

Changes to legislation: Sentencing Act 2020, SCHEDULE 14 is up to date with all changes known to be in force on or before 12 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 14

Sections 267 and 280

EXTENDED SENTENCES: THE EARLIER OFFENCE CONDITION: OFFENCES

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

The following offences to the extent that they are offences under the law of England and Wales—

Manslaughter

1 Manslaughter.

Commencement Information

I1 Sch. 14 para. 1 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Offences against the Person Act 1861

2 An offence under any of the following sections of the Offences against the Person Act 1861—

- (a) section 4 (soliciting murder);
- (b) section 18 (wounding with intent to cause grievous bodily harm);
- (c) section 28 (causing bodily injury by explosives);
- (d) section 29 (using explosives etc with intent to do grievous bodily harm).

Commencement Information

I2 Sch. 14 para. 2 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Explosive Substances Act 1883

3 An offence under any of the following provisions of the Explosive Substances Act 1883—

- (a) section 2 (causing explosion likely to endanger life or property);
- (b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
- (c) section 4 (making or possession of explosive under suspicious circumstances).

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Commencement Information

I3 Sch. 14 para. 3 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Firearms Act 1968

- 4 An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 16 (possession of a firearm with intent to endanger life);
 - (b) section 17(1) (use of a firearm to resist arrest);
 - (c) section 18 (carrying a firearm with criminal intent).

Commencement Information

I4 Sch. 14 para. 4 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Theft Act 1968

- 5 An offence of robbery under section 8 of the Theft Act 1968 where, at some time during the commission of the offence, the offender had in his or her possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.

Commencement Information

I5 Sch. 14 para. 5 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Protection of Children Act 1978

- 6 An offence under section 1 of the Protection of Children Act 1978 (indecent images of children).

Commencement Information

I6 Sch. 14 para. 6 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Terrorism Act 2000

- 7 An offence under any of the following provisions of the Terrorism Act 2000—
- (a) section 54 (weapons training);
 - (b) section 56 (directing terrorist organisation);
 - (c) section 57 (possession of article for terrorist purposes);
 - (d) section 59 (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life.

Commencement Information

I7 Sch. 14 para. 7 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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Anti-terrorism Crime and Security Act 2001

- 8 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—
- (a) section 47 (use etc of nuclear weapons);
 - (b) section 50 (assisting or inducing certain weapons-related acts overseas);
 - (c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Commencement Information

I8 Sch. 14 para. 8 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Sexual Offences Act 2003

- 9 An offence under any of the provisions of the Sexual Offences Act 2003 listed in column 1 of the following table that meets the condition (if any) listed in relation to it in column 2—

<i>Provision of the Sexual Offences Act 2003</i>	<i>Condition</i>
(a) Section 1 (rape)	
(b) Section 2 (assault by penetration)	
(c) Section 4 (causing a person to engage in sexual activity without consent)	The offender is liable on conviction on indictment to imprisonment for life
(d) Section 5 (rape of a child under 13)	
(e) Section 6 (assault of a child under 13 by penetration)	
(f) Section 7 (sexual assault of a child under 13)	
(g) Section 8 (causing or inciting a child under 13 to engage in sexual activity)	
(h) Section 9 (sexual activity with a child)	
(i) Section 10 (causing or inciting a child to engage in sexual activity)	
(j) Section 11 (engaging in sexual activity in the presence of a child)	
(k) Section 12 (causing a child to watch a sexual act)	
(l) Section 14 (arranging or facilitating commission of a child sex offence)	
(m) Section 15 (meeting a child following sexual grooming etc)	
(n) Section 25 (sexual activity with a child family member)	The offender is aged 18 or over at the time of the offence

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(o) Section 26 (inciting a child family member to engage in sexual activity)	The offender is aged 18 or over at the time of the offence
(p) Section 30 (sexual activity with a person with a mental disorder impeding choice)	The offender is liable on conviction on indictment to imprisonment for life
(q) Section 31 (causing or inciting a person with a mental disorder to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(r) Section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)	The offender is liable on conviction on indictment to imprisonment for life
(s) Section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc)	The offender is liable on conviction on indictment to imprisonment for life
(t) Section 47 (paying for sexual services of a child)	The offence is against a person aged under 16
(u) Section 48 (causing or inciting sexual exploitation of a child)	
(v) Section 49 (controlling a child in relation to sexual exploitation)	
(w) Section 50 (arranging or facilitating sexual exploitation of a child)	
(x) Section 62 (committing an offence with intent to commit a sexual offence)	The offender is liable on conviction on indictment to imprisonment for life.

Commencement Information

I9 Sch. 14 para. 9 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Domestic Violence, Crime and Victims Act 2004

- 10 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

Commencement Information

I10 Sch. 14 para. 10 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Terrorism Act 2006

- 11 An offence under any of the following provisions of the Terrorism Act 2006—
- (a) section 5 (preparation of terrorist acts);
 - (b) section 6 (training for terrorism);
 - (c) section 9 (making or possession of radioactive device or materials);

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- (d) section 10 (misuse of radioactive devices or material and misuse and damage of facilities);
- (e) section 11 (terrorist threats relating to radioactive devices, materials or facilities).

