

SCHEDULES

SCHEDULE 4

Section 45

OFFENCES TO WHICH DEFENCE IN SECTION 45 DOES NOT APPLY

Common law offences

- 1 False imprisonment.
- 2 Kidnapping.
- 3 Manslaughter.
- 4 Murder.
- 5 Perverting the course of justice.
- 6 Piracy.

Offences against the Person Act 1861 (c. 100)

- 7 An offence under any of the following provisions of the Offences Against the Person Act 1861—
 - section 4 (soliciting murder)
 - section 16 (threats to kill)
 - section 18 (wounding with intent to cause grievous bodily harm)
 - section 20 (malicious wounding)
 - section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence)
 - section 22 (using drugs etc to commit or assist in the committing of an indictable offence)
 - section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm)
 - section 27 (abandoning children)
 - section 28 (causing bodily injury by explosives)
 - section 29 (using explosives with intent to do grievous bodily harm)
 - section 30 (placing explosives with intent to do bodily injury)
 - section 31 (setting spring guns etc with intent to do grievous bodily harm)
 - section 32 (endangering safety of railway passengers)
 - section 35 (injuring persons by furious driving)
 - section 37 (assaulting officer preserving wreck)
 - section 38 (assault with intent to resist arrest).

Explosive Substances Act 1883 (c. 3)

- 8 An offence under any of the following provisions of the Explosive Substances Act 1883—

Status: This is the original version (as it was originally enacted).

section 2 (causing explosion likely to endanger life or property)
 section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)
 section 4 (making or possession of explosives under suspicious circumstances).

Infant Life (Preservation) Act 1929 (c. 34)

9 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933 (c. 12)

10 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Public Order Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 6)

11 An offence under section 2 of the Public Order Act 1936 (control etc of quasi-military organisation).

Infanticide Act 1938 (c. 36)

12 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Firearms Act 1968 (c. 27)

13 An offence under any of the following provisions of the Firearms Act 1968—
 section 5 (possession of prohibited firearms)
 section 16 (possession of firearm with intent to endanger life)
 section 16A (possession of firearm with intent to cause fear of violence)
 section 17(1) (use of firearm to resist arrest)
 section 17(2) (possession of firearm at time of committing or being arrested for specified offence)
 section 18 (carrying firearm with criminal intent).

Theft Act 1968 (c. 60)

14 An offence under any of the following provisions of the Theft Act 1968—
 section 8 (robbery or assault with intent to rob)
 section 9 (burglary), where the offence is committed with intent to inflict grievous bodily harm on a person, or to do unlawful damage to a building or anything in it
 section 10 (aggravated burglary)
 section 12A (aggravated vehicle-taking), where the offence involves an accident which causes the death of any person
 section 21 (blackmail).

Criminal Damage Act 1971 (c. 48)

15 The following offences under the Criminal Damage Act 1971—

an offence of arson under section 1
an offence under section 1(2) (destroying or damaging property) other than an offence of arson.

Immigration Act 1971 (c. 77)

- 16 An offence under section 25 of the Immigration Act 1971 (assisting unlawful immigration to member state).

Customs and Excise Management Act 1979 (c. 2)

- 17 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

Taking of Hostages Act 1982 (c. 28)

- 18 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982 (c. 36)

- 19 An offence under any of the following provisions of the Aviation Security Act 1982—
section 1 (hijacking)
section 2 (destroying, damaging or endangering safety of aircraft)
section 3 (other acts endangering or likely to endanger safety of aircraft)
section 4 (offences in relation to certain dangerous articles).

Mental Health Act 1983 (c. 20)

- 20 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Child Abduction Act 1984 (c. 37)

- 21 An offence under any of the following provisions of the Child Abduction Act 1984—
section 1 (abduction of child by parent etc)
section 2 (abduction of child by other persons).

Public Order Act 1986 (c. 64)

- 22 An offence under any of the following provisions of the Public Order Act 1986—
section 1 (riot)
section 2 (violent disorder).

Criminal Justice Act 1988 (c. 33)

- 23 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Road Traffic Act 1988 (c. 52)

- 24 An offence under any of the following provisions of the Road Traffic Act 1988—
section 1 (causing death by dangerous driving)
section 3A (causing death by careless driving when under the influence of drink or drugs).

Aviation and Maritime Security Act 1990 (c. 31)

- 25 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
section 1 (endangering safety at aerodromes)
section 9 (hijacking of ships)
section 10 (seizing or exercising control of fixed platforms)
section 11 (destroying fixed platforms or endangering their safety)
section 12 (other acts endangering or likely to endanger safe navigation)
section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

- 26 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Protection from Harassment Act 1997 (c. 40)

- 27 An offence under any of the following provisions of the Protection from Harassment Act 1997—
section 4 (putting people in fear of violence)
section 4A (stalking involving fear of violence or serious alarm or distress).

