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PROSPECTIVE

SCHEDULE 2

(introduced by section 9(1)(b)(i))

LIST B OFFENCES

PART 1

COMMON LAW OFFENCES

- 1 Assault excluding any assault that is a List A offence.
- 2 Breach of the peace.
- 3 Clandestinely taking possession.
- 4 Culpable and reckless conduct.
- 5 Culpable and reckless endangering of the public.
- 6 Culpable and reckless fire-raising.
- 7 Fraud.
- 8 Hijacking.
- 9 Housebreaking with intent to steal.
- 10 Opening a lockfast place with intent to steal.
- 11 Piracy.
- 12 Public indecency.
- 13 Reser (excluding reser of plagium).
- 14 Robbery.
- 15 Theft (excluding plagium).
- 16 Treason.
- 17 Uttering.
- 18 Uttering threats.

PART 2

STATUTORY OFFENCES

Adult support and protection

- 19 An offence under section 49 of the Adult Support and Protection (Scotland) Act 2007 (obstruction).

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Armed forces

- 20 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.

Assaulting or hindering public officials

- 21 An offence under section 89 of the Police Act 1996 (assaults on constables).
- 22 An offence under section 32 of the Commissioners for Revenue and Customs Act 2005 (assault).
- 23 An offence under the Emergency Workers (Scotland) Act 2005.
- 24 An offence under section 85 of the Fire (Scotland) Act 2005 (false alarms).
- 25 An offence under section 90 of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police).

Aviation, maritime and spaceflight

- 26 An offence under the Piracy Act 1837.
- 27 An offence under any of the following provisions of the Aviation Security Act 1982—
- (a) section 1 (hijacking),
 - (b) section 2 (destroying, damaging or endangering safety of aircraft),
 - (c) section 3 (other acts endangering or likely to endanger safety of aircraft),
 - (d) section 4 (offences in relation to certain dangerous articles).
- 28 An offence under section 9 of the Aviation and Maritime Security Act 1990 (hijacking of ships).
- 29 An offence under article 265 of the Air Navigation Order 2016 in respect of a contravention of article 240 of that Order (endangering safety of aircraft).
- 30 An offence under any of the following paragraphs of schedule 4 of the Space Industry Act 2018—
- (a) paragraph 1 (hijacking of spacecraft),
 - (b) paragraph 2 (destroying, damaging or endangering safety of spacecraft),
 - (c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft),
 - (d) paragraph 5 (offences in relation to certain dangerous articles).

Care services

- 31 An offence under any of the following provisions of the Regulation of Care (Scotland) Act 2001—
- (a) section 45 (application for registration under Part 3),
 - (b) section 52 (use of title “social worker” etc.).
- 32 An offence under any of the following provisions of the Public Services Reform (Scotland) Act 2010—
- (a) section 80(1) (offences in relation to registration under Chapter 3),
 - (b) section 81 (false statements in application under Chapter 3),

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(c) section 90 (offences under Chapter 4).

33 An offence under article 27 of the Public Services Reform (General Teaching Council for Scotland) Order 2011 (offences).

34 An offence under regulation 19 of the Social Care and Social Work Improvement (Scotland) (Requirements for Care Services) Regulations 2011 (offences).

Charities

35 An offence under the Charities and Trustee Investment (Scotland) Act 2005.

Child Support

36 An offence under section 50 of the Child Support Act 1991 (unauthorised disclosure of information).

Children

37 An offence under section 6 of the Child Abduction Act 1984 (offence in Scotland of parent, etc. taking or sending child out of United Kingdom).

Computer misuse

38 An offence under any of the following provisions of the Computer Misuse Act 1990—

- (a) section 1 (unauthorised access to computer material),
- (b) section 2 (unauthorised access with intent to commit or facilitate commission of further offences),
- (c) section 3 (unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer etc.),
- (d) section 3A (making, supplying or obtaining articles for use in an offence under section 1, 3 or 3ZA).

