Draft Regulations laid before Parliament under section 61(3) of the Safeguarding Vulnerable Groups Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. XXXX

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES

PROTECTION OF VULNERABLE ADULTS, ENGLAND AND WALES

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2008

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 61(5) and 64(1) and (3) of, and paragraphs 1(1), 2(1), 7(1), 8(1) and 24(1) and (2)(**a**) of Schedule 3 to, the Safeguarding Vulnerable Groups Act 2006(**b**):

In accordance with section 56(3)(q) of that Act he has consulted the Welsh Ministers:

A draft of these Regulations was laid before Parliament in accordance with section 61(3) of that Act and approved by resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2008 and come into force seven days after the day on which they are made.

(**a**) Each of paragraph 1(1), 2(1), 7(1) and 8(1) of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 refers to criteria prescribed for the purposes of those paragraphs. Section 60(1) of that Act defines "prescribed" as meaning prescribed by regulations made by the Secretary of State. Paragraph 24 of Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 makes provision as to the criteria that may be prescribed for the purposes of paragraphs 1(1), 2(1), 7(1) and 8(1) of that Schedule.

(**b**) 2006 c.47.

(2) In these Regulations—

"the Act" means the Safeguarding Vulnerable Groups Act 2006;

"the 2002 Act" means the Education Act 2002(**a**);

"the 2003 Regulations" means the Education (Prohibition from Teaching or Working with Children) Regulations 2003(**b**);

"connected offence" means, in relation to an offence specified in the Schedule, an offence of—

(a) attempting, conspiring or incitement to commit that offence, or

(b) aiding, abetting, counselling or procuring, the commission of that offence;

"disqualification order" means an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(**c**);

"relevant circumstances" means—

(a) in relation to an offence specified in—

(i) sub-paragraph (a) or (b) of paragraph 1,

(ii) sub-paragraph (b)(ii) to (v), (c) or (d)(ii) of paragraph 2, or

(iii) sub-paragraph (b)(ii) to (vii), (c) or (d)(ii) of paragraph 4

of the Schedule the circumstances described in the relevant sub-paragraph which relate to the commission of that offence, and

(b) in relation to an offence specified in—

(i) sub-paragraph (c), (e) or (g)(i) of paragraph 1,

(ii) sub-paragraph (e), (g) or (i)(i) of paragraph 2, or

(iii) sub-paragraph (e), (g) or (i)(i) of paragraph 4

of the Schedule the circumstances referred to in the relevant sub-paragraph in relation to the commission of that offence;

"relevant date" means the date on which these Regulations come into force.

(3) In regulation 3 a reference to an offence specified in paragraph 1(a) to (c), (e) or (g)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(4) In regulation 4 a reference to an offence specified in paragraph 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(5) In regulation 6 a reference to an offence specified in paragraph 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule is a reference to that offence only where it was committed in relevant circumstances.

(6) In regulations 3 to 6—

(a) a reference to an offence, A, specified in the Schedule includes a reference to an offence, B, which in relation to offence A is a connected offence;

(b) a reference to being convicted of an offence specified in the Schedule includes a reference to being convicted of a relevant foreign offence or an offence which in relation to that relevant foreign offence is a connected offence.

(7) In paragraph (6)(b) a relevant foreign offence is an offence satisfying the criteria specified in paragraph (8).

(8) The criteria are that—

(**a**) 2002 c.32.
(**b**) S.I. 2003/1184 as amended by S.I. 2007/195.
(**c**) 2000 c.43.

(a) the offence is one under the law in force in a country or territory outside the British Islands;

(b) the conduct which constitutes the offence would, if carried out in England and Wales, amount to an equivalent offence which is specified in the Schedule;

(c) where the equivalent offence is one specified in paragraph 1(a) to (c), (e) or (g)(i), 2(b)(ii) to (v), (c), (d)(ii), (e), (g) or (i)(i) or 4(b)(ii) to (vii), (c), (d)(ii), (e), (g) or (i)(i) of the Schedule, the offence was committed in relevant circumstances relating to the equivalent offence.

(9) For the purposes of paragraph (8) an act punishable under the law in force in a country or territory outside the British Islands constitutes an offence under that law however it is described in that law.

Effect of decision not to impose a disqualification order

2.—(1) Where the condition in paragraph (2) is met, the offences referred to in regulations 3 to 6 do not include any offence which a person has committed against a child before the commencement (for all purposes) of section 2 of the Act.

(2) The condition is that the court, having considered whether to make a disqualification order in connection with the commission of the offence, decided not to.

(3) In this regulation the reference to an offence committed against a child must be construed in accordance with Part 2 of the Criminal Justice and Court Services Act 2000(**a**).

PART 2

Prescribed criteria

Prescribed criteria – automatic inclusion in the children's barred list

3.—(1) The criteria prescribed for the purposes of paragraph 1(1) of Schedule 3 to the Act are the criteria set out in paragraphs (2) to (4).

(2) The criterion set out in this paragraph is that before the relevant date—

(a) the person had been made subject to a disqualification order, and

(b) condition C in the 2003 Regulations was satisfied in relation to the person, and

(c) regulation 8 of those Regulations applied to the person, and

(d) the Secretary of State had not made a direction under section 142(1)(a) of the 2002 Act in relation to that person.

(3) The criterion set out in this paragraph is that before the relevant date—

(a) the person had been convicted of, or cautioned in relation to, an offence specified in Part 2 of Schedule 2 to the 2003 Regulations, and

(b) condition C in those Regulations was satisfied in relation to the person, and

(c) regulation 8 of those Regulations applied to the person, and

(d) the Secretary of State had not made a direction under section 142(1)(a) of the 2002 Act in relation to that person.

(4) The criterion set out in this paragraph is that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 1 of the Schedule.

(**a**) Section 30(5)(a) of the Criminal Justice and Court Services Act 2000 was amended by paragraphs 1, 3(1) and 4(a) of Schedule 30 to the Criminal Justice Act 2003 (c.44).

Prescribed criteria – automatic inclusion in the children's barred list with the right to make representations

4.—(1) The criteria prescribed for the purposes of paragraph 2(1) of Schedule 3 to the Act are the criteria set out in paragraphs (2) to (6).

(2) The criterion set out in this paragraph is that before the relevant date—

(a) the person had been made subject to a disqualification order, and

(b) condition C in the 2003 Regulations was not satisfied in relation to the person, and

(c) regulation 8 of those Regulations applied to the person, and

(d) the Secretary of State had not made a direction under section 142(1)(a) of the 2002 Act in relation to that person.

(3) The criterion set out in this paragraph is that before the relevant date—

(a) the person had been convicted of, or cautioned in relation to, an offence specified in Parts 2 to 5 of Schedule 2 to the 2003 Regulations, and

(b) any of conditions D to F in those Regulations was satisfied in relation to the person, and

(c) regulation 8 of those Regulations applied to the person, and

(d) the Secretary of State had not made a direction under section 142(1)(a) of the 2002 Act in relation to that person.

