

SCHEDULE 3

Regulation 23 (3)(b)

PART 1

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

Offences in England and Wales

1. An offence of rape of an adult under section 1 of the Sexual Offences Act 2003 —
 - (a) an offence of rape under section 1 of the Sexual Offences Act 2003⁽¹⁾;
 - (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 (3);
 - (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);
 - (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);
 - (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); 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 if the activity fell within subsection (2).

Offences in Scotland

2. An offence of rape.
3. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995⁽²⁾ 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)⁽³⁾, 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. An offence under section 52 or 52A of the Civil Government (Scotland) Act 1982 (indecent photographs of children)⁽⁴⁾.
6. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)⁽⁵⁾.

Offences in Northern Ireland

7. An offence of rape.
8. An offence specified in Schedule 1 to the Children and Young Person Act (Northern Ireland) 1968⁽⁶⁾, except in the case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to sections 5 or 11 of the Criminal Law Amendment Act 1885

(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.

(6) 1968 c. 34 (N.I.)

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(unlawful carnal knowledge of a girl under 17 and gross indecency between males)(7), or an offence contrary to section 61 of the Offences against the Person Act 1861 (buggery).

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

10. An offence under Article 9 of the Criminal Justice (Evidence etc.) (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse)(9).

11. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (possession of indecent photograph of children)(10).

12. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust). Regulation 23(4)

PART 2

REPEALED STATUTORY OFFENCES

1.—(1) An offence under any of the following sections of the Sexual Offences Act 1956—

- (a) section 1 (rape);
- (b) section 5 (intercourse with a girl under 13);
- (c) unless paragraph 4 applies, section 6 (intercourse with a girl under 16);
- (d) section 19 or 20 (abduction of girl under 18 or 16);
- (e) section 25 or 26 of that Act (permitting girl under 13, or between 13 and 16, to use premises for intercourse);
- (f) section 28 of that Act (causing or encouraging prostitution of, intercourse with or indecent assault on, girl under 16).

(2) An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).

(3) An offence under section 54 of the Criminal Law Act 1977 (inciting girl under sixteen to incest).

(4) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust).

2. A person falls within this paragraph if he has been convicted of any of the following offences against a child committed at the age of 18 or over or has been cautioned by a constable in respect of any such offence which, at the time the caution was given, he admitted—

- (a) an offence under section 2 or 3 of the Sexual Offences Act 1956 Act (procurement of woman by threats or false pretences);
- (b) an offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse);
- (c) an offence under section 14 or 15 of that Act (indecent assault);
- (d) an offence under section 16 of that Act (assault with intent to commit buggery);
- (e) an offence under section 17 of that Act (abduction of woman by force or for the sake of her property);

(7) 1985 c. 69.

(8) S.I. 1978/1047 (N.I.17).

(9) S.I. 1980/704 (N.I.6).

(10) S.I. 1988/1847 (N.I.17).

(f) an offence under section 24 of that Act (detention of woman in brothel or other premises).

3. A person falls within this paragraph if he has been convicted of any of the following offences committed at the age of 18 or over or has been cautioned by a constable in respect of any such offence which, at the time the caution was given, he admitted—

- (a) an offence under section 7 of the Sexual Offences Act 1956 (intercourse with defective) by having sexual intercourse with a child;
- (b) an offence under section 9 of that Act (procurement of defective) by procuring a child to have sexual intercourse;
- (c) an offence under section 10 of that Act (incest by a man) by having sexual intercourse with a child;
- (d) an offence under section 11 of that Act (incest by a woman) by allowing a child to have sexual intercourse with her;
- (e) unless paragraph 4 applies, an offence under section 12 of that Act by committing buggery with a child under the age of 16;
- (f) unless paragraph 4 applies, an offence under section 13 of that Act by committing an act of gross indecency with a child;
- (g) an offence under section 21 of that Act (abduction of defective from parent or guardian) by taking a child out of the possession of her parent or guardian;
- (h) an offence under section 22 of that Act (causing prostitution of women) in relation to a child;
- (i) an offence under section 23 of that Act (procurement of girl under 21) by procuring a child to have sexual intercourse with a third person;
- (j) an offence under section 27 of that Act (permitting defective to use premise for intercourse) by inducing or suffering a child to resort to or be on premises for the purpose of having sexual intercourse;
- (k) an offence under section 29 of that Act (causing or encouraging prostitution of defective) by causing or encouraging the prostitution of a child;
- (l) an offence under section 30 of that Act (man living on earnings of prostitution) in a case where the prostitute is a child;
- (m) an offence under section 31 of that Act (woman exercising control over prostitute) in a case where the prostitute is a child;
- (n) an offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients) by having sexual intercourse with a child;
- (o) an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts) by—
 - (i) procuring a child to commit an act of buggery with any person; or
 - (ii) procuring any person to commit an act of buggery with a child;
- (p) an offence under section 5 of that Act (living on earnings of male prostitution) by living wholly or in part on the earnings of prostitution of a child;
- (q) an offence under section 9(1)(a) of the Theft Act 1968 (burglary), by entering a building or part of a building with intent to rape a child.

4. Paragraphs 1(c) and 3(e) and (f) do not include offences in a case where the offender was under the age of 20 at the time the offence was committed.

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