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## SCHEDULES

### SCHEDULE 5

#### QUALIFYING OFFENCES FOR PURPOSES OF PART 10

#### PART 2

#### LIST OF OFFENCES FOR NORTHERN IRELAND

##### *Sexual Offences*

##### *Rape*

35 Rape.

[<sup>F1</sup>35A An offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

##### **Textual Amendments**

**F1** Sch. 5 Pt. 2 para. 35A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, [Sch. 1 para. 31\(2\)](#); S.R. 2008/510, [art. 2](#)

##### *Attempted rape*

36 An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) 1960.

[<sup>F2</sup>36A An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 5 of the Sexual Offences (Northern Ireland) Order 2008.]

##### **Textual Amendments**

**F2** Sch. 5 Pt. 2 para. 36A inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, [Sch. 1 para. 31\(3\)](#); S.R. 2008/510, [art. 2](#)

##### *Intercourse with a girl under fourteen*

37 An offence under section 4 of the Criminal Law Amendment Act 1885 (c. 69) of unlawfully and carnally knowing a girl under fourteen.

##### *Incest by a man with a girl under fourteen*

38 An offence under section 1(1) of the Punishment of Incest Act 1908 (c. 45) alleged to have been committed with a girl under fourteen.

##### [<sup>F3</sup>Assault by penetration

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**Textual Amendments**

**F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

38A An offence under Article 6 of the Sexual Offences (Northern Ireland) Order 2008.

**Textual Amendments**

**F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Causing a person to engage in sexual activity without consent*

38B An offence under Article 8 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the activity caused involved penetration within paragraph (4) (a) to (d) of that Article.

**Textual Amendments**

**F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Rape of a child under thirteen*

38C An offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

**Textual Amendments**

**F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Attempted rape of a child under thirteen*

38D An offence under Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of attempting to commit an offence under Article 12 of the Sexual Offences (Northern Ireland) Order 2008.

**Textual Amendments**

**F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Assault of child under thirteen by penetration*

38E An offence under Article 13 of the Sexual Offences (Northern Ireland) Order 2008.

**Textual Amendments**

**F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Causing a child under thirteen to engage in sexual activity by penetration*

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- 38F An offence under Article 15 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (2)(a) to (d) of that Article was caused.

**Textual Amendments**

- F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Sexual activity with a person with a mental disorder impeding choice*

- 38G An offence under Article 43 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that the touching involved penetration within paragraph (3)(a) to (d) of that Article.

**Textual Amendments**

- F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

*Causing a person with a mental disorder impeding choice to engage in sexual activity*

- 38H An offence under Article 44 of the Sexual Offences (Northern Ireland) Order 2008 where it is alleged that an activity involving penetration within paragraph (3)(a) to (d) of that Article was caused.]

**Textual Amendments**

- F3** Sch. 5 Pt. 2 paras. 38A-38H inserted (N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\)](#), arts. 1(3), 81, **Sch. 1 para. 31(4)**; S.R. 2008/510, **art. 2**

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