

## SCHEDULE 3

### Regulation 23(3)

## PART 1

### OFFENCES SPECIFIED FOR THE PURPOSES OF REGULATION 23(3)(b)

#### Offences in England and Wales

1. Any of the following offences against an adult—
  - (a) an offence of rape under section 1 of the Sexual Offences Act 2003<sup>(1)</sup>;
  - (b) an offence of assault by penetration under section 2 of that Act;
  - (c) an offence of causing a person to engage in sexual activity without consent under section 4 of that Act, if the activity fell within subsection (4) of that section;
  - (d) an offence of sexual activity with a person with a mental disorder impeding choice under section 30 of that Act, if the touching fell within subsection (3) of that section;
  - (e) an offence of causing or inciting a person with mental disorder impeding choice to engage in sexual activity under section 31 of that Act, if the activity caused or incited fell within subsection (3) of that section;
  - (f) an offence of inducement, threat or deception to procure sexual activity with a person with a mental disorder under section 34 of that Act, if the touching involved fell within subsection (2) of that section; and
  - (g) an offence of causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception under section 35 of that Act, if the activity fell within subsection (2) of that section.

#### Offences in Scotland

2. An offence of rape.
3. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995<sup>(2)</sup> except, in a case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse with a girl under 16)<sup>(3)</sup>, an offence of shameless indecency between men or an offence of sodomy.
4. An offence of plagium (theft of a child below the age of puberty).
5. Section 52 or 52A of the Civil Government (Scotland) Act 1982 (indecent photographs of children)<sup>(4)</sup>.
6. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)<sup>(5)</sup>.

#### Offences in Northern Ireland

7. An offence of rape.

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(1) 2003 c. 42.

(2) 1995 c. 46.

(3) 1995 c. 39.

(4) 1982 c. 45. Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33).

(5) 2000 c. 44.

**Status:** This is the original version (as it was originally made).

**8.** An offence specified in Schedule 1 to the Children and Young Person Act (Northern Ireland) 1968<sup>(6)</sup>, except offences of common assault or battery or in the case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to section 5 or 11 of the Criminal Law Amendment Act 1885 (unlawful carnal knowledge of a girl under 17 and gross indecency between males)<sup>(7)</sup>.

**9.** An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs)<sup>(8)</sup>.

**10.** An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse)<sup>(9)</sup>.

**11.** An offence contrary to Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (possession of indecent photographs of children)<sup>(10)</sup>.

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<sup>(6)</sup> 1968 c. 34 (N.I.)

<sup>(7)</sup> 1985 c. 69.

<sup>(8)</sup> S.I.1978/1047 (N.I.17).

<sup>(9)</sup> S.I. 1980/704 (N.I.6).

<sup>(10)</sup> S.I. 1988/1847 (N.I.17).