

## SCHEDULE 3

Regulation 4(7)

### SPECIFIED OFFENCES

#### Offences in England and Wales

1.—(1) An offence under section 1 (offence of sending letters etc, with intent to cause distress or anxiety) of the Malicious Communications Act 1988<sup>(1)</sup>.

(2) An offence under section 49 or 50(9) of the 1989 Act (offences relating to the abduction of a child in care).

(3) An offence under any of the following sections of the Protection from Harassment Act 1997<sup>(2)</sup>—

(a) section 4 (putting people in fear of violence); or

(b) section 4A (stalking involving fear of violence or serious alarm or distress)<sup>(3)</sup>.

(4) An offence under any of the following sections of the Terrorism Act 2000<sup>(4)</sup>—

(a) section 11 (membership);

(b) section 12 (support);

(c) section 13 (uniform);

(d) section 15 (fund-raising);

(e) section 54 (weapons training)<sup>(5)</sup>;

(f) section 56 (directing terrorist organisation);

(g) section 58A (eliciting, publishing or communicating information about members of armed forces etc.)<sup>(6)</sup>;

(h) section 59 (England and Wales); or

(i) section 63 (terrorist finance: jurisdiction).

(5) An offence in relation to a children's home under or by virtue of any of the following provisions of the Care Standards Act 2000<sup>(7)</sup>—

(a) section 11(1) (failure to register);

(b) section 24 (failure to comply with conditions);

(c) section 25 (contravention of regulations);

(d) section 26 (false descriptions of establishments and agencies); or

(e) section 27 (false statements in applications).

(6) An offence under section 127 (improper use of public electronic communications network) of the Communications Act 2003<sup>(8)</sup>.

(7) An offence under any of the following provisions of the Sexual Offences Act 2003<sup>(9)</sup>—

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(1) 1988 c. 27.

(2) 1997 c. 40.

(3) Section 4A was inserted by section 111(2) of the Protection of Freedoms Act 2012 (c. 9).

(4) 2000 c. 11.

(5) Section 54 was amended by section 120 of the Anti-terrorism, Crime and Security Act 2001 (c. 24), section 1 of the Criminal Justice and Courts Act 2015 (c. 2) ("the 2015 Act") (with transitional provisions included in S.I. 2015/778) and paragraph 1 of Schedule 9 to the Counter-Terrorism Act 2008 (c. 28).

(6) Section 58A was inserted by section 76(1) of the Counter-Terrorism Act 2008 (c. 28).

(7) 2000 c. 14.

(8) 2003 c. 21. Section 127 was amended by section 51 of the 2015 Act.

(9) 2003 c. 42.

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

- (a) section 15A (sexual communication with a child)(**10**);
  - (b) section 62 or 63 (committing an offence or trespassing with intent to commit a sexual offence);
  - (c) section 64 or 65 (sex with an adult relative);
  - (d) section 69 (intercourse with an animal)(**11**); or
  - (e) section 70 (sexual penetration of a corpse).
- (8) An offence under any of the following provisions of the Terrorism Act 2006(**12**)—
- (a) section 1 (encouragement of terrorism);
  - (b) section 2 (dissemination of terrorist publications);
  - (c) section 5 (preparation of terrorist acts and terrorist training);
  - (d) section 6 (training for terrorism)(**13**);
  - (e) section 8 (attendance at a place used for terrorist training);
  - (f) section 9 (making and possession of devices or materials);
  - (g) section 11 (terrorist threats relating to devices, materials or facilities).
- (9) An offence under section 62 (possession of prohibited images of children) of the Coroners and Justice Act 2009(**14**).
- (10) An offence under any of the following provisions of the Criminal Justice and Courts Act 2015(**15**)—
- (a) section 20 (ill treatment or wilful neglect: care worker offence);
  - (b) section 21 (ill treatment or wilful neglect: care provider offence); or
  - (c) section 33 (disclosing private sexual photographs and films with intent to cause distress).
- (11) An offence under any of the following provisions of the Serious Crime Act 2015(**16**)—
- (a) section 69 (possession of paedophile manual)(**17**); or
  - (b) section 76 (controlling or coercive behaviour in an intimate or family relationship).
- (12) An offence under any of the following provisions of the Modern Slavery Act 2015(**18**)—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
  - (b) section 2 (human trafficking);
  - (c) section 4 (committing offence with intent to commit offence under section 2); or
  - (d) section 30 (offences)(**19**).
- (13) An offence under section 5 (supplying, or offering to supply, a psychoactive substance) of the Psychoactive Substances Act 2016(**20**).