Crime and Disorder Act 1998 (c. 37)

- 28 An offence under any of the following provisions of the Crime and Disorder Act 1998 —
section 29 (racially or religiously aggravated assaults)
section 31(1)(a) or (b) (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

Terrorism Act 2000 (c. 11)

- 29 An offence under any of the following provisions of the Terrorism Act 2000—
section 54 (weapons training)
section 56 (directing terrorist organisation)
section 57 (possession of article for terrorist purposes)
section 59 (inciting terrorism overseas).

International Criminal Court Act 2001 (c. 17)

- 30 An offence under any of the following provisions of the International Criminal Court Act 2001—

section 51 (genocide, crimes against humanity and war crimes)
section 52 (ancillary conduct).

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 31 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- section 47 (use of nuclear weapons)
 - section 50 (assisting or inducing certain weapons-related acts overseas)
 - section 113 (use of noxious substance or thing to cause harm or intimidate).

Female Genital Mutilation Act 2003 (c. 31)

- 32 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—
- section 1 (female genital mutilation)
 - section 2 (assisting a girl to mutilate her own genitalia)
 - section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Sexual Offences Act 2003 (c. 42)

- 33 An offence under any of the following provisions of the Sexual Offences Act 2003—
- section 1 (rape)
 - section 2 (assault by penetration)
 - section 3 (sexual assault)
 - section 4 (causing person to engage in sexual activity without consent)
 - section 5 (rape of child under 13)
 - section 6 (assault of child under 13 by penetration)
 - section 7 (sexual assault of child under 13)
 - section 8 (causing or inciting child under 13 to engage in sexual activity)
 - section 9 (sexual activity with a child)
 - section 10 (causing or inciting a child to engage in sexual activity)
 - section 13 (child sex offences committed by children or young persons)
 - section 14 (arranging or facilitating commission of child sex offence)
 - section 15 (meeting a child following sexual grooming)
 - section 16 (abuse of position of trust: sexual activity with a child)
 - section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity)
 - section 18 (abuse of position of trust: sexual activity in presence of child)
 - section 19 (abuse of position of trust: causing a child to watch a sexual act)
 - section 25 (sexual activity with a child family member)
 - section 26 (inciting a child family member to engage in sexual activity)
 - section 30 (sexual activity with a person with a mental disorder impeding choice)
 - section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity)
 - section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)

Status: This is the original version (as it was originally enacted).

section 33 (causing a person with a mental disorder impeding choice to watch a sexual act)

section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)

section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)

section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)

section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)

section 38 (care workers: sexual activity with a person with a mental disorder)

section 39 (care workers: causing or inciting sexual activity)

section 40 (care workers: sexual activity in the presence of a person with a mental disorder)

section 41 (care workers: causing a person with a mental disorder to watch a sexual act)

section 47 (paying for sexual services of a child)

section 48 (causing or inciting child prostitution or pornography)

section 49 (controlling a child prostitute or a child involved in pornography)

section 50 (arranging or facilitating child prostitution or pornography)

section 61 (administering a substance with intent)

section 62 (committing offence with intent to commit sexual offence)

section 63 (trespass with intent to commit sexual offence)

section 64 (sex with an adult relative: penetration)

section 65 (sex with an adult relative: consenting to penetration)

section 66 (exposure)

section 67 (voyeurism)

section 70 (sexual penetration of a corpse).

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 34 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

Terrorism Act 2006 (c. 11)

- 35 An offence under any of the following provisions of the Terrorism Act 2006—
 section 5 (preparation of terrorist acts)
 section 6 (training for terrorism)
 section 9 (making or possession of radioactive device or material)
 section 10 (use of radioactive device or material for terrorist purposes)
 section 11 (terrorist threats relating to radioactive devices etc).

Modern Slavery Act 2015 (c. 30)

- 36 An offence under any of the following provisions of the Modern Slavery Act 2015—
 section 1 (slavery, servitude and forced or compulsory labour)

section 2 (human trafficking).

Ancillary offences

- 37 (1) An offence of attempting or conspiring to commit an offence listed in this Schedule.
- (2) An offence committed by aiding, abetting, counselling or procuring an offence listed in this Schedule.
- (3) An offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) where the offence (or one of the offences) which the person in question intends or believes would be committed is an offence listed in this Schedule.