(4) The criterion set out in this paragraph is that the person has, on or after the relevant date, been made subject to a risk of sexual harm order within the meaning of section 123 of the Sexual Offences Act 2003(**a**) or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005(**b**).

(5) The criterion set out in this paragraph is that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 2 of the Schedule.

(6) The criterion set out in this paragraph is that the person has, on or after the relevant date, been made subject to a disqualification order and the person does not meet any other criteria prescribed in regulation 3 or in this regulation.

Prescribed criteria – automatic inclusion in the adults' barred list

5. The criterion prescribed for the purposes of paragraph 7(1) of Schedule 3 to the Act is that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 3 of the Schedule.

Prescribed criteria – automatic inclusion in the adults' barred list with the right to make representations

6. The criteria prescribed for the purposes of paragraph 8(1) of Schedule 3 to the Act are—

(a) that the person has, on or after the relevant date, been made subject to a risk of sexual harm order within the meaning of section 123 of the Sexual Offences Act 2003 or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;

(b) that the person has, on or after the relevant date, been convicted of, or cautioned in relation to, an offence specified in paragraph 4 of the Schedule.

(**a**) 2003 c.42 ("the 2003 Act").
(**b**) 2005 asp 9.

PART 3

Miscellaneous Provisions

Amendments to the Education (Provision of Information by Independent Schools) (England) Regulations 2003

7.—(1) In regulation 8 of the Education (Provision of Information by Independent Schools) (England) Regulations 2003(**a**)—

(a) omit paragraphs (1)(a)(ii) and (2);

(b) in paragraph (1) for "Secretary of State" substitute "Independent Barring Board established under section 1 of the Safeguarding Vulnerable Groups Act 2006(**b**)".

(2) After regulation 10 of those Regulations, insert—

"**Provision of information**

10A. The Independent Barring Board established under section 1 of the Safeguarding Vulnerable Groups Act 2006 must, at the request of the Secretary of State, inform the Secretary of State whether the Independent Barring Board has received information from the proprietor of a specified school in relation to a specified person pursuant to regulation 8. ".

(3) In Part 5 of the Schedule to those Regulations, in paragraph 20 for "of the Secretary of State's functions under section 142 of the 2002 Act" substitute "by the Independent Barring Board established under section 1 of the Safeguarding Vulnerable Groups Act 2006 of its functions under Schedule 3 to that Act".

Amendments to the Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008

8.—(1) The Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008(**c**) is amended as follows.

(2) After article 2(1)(a), insert—

"(aa) who does not meet any of the criteria prescribed for the purposes of paragraph 1 or 2 of Schedule 3 to the Act under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2008;".

Name
Parliamentary Under Secretary of State
Date Department for Children, Schools and Families

SCHEDULE

1. The offences specified in this paragraph are—

(**a**) S.I. 2003/1934. Regulation 8 was amended by S.I. 2004/3373.
(**b**) 2006 c.47.
(**c**) S.I. 2008/473.

(a) the offence of rape contrary to the common law of Scotland, where the offence was committed against a child;

(b) the offence of rape contrary to the common law of Northern Ireland, where the offence was committed against a child;

(c) any offence contrary to a provision specified in the first column of Part 1 of the table set out in this paragraph, where it was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table;

(d) any offence contrary to a provision specified in Part 2 of that table;

(e) any offence contrary to—

(i) section 70 of the Army Act 1955(**a**),

(ii) section 70 of the Air Force Act 1955(**b**), or

(iii) section 42 of the Naval Discipline Act 1957(**c**),

which corresponds to an offence contrary to any provision specified in the first column of Part 1 of that table and which was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table;

(f) any offence contrary to—

(i) section 70 of the Army Act 1955,

(ii) section 70 of the Air Force Act 1955, or

(iii) section 42 of the Naval Discipline Act 1957,

which corresponds to an offence contrary to any provision specified in Part 2 of that table; and

(g) any offence contrary to section 42 of the Armed Forces Act 2006(**d**) where—

(i) the corresponding offence under the law of England and Wales is one contrary to a provision specified in the first column of Part 1 of that table, and the offence under the Armed Forces Act 2006 was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table, or

(ii) the corresponding offence under the law of England and Wales is one contrary to a provision specified in Part 2 of that table.

Table

Part 1

(**a**) 1955 c.18. So far as relevant, section 70 was amended by Schedule 1 to the Suicide Act 1961 (c.60), section 1(6) of the Genocide Act 1969 (c.12), section 5(1) of the Biological Weapons Act 1974 (c.6), section 7(1) of the Criminal Attempts Act 1981 (c.47), section 35(a) of the Chemical Weapons Act 1996 (c.6), section 12(a) of the Nuclear Explosions (Prohibition and Inspections) Act 1998 (c.7), section 74(2)(a) and (b), and (3) of, and Schedule 10 to, the International Criminal Court Act 2001 (c.17), and paragraph 9(a) and (b) of Schedule 6, and Schedule 7, to the Sexual Offences Act 2003 (c.42). Section 70 is to be repealed by Schedule 17 to the Armed Forces Act 2006 (c.52).

(**b**) 1955 c.19. So far as relevant, section 70 was amended by Schedule 1 to the Suicide Act 1961, section 1(6)(b) of the Genocide Act 1969, section 5(1) of the Biological Weapons Act 1974, section 7(1) of the Criminal Attempts Act 1981, section 35(b) of the Chemical Weapons Act 1996, section 12(b) of the Nuclear Explosions (Prohibition and Inspections) Act 1998, section 74(2)(a) and (b), and (3) of, and Schedule 10 to, the International Criminal Court Act 2001, and paragraph 10(a) and (b) of Schedule 6, and Schedule 7, to the Sexual Offences Act 2003. Section 70 is to be repealed by Schedule 17 to the Armed Forces Act 2006.

(**c**) 1957 c.53. So far as relevant, section 42 was amended by section 34(3) of the Armed Forces Act 1971 (c.33), section 7(1) of the Criminal Attempts Act 1981, paragraph 3 of Schedule 1, and Schedule 2, to the Armed Forces Act 1986 (c.21), paragraph 5(1) and (2) of Schedule 3, and paragraph 34(1), (2), (3) and (4) of Schedule 6, and Schedule 7, to the Armed Forces Act 2001 (c.19). Section 42 is to be repealed by Schedule 17 to the Armed Forces Act 2006.

(**d**) 2006 c.52.