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(10) Section 15A was inserted by section 67 of the Serious Crime Act 2015 (c. 9).

(11) Section 69 was repealed in relation to Northern Ireland by paragraph 1 of Schedule 3 to the Sexual Offences (Northern Ireland) Order 2008 S.I. 2008/1769, subject to savings specified in that Order.

(12) 2006 c. 11.

(13) Section 6 was amended by section 1 of the Criminal Justice and Courts Act 2015 (c. 2).

(14) 2009 c. 25.

(15) 2015 c. 2.

(16) 2015 c. 9.

(17) Section 69 was amended by regulations 23 and 24 of the Modern Slavery Act 2015 (Consequential Amendments) Regulations S.I. 2016/244.

(18) 2015 c. 30.

(19) Section 30 was amended by paragraphs 3(2)(a) and (b) of, and paragraph 3 of Schedule 1 to the Human Trafficking and Exploitation (Scotland) Act 2015 (Consequential Provisions and Modifications) Order S. I. 2016/1031.

(20) 2016 c. 2.

(14) An offence in relation to a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(21)</sup> (“the 2016 Act”)) provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the 2016 Act—

- (a) section 5 (requirement to register);
- (b) section 43 (failure to comply with a condition);
- (c) section 44 (false descriptions);
- (d) section 45 (failure by service provider to comply with requirements in regulations); or
- (e) section 47 (false statements).

### Offences in Scotland

- 2.—(1) An offence of rape under section 1 of the Sexual Offences (Scotland) Act 2009<sup>(22)</sup>.
- (2) An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995<sup>(23)</sup>.
- (3) The common law offence of plagiary (theft of a child below the age of puberty).
- (4) An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982<sup>(24)</sup> (offences relating to indecent photographs of children).
- (5) An offence under section 3 of the Sexual Offences (Amendment) Act 2000<sup>(25)</sup> (abuse of trust).
- (6) An offence under any of the following—
  - (a) section 81, 83 or 89 of the Children (Scotland) Act 1995<sup>(26)</sup>, section 59(1) or 171(2) of the Children’s Hearings (Scotland) Act 2011 or section 17(8) or 71 of the Social Work (Scotland) Act 1968 (harbouring offences);
  - (b) section 6 of the Child Abduction Act 1984<sup>(27)</sup> (taking or sending child out of the United Kingdom);
  - (c) section 15 of the Foster Children (Scotland) Act 1984 (offences relating to private fostering).
- (7) An offence under or by virtue of section 60(3), 61(3) or 62(6) of the Social Work (Scotland) Act 1968<sup>(28)</sup> (offences relating to residential and other establishments).

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<sup>(21)</sup> 2016 anaw. 2.

<sup>(22)</sup> 2009 asp 9.

<sup>(23)</sup> 1995. c. 46. Schedule 1 was repealed by paragraphs 1 and 2 of Schedule 2 to the Criminal Justice (Scotland) Act 2016 asp 1.

<sup>(24)</sup> 1982 c. 45. Section 52 was amended by paragraph 44 of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40) and section 16 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9). Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (c. 33). Both sections 52 and 52A were amended by section 84 of the Criminal Justice and Public Order Act 1994 (c. 33), section 19 of the Criminal Justice (Scotland) Act 2003 (asp 7), and section 41 of, and paragraph 13 of Schedule 7 to the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

<sup>(25)</sup> 2000 c. 44. Section 3 was repealed in relation to England, Wales and Northern Ireland by paragraph 45 of Schedule 6 to the Sexual Offences Act 2003 (c. 42). It was repealed in relation to Scotland by Schedule 6 to the Sexual Offences (Scotland) Act 2009.

