

Changes to legislation: Criminal Justice and Public Order Act 1994, Part 2 is up to date with all changes known to be in force on or before 19 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE 7A

OFFENCES SPECIFIED FOR THE PURPOSES OF SECTION 137A

Textual Amendments

- F1** Sch. 7A inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 15](#); [S.I. 2018/227](#), art. 2(g)

PART 2

OFFENCES UNDER THE LAW OF SCOTLAND

- 26 Any of the following offences at common law—
- (a) culpable homicide;
 - (b) treason;
 - (c) rape;
 - (d) assault, where the assault results in serious injury or endangers life;
 - (e) assault with intent to rape or ravish;
 - (f) indecent assault;
 - (g) abduction with intent to rape;
 - (h) public indecency;
 - (i) clandestine injury to women;
 - (j) lewd, indecent or libidinous behaviour or practices;
 - (k) sodomy, other than an offence committed by a person where the other person involved in the conduct constituting the offence consented to it and was aged 16 or over;
 - (l) abduction;
 - (m) mobbing;
 - (n) fire-raising;
 - (o) robbery;
 - (p) fraud;
 - (q) extortion;
 - (r) embezzlement;
 - (s) theft;
 - (t) threats;
 - (u) attempting to pervert the course of justice.
- 27 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 1(1) (possession etc of firearms or ammunition without certificate);
 - (b) section 2(1) (possession etc of shot gun without certificate);
 - (c) section 3(1) (manufacturing, selling etc firearms or ammunition by way of trade or business without being registered as a firearms dealer).
- 28 An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).

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- 29 (1) An offence under section 50(2) or (3) of the Customs and Excise Management Act 1979 (improper importation of goods), other than an offence mentioned in subsection (5B) of that section.
- (2) An offence under section 68(2) of that Act (exportation of prohibited or restricted goods).
- (3) An offence under section 170 of that Act (fraudulent evasion of duty etc), other than an offence mentioned in subsection (4B) of that section.
- 30 An offence under section 4 of the Aviation Security Act 1982 (offences in relation to certain dangerous articles).
- 31 An offence under either of the following provisions of the Civic Government (Scotland) Act 1982—
 - (a) section 51(2) (publication etc of obscene material);
 - (b) section 52 (taking, distributing etc indecent photographs of children).
- 32 An offence under section 6 of the Child Abduction Act 1984 (parent etc. taking or sending a child out of the United Kingdom).
- 33 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).
- 34 An offence under section 2 of the Computer Misuse Act 1990 (unauthorised access with intent to commit or facilitate commission of further offences).
- 35 An offence under section 72(1), (3) or (8) of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- 36 An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995—
 - (a) section 7 (procuring prostitution etc);
 - (b) section 8(3) (unlawful detention of women and girls);
 - (c) section 10 (parents etc encouraging girls under 16 to engage in prostitution etc);
 - (d) section 11(1)(b) (males soliciting etc for immoral purposes).
- 37 An offence under section 38B of the Terrorism Act 2000 (information about acts of terrorism).
- 38 An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).
- 39 An offence under section 313 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (persons providing care services: sexual offences).
- 40 An offence under either of the following provisions of the Terrorism Act 2006—
 - (a) section 1 (encouragement of terrorism);
 - (b) section 2 (dissemination of terrorist publications).
- 41 Any of the following offences under the Sexual Offences (Scotland) Act 2009—
 - (a) section 8 (sexual exposure);
 - (b) section 9 (voyeurism);
 - (c) section 11 (administering a substance for sexual purposes);
 - (d) section 32 (causing an older child to be present during a sexual activity);
 - (e) section 33 (causing an older child to look at a sexual image);
 - (f) section 34(1) (communicating indecently with an older child);

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- (g) section 34(2) (causing an older child to see or hear an indecent communication);
 - (h) section 35 (sexual exposure to an older child);
 - (i) section 36 (voyeurism towards an older child);
 - (j) section 42 (sexual abuse of trust);
 - (k) section 46 (sexual abuse of trust of a mentally disordered person).
- 42 An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
 - (a) section 38 (threatening or abusive behaviour);
 - (b) section 39 (stalking).
- 43 An offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (disclosing etc an intimate photograph or film).]
- [^{F2}43A An offence under any of the following sections of the Health and Care Act 2022—
 - (a) section 140 (virginity testing);
 - (b) section 141 (offering to carry out virginity testing);
 - (c) section 142 (aiding or abetting etc a person to carry out virginity testing);
 - (d) section 152 (carrying out hymenoplasty);
 - (e) section 153 (offering to carry out hymenoplasty);
 - (f) section 154 (aiding or abetting etc a person to carry out hymenoplasty).]

Textual Amendments

- F2** [Sch. 7A para. 43A](#) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 16 para. 3\(3\)](#); S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)