Provision	*Circumstances*
Sexual Offences Act 1956, section 1(**a**)	The offence was committed against a child
Mental Health Act 1959, section 128(**b**)	The offence was committed against a child
Mental Health (Northern Ireland) Order 1986, Article 122(1)(a)(**c**)	The offence was committed against a child
Mental Health (Northern Ireland) Order 1986, Article 123(**d**)	The offence was committed against a child
Mental Health (Care and Treatment)(Scotland) Act 2003(**e**), section 311	The offence was committed against a child
Mental Health (Care and Treatment)(Scotland) Act 2003, section 313(**f**)	The offence was committed against a child
Sexual Offences Act 2003, section 1	The offence was committed against a child
Sexual Offences Act 2003, section 2	The offence was committed against a child
Sexual Offences Act 2003, section 30	The offence was committed against a child
Sexual Offences Act 2003, section 31	The person caused or incited to engage in sexual activity was a child
Sexual Offences Act 2003, section 32	The person who was present or in a place from which the person committing the offence could be seen was a child
Sexual Offences Act 2003, section 33	The person caused to watch the sexual activity in question was a child
Sexual Offences Act 2003, section 34	The offence was committed against a child
Sexual Offences Act 2003, section 35	The person induced, threatened or deceived was a child
Sexual Offences Act 2003, section 36	The person who agreed to be present or in a place from which the person committing the offence could be observed was a child
Sexual Offences Act 2003, section 37	The person induced, threatened or deceived was a child
Sexual Offences Act 2003, section 38	The offence was committed against a child
Sexual Offences Act 2003, section 39	The person caused or incited to engage in sexual activity was a child
Sexual Offences Act 2003, section 40	The person who was present or in a place from which the person committing the offence could be seen was a child
Sexual Offences Act 2003, section 41	The person caused to watch the sexual activity was a child

(**a**) 1956 c.69. Section 1 was substituted by section 142 of the Criminal Justice and Public Order Act 1994 (c.33) ("the 1994 Act") and repealed by paragraph 11 of Schedule 6 to the 2003 Act. Sections 2 to 7, 9 to 17 and 19 to 31 (referred to below) were also repealed by this provision of the 2003 Act.

(**b**) 1959 c.72. Section 128 was amended by paragraph 29 of Schedule 15 to the National Health Service Act 1977 (c.49), paragraph 15 of Schedule 4 to the Mental Health Act 1983 (c.20), and paragraph 2 of Schedule 4 to the Care Standards Act 2000 (c.14), and repealed in part by Schedule 16 to the National Health Service Act 1977.

(**c**) S.I. 1986/595 (N.I. 4). Article 122(1)(a) was amended by Article 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 2) and is to be repealed by paragraph 17 of Schedule 1 and by Schedule 3 to the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I. 2) ("the 2008 Order").

(**d**) Article 123 was amended by Article 2 of the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429) (N.I. 2) and is to be repealed by paragraph 17 of Schedule 1 and by Schedule 3 to the 2008 Order.

(**e**) 2003 asp 13.

(**f**) Section 313 was amended by paragraph 70 of Schedule 28 to the Civil Partnership Act 2004 (c.33).

Sexual Offences (Northern Ireland) Order 2008(**a**), Article 5	The offence was committed against a child
Sexual Offences (Northern Ireland) Order 2008, Article 6	The offence was committed against a child
Sexual Offences (Northern Ireland) Order 2008, Article 43	The offence was committed against a child
Sexual Offences (Northern Ireland) Order 2008, Article 44	The person caused or incited to engage in sexual activity was a child
Sexual Offences (Northern Ireland) Order 2008, Article 45	The person who was present or in a place from which the person committing the offence could be seen was a child
Sexual Offences (Northern Ireland) Order 2008, Article 46	The person caused to watch the sexual activity in question was a child
Sexual Offences (Northern Ireland) Order 2008, Article 47	The offence was committed against a child
Sexual Offences (Northern Ireland) Order 2008, Article 48	The person induced, threatened or deceived was a child
Sexual Offences (Northern Ireland) Order 2008, Article 49	The person who agreed to be present or in a place from which the person committing the offence could be observed was a child
Sexual Offences (Northern Ireland) Order 2008, Article 50	The person induced, threatened or deceived was a child
Sexual Offences (Northern Ireland) Order 2008, Article 51	The offence was committed against a child
Sexual Offences (Northern Ireland) Order 2008, Article 52	The person caused or incited to engage in sexual activity was a child
Sexual Offences (Northern Ireland) Order 2008, Article 53	The person who was present or in a place from which the person committing the offence could be seen was a child
Sexual Offences (Northern Ireland) Order 2008, Article 54	The person caused to watch the sexual activity in question was a child

Part 2
Provision
Criminal Law Amendment Act 1885, section 4(**b**)
Sexual Offences Act 1956, section 5(**c**)
Sexual Offences (Scotland) Act 1976, section 3(**d**)
Criminal Law (Consolidation)(Scotland) Act 1995, section 5(1) or (2)(**e**)
Sexual Offences Act 2003, section 5
Sexual Offences Act 2003, section 6
Sexual Offences Act 2003, section 7

(**a**) S.I. 2008/1769 (N.I. .2). The provisions of this Order referred to in this Schedule were not in force on the making of these Regulations.

(**b**) 1885 c.69. Section 4 was repealed by Schedule 4 to the Sexual Offences Act 1956, in relation to England and Wales, by Schedule 2 to the Sexual Offences (Scotland) Act 1976 (c.67), in relation to Scotland, and is to be repealed in relation to Northern Ireland by paragraph 5 of Schedule 1 and by Schedule 3 to the 2008 Order.

(**c**) Section 5 was repealed by paragraph 11 of Schedule 6 to the Sexual Offences Act 2003 ("the 2003 Act").

(**d**) 1976 c.67. The Sexual Offences (Scotland) Act 1976 was repealed by Schedule 3 to the Crime and Punishment (Scotland) Act 1997 (c.48).

(**e**) 1995 c.39. Section 5(2) was amended by section 14 of the Crime and Punishment (Scotland) Act 1997 (c.48). Section 5 was amended by section 15 of the Protection and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9).