Crossbows

39 An offence under section 1 of the Crossbows Act 1987 (sale and letting on hire).

Drugs

40 An offence under any of the following provisions of the Misuse of Drugs Act 1971—

- (a) section 3 (restriction of importation and exportation of controlled drugs),
- (b) section 4 (restriction of production and supply of controlled drugs),
- (c) section 4A (aggravation of offence of supply of controlled drug),
- (d) section 5(3) (restriction of possession of controlled drugs),
- (e) section 6 (restriction of cultivation of cannabis plant),
- (f) section 8(a) and (b) (occupiers etc. of premises to be punishable for certain activities taking place there),
- (g) section 12 (directions prohibiting prescribing, supply etc. of controlled drugs by practitioners etc. convicted of certain offences),

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- (h) section 13 (directions prohibiting prescribing, supply etc. of controlled drugs by practitioners in other cases),
- (i) section 17 (power to obtain information from doctors, pharmacists etc. in certain circumstances),
- (j) section 19 (attempts etc. to commit offences), but only in relation to an offence listed in sub-paragraphs (a) to (i) of this paragraph,
- (k) section 20 (assisting in or inducing commission outside United Kingdom of offence punishable under corresponding law).
- 41 An offence under any of the following provisions of the Customs and Excise Management Act 1979 in relation to goods prohibited to be imported or exported under section 3(1) of the Misuse of Drugs Act 1971 (restriction of importation and exportation of controlled drugs)—
- (a) section 50(2) or (3) (penalty for improper importation of goods),
- (b) section 68(2) (offences in relation to exportation of prohibited or restricted goods),
- (c) section 170 (fraudulent evasion of duty).
- 42 An offence under the Criminal Justice (International Co-operation) Act 1990.
- 43 An offence under any of the following provisions of the Psychoactive Substances Act 2016—
- (a) section 5 (supplying, or offering to supply, a psychoactive substance),
- (b) section 7 (possession of psychoactive substance with intent to supply),
- (c) section 8 (importing or exporting a psychoactive substance),
- (d) section 9 (possession of a psychoactive substance in a custodial institution),
- (e) section 48 (offence in relation to enforcement officers).
- Escape from custody etc.*
- 44 An offence under section 316 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (inducing and assisting absconding etc.).
- 45 An offence under section 91 of the Police and Fire Reform (Scotland) Act 2012 (escape from custody).
- Financial services*
- 46 An offence under the Financial Services and Markets Act 2000.
- 47 An offence under the Financial Services Act 2012.
- Fire safety*
- 48 An offence under section 72(1) or (3) of the Fire (Scotland) Act 2005 (offences).
- Firearms*
- 49 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 1 (requirement of firearm certificate),
- (b) section 2 (requirement of certificate for possession of shot guns),
- (c) section 3 (business and other transactions with firearms and ammunition),
- (d) section 22 (acquisition and possession of firearms by minors),

