

SCHEDULE

Regulation 6

Automatic prohibition: conditions and offences

PART 1

Conditions for automatic prohibition

1. Condition A (automatic bar: DHSSPS List) is that the person is included (otherwise than provisionally) in the list kept by the Department of Health, Social Services and Public Safety under Article 3 of the 2003 Order (list of persons unsuitable to work with children).
2. Condition B (automatic bar: disqualification order) is that—
 - (a) on or after 3rd April 2006 the person has been made subject to a disqualification order; and
 - (b) if the order was made before 15th June 2007, the person was a teacher or a person to whom Article 88A of the 1986 Order applies before he was convicted of the offence to which the disqualification order relates.
3. Condition C (automatic bar: Part 2 offence committed in previous 10 years against child under 16) is that—
 - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 2;
 - (b) the offence was committed against or involving a child under 16; and
 - (c) the offence was committed not more than 10 years before the date on which the Department decides that he should be prohibited from teaching or working with children.
4. Condition D1 (automatic inclusion: Part 2 offence committed against person aged 16 or over or committed more than 10 years previously against child under 16, and related offences) is that—
 - (a) on or after the relevant specified date the person has been found to have committed—
 - (i) an offence set out in Part 2; or
 - (ii) an offence that is related to such an offence;
 - (b) the offence was committed against or involving—
 - (i) a child under 16; or
 - (ii) if the finding is on or after 15th June 2007, a person aged 16 or over; and
 - (c) where both paragraphs (a)(i) and (b)(i) apply, the offence was committed more than 10 years before the date on which the Department decides that he should be prohibited from teaching or working with children.
5. Condition D2 (automatic inclusion: Part 3 offence) is that—
 - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 3 or an offence that is related to such an offence; and
 - (b) the offence was committed against or involving—
 - (i) a child under 16; or
 - (ii) if the finding is on or after 15th June 2007, a person aged 16 or over.
6. Condition D3 (automatic inclusion: Part 4 offence) is that—
 - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 4 or an offence that is related to such an offence; and
 - (b) the offence was committed against or involving—

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- (i) a child under 16; or
 - (ii) if the finding is on or after 15th June 2007, a child aged 16 or 17.
- 7. Condition D4 (automatic inclusion: Part 5 offence) is that—
 - (a) on or after the relevant specified date the person has been found to have committed an offence set out in Part 5 or an offence that is related to such an offence; and
 - (b) the offence was committed against or involving a child under 16.
- 8.—(1) Condition E (automatic inclusion: overseas offence) is that on or after 15th June 2007 the person has been found to have done an act which—
 - (a) constituted an offence under the law in force in a country outside the United Kingdom; and
 - (b) would constitute an offence mentioned in sub-paragraph (2) if it had been done in any part of the United Kingdom.
 (2) Sub-paragraph (1)(b) applies in relation to—
 - (a) any offence set out in Parts 2 and 3;
 - (b) any offence set out in Part 4 committed against or involving a child;
 - (c) any offence set out in Part 5 committed against or involving a child under 16; or
 - (d) any offence that is related to an offence mentioned in paragraphs (a) to (c).
 (3) In sub-paragraph (1) a person has been “found to have done an act which constituted an offence” if, under the law in force in a country outside the United Kingdom—
 - (a) he has been convicted of an offence (whether or not he has been punished for it);
 - (b) he has been cautioned in respect of an offence;
 - (c) a court exercising jurisdiction under that law has made in respect of an offence a finding equivalent to a finding that he is not guilty by reason of insanity; or
 - (d) such a court has made in respect of an offence a finding equivalent to a finding that he is under a disability and did the act charged against him in respect of the offence.
 (4) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of sub-paragraphs (1) and (3) however it is described in that law.
- 9. Condition F (automatic inclusion: risk of sexual harm orders) is that on or after 15th June 2007 the person has been made subject to a risk of sexual harm order within the meaning of section 123 of the Sexual Offences Act 2003⁽¹⁾ or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005⁽²⁾.
- 10. Conditions C to E apply only if the person was aged 18 or over on the date the offence was committed.
- 11. If the person was convicted of the offence before 15th June 2007, conditions C and D only apply if the person was a teacher or a person to whom Article 88A of the 1986 Order applies before he was convicted.
- 12. In this Part a person has been “found to have committed” an offence if he has been—
 - (a) convicted of an offence;
 - (b) cautioned by a police officer after he has admitted an offence;
 - (c) found not guilty of an offence by reason of insanity; or

