

SCHEDULE 3

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⁽¹⁾.

(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⁽²⁾—

- (a) section 4 (putting people in fear of violence), or
- (b) section 4A (stalking involving fear of violence or serious alarm or distress)⁽³⁾.

(4) An offence under any of the following sections of the Terrorism Act 2000⁽⁴⁾—

- (a) section 11 (membership),
- (b) section 12 (support),
- (c) section 13 (uniform),
- (d) section 15 (fund-raising),
- (e) section 54 (weapons training)⁽⁵⁾,
- (f) section 56 (directing terrorist organisation),
- (g) section 58A (eliciting, publishing or communicating information about members of armed forces etc)⁽⁶⁾,
- (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—

- (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⁽⁷⁾.

(7) An offence under any of the following provisions of the Sexual Offences Act 2003—

(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) (with transitional provisions included in S.I. 2015/778) and section 99 of, and 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). Part of section 58A(3) was substituted by section 7(4) of the Counter-Terrorism and Border Security Act 2019 (c. 3) ("the 2019 Act"), subject to transitional provisions set out in section 25(2) of the 2019 Act.

(7) 2003 c. 21. Section 127 was amended by section 51(1) of the Criminal Justice and Courts Act 2015 (c. 2).

Changes to legislation: There are currently no known outstanding effects for the *The Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022, Paragraph 1.* (See end of Document for details)

- (a) section 15A (sexual communication with a child)(8),
 - (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 67A (voyeurism: additional offences),
 - (e) section 69 (intercourse with an animal)(9), or
 - (f) section 70 (sexual penetration of a corpse).
- (8) An offence under any of the following provisions of the Terrorism Act 2006(10)—
- (a) section 1 (encouragement of terrorism),
 - (b) section 2 (dissemination of terrorist publications),
 - (c) section 5 (preparation of terrorist acts),
 - (d) section 6 (training for terrorism)(11),
 - (e) section 8 (attendance at a place used for terrorist training),
 - (f) section 9 (making and possession of devices or materials), or
 - (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(12).
- (10) An offence under any of the following provisions of the Criminal Justice and Courts Act 2015(13)—
- (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 film with intent to cause distress).
- (11) An offence under any of the following provisions of the Serious Crime Act 2015(14)—
- (a) section 69 (possession of paedophile manual)(15), 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(16)—
- (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)(17).
- (13) An offence under section 5 (supplying, or offering to supply, a psychoactive substance) of the Psychoactive Substances Act 2016(18).

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

(9) Section 69 was repealed in relation to Northern Ireland by article 83 of and Schedule 3 to S.I. 2008/1769 (N.I. 2), subject to savings specified in that Order.

(10) 2006 c. 11.

(11) Section 6 was amended by section 1(3) of the Criminal Justice and Courts Act 2015 (c. 2) (“the 2015 Act”) (subject to transitional provisions set out in section 1(4) and (5) of the 2015 Act) and paragraph 443 of Schedule 24 to the Sentencing Act 2020 (“the 2020 Act”) (subject to savings and transitional provisions in section 410 of, and Schedule 24 to, the 2020 Act).

(12) 2009 c. 25.

(13) 2015 c. 2.

(14) 2015 c. 9.

(15) Section 69 was amended by regulations 23 and 24 of S.I. 2016/244.

(16) 2015 c. 30.

(17) Section 30 was amended by article 3 of, and paragraph 3(2)(a) and (b) of the Schedule to, S.I. 2016/1031.

(18) 2016 c. 2.

(14) An offence in relation to a care home service, which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service (each has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) 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).

(15) An offence under section 70 of the 1989 Act (offences relating to private fostering).

(16) An offence under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014⁽¹⁹⁾ (offence of forced marriage: England and Wales).

(17) An offence under any of the following provisions of the Female Genital Mutilation Act 2003⁽²⁰⁾—

- (a) section 1 (offence of female genital mutilation),
- (b) section 2 (assisting a girl to mutilate her own genitalia),
- (c) section 3 (assisting a non-UK person to mutilate overseas a girl’s genitalia), or
- (d) section 3A⁽²¹⁾ (failing to protect a girl from risk of genital mutilation).

Commencement Information

II Sch. 3 para. 1 in force at 6.12.2022 in accordance with reg. 1⁽²⁾

⁽¹⁹⁾ 2014 c. 12.

⁽²⁰⁾ 2003 c. 31.

⁽²¹⁾ Inserted by section 72 of the Serious Crimes Act 2015 (c. 9).

Changes to legislation:

There are currently no known outstanding effects for the The Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022, Paragraph 1.