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- (e) section 23 (exceptions from section 22(4)),
 - (f) section 28A(7) (certificates: supplementary),
 - (g) section 29 (variation of firearm certificates),
 - (h) section 30D(3) (revocation of certificates: supplementary),
 - (i) section 39 (offences in connection with registration),
 - (j) section 40 (compulsory register of transactions in firearms).
- 50 An offence under section 50(5) of the Civic Government (Scotland) Act 1982 (drunk in possession of firearm).
- 51 An offence under the Firearms (Amendment) Act 1997.
- 52 An offence under any of the following provisions of the Violent Crime Reduction Act 2006—
- (a) section 28 (using someone to mind a weapon),
 - (b) section 32 (sales of air weapons by way of trade or business to be face to face),
 - (c) section 35 (restriction on sale and purchase of primers),
 - (d) section 36 (manufacture, import and sale of realistic imitation firearms).
- 53 An offence under section 31 of the Air Weapons and Licensing (Scotland) Act 2015 (false statements, certificates and permits).
- Food safety and standards*
- 54 An offence under any of the following provisions of the Food Safety Act 1990—
- (a) section 7 (rendering food injurious to health),
 - (b) section 9 (inspection and seizure of suspected food).
- 55 An offence under regulation 4(b) of the General Food Regulations 2004 (food safety requirements).
- Fraud and forgery*
- 56 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981—
- (a) section 18 (offence of reproducing British currency notes),
 - (b) section 19 (offences of making etc. imitation British coins).
- 57 An offence under section 46A of the Criminal Law (Consolidation) (Scotland) Act 1995 (false monetary instruments).
- 58 An offence under the Fraud Act 2006.
- 59 An offence under section 993 of the Companies Act 2006 (offence of fraudulent trading).
- 60 An offence under section 49 of the Criminal Justice and Licensing (Scotland) Act 2010 (articles for use in fraud).
- 61 An offence under section 92 of the Police and Fire Reform (Scotland) Act 2012 (impersonation etc.).

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Immigration etc.

- 62 An offence under any of the following provisions of the Immigration and Asylum Act 1999—
- (a) section 105 (false representations),
 - (b) section 106 (dishonest representations),
 - (c) any of the following paragraphs of schedule 11—
 - (i) paragraph 1 (obtaining certificates of authorisation by false pretences),
 - (ii) paragraph 4 (assaulting a detainee custody officer),
 - (iii) paragraph 5 (obstructing detainee custody officers).
- 63 An offence under section 35 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (deportation or removal: cooperation).
- 64 An offence under section 21 of the Immigration, Asylum and Nationality Act 2006 (offence).

Insolvency

- 65 An offence under any of the following provisions of the Insolvency Act 1986—
- (a) section 131 (company's statement of affairs),
 - (b) section 216 (restriction on re-use of company names),
 - (c) section 235 (duty to co-operate with office-holder).

Landmines

- 66 An offence under section 2 of the Landmines Act 1998 (prohibited conduct).

Lasers

- 67 An offence under the Laser Misuse (Vehicles) Act 2018.

Medicines

- 68 An offence under section 67(2) or (3) of the Medicines Act 1968 (offences under Part 3).
- 69 An offence under any of the following provisions of the Human Medicines Regulations 2012—
- (a) regulation 34(1) (offences: breach of regulations and false information and defence concerning starting materials),
 - (b) regulation 255(1)(a), (b), (c) or (d) (offences relating to dealings with medicinal products).

Mental health

- 70 An offence under section 318 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (false statements).

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Neglect of duty

- 71 An offence under Part 4 (shipping: alcohol and drugs) or Part 5 (aviation: alcohol and drugs) of the Railways and Transport Safety Act 2003.
- 72 An offence under section 22 of the Police and Fire Reform (Scotland) Act 2012 (failure to perform duty).

Obscene material etc.

- 73 An offence under section 1(1) of the Indecent Displays (Control) Act 1981 (indecent displays).
- 74 An offence under section 51 of the Civic Government (Scotland) Act 1982 (obscene material).
- 75 An offence under section 85(3) of the Postal Services Act 2000 (prohibition on sending certain articles by post).
- 76 An offence under section 127(1) of the Communications Act 2003 (improper use of public electronic communications network).

Offences in relation to children

- 77 An offence under any of the following provisions of the Children and Young Persons (Scotland) Act 1937—
- (a) section 15 (causing or allowing persons under 16 to be used for begging),
 - (b) section 22 (exposing children under seven to risk of burning),
 - (c) section 31(1) (penalties and legal proceedings in respect of general provisions as to employment),
 - (d) section 33 (prohibition of persons under sixteen taking part in performances endangering life or limb),
 - (e) section 34 (restrictions on training for performances of a dangerous nature).
- 78 An offence under section 40(1) of the Children and Young Persons Act 1963 (offences).
- 79 An offence under section 50(2) of the Civic Government (Scotland) Act 1982 (drunk in charge of a child).
- 80 An offence under section 81 of the Children (Scotland) Act 1995 (offences in connection with orders etc. for the protection of children).
- 81 An offence under any of the following provisions of the Children's Hearings (Scotland) Act 2011—
- (a) section 59 (offences),
 - (b) section 171 (offences related to absconding).

