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## SCHEDULES

### SCHEDULE 9

#### SCHEDULED OFFENCES

#### PART I

#### SUBSTANTIVE OFFENCES

##### *Common law offences*

- 1 Murder subject to note 1 below.
- 2 Manslaughter subject to note 1 below.
- 3 Riot subject to note 1 below.
- 4 Kidnapping subject to note 1 below.
- 5 False imprisonment subject to note 1 below.

##### *Malicious Damage Act 1861 (c. 97)*

- 6 Offences under section 35 of the <sup>M1</sup>Malicious Damage Act 1861 (interference with railway) subject to note 1 below.

#### Marginal Citations

M1 1861 c. 97

##### *Offences against the Person Act 1861 (c. 100)*

- 7 Offences under the following provisions of the <sup>M2</sup>Offences against the Person Act 1861 subject to note 1 below—
  - (a) section 4 (offences relating to murder),
  - (b) section 16 (threats to kill),

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- (c) section 18 (wounding with intent to cause grievous bodily harm),
- (d) section 20 (causing grievous bodily harm),
- (e) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm), and
- (f) section 47 (assault occasioning actual bodily harm).

**Marginal Citations**

**M2** 1861 c. 100.

*Explosive Substances Act 1883 (c. 3)*

- 8 Offences under the following provisions of the <sup>M3</sup>Explosive Substances Act 1883 subject to note 1 below—
- (a) section 2 (causing explosion likely to endanger life or damage property),
  - (b) section 3 (intending or conspiring to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property), and
  - (c) section 4 (making or possessing explosives in suspicious circumstances).

**Marginal Citations**

**M3** 1883 c. 3.

*Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))*

- 9 Offences under the following provisions of the <sup>M4</sup>Prison Act (Northern Ireland) 1953 subject to note 1 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), and
  - (h) section 33 (assisting prisoners to escape by conveying things into prisons).

**Marginal Citations**

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

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*Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))*

- 10 Offences under the following provisions of the <sup>M5</sup>Theft Act (Northern Ireland) 1969—
- (a) section 1 (theft) subject to note 2 below,
  - (b) section 8 (robbery) subject to notes 1 and 3 below,
  - (c) section 9 (burglary) subject to note 2 below,
  - (d) section 10 (aggravated burglary) subject to notes 1 and 3 below,
  - (e) section 15 (obtaining property by deception) subject to note 2 below, and
  - (f) section 20 (blackmail) subject to notes 1 and 2 below.

**Marginal Citations**

**M5** 1969 c. 16(N.I.).

*Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.))*

- 11 Offences under the following provisions of the <sup>M6</sup>Protection of the Person and Property Act (Northern Ireland) 1969 subject to note 1 below—
- (a) section 1 (intimidation),
  - (b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances), and
  - (c) section 3 (throwing or using petrol bomb, etc.).

**Marginal Citations**

**M6** 1969 c. 29(N.I.).

*Hijacking*

- 12 Offences under section 1 of the <sup>M7</sup>Aviation Security Act 1982 (aircraft) subject to note 1 below.

**Marginal Citations**

**M7** 1982 c. 36.

- 13 Offences in Northern Ireland under section 2 of the <sup>M8</sup>Criminal Jurisdiction Act 1975 (vehicles or ships) subject to note 1 below.

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#### Marginal Citations

**M8** 1975 c. 59.

*Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))*

- 14 Offences under the following provisions of the <sup>M9</sup>Criminal Damage (Northern Ireland) Order 1977 subject to note 1 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), and
  - (d) Article 5 (possessing anything with intent to destroy or damage property).

#### Marginal Citations

**M9** S.I. 1977/426 (N.I. 4).

*Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 (N.I. 16))*

- 15 Offences under Article 3 of the <sup>M10</sup>Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes) subject to note 1 below.

#### Marginal Citations

**M10** S.I. 1977/1249 (N.I. 16)

*[<sup>F1</sup>Firearms (Northern Ireland) Order 2004 (S.I. 2004/ (N.I. ))]*

#### Textual Amendments

**F1** Cross-heading substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), art. 82(1), **Sch. 7 para. 24** (with art. 81); S.R. 2005/4, **art. 3**

- [<sup>F2</sup>16 Offences under the following provisions of the Firearms (Northern Ireland) Order 2004 subject to note 1 below—
- (a) Article 24(1)(manufacturing, dealing in, repairing, etc., firearm or ammunition without firearms dealer’s certificate),
  - (b) Article 37(1), (2) or (4)(sale, etc., of firearm or ammunition),
  - (c) Article 45(1)(manufacturing, dealing in or possessing certain weapons, etc.),
  - (d) Article 58(1)(possessing firearm or ammunition with intent to endanger life or cause serious damage to property),

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- (e) Article 59 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another),
- (f) Article 60 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another),
- (g) Article 61 (carrying firearm, etc. in public place) subject to note 4 below,
- (h) Article 63 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc. and sale of firearm or ammunition to such a person),
- (i) Article 64 (possessing firearm or ammunition in suspicious circumstances), and
- (j) Article 67 (shortening barrel of shotgun or converting imitation firearm into firearm).]