Commencement Information

I11 Sch. 14 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Modern Slavery Act 2015

- 12 An offence under either of the following provisions of the Modern Slavery Act 2015—
- (a) section 1 (slavery, servitude and forced or compulsory labour);
 - (b) section 2 (human trafficking).

Commencement Information

I12 Sch. 14 para. 12 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Murder

- 13 Murder.

Commencement Information

I13 Sch. 14 para. 13 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Inchoate offences

- 14 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

Commencement Information

I14 Sch. 14 para. 14 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Abolished offences

- 15 Any offence that—
- (a) was abolished (with or without savings) before 3 December 2012, and
 - (b) would, if committed on the day on which the offender is convicted of the offence referred to in section 267(1)(a) or 280(1)(a) (as appropriate), have constituted an offence specified in any of the preceding paragraphs in this Part of this Schedule.

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Commencement Information

I15 Sch. 14 para. 15 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 2

OFFENCES UNDER SERVICE LAW

- 16 An offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning of the Act in question) is an offence specified in Part 1 of this Schedule.

Commencement Information

I16 Sch. 14 para. 16 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

- 17 (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence specified in Part 1 of this Schedule.
- (2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy etc) applies for the purposes of this paragraph as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this paragraph.

Commencement Information

I17 Sch. 14 para. 17 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 3

OFFENCES UNDER THE LAW OF SCOTLAND [^{F1}OR NORTHERN IRELAND]

Textual Amendments

F1 Words in Sch. 14 Pt. 3 heading substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 95\(4\)](#) (with [Sch. 27](#))

- 18 A civilian offence for which the person was convicted in Scotland [^{F2}or Northern Ireland] and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.

Textual Amendments

F2 Words in Sch. 14 para. 18 substituted (31.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [Sch. 22 para. 95\(2\)](#) (as substituted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(13\)\(b\)](#))

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Commencement Information

I18 Sch. 14 para. 18 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

^{F3}19

Textual Amendments

F3 Sch. 14 para. 19 omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 95\(3\)](#) (with [Sch. 27](#))

^{F4}20

Textual Amendments

F4 Sch. 14 para. 20 omitted (31.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 417(9), [Sch. 22 para. 95\(3\)](#) (with [Sch. 27](#))

[^{F5}PART 3A

PROCEEDINGS INSTITUTED BEFORE IP COMPLETION DAY: OFFENCES UNDER THE LAW OF A MEMBER STATE

Textual Amendments

F5 Sch. 14 Pt. 3A inserted (31.12.2020) by Sch. 22 para. 95(5) of this Act (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), [5\(13\)\(d\)](#))

- 20A. A civilian offence for which the person was convicted in a member State and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.
- 20B. A member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.]

PART 4

INTERPRETATION

- 21 In this Schedule “imprisonment for life” includes custody for life and detention for life.

Commencement Information

I19 Sch. 14 para. 21 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

- [^{F6}22. In this Schedule—
“civilian offence” means an offence other than an offence described in Part 2 of this Schedule or a member state service offence;

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“member State service offence” means an offence which was the subject of proceedings under the law of a member State governing all or any of the naval, military or air forces of that state.]

Textual Amendments

- F6** Sch. 14 para. 22 inserted by [Sentencing Act 2020 \(c. 17\)](#), **Sch. 22 para. 95(6)** (as inserted by [The Taking Account of Convictions \(EU Exit\) \(Amendment\) Regulations 2020 \(S.I. 2020/1520\)](#), regs. 1(1), **5(13)(d)**)

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Changes and effects yet to be applied to :

- Sch. 14 para. 15(b) words substituted by [2020 c. 17 Sch. 22 para. 77](#)
- Sch. 14 para. 18 words substituted by [2020 c. 17 Sch. 22 para. 95\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 95(2) substituted immediately before IP completion day by S.I. 2020/1520, regs. 1(1), 5(13)(b))
- Sch. 14 para. 18 words substituted by [2020 c. 17 Sch. 22 para. 95\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 22 para. 95(2) substituted immediately before IP completion day by S.I. 2020/1520, regs. 1(1), 5(13)(b))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)

- Sch. 10 para. 11(6A) inserted by 2020 c. 17 Sch. 22 para. 21(3)(c)
- Sch. 10 para. 10(9A) omitted by 2020 c. 17 Sch. 22 para. 74(1)(b)
- Sch. 10 para. 11(6A) omitted by 2020 c. 17 Sch. 22 para. 75(1)(b)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 25(a)
- Sch. 10 para. 10(5)(d) words substituted by 2020 c. 17 Sch. 22 para. 74(1)(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 26(a)
- Sch. 10 para. 11(2)(d) words substituted by 2020 c. 17 Sch. 22 para. 75(1)(a)
- Sch. 17A para. 24A inserted by 2020 c. 17, Sch. 22 para. 79A (as inserted) by 2021 c. 11 Sch. 13 para. 11(20)(m)
- Sch. 18 para. 26A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 80
- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)