

SCHEDULE

Article 2

Description of cases to which Sections 113B(1)(a) and 113C of the 1955 Acts and sections 71AB(1)(a) and 71AC of the 1957 Act are to apply

1. Any case in which sentence is passed by a court-martial on a person in respect of an offence against section 70 of the 1955 Acts or section 42 of the 1957 Act where the corresponding civil offence is—

- (a) an offence under section 16 of the Offences Against the Person Act 1861(1) (threats to kill);
- (b) an offence under section 1 of the Children and Young Persons Act 1933(2) (cruelty to persons under 16);
- (c) an offence under section 4(2) or (3) (production or supply of a controlled drug), section 5(3) (possession of a controlled drug with intent to supply) or section 6(2) (cultivation of cannabis plant) of the Misuse of Drugs Act 1971(3);
- (d) an offence under section 50(2) or (3) (improper importation of goods), section 68(2) (exportation of prohibited or restricted goods) or section 170(1) or (2) (fraudulent evasion of duty) of the Customs and Excise Management Act 1979(4), insofar as those offences are in connection with a prohibition or restriction on importation or exportation of either:
 - (i) a controlled drug within the meaning of section 2 of the Misuse of Drugs Act 1971, such prohibition or restriction having effect by virtue of section 3 of that Act; or
 - (ii) an article prohibited by virtue of section 42 of the Customs Consolidation Act 1876(5) but only insofar as it relates to or depicts a person under the age of 16.
- (e) an offence under sections 29 to 32 (racially or religiously aggravated assaults; racially or religiously aggravated criminal damage; racially or religiously aggravated public offences; racially or religiously aggravated harassment etc) of the Crime and Disorder Act 1998(6).
- (f) an offence under one of the following sections in the Sexual Offences Act 2003(7)—
 - (i) section 3 (sexual assault);
 - (ii) section 4 (causing a person to engage in sexual activity without consent);
 - (iii) section 7 (sexual assault of a child under 13);
 - (iv) section 8 (causing or inciting a child under 13 to engage in sexual activity);
 - (v) section 9 (sexual activity with a child);
 - (vi) section 10 (causing or inciting a child to engage in sexual activity);
 - (vii) section 11 (engaging in sexual activity in the presence of a child);
 - (viii) section 12 (causing a child to watch a sexual act);
 - (ix) section 14 (arranging or facilitating commission of a child sex offence);
 - (x) section 15 (meeting a child following sexual grooming etc);
 - (xi) section 25 (sexual activity with a child family member);
 - (xii) section 47 (paying for sexual services of a child);
 - (xiii) section 48 (causing or inciting child prostitution or pornography);

(1) 1861 c.100.
(2) 1933 c.12.
(3) 1971 c.38.
(4) 1979 c.2.
(5) 1876 c.36.
(6) 1998 c.37.
(7) 2003 c.42.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (xiv) section 49 (controlling a child prostitute or a child involved in pornography);
- (xv) section 50 (arranging or facilitating child prostitution or pornography);
- (xvi) section 52 (causing or inciting prostitution for gain);
- (xvii) section 57 (trafficking into the UK for sexual exploitation);
- (xviii) section 58 (trafficking within the UK for sexual exploitation);
- (xix) section 59 (trafficking out of the UK for sexual exploitation);
- (xx) section 61 (administering a substance with intent).

2. Any case in which sentence is passed on a person for attempting to commit or inciting the commission of an offence set out in paragraph 1 above.