Offensive weapons

- 82 An offence under the Restriction of Offensive Weapons Act 1959.
- 83 An offence under section 50(3) (penalty for improper importation of goods) or section 170 (fraudulent evasion of duty) of the Customs and Excise Management Act 1979 in relation to goods prohibited to be imported under—

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- (a) section 1(2) of the Restriction of Offensive Weapons Act 1959 (penalties for offences in connection with dangerous weapons), or
- (b) section 141(4) of the Criminal Justice Act 1988 (offensive weapons).
- 84 An offence under any of the following provisions of the Criminal Justice Act 1988—
- (a) section 141 (offensive weapons),
- (b) section 141A (sale of knives and certain articles with blade or point to persons under eighteen).
- 85 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
- (a) section 47 (prohibition of the carrying of offensive weapons),
- (b) section 48 (search for offensive weapons),
- (c) section 49 (offence of having in a public place an article with a blade or point),
- (d) section 49A (offence of having article with blade or point (or offensive weapon) on school premises),
- (e) section 49C (offence of having offensive weapon etc. in prison),
- (f) section 50 (extension of constable's power to stop, search and arrest without warrant).
- 86 An offence under any of the following provisions of the Offensive Weapons Act 2019—
- (a) section 1 (sale of corrosive products to persons under 18),
- (b) section 6 (offence of having a corrosive substance in a public place),
- (c) section 11(5) (offences of obstruction and concealment relating to a search for corrosive substances: Scotland).

Official Secrets Acts

- 87 An offence under the Official Secrets Act 1911.
- 88 An offence under the Official Secrets Act 1920.
- 89 An offence under the Official Secrets Act 1989.

Proceeds of crime and money laundering

- 90 An offence under any of the following provisions of the Proceeds of Crime Act 2002—
- (a) section 339(1A) (making disclosure otherwise than in the prescribed form and manner),
- (b) section 453A (certain offences in relation to financial investigators).
- 91 An offence under the Proceeds of Crime Act 2002 (External Investigations) Order 2013.
- 92 An offence under the Proceeds of Crime Act 2002 (External Investigations) (Scotland) Order 2015.

Prostitution

- 93 An offence under the Prostitution (Public Places) (Scotland) Act 2007.

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Public order

- 94 An offence under any of the following provisions of the Public Order Act 1986—
- (a) section 1 (riot),
 - (b) section 2 (violent disorder),
 - (c) section 3 (affray),
 - (d) section 4 (fear or provocation of violence),
 - (e) section 4A (intentional harassment, alarm or distress),
 - (f) section 5 (harassment alarm or distress),
 - (g) section 18 (use of words or behaviour or display of written material),
 - (h) section 19 (publishing or distributing written material),
 - (i) section 20 (public performance of play),
 - (j) section 21 (distributing, showing or playing a recording),
 - (k) section 22 (broadcasting or including programme in cable programme service),
 - (l) section 23 (possession of racially inflammatory material),
 - (m) section 29B (use of words or behaviour or display of written material),
 - (n) section 29C (publishing or distributing written material),
 - (o) section 29D (public performance of play),
 - (p) section 29E (distributing, showing or playing a recording),
 - (q) section 29F (broadcasting or including programme in programme service),
 - (r) section 29G (possession of inflammatory material).
- 95 An offence under section 68(1) of the Criminal Justice and Public Order Act 1994 (aggravated trespass).