Sexual Offences Act 2003, section 8
Sexual Offences (Northern Ireland) Order 2008, Article 12
Sexual Offences (Northern Ireland) Order 2008, Article 13
Sexual Offences (Northern Ireland) Order 2008, Article 14
Sexual Offences (Northern Ireland) Order 2008, Article 15

2. The offences specified in this paragraph are—

(a) the offences contrary to the common law of England and Wales of—

(i) murder,

(ii) kidnapping,

(iii) infanticide;

(b) the offences contrary to the common law of Scotland of—

(i) murder,

(ii) rape, where the offence was committed against an adult,

(iii) sodomy, unless every person involved in the offence was aged 16 or over and was a willing participant,

(iv) indecent assault, where the offence was committed against a child,

(v) clandestine injury to women, where the offence was committed against a child,

(vi) abduction of a woman or a girl with intent to rape,

(vii) assault with intent to rape or ravish;

(c) an offence contrary to the common law of Scotland involving lewd, indecent or libidinous behaviour or practices, where the offence was committed against or involving a child under the age of 16;

(d) the offence contrary to the common law of Northern Ireland of—

(i) murder,

(ii) rape, where the offence was committed against an adult,

(iii) kidnapping,

(iv) infanticide;

(e) any offence contrary to a provision specified in Part 1 of the table set out in this paragraph, where it was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table;

(f) any offence contrary to a provision specified in Part 2 of that table;

(g) any offence contrary to—

(i) section 70 of the Army Act 1955,

(ii) section 70 of the Air Force Act 1955, or

(iii) section 42 of the Naval Discipline Act 1957,

which corresponds to an offence contrary to any provision specified in the first column of Part 1 of that table and which was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table;

(h) any offence contrary to—

(i) section 70 of the Army Act 1955,

(ii) section 70 of the Air Force Act 1955, or

(iii) section 42 of the Naval Discipline Act 1957,

which corresponds to an offence contrary to any provision specified in Part 2 of that table; and

(i) any offence contrary to section 42 of the Armed Forces Act 2006 where—

(i) the corresponding offence under the law of England and Wales is one contrary to a provision specified in the first column of Part 1 of that table, and the offence under the Armed Forces Act 2006 was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table, or

(ii) the corresponding offence under the law of England and Wales is one contrary to a provision specified in Part 2 of that table.

Table

Part 1

Provision	*Circumstances*
Offences Against the Person Act 1861, section 52(**a**)	The offence was committed against a child
Offences Against the Person Act 1861, section 61(**b**)	The person with whom the offence was committed was under the age of 16, where the offence was committed in England or Wales, or under the age of 17, where the offence was committed in Northern Ireland, or did not consent to the act, in either case
Offences Against the Person Act 1861, section 62(**c**)	The offence was committed against or involving a child
Criminal Law Amendment Act 1885, section 11(**d**)	The person with whom the offence was committed or against whom it was attempted was under the age of 16, where the offence was committed in England or Wales, or under the age of 17, where the offence was committed in Northern Ireland, or did not consent to the act, in either case
Punishment of Incest Act 1908, section 1(**e**)	The offence was committed against a child
Punishment of Incest Act 1908, section 2	The offence was committed against a child
Sexual Offences Act 1956, section 1	The offence was committed against an adult
Sexual Offences Act 1956, section 10(**f**)	The offence was committed against a child
Sexual Offences Act 1956, section 11(**g**)	The offence was committed against a child
Sexual Offences Act 1956, section 12(**h**)	The person with whom the offence was committed was under the age of 16 or did not consent to the act

(**a**) 1861 c.100. Section 52 was repealed in relation to England and Wales by Schedule 4 to the Sexual Offences Act 1956 (c.69) ("the 1956 Act"). Sections 53 to 55, 61 and 62 (referred to below) were also repealed in relation to England and Wales by this provision of the 1956 Act. Section 52 is to be repealed in relation to Northern Ireland by paragraph 4 of Schedule 1 and by Schedule 3 to the 2008 Order.

(**b**) Section 61 was repealed so far as relevant by paragraph 1 of Schedule 1 to The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13).

(**c**) Section 62 was repealed in relation to Northern Ireland by paragraph 4 of Schedule 6 and by Schedule 7 to the 2003 Act.

(**d**) Section 11 was repealed by paragraph 5 of Schedule 6 to the 2003 Act.

(**e**) 1908 c.45. Sections 1 and 2 are to be repealed by paragraph 6 of Schedule 1 and by Schedule 3 to the 2008 Order.

(**f**) Section 10 was repealed by paragraph 11(a) of Schedule 6 and by Schedule 7 to the 2003 Act.

(**g**) Section 11 was repealed by paragraph 11(a) of Schedule 6 and by Schedule 7 to the 2003 Act.

(**h**) Section 12 was amended by section 143 of the 1994 Act and sections 1 and 2 of the Sexual Offences (Amendment) Act 2000 (c.44) ("the 2000 Act") and repealed by paragraph 11(a) of Schedule 6 and by Schedule 7 to the 2003 Act.

Sexual Offences Act 1956, section 13(**a**)	The person with whom the offence was committed was under the age of 16 or did not consent to the act
Misuse of Drugs Act 1971, section 4(3)(**b**)	The person to whom controlled drugs were supplied or offered to be supplied was a child
Sexual Offences (Scotland) Act 1976, section 2A(**c**)	The offence was committed against a child
Sexual Offences (Scotland) Act 1976, section 2B	The offence was committed against a child
Customs and Excise Management Act 1979, section 170(**d**)	The relevant goods were goods which were prohibited to be imported or brought into the United Kingdom, pursuant to section 42 of the Customs Consolidation Act 1876(**e**)
Criminal Justice (Scotland) Act 1980, section 80(7)(**f**)	The person with whom the homosexual act was committed, or whom the person committing the offence procured or attempted to procure to commit the act, was under the age of 16 or was not willing to participate in the act
Mental Health (Northern Ireland) Order 1986, Article 122	An offence under this Article was committed against an adult or an offence under paragraph (1)(b) to (e) of the Article was committed against a child
Mental Health (Northern Ireland) Order 1986, Article 123	The offence was committed against an adult
Criminal Law (Consolidation)(Scotland) Act 1995, section 13(**g**)	At least one other person involved (whether in the offence or the homosexual act) was under the age of 16 or was not a willing participant
Mental Health (Care and Treatment)(Scotland) Act 2003, section 311	The offence was committed against an adult
Mental Health (Care and Treatment)(Scotland) Act 2003, section 313	The offence was committed against an adult
Criminal Justice (Northern Ireland) Order 2003, Article 21(**h**)	The offence was committed against a child
Sexual Offences Act 2003, section 1	The offence was committed against an adult
Sexual Offences Act 2003, section 2	The offence was committed against an adult
Sexual Offences Act 2003, section 30	The offence was committed against an adult
Sexual Offences Act 2003, section 31	The person caused or incited to engage in sexual activity was an adult
Sexual Offences Act 2003, section 32	The person who was present or in a place from which the person committing the offence could be observed was an adult
Sexual Offences Act 2003, section 33	The person caused to watch the sexual activity in question was an adult

(**a**) Section 13 was amended by section 2 of the 2000 Act and repealed by paragraph 11(a) of Schedule 6 and by Schedule 7 to the 2003 Act.
(**b**) 1971 c.38. Section 4 extends to Scotland and Northern Ireland (*see* section 40).
(**c**) 1976 c.67. Sections 2A and 2B were inserted by section 1 of the Incest and Related Offences (Scotland) Act 1986 (c.36) but repealed by paragraph 6 of Schedule 1 to the Crime and Punishment (Scotland) Act 1997 (c.48).
(**d**) 1979 c.2. Section 170 extends to Scotland and Northern Ireland
(**e**) 1876 c.36.
(**f**) 1980 c.62. Section 80 was repealed by Schedule 5 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40).
(**g**) Section 13 was amended by sections 1 and 2 of the 2000 Act, section 10 of the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7) and Schedule 5 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).
(**h**) S.I. 2003/1247 (N.I. 13). Article 21 is to be repealed by paragraph 32 of Schedule 1 and by Schedule 3 to the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I. 2) ("the 2008 Order").