#### Textual Amendments

**F2** Sch. 9 para. 16 substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702 \(N.I. 3\)\)](#), art. 82(1), [Sch. 7 para. 24](#) (with art. 81); S.R. 2005/4, [art. 3](#)

#### *Taking of Hostages Act 1982 (c. 28)*

- 17 Offences under the <sup>M11</sup>Taking of Hostages Act 1982 subject to note 1 below.

#### Marginal Citations

**M11** 1982 c. 28

#### *Nuclear Material (Offences) Act 1983 (c. 18)*

- 18 Offences under section 2 of the <sup>M12</sup>Nuclear Material (Offences) Act 1983 (offences involving nuclear material: preparatory acts and threats) subject to note 1 below.

#### Marginal Citations

**M12** 1983 c. 18

#### *Computer Misuse Act 1990 (c. 18)*

- 19 Offences under the following provisions of the <sup>M13</sup>Computer Misuse Act 1990 subject to note 1 below—

- (a) section 1 (unauthorised access to computer material),
- (b) section 2 (unauthorised access with intent to commit further offence), and
- (c) section 3 (unauthorised modification).

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**Marginal Citations**

**M13** 1990 c. 18

*Aviation and Maritime Security Act 1990 (c. 31)*

20 Offences under the following provisions of the <sup>M14</sup>Aviation and Maritime Security Act 1990 subject to note 1 below—

- (a) section 1 (endangering safety at aerodromes),
- (b) section 9 (hijacking of ships), and
- (c) section 10 (seizing or exercising control of fixed platforms).

**Marginal Citations**

**M14** 1990 c. 31

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

21 Offences under the following provisions of <sup>M15</sup>the Channel Tunnel (Security) Order 1994 subject to note 1 below—

- (a) Article 4 (hijacking of Channel Tunnel trains), and
- (b) Article 5 (seizing or exercising control of the tunnel system).

**Marginal Citations**

**M15** S.I. 1994/570

*This Act*

22 Offences under the following provisions of this Act—

- (a) section 11,
- (b) section 12,
- (c) section 13,
- (d) sections 15 to 19,
- (e) section 54,
- (f) section 56,
- (g) section 57,
- (h) section 58,
- (i) section 103,
- (j) paragraph 37 of Schedule 4,
- (k) Schedule 5,
- (l) paragraph 10 of Schedule 10 subject to note 1 below, and

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(m) paragraphs 2 and 3 of Schedule 13 subject to note 1 below.

*[<sup>F3</sup>Justice (Northern Ireland) Act 2004]*

**Textual Amendments**

**F3** Sch. 9 Pt. 1 para. 22A and preceding cross-heading inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), s. 11, [Sch. 2 para. 1\(5\)](#) (with para. 5); S.R. 2004/267, [art. 2](#)

22A Offences under paragraph 1(1) or (2) of Schedule 2 to the Justice (Northern Ireland) Act 2004 (absconding by persons admitted to bail in respect of a scheduled offence), subject to note 1 below.

VALID FROM 19/02/2006

*[<sup>F4</sup>Prevention of Terrorism Act 2005]*

**Textual Amendments**

**F4** Sch. 9 Pt. 1 para. 22B and preceding cross-heading inserted (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\)](#), ss. {3(3)}, 5(3)

22B Offences under section 9 of the Prevention of Terrorism Act 2005 (contravention of control order obligations and obstruction of persons serving control order).]

VALID FROM 13/04/2006

*[<sup>F5</sup>Terrorism Act 2006]*

**Textual Amendments**

**F5** Sch. 9 Pt. 1 para. 22C and preceding cross-heading inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), s. 37(4); S.I. 2006/1013, [art. 2](#)

22C Offences under Part 1 of the Terrorism Act 2006 (terrorism-related offences).]

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VALID FROM 15/01/2007

*[<sup>F6</sup>Fraud Act 2006*

**Textual Amendments**

**F6** Sch. 9 Pt. 1 para. 23 and preceding cross-heading inserted after para. 22 (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), s. 14(1), [Sch. 1 para. 30\(2\)](#); S.I. 2006/3200, art. 2

23 Offences under section 1 of the Fraud Act 2006 (fraud) subject to note 2 below.]

*Notes*

- 1 Any offence specified in this Part of this Schedule which is stated to be subject to this note 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.
- 2 An offence specified in paragraph 10(a), (c) or (e) 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 <sup>M16</sup>Nuclear Material (Offences) Act 1983; and the Attorney General for Northern Ireland shall not certify that the offence specified in paragraph 10(f) is not to be treated as a scheduled offence in a case where it is charged that the offence was so committed.

**Marginal Citations**

**M16** 1983 c. 18.

- 3 An offence specified in paragraph 10(b) or (d) is a scheduled offence 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>M17</sup>Nuclear Material (Offences) Act 1983;
- and expressions defined in section 10 of the <sup>M18</sup>Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.

**Marginal Citations**

**M17** 1983 c. 18.

**M18** 1969 c. 16(N.I.).

- 4 The offence specified in paragraph 16(g) is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.



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