

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1978 (Repealed 27.8.1991), Part I. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### THE SCHEDULED OFFENCES

#### PART I

#### SUBSTANTIVE OFFENCES

#### *Common law offences*

- 1 Murder, subject to note 1 below.
- 2 Manslaughter, subject to note 1 below.
- 3 The common law offence of riot.
- 4 Kidnapping [<sup>F1</sup>, subject to note 1 below].

#### **Textual Amendments**

**F1** Words added by S.I 1986/75, art. 2(a)

- 5 False imprisonment [<sup>F2</sup>, subject to note 1 below].

#### **Textual Amendments**

**F2** Words added by S.I 1986/75, art. 2(a)

- 6 Assault occasioning actual bodily harm, subject to note 1 below.

<sup>M1</sup>*Malicious Damage Act 1861*

#### **Marginal Citations**

**M1** 1861 c. 97.

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- 7 Offences under section 35 of the Malicious Damage Act 1861 (interference with railway) [<sup>F3</sup>, subject to note 2 below].

**Textual Amendments**

**F3** Words added by S.I. 1986/75, art.2(b)

*Offences against the <sup>M2</sup>Person Act 1861*

**Marginal Citations**

**M2** 1861 c. 100.

- 8 Offences under the following provisions of the Offences against the Person Act 1861, subject as mentioned below,—
- (a) section 4 (conspiracy, etc. to murder) subject to note 2 below;
  - (b) section 16 (threats to kill) subject to note 2 below;
  - (c) section 18 (wounding with intent to cause grievous bodily harm) subject to note 2 below;
  - (d) section 20 (causing grievous bodily harm) subject to note 2 below;
  - (e) section 28 (causing grievous bodily harm by explosives);
  - (f) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm);
  - (g) section 30 (placing explosive near building or ship with intent to do bodily injury).

*<sup>M3</sup> Explosive Substances Act 1883*

**Marginal Citations**

**M3** 1883 c. 3.

- 9 Offences under the following provisions of the Explosives Substances Act 1883—
- (a) section 2 (causing explosion likely to endanger life or damage property);
  - (b) section 3 (attempting to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property);
  - (c) section 4 (making or possessing explosives in suspicious circumstances).

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*M<sup>4</sup> Prison Act (Northern Ireland) 1953*

**Marginal Citations**

**M4** 1953 c. 18 (N.I.)

- 10 Offences under the following provisions of the Prison Act (Northern Ireland) 1953, subject to note 2 below,—
- (a) section 25 (being unlawfully at large while under sentence);
  - (b) section 26 (escaping from lawful custody and failing to surrender to bail);
  - (c) section 27 (attempting to break prison);
  - (d) section 28 (breaking prison by force or violence);
  - (e) section 29 (rescuing or assisting or permitting to escape from lawful custody persons under sentence of death or life imprisonment);
  - (f) section 30 (rescuing or assisting or permitting to escape from lawful custody persons other than persons under sentence of death or life imprisonment);
  - (g) section 32 (causing discharge of prisoner under pretended authority);
  - (h) section 33 (assisting prisoners to escape by conveying things into prisons).

*M<sup>5</sup> Firearms Act (Northern Ireland) 1969*

**Marginal Citations**

**M5** 1969 c. 12 (N.I.)

*F<sup>4</sup>* .....

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**Textual Amendments**

**F4** Sch. 4 para. 11 repealed by S. I. 1981/155 (N.I. 2), art. 61(1), Sch. 4 paras. 4, 5

*M<sup>6</sup> Theft Act (Northern Ireland) 1969*

**Marginal Citations**

**M6** 1969 c. 16 (N.I.)

- 12 Offences under the following provisions of the Theft Act (Northern Ireland) 1969, subject to [<sup>F5</sup>note 4][<sup>F5</sup>notes 4 and 5] below—
- (a) section 8 (robbery);
  - (b) section 10 (aggravated burglary).

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- [<sup>F6</sup>(c) section 1 (theft);
- (d) section 9 (burglary);
- (e) section 15 (obtaining property by deception);
- (f) section 20 (blackmail)] [<sup>F7</sup>, subject to note 2 below.]