<sup>(26)</sup> 1995 c. 36. Section 81 was partially repealed by Schedule 6 to the Children’s Hearings (Scotland) Act 2011 asp 1 (“the 2011 Act”). Section 83 was repealed in relation to England, Wales and Northern Ireland by part 2 of Schedule 2 to the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013/1465. The repeal has effect subject to transitional provisions and savings specified in article 4 of that Order. Section 83 was repealed in relation to Scotland by Schedule 6 to the 2011 Act. Section 89 was repealed by Schedule 3 to the Adoption and Children (Scotland) Act 2007 asp 4.

<sup>(27)</sup> 1984 c. 37. Section 6 was amended in relation to Scotland by paragraph 34 of Schedule 4 to the Children (Scotland) Act 1995 (c. 36).

<sup>(28)</sup> 1968 c. 49. Sections 60, 61 and 62 were repealed by Schedule 4 to the Regulation of Care (Scotland) Act 2001 asp 8, subject to savings specified in articles 11 and 13 of S.S.I 2002/162.

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

- (8) An offence in relation to a care home service, child minding or day care of children, under or by virtue of any of the following sections of the Public Services Reform (Scotland) Act 2010**(29)**—
- (a) section 78 (regulations: care services);
  - (b) section 80 (offences in relation to registration under Chapter 3); or
  - (c) section 81 (false statements in application under Chapter 3).

### **Offences in Northern Ireland**

**3.—(1)** An offence of rape under article 5 of the Sexual Offences (Northern Ireland) Order 2008**(30)**.

(2) An offence under section 66, 69 or 70 of the Sexual Offences Act 2003**(31)**.

(3) An offence under article 70, 73 or 74 of the Sexual Offences (Northern Ireland) Order 2008.

(4) An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968.

(5) An offence under article 3 of the Protection of Children (Northern Ireland) Order 1978**(32)** (indecent photographs).

(6) An offence contrary to article 9 of the Criminal Justice (Northern Ireland) Order 1980**(33)** (inciting girl under 16 to have incestuous sexual intercourse).

(7) An offence contrary to article 15 of the Criminal Justice (Evidence etc) (Northern Ireland) Order 1988**(34)** (possession of indecent photographs of children).

(8) An offence under sections 16 to 19 of the Sexual Offences Act 2003 (abuse of position of trust).

(9) An offence under Part 3 of the Sexual Offences (Northern Ireland) Order 2008 (sexual offences against children).

(10) An offence under any of the following—

(a) article 68 or 69(9) of the Children (Northern Ireland) Order 1995**(35)** (offences relating to the abduction of a child in care);

(b) article 132 of the Children (Northern Ireland) Order 1995, or section 14 of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to child minding and day care);

(c) article 117 of the Children (Northern Ireland) Order 1995, or section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to private fostering); or

(d) article 79(3), 81(4), 95(3) or 97(4) of the Children (Northern Ireland) Order 1995, or section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968 (offences relating to voluntary homes and children's homes).

(11) An offence contrary to section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**(36)** (human trafficking).

**(29)** 2010 asp 8.

**(30)** S.I. 2008/1769 (N.I. 2) (hereafter referred to as “the 2008 Order”).

**(31)** Sections 66, 69 and 70 were repealed in relation to Northern Ireland by paragraph 1 of Schedule 3 to the 2008 Order, subject to savings specified in that Order.

**(32)** S.I. 1978/1047 (N.I.17). Article 3 was amended by section 84(10) of the Criminal Justice and Public Order Act 1994 (c. 33) (“the 1994 Act”), section 41(2) of the 2000 Act and paragraph 8 of Schedule 1 to the Criminal Justice (Northern Ireland) Order (S.I. 2003/1247) (N.I.13).

**(33)** S.I. 1980/704 (N.I.6). Article 9 has been repealed and replaced by article 33 of the 2008 Order.

**(34)** S.I. 1988/1847 (N.I.17). Article 15 was amended by sections 84(11) and 86(2) of the 1994 Act and section 41(4) of the 2000 Act.

**(35)** S.I. 1995/755 (N.I. 2).

**(36)** 2015 c. 2.

(12) An offence contrary to section 51 of the Justice Act (Northern Ireland) 2016**(37)** (disclosing private sexual photographs and films with intent to cause distress).