Sexual Offences Act 2003, section 34	The offence was committed against an adult
Sexual Offences Act 2003, section 35	The person induced, threatened or deceived was an adult
Sexual Offences Act 2003, section 36	The person who agreed to be present or in a place from which the person committing the offence could be observed was an adult
Sexual Offences Act 2003, section 37	The person induced, threatened or deceived was an adult
Sexual Offences Act 2003, section 38	The offence was committed against an adult
Sexual Offences Act 2003, section 39	The person caused or incited to engage in sexual activity was an adult
Sexual Offences Act 2003, section 40	The person who was present or in a place from which the person committing the offence could be observed was an adult
Sexual Offences Act 2003, section 41	The person caused to watch the sexual activity in question was an adult
Sexual Offences Act 2003, section 62	The relevant sexual offence (**a**)was one specified in this Schedule and was intended to be committed in relevant circumstances, if any, specified in this Schedule in relation to that offence
Sexual Offences Act 2003, section 63	The relevant sexual offence(**b**) was one specified in this Schedule and was intended to be committed in relevant circumstances, if any, specified in this Schedule in relation to that offence
Sexual Offences Act 2003, section 66(**c**)	The offence was committed against a child under the age of 16
Sexual Offences Act 2003, section 67	The offence was committed against a child under the age of 16
Sexual Offences (Northern Ireland) Order 2008, Article 5	The offence was committed against an adult
Sexual Offences (Northern Ireland) Order 2008, Article 6	The offence was committed against an adult
Sexual Offences (Northern Ireland) Order 2008, Article 43	The offence was committed against an adult
Sexual Offences (Northern Ireland) Order 2008, Article 44	The person caused or incited to engage in sexual activity was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 45	The person who was present or in a place from which the person committing the offence could be seen was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 46	The person caused to watch the sexual activity in question was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 47	The offence was committed against an adult
Sexual Offences (Northern Ireland) Order 2008, Article 48	The person induced, threatened or deceived was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 49	The person who agreed to be present or in a place from which the person committing the offence could be observed was an adult

(**a**) Section 62(2) defines "relevant sexual offence".
(**b**) Section 63(2) provides that "relevant sexual offence" has the same meaning as in section 62(2).
(**c**) Sections 66 and 67 are to be repealed in relation to Northern Ireland by Schedule 3 to the 2008 Order.

Sexual Offences (Northern Ireland) Order 2008, Article 50	The person induced, threatened or deceived was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 51	The offence was committed against an adult
Sexual Offences (Northern Ireland) Order 2008, Article 52	The person caused or incited to engage in sexual activity was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 53	The person who was present or in a place from which the person committing the offence could be seen was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 54	The person caused to watch the sexual activity in question was an adult
Sexual Offences (Northern Ireland) Order 2008, Article 66	The relevant sexual offence (**a**)was one specified in this Schedule and was intended to be committed in relevant circumstances, if any, specified in this Schedule in relation to that offence
Sexual Offences (Northern Ireland) Order 2008, Article 67	The relevant sexual offence(**b**) was one specified in this Schedule and was intended to be committed in relevant circumstances, if any, specified in this Schedule in relation to that offence
Sexual Offences (Northern Ireland) Order 2008, Article 70	The offence was committed against a child under the age of 16
Sexual Offences (Northern Ireland) Order 2008, Article 71	The offence was committed against a child under the age of 16

Part 2
Provision
Offences Against the Person Act 1861, section 21
Offences Against the Person Act 1861, section 53(**c**)
Offences Against the Person Act 1861, section 54
Offences Against the Person Act 1861, section 55
Criminal Law Amendment Act 1885, section 2(**d**)
Criminal Law Amendment Act 1885, section 3
Criminal Law Amendment Act 1885, section 5
Criminal Law Amendment Act 1885, section 6
Criminal Law Amendment Act 1885, section 7
Criminal Law Amendment Act 1885, section 8
Vagrancy Act 1898, section 1(**e**)

(**a**) Article 66(2) defines "relevant sexual offence".
(**b**) Article 67(2) provides that "relevant sexual offence" has the same meaning as in Article 66.
(**c**) Sections 53 to 55 are to be repealed by paragraph 4 of Schedule 1 and by Schedule 3 to the 2008 Order.
(**d**) 1885 c.69. Sections 2 to 8 are to be repealed in relation to Northern Ireland by paragraph 5 of Schedule 1 and by Schedule 3 to the 2008 Order. The Criminal Law Amendment Act 1885 was repealed in relation to England and Wales by Schedule 4 to the Sexual Offences Act 1956.
(**e**) 1898 c.39. The Vagrancy Act 1898 was repealed by Schedule 7 to the 2003 Act.

Children and Young Persons Act 1933, section 1(**a**)
Children and Young Persons (Scotland) Act 1937, section 12(1)(**b**)
Infanticide Act 1938, section 1(**c**)
Infanticide Act (Northern Ireland) 1939, section 1(**d**)
Sexual Offences Act 1956, section 2(**e**)
Sexual Offences Act 1956, section 3
Sexual Offences Act 1956, section 4
Sexual Offences Act 1956, section 6
Sexual Offences Act 1956, section 7
Sexual Offences Act 1956, section 9
Sexual Offences Act 1956, section 14
Sexual Offences Act 1956, section 15
Sexual Offences Act 1956, section 16
Sexual Offences Act 1956, section 17
Sexual Offences Act 1956, section 19
Sexual Offences Act 1956, section 20
Sexual Offences Act 1956, section 21
Sexual Offences Act 1956, section 22
Sexual Offences Act 1956, section 23
Sexual Offences Act 1956, section 24
Sexual Offences Act 1956, section 25
Sexual Offences Act 1956, section 26
Sexual Offences Act 1956, section 27
Sexual Offences Act 1956, section 28
Sexual Offences Act 1956, section 29
Sexual Offences Act 1956, section 30
Sexual Offences Act 1956, section 31
Mental Health Act 1959, section 128(**f**)
Indecency with Children Act 1960, section 1(**g**)
Sexual Offences Act 1967, section 4(**h**)
Sexual Offences Act 1967, section 5
Theft Act 1968, section 9(1)(a)(**i**)
Children and Young Persons Act (Northern Ireland) 1968, section 20(**j**)