Road traffic

- 96 An offence under any of the following provisions of the Road Traffic Act 1988—
- (a) section 1A (causing serious injury by dangerous driving),
 - (b) section 2 (dangerous driving),
 - (c) section 2B (causing death by careless, or inconsiderate, driving),
 - (d) section 3ZB (causing death by driving: unlicensed or uninsured drivers),
 - (e) section 3ZD (causing serious injury by driving: disqualified drivers),
 - (f) section 4(1) (driving, or being in charge, when under the influence of drink or drugs),
 - (g) section 5(1) (driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit),
 - (h) section 5A (driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit),
 - (i) section 178 (taking motor vehicle without authority, etc.).

Sexual offences

- 97 An offence under section 37(1) or (4) of the Sexual Offences (Scotland) Act 2009 (older children engaging in sexual conduct with each other).

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Terrorism

- 98 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 13 (uniform and publication of images),
 - (b) section 36 (police powers),
 - (c) section 51 (offences),
 - (d) section 116 (powers to stop and search),
 - (e) paragraph 32 of schedule 5 (urgent cases),
 - (f) paragraph 18 of schedule 7 (offences).

Threatening or abusive behaviour

- 99 An offence under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 (threatening or abusive behaviour).

Miscellaneous statutory offences

- 100 An offence under any of the following provisions of the Civic Government (Scotland) Act 1982—
- (a) section 57 (being in or on building etc. with intent to commit theft),
 - (b) section 58 (convicted thief in possession),
 - (c) section 60 (powers of search and seizure).
- 101 An offence under section 22 of the Rent (Scotland) Act 1984 (unlawful eviction and harassment of occupier).
- 102 An offence under section 85(1) of the Postal Services Act 2000 (prohibition on sending certain articles by post).
- 103 An offence under any of the following provisions of the Serious Organised Crime and Police Act 2005—
- (a) section 67 (offences in connection with disclosure notices or search warrants),
 - (b) section 129 (corresponding Scottish offence),
 - (c) section 145 (interference with contractual relationships so as to harm animal research organisation),
 - (d) section 146 (intimidation of persons connected with animal research organisation).

Statutory aggravations

- 104 An offence (other than a List A offence) in relation to which either of the following provisions applies—
- (a) section 96 of the Crime and Disorder Act 1998 (offences racially aggravated), or
 - (b) section 74 of the Criminal Justice (Scotland) Act 2003 (offences aggravated by religious prejudice).
- 105 An offence (other than a List A offence) to which either of the following provisions of the Offences (Aggravation by Prejudice) (Scotland) Act 2009 applies—
- (a) section 1(1) (prejudice relating to disability), or

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- (b) section 2(1) (prejudice relating to sexual orientation or transgender identity).

PART 3

OTHER

Common law aggravations

106 An offence (other than a List A offence or an offence listed in paragraph 104 of this schedule), the conviction for which indicates that it included an element of racial prejudice or was racially motivated.

107 An offence (other than a List A offence or an offence listed in paragraph 104 of this schedule), the conviction for which indicates that it included an element of religious prejudice or was motivated by religious prejudice.

Inchoate offences

108 An offence committed by aiding, abetting, counselling, procuring or inciting the commission of any offence listed in paragraphs 1 to 107 of this schedule.

109 An offence committed by attempting or conspiring to commit any offence listed in paragraphs 1 to 107 of this schedule.

Superseded offences

110 An offence superseded (whether directly or indirectly) by any offence listed in paragraphs 1 to 109 of this schedule (and any qualification in relation to a listed offence applies to the superseded offence as it applies to the listed offence).

Combined offences

111 An offence which was charged, and the conviction for which was received, in conjunction with any offence listed in paragraphs 1 to 110 of this schedule.

Corresponding offences elsewhere in the UK or abroad

112 An offence under the law of England and Wales or Northern Ireland, or any country or territory outside the United Kingdom, which corresponds to any offence listed in paragraphs 1 to 111 of this schedule.

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