⁽¹⁾ 2003 c. 42; section 123 extends to Northern Ireland (*see* section 142(2)(c)).

⁽²⁾ 2005 asp 9.

- (d) found to be under a disability and to have done the act charged against him in respect of such an offence.
13. In this Part an offence is “related to” an offence if it is an offence of—
- (a) attempting, conspiring or incitement to commit that offence; or
 - (b) aiding, abetting, counselling or procuring the commission of that offence.
14. In this Part “relevant specified date” means—
- (a) in relation to a person who has been convicted of an offence set out in Parts 2 to 5 or an offence of attempting to commit such an offence, the relevant date specified in relation to the substantive offence in Part 2, 3, 4 or 5;
 - (b) in relation to a person who has been convicted of any other offence that is related to an offence set out in Parts 2 to 5, 15th June 2007;
 - (c) in relation to a person who has been found to have committed an offence set out in Parts 2 to 5 or an offence that is related to such an offence other than by having been convicted of the offence, 15th June 2007.
15. In relation to an offence which is committed over a period of time, the references in paragraphs 3(c), 4(c) and 10 to the date on which the offence is committed are to be read as references to the last day of that period.

PART 2

Offences for the purpose of conditions C and D1: offences against person of any age

Offences in England and Wales

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 1 of the Sexual Offences Act 1956 (rape)(3)	3rd April 2006
An offence contrary to section 5 of the Sexual Offences Act 1956 (intercourse with girl under 13)	3rd April 2006
An offence contrary to section 1 of the Sexual Offences Act 2003 (rape)(4)	3rd April 2006
An offence contrary to section 2 of the Sexual Offences Act 2003 (assault by penetration)	3rd April 2006
An offence contrary to section 5 of the Sexual Offences Act 2003 (rape of a child under 13)	3rd April 2006
An offence contrary to section 6 of the Sexual Offences Act 2003 (assault of a child under 13 by penetration)	3rd April 2006

(3) 1956 c. 69; section 1 was substituted by section 142 of the Criminal Justice and Public Order Act 1994 (c. 33) (“the 1994 Act”) and repealed by paragraph 11 of Schedule 6 to the Sexual Offences Act 2003 (c. 42) (“the 2003 Act”). Sections 4 to 7, 10 to 16, 22, 23, 25, 26, 28, 30 and 31 (referred to in this Part and in Part 4) were also repealed by this provision of the 2003 Act.

(4) 2003 c. 42.

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<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 7 of the Sexual Offences Act 2003 (sexual assault of a child under 13)	3rd April 2006
An offence contrary to section 8 of the Sexual Offences Act 2003 if subsection (2) of that section applies (causing or inciting a child under 13 to engage in sexual activity: penetration)	3rd April 2006

Offences in Scotland

<i>Offence</i>	<i>Relevant specified date</i>
An offence of rape, contrary to the common law	3rd April 2006
An offence contrary to section 3 of the Sexual Offences (Scotland) Act 1976 (intercourse with girl under 13)(5)	3rd April 2006
An offence contrary to section 5(1) of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse with girl under 13)(6)	3rd April 2006

Offences in Northern Ireland

<i>Offence</i>	<i>Relevant specified date</i>
An offence of rape, contrary to the common law	3rd April 2006
An offence contrary to section 4 of the Criminal Law Amendment Act 1885 (unlawful carnal knowledge of a girl under 14)(7)	3rd April 2006