(**a**) 1933 c.12. Section 1 was amended by S.I. 1951/174, section 32(2) of the Magistrates' Courts Act 1980 (c.43), section 45 of the Criminal Justice Act 1988 (c.33) and by paragraph 2 of Schedule 12 and paragraph 2 of Schedule 13 to the Children Act 1989 (c.41). It was repealed in part by paragraph 1 of Schedule 3 and by Schedule 5 to the Children and Young Persons Act 1963 (c.37), paragraph 13(1) of Schedule 2 and Part III of Schedule 3 to the Criminal Law Act 1967 (c.58), by Part III of Schedule 4 to the Children Act 1975 (c.72), Schedule 16 to the Criminal Justice Act 1988 and by section 58(5) of, and Part 5 of Schedule 5 to, the Children Act 2004 (c.31).
(**b**) 1937 c.37. Section 12(1) was amended by paragraph 2 of Schedule 3 to the Children Act 1975, section 45(1) and (2) of the Criminal Justice Act 1988 and by paragraph 7(2)(a) of Schedule 4 to the Children (Scotland) Act 1995 (c.36). It was repealed in part by Part III of Schedule 4 to the Children Act 1975.
(**c**) 1938 c.36. Section 1 was repealed in part by Part III of Schedule 3 to the Criminal law Act 1967.
(**d**) 1939 c.5 (N.I.).
(**e**) Sections 2 to 7, 9 to 17 and 19 to 31 were repealed by Schedule 7 to the Sexual Offences Act 2003 (c.42) ("the 2003 Act").
(**f**) 1959 c.72. Section 128 was amended by section 1(4) of the Sexual Offences Act 1967 (c.60) and by other provisions including paragraph 2 of Schedule 4 to the Care Standards Act 2000 (c.14), and was repealed by the 2003 Act.
(**g**) 1960 c.33. Section 1 was amended by section 39 of the Criminal Justice and Court Services Act 2000 (c.43) and repealed by Schedule 7 to the 2003 Act.
(**h**) 1967 c.60. Sections 4 and 5 were repealed by Schedule 7 to the 2003 Act.
(**i**) 1968 c.60. Section 9, in relation to intent to commit rape, was repealed by paragraph 17 of Schedule 6 to the 2003 Act.
(**j**) 1968 c 34 (N.I.).

Children and Young Persons Act (Northern Ireland) 1968, section 21(**a**)
Children and Young Persons Act (Northern Ireland) 1968, section 22(**b**)
Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, section 9(**c**)
Theft Act (Northern Ireland) 1969, section 9(**d**)
Sexual Offences (Scotland) Act 1976, section 2C(**e**)
Sexual Offences (Scotland) Act 1976, section 4
Criminal Law Act 1977, section 54(**f**)
Protection of Children Act 1978, section 1(**g**)
Protection of Children (Northern Ireland) Order 1978, Article 3(**h**)
Criminal Justice (Northern Ireland) Order 1980, Article 9(**i**)
Homosexual Offences (Northern Ireland) Order 1982, Article 7(**j**)
Homosexual Offences (Northern Ireland) Order 1982, Article 8
Civic Government (Scotland) Act 1982, section 52(**k**)
Civic Government (Scotland) Act 1982, section 52A(**l**)
Mental Health Act 1983, section 126(**m**)
Mental Health Act 1983, section 127(**n**)
Mental Health Act 1983, section 128(**o**)
Mental Health Act 1983, section 129(**p**)
Child Abduction Act 1984, section 1(**q**)
Child Abduction Act 1984, section 2(**r**)

(**a**) Section 21 was amended by paragraph 18(2) of Schedule 6 to the 2003 Act.
(**b**) Section 22 was amended by section 40 of the Criminal Justice and Court Services Act 2000.
(**c**) 1968 c.28.
(**d**) 1969 c.16 (N.I.). Section 9, in relation to intent to commit rape, was amended by the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247) (N.I. 13).
(**e**) Sections 2C and 4 were repealed by Schedule 3 to the Crime and Punishment (Scotland) Act 1997 (c.48).
(**f**) 1977 c.45. Section 54 was repealed by Schedule 7 to the 2003 Act.
(**g**) 1978 c.37. Section 1 was amended by section 84 of the Criminal Justice and Public Order Act 1994 (c.33) ("the 1994 Act") and paragraph 24 of Schedule 6 to the 2003 Act.
(**h**) S.I. 1978/1047 (N.I. 17). Article 3 was amended by section 84 of the 1994 Act.
(**i**) S.I. 1980/704 (N.I. 6). Article 9 is to be repealed by paragraph 14 of Schedule 1 and by Schedule 3 to the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769) (N.I. 2) ("the 2008 Order").
(**j**) S.I. 1982/1536 (N.I. 19). Articles 7 and 8 were repealed by Schedule 7 to the 2003 Act.
(**k**) 1982 c.45. Section 52 was amended by paragraph 89 of Schedule 15 to the Criminal Justice Act 1998, section 84(6) of, and paragraph 17 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c.33), S.I. 1995/127, and paragraph 44(3) of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40).
(**l**) Section 52A was inserted by section 161 of the Criminal Justice Act 1988.
(**m**) 1983 c.20. Section 126 was amended by paragraph 17 of Schedule 1 to the Mental Health (Patients in the Community) Act 1995 (c.52).
(**n**) Section 127 was amended by paragraph 9(1) and (8) of Schedule 4 to the Care Standards Act 2000 (c.14) and by section 42 of Mental Health Act 2007 (c.12). It was repealed in part by part 5 of Schedule 11 to the Mental Health Act 2007.
(**o**) Section 128 was repealed by section 74 of the Adult Support and Protection (Scotland) Act 2007 (asp 10).
(**p**) Section 129 was amended by paragraph 19 of Schedule 1 to the Mental Health (Patients in the Community) Act 1995 and by paragraphs 1 and 10 of Schedule 3 to the Health and Social Care Act 2008 (c.14). It was repealed in part by Part 9 of Schedule 37 to the Criminal Justice Act 2003 (c.44).
(**q**) 1984 c.37. Section 1 was amended by paragraph 37 of Schedule 12 to the Children Act 1989 (c.41) and paragraph 42 of Schedule 3 to the Adoption and Children Act 2002 (c.38), and repealed in part by Schedule 5 to the Adoption and Children Act 2002.
(**r**) Section 2 was amended by paragraph 38 of Schedule 12 to the Children Act 1989.