### **Offences in Jersey**

4. An offence contrary to—
- (a) Part 7 of the Children’s Jersey Law 1969**(38)**;
  - (b) Schedule 4 to the Children (Jersey) Law 2002**(39)**; or
  - (c) The Day Care of Children (Jersey) Law 2002**(40)**.

### **Offences in Guernsey**

5. An offence contrary to—
- (a) the ‘Loi pour la Punition d’Inceste’ (Law for the Punishment of Incest) 1909**(41)**;
  - (b) the ‘Loi relative a la protection des Femmes et des Filles Mineures’ (Law for the Protection of Women and Young Girls) 1914**(42)**;
  - (c) the ‘Loi relative a la Sodomie’ (Law relating to Sodomy) 1929**(43)**;
  - (d) article 7, 9, 10,11 or 12, section 1 of article 41 or section 1, 2, 3 or 4 of article 51 of the ‘Loi ayant rapport a la Protection des Enfants et des Jeunes Personnes’ (Law relating to the Protection of Children and Young Persons) 1917**(44)**;
  - (e) the Children and Young Persons (Guernsey) Law 1967;
  - (f) the Protection of Children (Balliwick of Guernsey) Law 1995**(45)**.

### **Offences in the Isle of Man**

6. An offence specified in Schedule 8 to the Children and Young Persons Act 2001 (an Act of Tynwald).

### **Other Offences**

7.—(1) An offence contrary to section 170 of the Customs and Excise Management Act 1979**(46)** in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876**(47)** (prohibitions and restrictions) where the prohibited goods included indecent photographs of a child.

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**(37)** 2016 c. 21.

**(38)** Jersey Law 16/1969.

**(39)** Jersey Law 50/2002.

**(40)** Jersey Law 51/2002.

**(41)** Orders in Council Volume IV p. 288.

**(42)** Orders in Council Volume V p. 74.

**(43)** Orders in Council Volume VIII p. 273.

**(44)** Orders in Council Volume V p. 342 as amended by Loi Supplémentaire a la Loi ayant rapport a la Protection des Enfants et des Jeunes Personnes 1937, Orders in Council Volume XI p. 116 and The Protection of Children and Young Persons (Amendment) Law 1955, Orders in Council Volume XVI p. 277.

**(45)** Orders in Council Volume XXIX p. 103 as amended by The Administration of Justice (Bailiwick of Guernsey) Law 1991, Orders in Council Volume XXXIII p. 49, the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law 2002, Order in Council No. 1 of 2003 and the Criminal Justice (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2006, Order in Council No. XIII of 2006.

**(46)** 1979 c. 2. Section 170 was amended by section 114 of the Police and Criminal Evidence Act 1984 (c. 60), S.I. 1996/2686, section 75 of, and paragraph 8 of Schedule 17 to the Criminal Justice and Immigration Act 2008 (c. 4), section 111 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), S.I. 2015/664, section 12 of the Finance Act 1988 (c. 39), S.I. 2004/702, S.I. 2005/1966 and section 3 of, and paragraph 7 of Schedule 2 to the Finance (No 2) Act 1992 (c. 48).

**(47)** 1876 c. 36. Section 42 was amended by the Statute Law Repeals Act 1993 (c. 50) and the Statute Law (Repeals) Act 2008 (c. 12).

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- (2) An offence by virtue of—
- (a) section 72 of the Sexual Offences Act 2003 (offences outside the United Kingdom)(**48**); or
  - (b) section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995(**49**) (commission of certain sexual offences outside the United Kingdom).
- (3) An offence contrary to section 32(3) of the Children and Young Persons Act 1969(**50**) (detention of absentees).
- (4) An offence contrary to article 10(2) (offence relating to absconding) or article 11(1) (offence of intentional obstruction) of the Children’s Hearings (Scotland) Act 2011 (Consequential and Transitional Provisions and Savings) Order 2013(**51**).

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(48) 2003 c. 42. Section 72 was repealed in relation to Northern Ireland by paragraph 1 of Schedule 3 to the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769), subject to savings specified in S.I. 2008/1769.

(49) 1995 c. 39. Section 16B was repealed by paragraph 1 of Schedule 6 to the Sexual Offences (Scotland) Act 2009 (asp 9).

(50) 1969 c. 54.

(51) S.I. 2013/1465.