PART 3

Offences for the purpose of condition D2: offences against person of any age

Offences in England and Wales

<i>Offence</i>	<i>Relevant specified date</i>
An offence of murder, contrary to the common law	3rd April 2006
An offence contrary to section 9 of the Theft Act 1968 (burglary) if the offence which the person intends to commit is rape(8)	15th June 2007

(5) 1976 c. 67; the Sexual Offences (Scotland) Act 1976 was repealed by paragraph 6 of Schedule 1 to the Crime and Punishment (Scotland) Act 1997 (c. 48).

(6) 1995 c. 39.

(7) 1885 c. 69; section 4 was amended by section 13(2) of the Children and Young Persons Act (Northern Ireland) 1950 (c. 5) (N.I.).

(8) 1968 c. 60; section 9, in relation to intent to commit rape, was repealed by paragraph 17 of Schedule 6 to the 2003 Act.

Offences in Scotland

<i>Offence</i>	<i>Relevant specified date</i>
An offence of murder, contrary to the common law	3rd April 2006

Offences in Northern Ireland

<i>Offence</i>	<i>Relevant specified date</i>
An offence of murder, contrary to the common law	3rd April 2006
An offence contrary to section 9(1)(a) of the Theft Act (Northern Ireland) 1969 (burglary) if the offence which the person intends to commit is rape ⁽⁹⁾	15th June 2007

PART 4

Offences for the purpose of condition D3: offences against or involving a child

Offences in England and Wales and, where relevant, Scotland and Northern Ireland

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 1 of the Infanticide Act 1938 (infanticide) ⁽¹⁰⁾	15th June 2007
An offence contrary to section 4 of the Sexual Offences Act 1956 (administering drugs to obtain or facilitate intercourse)	15th June 2007
An offence contrary to section 6 of the Sexual Offences Act 1956 (intercourse with girl under 16) ⁽¹¹⁾	3rd April 2006
An offence contrary to section 7 of the Sexual Offences Act 1956 (intercourse with defective)	15th June 2007
An offence contrary to section 10 of the Sexual Offences Act 1956 (incest by a man)	3rd April 2006
An offence contrary to section 11 of the Sexual Offences Act 1956 (incest by a woman)	3rd April 2006
An offence contrary to section 12 of the Sexual Offences Act 1956 (buggery) except if the other party to the act of buggery was aged 16 or over and consented to the act ⁽¹²⁾	3rd April 2006

(9) 1969 c. 16 (N.I.); section 9, in relation to intent to commit rape, was amended by the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13).

(10) 1938 c. 36.

(11) Section 6 was repealed in part by Schedule 2 to the Criminal Law Act 1967 (c. 58) and in full by the 2003 Act.

(12) Section 12 was amended by section 143 of the 1994 Act and sections 1 and 2 of the Sexual Offences (Amendment) Act 2000 (c. 44) ("the 2000 Act") and repealed by the 2003 Act.

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<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 13 of the Sexual Offences Act 1956 (indecentcy between men) except if the other party to the act of gross indecentcy was aged 16 or over and consented to the act(13)	3rd April 2006
An offence contrary to section 14 of the Sexual Offences Act 1956 (indecent assault on a woman)	3rd April 2006
An offence contrary to section 15 of the Sexual Offences Act 1956 (indecent assault on a man)	3rd April 2006
An offence contrary to section 16 of the Sexual Offences Act 1956 (assault with intent to commit buggery)	3rd April 2006
An offence contrary to section 22 of the Sexual Offences Act 1956 (causing prostitution of women)	15th June 2007
An offence contrary to section 23 of the Sexual Offences Act 1956 (procurement of girl under 21)	15th June 2007
An offence contrary to section 25 of the Sexual Offences Act 1956 (permitting girl under 13 to use premises for intercourse)	15th June 2007
An offence contrary to section 26 of the Sexual Offences Act 1956 (permitting girl under 16 to use premises for intercourse)(14)	15th June 2007
An offence contrary to section 28 of the Sexual Offences Act 1956 (causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16)	15th June 2007
An offence contrary to section 30 of the Sexual Offences Act 1956 (man living on earnings of prostitution)	15th June 2007
An offence contrary to section 31 of the Sexual Offences Act 1956 (woman exercising control over prostitute)	15th June 2007
An offence contrary to section 128 of the Mental Health Act 1959 (sexual intercourse with patients)(15)	15th June 2007