#### Textual Amendments

- F5** Words “notes 4 and 5” substituted (*prosp.*) for words “note 4” by Nuclear Material (Offences) Act 1983 (c. 18, SIF 8), **ss. 4(3)(a)**, 8(2)
- F6** Sch. 4 para. 12(c)–(f) added (*prosp.*) by Nuclear Material (Offences) Act 1983 (c. 18, SIF 8), **ss. 4(3)(a)**, 8(2)
- F7** Words added by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 8(2)**

#### *Protection of the <sup>M7</sup>Person and Property Act (Northern Ireland) 1969*

#### Marginal Citations

- M7** 1969 c. 29 (N.I.)

- 13 Offences under the following provisions of the Protection of the Person and Property Act (Northern Ireland) 1969—
- (a) section 1 (intimidation) [<sup>F8</sup>, subject to note 2 below];
  - (b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances);
  - (c) section 3 (throwing or using petrol bomb, etc.).

#### Textual Amendments

- F8** Words added by S.I. 1986/75, **art. 2(b)**

#### *Hijacking*

- 14 Offences under section 1 of [<sup>F9</sup>the <sup>M8</sup>Aviation Security Act 1982] (aircraft).

#### Textual Amendments

- F9** Words substituted by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, **Sch. 2 para. 6**

#### Marginal Citations

- M8** 1982 c. 36(9).

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- 15 Offences in Northern Ireland under section 2 of the <sup>M9</sup>Criminal Jurisdiction Act 1975 (vehicles and ships).

**Marginal Citations**

**M9** 1975 c. 59.

*[<sup>F10</sup> Prevention of Terrorism (Temporary Provisions) Act 1984 <sup>M10</sup>]*

**Textual Amendments**

**F10** Words “Prevention of Terrorism (Temporary Provisions) Act 1984” substituted (*temp: S.I. 1987/233 arts. 2, 3*) for words “Prevention of Terrorism (Temporary Provisions) Act 1976” by [Prevention of Terrorism \(Temporary Provisions\) Act 1984 \(c. 8, SIF 39:2\), s. 14, Sch. 3 para. 8](#)

**Marginal Citations**

**M10** 1984 c. 8(39:2)

- 16 Offences under the following provisions of the [<sup>F11</sup>Prevention of Terrorism (Temporary Provisions) Act 1984]—
- (a) section 9 (breach of exclusion orders);
  - (b) section 10 (contributions towards acts of terrorism);
  - (c) section 11 (information about acts of terrorism).

**Textual Amendments**

**F11** Words “Prevention of Terrorism (Temporary Provisions) Act 1984” substituted (*temp: S.I. 1987/233 arts. 2, 3*) for words “Prevention of Terrorism (Temporary Provisions) Act 1976” by [Prevention of Terrorism \(Temporary Provisions\) Act 1984 \(c. 8, SIF 39:2\), s. 14, Sch. 3 para. 8](#)

*<sup>M11</sup> Criminal Damage (Northern Ireland) Order 1977*

**Marginal Citations**

**M11** S.I. 1977/426 (N.I. 4)

- 17 Offences under the following provisions of the Criminal Damage (Northern Ireland) Order 1977, subject to note 2 below—
- (a) Article 3(1) and (3) or Article 3(2) and (3) (arson);
  - (b) Article 3(2) (destroying or damaging property with intent to endanger life);
  - (c) Article 4 (threats to destroy or damage property);
  - (d) Article 5 (possessing anything with intent to destroy or damage property).

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<sup>M12</sup> *Criminal Law (Amendment) (Northern Ireland) Order 1977*

**Marginal Citations**

**M12** S.I. 1977/1249 (N.I. 16)

- 18 Offences under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes), subject to note 2 below.

*This Act*

- 19 Offences under the following provisions of this Act—
- (a) section 21;
  - (b) section 22;
  - (c) section 23;
  - [<sup>F12</sup>(ca) section 25;
  - (cb) section 26;]
  - (d) paragraph 13 of Schedule 1.