Child Abduction Act 1984, section 6(**a**)
Mental Health (Scotland) Act 1984, section 105(**b**)
Mental Health (Scotland) Act 1984, section 108(**c**)
Mental Health (Scotland) Act 1984, section 109(**d**)
Child Abduction (Northern Ireland) Order 1985, Article 3(**e**)
Child Abduction (Northern Ireland) Order 1985, Article 4(**f**)
Mental Health (Northern Ireland) Order 1986, Article 119
Mental Health (Northern Ireland) Order 1986, Article 121(**g**)
Mental Health (Northern Ireland) Order 1986, Article 124
Mental Health (Northern Ireland) Order 1986, Article 125
Criminal Justice Act 1988, section 160(**h**)
Criminal Justice (Evidence etc.)(Northern Ireland) Order 1988, Article 15(**i**)
Criminal Law (Consolidation)(Scotland) Act 1995, section 1(**j**)
Criminal Law (Consolidation)(Scotland) Act 1995, section 2
Criminal Law (Consolidation)(Scotland) Act 1995, section 3
Criminal Law (Consolidation)(Scotland) Act 1995, section 5(3)
Criminal Law (Consolidation)(Scotland) Act 1995, section 6
Criminal Law (Consolidation)(Scotland) Act 1995, section 7(1) or (2)
Criminal Law (Consolidation)(Scotland) Act 1995, section 8(1) or (3)
Criminal Law (Consolidation)(Scotland) Act 1995, section 9
Criminal Law (Consolidation)(Scotland) Act 1995, section 10
Criminal Law (Consolidation)(Scotland) Act

(**a**) Section 6 was amended by paragraph 20(a) of Schedule 1 to the Law Reform (Parent and Child) (Scotland) Act 1986 (c.9) and paragraph 34 of Schedule 4 to the Children (Scotland) Act 1995 (c.36). It was repealed in part by Schedule 2 to the Age of Legal Capacity (Scotland) Act 1991 (c.50).
(**b**) 1984 c.36. Section 105 was amended by paragraph 6 of Schedule 2 to the Mental Health (Patients in the Community) Act 1995 and by paragraph 11 of Schedule 3 to the Regulation of Care (Scotland) Act 2001 (asp 8). It was repealed in part by Schedule 6 to the Adults with Incapacity (Scotland) Act 2000 (asp 4).
(**c**) Section 108 was repealed in part by Schedule 6 to the Adults with Incapacity (Scotland) Act 2000.
(**d**) Section 109 was amended by paragraph 7 of Schedule 2 to the Mental Health (Patients in the Community) Act 1995.
(**e**) S.I. 1985/1638 (N.I. 17). Article 3 was amended by paragraph 121 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755) (N.I. 2).
(**f**) Article 4 was amended by paragraph 122 of Schedule 9 to the Children (Northern Ireland) Order 1995.
(**g**) Article 121 was amended by Schedule 1 to the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429) (N.I. 2).
(**h**) 1988 c.33. Section 160 was amended by section 84 of the 1994 Act and paragraph 29 of Schedule 6 to the 2003 Act.
(**i**) S.I. 1988/1847 (N.I. 17).
(**j**) 1995 c.39.

1995, section 11
Sexual Offences (Amendment) Act 2000, section 3(**a**)
Nationality, Immigration and Asylum Act 2002, section 145(**b**)
Criminal Justice (Scotland) Act 2003, section 22(**c**)
Criminal Justice (Northern Ireland) Order 2003, Article 19(**d**)
Criminal Justice (Northern Ireland) Order 2003, Article 20
Sexual Offences Act 2003, section 3
Sexual Offences Act 2003, section 4
Sexual Offences Act 2003, section 9
Sexual Offences Act 2003, section 10
Sexual Offences Act 2003, section 11
Sexual Offences Act 2003, section 12
Sexual Offences Act 2003, section 14
Sexual Offences Act 2003, section 15(**e**)
Sexual Offences Act 2003, section 16
Sexual Offences Act 2003, section 17
Sexual Offences Act 2003, section 18
Sexual Offences Act 2003, section 19
Sexual Offences Act 2003, section 20
Sexual Offences Act 2003, section 25
Sexual Offences Act 2003, section 26
Sexual Offences Act 2003, section 47
Sexual Offences Act 2003, section 48
Sexual Offences Act 2003, section 49
Sexual Offences Act 2003, section 50
Sexual Offences Act 2003, section 52
Sexual Offences Act 2003, section 53
Sexual Offences Act 2003, section 57(**f**)
Sexual Offences Act 2003, section 58
Sexual Offences Act 2003, section 59
Sexual Offences Act 2003, section 61
Asylum and Immigration Act 2004, section 4(**g**)
Domestic Violence, Crime and Victims Act 2004, section 5(**h**)
Mental Capacity Act 2005, section 44(**i**)
Protection of Children and Prevention of

(**a**) 2000 c.44. Section 3 extends to Scotland and Northern Ireland (*see* section 7(2) and (4)) but was repealed in relation to England and Wales and Northern Ireland by the 2003 Act.
(**b**) 2002 c.41. Section 145 extends to Northern Ireland (*see* section 163(2)) but was repealed by the 2003 Act.
(**c**) 2003 asp 7.
(**d**) S.I. 2003/1247 (N.I. 13). Articles 19 and 20 are to be repealed by paragraph 32(b) and (c) of Schedule 1 and by Schedule 3 to the 2008 Order.
(**e**) Sections 15 to 20 and 47 to 53 are to be repealed in relation to Northern Ireland by Schedule 3 to the 2008 Order.
(**f**) Sections 57 to 59 extend to Northern Ireland (*see* section 142(2)(a)).
(**g**) 2004 c.19. Section 4 was amended by paragraph 7 of Schedule 6 to the Human Tissue Act 2004 (c.30) and extends to Scotland and Northern Ireland (*see* section 49(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c.19)).
(**h**) 2004 c.28.
(**i**) 2005 c.9.

Sexual Offences (Scotland) Act 2005, section 1(**a**)
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, section 9
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, section 10
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, section 11
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, section 12
Sexual Offences (Northern Ireland) Order 2008, Article 7
Sexual Offences (Northern Ireland) Order 2008, Article 8
Sexual Offences (Northern Ireland) Order 2008, Article 16
Sexual Offences (Northern Ireland) Order 2008, Article 17
Sexual Offences (Northern Ireland) Order 2008, Article 18
Sexual Offences (Northern Ireland) Order 2008, Article 19
Sexual Offences (Northern Ireland) Order 2008, Article 21
Sexual Offences (Northern Ireland) Order 2008, Article 22
Sexual Offences (Northern Ireland) Order 2008, Article 23
Sexual Offences (Northern Ireland) Order 2008, Article 24
Sexual Offences (Northern Ireland) Order 2008, Article 25
Sexual Offences (Northern Ireland) Order 2008, Article 26
Sexual Offences (Northern Ireland) Order 2008, Article 27
Sexual Offences (Northern Ireland) Order 2008, Article 32
Sexual Offences (Northern Ireland) Order 2008, Article 33
Sexual Offences (Northern Ireland) Order 2008, Article 37
Sexual Offences (Northern Ireland) Order 2008, Article 38
Sexual Offences (Northern Ireland) Order 2008, Article 39
Sexual Offences (Northern Ireland) Order 2008, Article 40
Sexual Offences (Northern Ireland) Order

(**a**) 2005 asp 9.