(13) Section 13 was amended by section 2 of the 2000 Act and repealed by the 2003 Act.

(14) Section 26 was repealed in part by section 10 of, and Schedule 2 to, the Criminal Law Act 1967 (c. 58) and in full by the 2003 Act.

(15) 1959 c. 72; section 128 was amended by section 1(4) of the Sexual Offences Act 1967 (c. 60) and by other provisions including paragraph 2 of Schedule 4 to the Care Standards Act 2000, and was repealed by the 2003 Act.

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)(16)	3rd April 2006
An offence contrary to section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts)(17)	15th June 2007
An offence contrary to section 5 of the Sexual Offences Act 1967 (living on earnings of male prostitution)	15th June 2007
An offence contrary to section 4(3) of the Misuse of Drugs Act 1971 (supply of drugs)(18)	15th June 2007
An offence contrary to section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse)(19)	3rd April 2006
An offence contrary to section 1(1)(a), (b) or (d) of the Protection of Children Act 1978 (indecent photographs of children)(20)	3rd April 2006
An offence contrary to section 1(1)(c) of the Protection of Children Act 1978 (indecent photographs of children)	3rd April 2006
An offence contrary to section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc.)(21) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles)(22)	15th June 2007
An offence contrary to section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child)(23)	3rd April 2006
An offence contrary to section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of position of trust)(24)	15th June 2007
An offence contrary to section 145 of the Nationality, Immigration and Asylum Act 2002 (traffic in prostitution)(25)	15th June 2007

(16) 1960 c. 33; section 1 was amended by section 39 of the Criminal Justice and Court Services Act 2000 (c. 43) and repealed by the 2003 Act.

(17) 1967 c. 60; sections 4 and 5 were repealed by the 2003 Act.

(18) 1971 c. 38; section 4 extends to Scotland and Northern Ireland (*see* section 40).

(19) 1977 c. 45; section 54 was repealed by the 2003 Act.

(20) 1978 c. 37; section 1 was amended by section 84 of the 1994 Act and paragraph 24 of Schedule 6 to the 2003 Act.

(21) 1979 c. 2; section 170 extends to Scotland and Northern Ireland.

(22) 1876 c. 36.

(23) 1988 c. 33; section 160 was amended by section 84 of the 1994 Act and paragraph 29 of Schedule 6 to the 2003 Act.

(24) 2000 c. 44; section 3 extends to Scotland and Northern Ireland (*see* section 7(2) and (4)) but was repealed in relation to England and Wales and Northern Ireland by the 2003 Act.

(25) 2002 c. 41; section 145 extends to Northern Ireland (*see* section 163(2)) but was repealed by the 2003 Act.

