



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART X

CROSS-BORDER ENFORCEMENT

[^{F1}137B Meaning of “specified offence” for the purposes of section 137A

- (1) In section 137A, “specified offence” has the meaning given by this section.
- (2) An offence committed in England and Wales is a specified offence if it is—
 - (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
 - (b) an offence specified in Part 1 of Schedule 7A,
 - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
 - (d) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).
- (3) An offence committed in Scotland is a specified offence if it is—
 - (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,
 - (b) an offence specified in Part 2 of Schedule 7A, or
 - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b).
- (4) An offence committed in Northern Ireland is a specified offence if it is—
 - (a) an offence (including an offence under the common law) that is punishable by virtue of any statutory provision with imprisonment or another form of detention for a term of 10 years or with a greater punishment,

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- (b) an offence specified in Part 3 of Schedule 7A,
 - (c) an offence of attempting or conspiring to commit, or of inciting the commission of, an offence mentioned in paragraph (a) or (b), or
 - (d) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to an offence mentioned in paragraph (a) or (b).
- (5) The Secretary of State may by regulations made by statutory instrument amend Part 1, 2 or 3 of Schedule 7A so as to add an offence to, or remove an offence from, the offences for the time being specified in the Part.
- (6) Regulations under subsection (5) may add an offence to a Part of Schedule 7A only if—
 - (a) the offence is indictable, and
 - (b) the Secretary of State considers that it is necessary in the interests of justice to add the offence to the Part.
- (7) For the purpose of subsection (6)(a), an offence is indictable if—
 - (a) in the case of an offence under the law of England and Wales, it is an indictable offence in England and Wales;
 - (b) in the case of an offence under the law of Scotland, it may be tried on indictment in Scotland;
 - (c) in the case of an offence under the law of Northern Ireland, it is an indictable offence in Northern Ireland.
- (8) The Secretary of State may not make regulations under subsection (5) unless the Scottish Ministers and the Department of Justice in Northern Ireland consent to the making of the regulations.
- (9) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section—
 - (a) a description of an offence in subsection (2)(a) or (b) or (4)(a) or (b) includes such an offence committed by aiding, abetting, counselling or procuring;
 - (b) a description of an offence in subsection (3)(a) or (b) includes such an offence committed by involvement art and part or by aiding, abetting, counselling or procuring;
 - (c) “statutory provision” means any provision of—
 - (i) an Act or subordinate legislation within the meaning of the Interpretation Act 1978;
 - (ii) an Act of the Scottish Parliament or an instrument made under such an Act;
 - (iii) a Measure or Act of the National Assembly for Wales or an instrument made under such a Measure or Act;
 - (iv) Northern Ireland legislation or an instrument made under Northern Ireland legislation.]

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Textual Amendments

- F1** Ss. 137A-137D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 116(1)**, 183(1)(5)(e); S.I. 2018/227, art. 2(f)

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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\(3\)](#)