**Textual Amendments**

**F12** Sch. 4 para. 19(ca)(cb) inserted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 30), s. 11(3)(4)

[<sup>F13</sup> *The Firearms (Northern Ireland) Order 1981* <sup>M13</sup>]

**Textual Amendments**

**F13** Sch. 4 para. 19A inserted by S.I. 1981/155, art. 61(1), Sch. 4 para. 4(a)

**Marginal Citations**

**M13** 1981 (N.I. 2).

- 19A Offences under the following provisions of the Firearms (Northern Ireland) Order 1981—
- (a) Article 3(1) (possessing, purchasing or acquiring firearm or ammunition without certificate) [<sup>F14</sup>, subject to note 2 below];
  - (b) Article 4(1), (2), (3) or (4) (manufacturing, dealing in, repairing etc., firearm or ammunition without being registered) [<sup>F14</sup>subject to note 2 below];
  - (c) Article 5 (shortening barrel of shot gun or converting imitation firearm into firearm) [<sup>F14</sup>subject to note 2 below];

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- (d) Article 6(1) (manufacturing, dealing in or possessing machine gun, or weapon discharging, or ammunition containing, noxious substance) [<sup>F14</sup>subject to note 2 below];
- (e) Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property);
- (f) Article 18 (use or attempted of firearm or imitation firearm to prevent arrest of self or another etc.);
- (g) Article 19 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
- (h) Article 20(1) (carrying firearm, etc., in public place) [<sup>F15</sup>subject to notes 2 and 3 below];
  - (i) Article 22 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc., and sale of firearm or ammunition to such a person) [<sup>F16</sup>subject to note 2 below];
- (j) Article 23 (possessing firearm or ammunition in suspicious circumstances).

#### Textual Amendments

**F14** Words added by [S.I. 1986/75, art. 2\(b\)](#)

**F15** Words added by [S.I. 1986/75, art. 2\(c\)](#)

**F16** Words added by [S.I. 1986/75, art. 2\(c\)](#)

#### [<sup>F17</sup> Taking of Hostages Act 1982 <sup>M14</sup>]

#### Textual Amendments

**F17** [Sch. 4 para. 19A](#) inserted after [Sch.4 para. 19](#) by [Taking of Hostages Act 1982 \(c. 28, SIF 39:2\), s. 2\(3\)](#)

#### Marginal Citations

**M14** [1982 c. 28\(39:2\)](#).

<sup>F18</sup>19A [<sup>F18</sup>19B.] Offences under the Taking of Hostages Act 1982.

#### Textual Amendments

**F18** [Sch. 4 para. 19A](#) (as inserted by the taking of [Hostages Act 1982 \(c. 28, SIF 39:2\), s. 2\(3\)](#)) renumbered 19B (*prosp.*) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\), ss. 4\(3\)\(b\), 8\(2\)](#)

#### [<sup>F19</sup> Nuclear Material (Offences) Act 1983]

#### Textual Amendments

**F19** [Sch. 4 para. 19C](#) inserted (*prosp.*) by [Nuclear Material \(Offences\) Act 1983 \(c. 18, SIF 8\), ss. 4\(3\)\(b\), 8\(2\)](#)

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- 19C Offences under section 2 of the <sup>M15</sup>Nuclear Material (Offences Act 1983 (offences involving nuclear material: preparatory acts and threats).

**Marginal Citations**

**M15** 1983 c. 30(8)

*[<sup>F20</sup> Northern Ireland (Emergency Provisions) Act 1987 <sup>M16</sup>]*

**Textual Amendments**

**F20** Sch. 4 para. 19D inserted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:2), s. 17(5)

**Marginal Citations**

**M16** 1987 c. 30(39:1)

- 19D Offences under section 17 of the Northern Ireland (Emergency Provisions) Act (provision of security services without a certificate).

*NOTES*

- 1 Murder, manslaughter [<sup>F21</sup>kidnapping, false imprisonment] or an assault occasioning actual bodily harm is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.