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<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 3 of the Sexual Offences Act 2003 (sexual assault)	3rd April 2006
An offence contrary to section 4 of the Sexual Offences Act 2003 (causing a person to engage in sexual activity without consent)	3rd April 2006
An offence contrary to section 8 of the Sexual Offences Act 2003 if subsection (2) of that section does not apply (causing or inciting a child under 13 to engage in sexual activity: not penetration)	3rd April 2006
An offence contrary to section 9 of the Sexual Offences Act 2003 (sexual activity with a child)	3rd April 2006
An offence contrary to section 10 of the Sexual Offences Act 2003 (causing or inciting a child to engage in sexual activity)	3rd April 2006
An offence contrary to section 11 of the Sexual Offences Act 2003 (engaging in sexual activity in the presence of a child)	3rd April 2006
An offence contrary to section 12 of the Sexual Offences Act 2003 (causing a child to watch a sexual act)	3rd April 2006
An offence contrary to section 14 of the Sexual Offences Act 2003 (arranging or facilitating commission of a child sex offence)	3rd April 2006
An offence contrary to section 15 of the Sexual Offences Act 2003 (meeting a child following sexual grooming etc.)(26)	3rd April 2006
An offence contrary to section 16 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity with a child)	3rd April 2006
An offence contrary to section 17 of the Sexual Offences Act 2003 (abuse of position of trust: causing or inciting a child to engage in sexual activity)	3rd April 2006
An offence contrary to section 18 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity in the presence of a child)	3rd April 2006
An offence contrary to section 19 of the Sexual Offences Act 2003 (abuse of position of trust: causing a child to watch a sexual act)	3rd April 2006
An offence contrary to section 25 of the Sexual Offences Act 2003 (sexual activity with a child family member)	3rd April 2006

(26) Sections 15 to 19 extend to Northern Ireland (*see* section 142(2)(a)).

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 26 of the Sexual Offences Act 2003 (inciting a child family member to engage in sexual activity)	3rd April 2006
An offence contrary to section 30 of the Sexual Offences Act 2003 (sexual activity with a person with a mental disorder impeding choice)	15th June 2007
An offence contrary to section 31 of the Sexual Offences Act 2003 (causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity)	15th June 2007
An offence contrary to section 32 of the Sexual Offences Act 2003 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice)	15th June 2007
An offence contrary to section 33 of the Sexual Offences Act 2003 (causing a person, with a mental disorder impeding choice, to watch a sexual act)	15th June 2007
An offence contrary to section 34 of the Sexual Offences Act 2003 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)	15th June 2007
An offence contrary to section 35 of the Sexual Offences Act 2003 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception)	15th June 2007
An offence contrary to section 36 of the Sexual Offences Act 2003 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder)	15th June 2007
An offence contrary to section 37 of the Sexual Offences Act 2003 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception)	15th June 2007
An offence contrary to section 38 of the Sexual Offences Act 2003 (care workers: sexual activity with a person with a mental disorder)	15th June 2007
An offence contrary to section 39 of the Sexual Offences Act 2003 (care workers: causing or inciting sexual activity)	15th June 2007
An offence contrary to section 40 of the Sexual Offences Act 2003 (care workers: sexual activity in the presence of a person with a mental disorder)	15th June 2007

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<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 41 of the Sexual Offences Act 2003 (care workers: causing a person with a mental disorder to watch a sexual act)	15th June 2007
An offence contrary to section 47 of the Sexual Offences Act 2003 (paying for sexual services of a child)(27)	3rd April 2006
An offence contrary to section 48 of the Sexual Offences Act 2003 (causing or inciting child prostitution or pornography)	3rd April 2006
An offence contrary to section 49 of the Sexual Offences Act 2003 (controlling a child prostitute or a child involved in pornography)	3rd April 2006
An offence contrary to section 50 of the Sexual Offences Act 2003 (arranging or facilitating child prostitution or pornography)	3rd April 2006
An offence contrary to section 52 of the Sexual Offences Act 2003 (causing or inciting prostitution for gain)	15th June 2007
An offence contrary to section 53 of the Sexual Offences Act 2003 (controlling prostitution for gain)	15th June 2007
An offence contrary to section 57 of the Sexual Offences Act 2003 (trafficking into the UK for sexual exploitation)	3rd April 2006
An offence contrary to section 58 of the Sexual Offences Act 2003 (trafficking within the UK for sexual exploitation)	3rd April 2006
An offence contrary to section 59 of the Sexual Offences Act 2003 (trafficking out of the UK for sexual exploitation)	3rd April 2006
An offence contrary to section 61 of the Sexual Offences Act 2003 (administering a substance with intent)	15th June 2007
An offence contrary to section 62 of the Sexual Offences Act 2003 (committing an offence with intent to commit a sexual offence) if the relevant sexual offence(28) which he has the intention of committing is an offence referred to in paragraph 8(2) of Part 1 of the Schedule	15th June 2007
An offence contrary to section 63 of the Sexual Offences Act 2003 (trespass with intent to commit a sexual offence) if the relevant	15th June 2007

