of sexual harm prevention order or interim sexual harm prevention order),
 - (c) section 34 (breach of sexual risk order or interim sexual risk order),
 - (d) section 37 (breach of orders equivalent to orders in Chapters 3 and 4).
- Solicitors*
- 60 An offence under the Solicitors (Scotland) Act 1980.
- Stalking and harassment*
- 61 An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially-aggravated harassment).
- 62 An offence under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 (offence of stalking).
- Taxation*
- 63 An offence under any of the following provisions of the Criminal Finances Act 2017—
- (a) section 45(1) (failure to prevent facilitation of UK tax evasion offences),
 - (b) section 46(1) (failure to prevent facilitation of foreign tax evasion offences).

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Terrorism

- 64 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 11 (membership),
 - (b) section 12 (support),
 - (c) section 15 (fund-raising),
 - (d) section 16 (use and possession),
 - (e) section 17 (funding arrangements),
 - (f) section 17A(2) or (4) (insurance payments made in response to terrorist demands),
 - (g) section 18 (money laundering),
 - (h) section 19 (disclosure of information: duty),
 - (i) section 21A (failure to disclose: regulated sector),
 - (j) section 21D (tipping off: regulated sector),
 - (k) section 38B (information about acts of terrorism),
 - (l) section 39 (disclosure of information, &c.),
 - (m) section 54 (weapons training),
 - (n) section 56 (directing terrorist organisation),
 - (o) section 57 (possession for terrorist purposes),
 - (p) section 58 (collection of information),
 - (q) section 58A (eliciting, publishing or communicating),
 - (r) section 58B (entering or remaining in a designated area),
 - (s) section 61 (inciting terrorism overseas).
- 65 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- (a) section 47 (use etc. of nuclear weapons),
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas),
 - (c) section 52 (powers of entry),
 - (d) section 54 (offences),
 - (e) section 67 (offences),
 - (f) section 79 (prohibition of disclosures relating to nuclear security),
 - (g) section 80 (prohibition of disclosures of uranium enrichment technology),
 - (h) section 113 (use of noxious substances or things to cause harm and intimidate),
 - (i) section 114 (hoaxes involving noxious substances or things),
 - (j) paragraph 7 of schedule 3 (offences).
- 66 An offence under the Terrorism Act 2006.
- 67 An offence under any of the following provisions of the Counter-Terrorism Act 2008—
- (a) section 2 (offence of obstruction),
 - (b) section 54 (offences relating to notification),
 - (c) paragraph 15 of schedule 5 (breach of foreign travel restriction order and offence),
 - (d) paragraph 30 of schedule 7 (offences: failure to comply with requirement imposed by direction),

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- (e) paragraph 30A of schedule 7 (offences: relevant person circumventing requirements),
- (f) paragraph 31 of schedule 7 (offences in connection with licences).

Violent offender orders

- 68 An offence under section 113(1) of the Criminal Justice and Immigration Act 2008 (breach of violent offender order or interim violent offender order).

Vulnerable persons

- 69 An offence under section 83 of the Adults with Incapacity (Scotland) Act 2000 (offence of ill-treatment and wilful neglect).

- 70 An offence under section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (ill-treatment and wilful neglect of mentally disordered person).

- 71 An offence under any of the following provisions of the Protection of Vulnerable Groups (Scotland) Act 2007—

- (a) section 13C (breach of conditions: offences),
- (b) section 34 (barred individuals not to carry out regulated roles),
- (c) section 35 (organisations not to use barred individuals for regulated roles),
- (d) section 36 (personnel suppliers not to supply barred individuals for regulated roles),
- (e) section 45C (individuals must be scheme members to carry out regulated roles),
- (f) section 45D (organisations not to use individuals for regulated roles without confirming scheme membership),
- (g) section 45E (power to require organisations to stop using individuals for regulated roles without scheme membership),
- (h) section 45F (personnel suppliers not to supply individuals for regulated roles without confirming scheme membership).

- 72 Any offence where the conduct in respect of which the person was convicted also constituted a breach of a banning order granted under section 19 of the Adult Support and Protection (Scotland) Act 2007 (banning orders).

- 73 An offence under section 26 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 (care worker offence).

Witness protection

- 74 An offence under any of the following provisions of the Serious Organised Crime and Police Act 2005—

- (a) section 86 (offence of disclosing information about protection arrangements),
- (b) section 88 (offences of disclosing information relating to persons assuming new identity).

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Statutory aggravations

- 75 An offence (other than another List A offence) in relation to which any of the following provisions apply—
- (a) section 31 of the Counter-Terrorism Act 2008 (offences aggravated by terrorism),
 - (b) section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime),
 - (c) section 5 of the Human Trafficking and Exploitation (Scotland) Act 2015 (aggravation by connection with human trafficking activity),
 - (d) section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (offences aggravated by involving abuse of partner or ex-partner).

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