**Textual Amendments**

**F21** Words inserted by S.I. 1986/75, art. 2(d)

- <sup>F22</sup>2 An offence under—
- (a) section 35 of the <sup>M17</sup>Malicious Damage Act 1861; or
  - (b) section 4, 16, 18, or 20 of the <sup>M18</sup>Offences Against the Person Act 1861; or
  - (c) section 25, 26, 27, 28, 29, 30, 32 or 33 of the <sup>M19</sup>Prison Act (Northern Ireland) 1953; or
  - <sup>F23</sup>(cc) [ section 20 of the <sup>M20</sup>Theft Act (Northern Ireland) 1969 (subject to note 5 below); or]
  - (d) section 1 of the <sup>M21</sup> Protection of the Person and Property Act (Northern Ireland) 1969; or
  - (e) Article 3, 4 or 5 of the <sup>M22</sup>Criminal Damage (Northern Ireland) Order 1977; or
  - (f) Article 3 of the <sup>M23</sup> Criminal Law (Amendment) (Northern Ireland) Order 1977; or



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(g) Article 3, 4, 5, 6, 20 or 22 of the <sup>M24</sup>Firearms (Northern Ireland) Order 1981, is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.]

#### Textual Amendments

**F22** Note 2 substituted by [S.I. 1986/75](#), [art. 2\(e\)](#)

**F23** Para. (cc) inserted by [Northern Ireland \(Emergency Provisions\) Act 1987 \(c. 30, SIF 39:1\)](#), s. 25(1), [Sch. 1 para. 8\(3\)](#)

#### Marginal Citations

**M17** [1861 c. 97\(39:2\)](#)

**M18** [1861 c. 100\(39:4\)](#)

**M19** [1953 c. 18 \(N.I.\)](#)

**M20** [1969 c. 16 \(N.I.\)](#)

**M21** [1969 c. 29 \(N.I.\)](#)

**M22** [1977/426 \(N.I.\)](#)

**M23** [1977/1249 \(N.I.\)](#)

**M24** [1981 \(N.I. 2\)](#).

3 An offence under [<sup>F24</sup>Article 20(1) of the <sup>M25</sup>Firearms (Northern Ireland) Order 1981] is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.

#### Textual Amendments

**F24** Words substituted by [S.I. 1981/155 \(N.I.2\)](#), [art. 61\(1\)](#), [Sch. 4 para. 4\(b\)](#)

#### Marginal Citations

**M25** [1981 \(N.I.2\)](#).

[<sup>F25X1</sup>4 Robbery and aggravated burglary are scheduled offences only where it is charged that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence; and expressions defined in section 10 of the <sup>M26</sup>Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.]

#### Editorial Information

**X1** Notes 4, 5 substituted (*prosp.*) for Note 4 by [Nuclear Materials \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), [ss. 4\(3\)\(c\)](#), 8(2)

#### Textual Amendments

**F25** Notes 4, 5 substituted (*prosp.*) for Note 4 by [Nuclear Materials \(Offences\) Act 1983 \(c. 18, SIF 8\)](#), [ss. 4\(3\)\(c\)](#), 8(2)

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**M26** [1969 c. 16 \(N.I.\)](#).

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- [<sup>F26</sup> Robbery and aggravated burglary are scheduled offences only where it is charged—
- (a) that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence; or
  - (b) that the offence was committed in relation to or by means of nuclear material within the meaning of the <sup>M27</sup>Nuclear Material (Offences) Act 1983;
- and expressions defined in section 10 of the Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.]

#### Textual Amendments

**F26** Notes 4, 5 substituted (*prosp.*) for Note 4 by Nuclear Materials (Offences) Act 1983 (c. 18, SIF 8), **ss. 4(3)(c), 8(2)**

#### Marginal Citations

**M27** 1983 c. 18(8)

- 5 An offence under section 1, 9, [<sup>F27</sup> or 15] of the Theft Act (Northern Ireland) 1969 is a scheduled offence only where it is charged that the offence was committed in relation to or by means of nuclear material within the meaning of the Nuclear Materials (Offences) Act 1983 [<sup>F28</sup>]; and the Attorney General for Northern Ireland shall not certify that an offence under section 20 of the said Act of 1969 is not to be treated as a scheduled offence in a case where it is charged that the offence was so committed.]

#### Textual Amendments

**F27** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:2), s. 25(1), **Sch. 1 para. 8(4)(a)**

**F28** Words added by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:2), s. 25(1), **Sch. 1 para. 8(4)(b)**

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