(27) Sections 47 to 53 and 57 to 59 extend to Northern Ireland (see section 142(2)(a)).

(28) Section 62(2) provides the meaning of “relevant sexual offence”.

<i>Offence</i>	<i>Relevant specified date</i>
sexual offence(29) which he has the intention of committing is an offence referred to in paragraph 8(2) of Part 1 of the Schedule	
An offence contrary to section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation)(30)	15th June 2007

Offences in Scotland

<i>Offence</i>	<i>Relevant specified date</i>
An offence of sodomy, contrary to the common law, unless every person involved in the offence was aged 16 or over and was a willing participant	3rd April 2006
An offence of indecent assault, contrary to the common law	3rd April 2006
An offence of clandestine injury to women, contrary to the common law	15th June 2007
An offence of abduction of woman or girl with intent to rape, contrary to the common law	15th June 2007
An offence of assault with intent to rape or ravish, contrary to the common law	15th June 2007
An offence contrary to section 2A of the Sexual Offences (Scotland) Act 1976 (incest)(31)	3rd April 2006
An offence contrary to section 2B of the Sexual Offences (Scotland) Act 1976 (intercourse with step-child)	3rd April 2006
An offence contrary to section 2C of the Sexual Offences (Scotland) Act 1976 (intercourse of person in position of trust with child under 16)	3rd April 2006
An offence contrary to section 4 of the Sexual Offences (Scotland) Act 1976 (intercourse with girl between 13 and 16)	3rd April 2006
An offence contrary to section 80(7) of the Criminal Justice (Scotland) Act 1980 (committing or procuring a homosexual act) unless every person involved (whether in the offence or the homosexual act) was 16 or over and was a willing participant(32)	3rd April 2006

(29) Section 63(2) provides that “relevant sexual offence” has the same meaning as in section 62.

(30) 2004 c. 19; section 4 was amended by paragraph 7 of Schedule 6 to the Human Tissue Act 2004 (c. 30) and extends to Scotland and Northern Ireland (see section 49(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004).

(31) Sections 2A to 2C were inserted by section 1 of the Incest and Related Offences (Scotland) Act 1986 (c. 36) but repealed by the Crime and Punishment (Scotland) Act 1997 (c. 48).

(32) 1980 c. 62; section 80(7) was amended by section 145(2) of the 1994 Act and repealed by Schedule 5 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40).

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<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 52 of the Civic Government (Scotland) Act 1982 (indecent photographs of children)(33)	3rd April 2006
An offence contrary to section 52A of the Civic Government (Scotland) Act 1982 (possession of indecent photographs of persons under 16)(34)	15th June 2007
An offence contrary to section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (incest)	3rd April 2006
An offence contrary to section 2 of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse with step-child)	3rd April 2006
An offence contrary to section 3 of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse of person in position of trust with child under 16)	3rd April 2006
An offence contrary to section 5(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (attempted intercourse with girl under 13)	3rd April 2006
An offence contrary to section 5(3) of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse or attempted intercourse with girl under 16)	3rd April 2006
An offence contrary to section 6 of the Criminal Law (Consolidation) (Scotland) Act 1995 (indecent behaviour towards girl between 12 and 16)	3rd April 2006
An offence contrary to section 7 of the Criminal Law (Consolidation) (Scotland) Act 1995 (procuring)	15th June 2007
An offence contrary to section 8 of the Criminal Law (Consolidation) (Scotland) Act 1995 (abduction and unlawful detention)	15th June 2007
An offence contrary to section 9 of the Criminal Law (Consolidation) (Scotland) Act 1995 (permitting girl to use premises for intercourse)	15th June 2007
An offence contrary to section 10 of the Criminal Law (Consolidation) (Scotland) Act 1995 (seduction, prostitution etc. of girl under 16)	15th June 2007

(33) 1982 c. 45; section 52 was amended by section 84 of the 1994 Act and section 16 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9).

(34) Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33).

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 11 of the Criminal Law (Consolidation) (Scotland) Act 1995 (trading in prostitution and brothel keeping)	15th June 2007
An offence contrary to section 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 (homosexual offences) unless every person involved (whether in the offence or the homosexual act) was 16 or over and was a willing participant ⁽³⁵⁾	3rd April 2006
An offence contrary to section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc.) ⁽³⁶⁾	15th June 2007
An offence contrary to section 311 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (non-consensual sexual acts) ⁽³⁷⁾	15th June 2007
An offence contrary to section 313 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (persons providing care services: sexual offences) ⁽³⁸⁾	15th June 2007
An offence contrary to section 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (meeting a child following certain preliminary contact) ⁽³⁹⁾	15th June 2007
An offence contrary to section 9 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (paying for sexual services of a child)	15th June 2007
An offence contrary to section 10 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (causing or inciting provision by child of sexual services or child pornography)	15th June 2007
An offence contrary to section 11 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (controlling a child providing sexual services or involved in pornography)	15th June 2007
An offence contrary to section 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (arranging or	15th June 2007

⁽³⁵⁾ Section 13 was amended by sections 1 and 2 of the 2000 Act, section 10 of the Convention Rights (Compliance) (Scotland) Act 2001 ([asp 7](#)) and Schedule 5 to the Mental Health (Care and Treatment) (Scotland) Act 2003 ([asp 13](#)).

⁽³⁶⁾ 2003 asp 7.

⁽³⁷⁾ 2003 asp 13.

⁽³⁸⁾ Section 313 was amended by paragraph 70 of Schedule 28 to the Civil Partnership Act 2004 ([c. 33](#)).

⁽³⁹⁾ 2005 asp 9.

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<i>Offence</i>	<i>Relevant specified date</i>
facilitating provision by child of sexual services or child pornography)	

Offences in Northern Ireland

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to section 52 of the Offences against the Person Act 1861 (indecent assault on a woman)(40)	3rd April 2006
An offence contrary to section 61 of the Offences against the Person Act 1861 (buggery) except not if the other party to the act of buggery was aged 17 or over and consented to the act(41)	3rd April 2006
An offence contrary to section 62 of the Offences against the Person Act 1861 (attempt to commit buggery, assault with intent to commit buggery or indecent assault on a male)(42)	3rd April 2006
An offence contrary to section 2 of the Criminal Law Amendment Act 1885 (procurement)(43)	15th June 2007
An offence contrary to section 3 of the Criminal Law Amendment Act 1885 (procuring defilement of woman by threats or fraud etc.)	15th June 2007
An offence contrary to section 5 of the Criminal Law Amendment Act 1885 (unlawful carnal knowledge of a girl under 17)(44)	3rd April 2006
An offence contrary to section 6 of the Criminal Law Amendment Act 1885 (permitting unlawful carnal knowledge of a young girl)	15th June 2007
An offence contrary to section 7 of the Criminal Law Amendment Act 1885 (abduction of girl with intent to have carnal knowledge)(45)	15th June 2007
An offence contrary to section 8 of the Criminal Law Amendment Act 1885 (unlawful detention with intent to have carnal knowledge)	15th June 2007
An offence contrary to section 11 of the Criminal Law Amendment Act 1885 (gross indecency between men) except if the other party to the	3rd April 2006

(40) 1861 c. 100.

(41) Section 61 was repealed so far as relevant by paragraph 1 of Schedule 1 to The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13) ("the 2003 Northern Ireland Order").

(42) Section 62 was amended by the Schedule to The Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120) (N.I. 13) and repealed so far as relevant by paragraph 2 of Schedule 1 to the 2003 Northern Ireland Order.

(43) Section 2 was repealed in part by Schedule 6 to the 2003 Act.

(44) Sections 5 and 6 of the Criminal Law Amendment Act 1885 (c. 69) were amended by subsections (2) and (3) of section 13 of the Children and Young Persons Act (Northern Ireland) 1950 (c. 5) (N.I.).

(45) Section 7 was amended by Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 2).

<i>Offence</i>	<i>Relevant specified date</i>
act of gross indecency was aged 17 or over and consented to the act(46)	
An offence contrary to section 1 of the Punishment of Incest Act 1908 (incest by a man)(47)	3rd April 2006
An offence contrary to section 2 of the Punishment of Incest Act 1908 (incest by a woman)	3rd April 2006
An offence contrary to section 1 of the Infanticide Act (Northern Ireland) 1939(48)	15th June 2007
An offence contrary to section 21 of the Children and Young Persons Act (Northern Ireland) 1968 (causing or encouraging seduction etc. of a girl under 17)(49)	15th June 2007
An offence contrary to section 22 of the Children and Young Persons Act (Northern Ireland) 1968 (indecency with or towards a child)(50)	3rd April 2006
An offence contrary to Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs of children)(51)	3rd April 2006
An offence contrary to Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting a girl under 16 to have incestuous sexual intercourse)(52)	3rd April 2006
An offence contrary to Article 122 of the Mental Health (Northern Ireland) Order 1986 (offences against women suffering from severe mental handicap)(53)	15th June 2007
An offence contrary to Article 123 of the Mental Health (Northern Ireland) Order 1986 (offences against patients)	15th June 2007
An offence contrary to Article 15 of the Criminal Justice (Evidence etc.) (Northern Ireland) Order 1988 (possession of indecent photograph of child)(54)	15th June 2007

(46) Section 11 was repealed by paragraph 5 of Schedule 6 to the 2003 Act.

(47) 1908 c. 45.

(48) 1939 c. 5 (N.I.).

(49) 1968 c. 34 (N.I.); section 21 was amended by paragraph 18(2) of Schedule 6 to the 2003 Act.

(50) Section 22 was amended by section 40 of the Criminal Justice and Court Services Act 2000 (c. 43).

(51) S.I. 1978/1047 (N.I. 17); Article 3 was amended by section 84 of the 1994 Act.

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

(53) S.I. 1986/595 (N.I. 4).

(54) S.I. 1988/1847 (N.I. 17); Article 15 was amended by section 84 of the 1994 Act.

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

<i>Offence</i>	<i>Relevant specified date</i>
An offence contrary to Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery)(55)	15th June 2007
An offence contrary to Article 20 of the Criminal Justice (Northern Ireland) Order 2003 (assault with intent to commit buggery)	15th June 2007
An offence contrary to Article 21 of the Criminal Justice (Northern Ireland) Order 2003 (indecent assault on a male)	15th June 2007

PART 5

Offences for the purpose of condition D4:
offences against or involving a child under 16

Offences in England and Wales

<i>Offence</i>	<i>Relevant specified offence</i>
An offence contrary to section 66 of the Sexual Offences Act 2003 (exposure)(56)	15th June 2007
An offence contrary to section 67 of the Sexual Offences Act 2003 (voyeurism)	15th June 2007

Offences in Scotland

<i>Offence</i>	<i>Relevant specified offence</i>
An offence involving lewd, indecent or libidinous behaviour or practices, contrary to the common law	15th June 2007

(55) [S.I. 2003/1247 \(N.I. 13\)](#); Article 19 was amended by paragraph 52 of Schedule 6 to the 2003 Act.

(56) Sections 66 and 67 extend to Northern Ireland.