2008, Article 62
Sexual Offences (Northern Ireland) Order
2008, Article 63
Sexual Offences (Northern Ireland) Order
2008, Article 65

3. The offences specified in this paragraph are—

(a) any offence contrary to a provision specified in the table set out in this paragraph;

(b) any offence contrary to—

(i) section 70 of the Army Act 1955,

(ii) section 70 of the Air Force Act 1955, or

(iii) section 42 of the Naval Discipline Act 1957,

which corresponds to an offence contrary to any provision specified in that table; and

(c) any offence contrary to section 42 of the Armed Forces Act 2006, where the corresponding offence under the law of England and Wales is one contrary to a provision specified in that table.

Table

Provision
Mental Health (Northern Ireland) Order 1986, Article 122(1)(a)
Mental Health (Northern Ireland) Order 1986, Article 123
Mental Health (Care and Treatment)(Scotland) Act 2003, section 311
Mental Health (Care and Treatment)(Scotland) Act 2003, section 313
Sexual Offences Act 2003, section 30
Sexual Offences Act 2003, section 31
Sexual Offences Act 2003, section 32
Sexual Offences Act 2003, section 33
Sexual Offences Act 2003, section 34
Sexual Offences Act 2003, section 35
Sexual Offences Act 2003, section 36
Sexual Offences Act 2003, section 37
Sexual Offences Act 2003, section 38
Sexual Offences Act 2003, section 39
Sexual Offences Act 2003, section 40
Sexual Offences Act 2003, section 41
Sexual Offences (Northern Ireland) Order 2008, Article 43
Sexual Offences (Northern Ireland) Order 2008, Article 44
Sexual Offences (Northern Ireland) Order 2008, Article 45
Sexual Offences (Northern Ireland) Order 2008, Article 46
Sexual Offences (Northern Ireland) Order 2008, Article 47
Sexual Offences (Northern Ireland) Order 2008, Article 48

Sexual Offences (Northern Ireland) Order 2008, Article 49
Sexual Offences (Northern Ireland) Order 2008, Article 50
Sexual Offences (Northern Ireland) Order 2008, Article 51
Sexual Offences (Northern Ireland) Order 2008, Article 52
Sexual Offences (Northern Ireland) Order 2008, Article 53
Sexual Offences (Northern Ireland) Order 2008, Article 54

4. The offences specified in this paragraph are—

(a) the offences contrary to the common law of England and Wales of—

(i) murder,

(ii) kidnapping,

(iii) infanticide;

(b) the offences contrary to the common law of Scotland of—

(i) murder,

(ii) rape, where the offence was committed against a child,

(iii) sodomy, unless every person involved in the offence was aged 16 or over and was a willing participant,

(iv) indecent assault, where the offence was committed against a child,

(v) clandestine injury to women, where the offence was committed against a child,

(vi) abduction of a woman or a girl with intent to rape, where the offence was committed against a child,

(vii) assault with intent to rape or ravish, where the offence was committed against a child;

(c) an offence contrary to the common law of Scotland involving lewd, indecent or libidinous behaviour or practices, where the offence was committed against a child under the age of 16;

(d) the offences contrary to the common law of Northern Ireland of—

(i) murder,

(ii) rape, where the offence was committed against a child,

(iii) kidnapping,

(iv) infanticide;

(e) any offence contrary to a provision specified in the first column of Part 1 of the table set out in this paragraph, where it was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table;

(f) any offence contrary to a provision specified in Part 2 of that table;

(g) any offence contrary to—

(i) section 70 of the Army Act 1955,

(ii) section 70 of the Air Force Act 1955, or

(iii) section 42 of the Naval Discipline Act 1957,

which corresponds to an offence contrary to any provision specified in the first column of Part 1 of that table and which was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table;

(h) any offence contrary to—

(i) section 70 of the Army Act 1955,

(ii) section 70 of the Air Force Act 1955, or

(iii) section 42 of the Naval Discipline Act 1957,

which corresponds to an offence contrary to any provision specified in Part 2 of that table; and

(i) any offence contrary to section 42 of the Armed Forces Act 2006 where—

(i) the corresponding offence under the law of England and Wales is one contrary to a provision specified in the first column of Part 1 of that table, and the offence under the Armed Forces Act 2006 was committed in circumstances specified in the entry in the second column of that Part of that table that corresponds to the relevant entry in the first column of that Part of that table, or

(ii) the corresponding offence under the law of England and Wales is one contrary to a provision specified in Part 2 of that table.

Table

Part 1

Provision	*Circumstances*
Offences Against the Person Act 1861, section 61	The person with whom the offence was committed was under the age of 16, where the offence was committed in England or Wales, or under the age of 17, where the offence was committed in Northern Ireland, or did not consent to the act, in either case
Criminal Law Amendment Act 1885, section 11	The person with whom the offence was committed or against whom it was attempted was under the age of 16, where the offence was committed in England or Wales, or under the age of 17, where the offence was committed in Northern Ireland, or did not consent to the act, in either case
Punishment of Incest Act 1908, section 1	The offence was committed against a child or the other party to the offence did not consent to the act
Punishment of Incest Act 1908, section 2	The offence was committed against a child or the other party to the offence did not consent to the act
Sexual Offences Act 1956, section 1	The offence was committed against a child
Sexual Offences Act 1956, section 10	The offence was committed against a child or the other party to the offence did not consent to the act
Sexual Offences Act 1956, section 11	The offence was committed against a child or the other party to the offence did not consent to the act
Sexual Offences Act 1956, section 12	The person with whom the offence was committed was under the age of 16 or did not consent to the act

Sexual Offences Act 1956, section 13	The person with whom the offence was committed was under the age of 16 or did not consent to the act
Misuse of Drugs Act 1971, section 4(3)	The person to whom controlled drugs were supplied or offered to be supplied was a child
Customs and Excise Management Act 1979, section 170	The relevant goods were goods which were prohibited to be imported or brought into the United Kingdom, pursuant to section 42 of the Customs Consolidation Act 1876
Sexual Offences Act 2003, section 1	The offence was committed against a child
Sexual Offences (Northern Ireland) Order 2008, Article 5	The offence was committed against a child

Part 2
Provision
Offences Against the Person Act 1861, section 21
Offences Against the Person Act 1861, section 52
Offences Against the Person Act 1861, section 53
Offences Against the Person Act 1861, section 54
Offences Against the Person Act 1861, section 55
Offences Against the Person Act 1861, section 62
Criminal Law Amendment Act 1885, section 2
Criminal Law Amendment Act 1885, section 3
Criminal Law Amendment Act 1885, section 4
Criminal Law Amendment Act 1885, section 5
Criminal Law Amendment Act 1885, section 6
Criminal Law Amendment Act 1885, section 7
Criminal Law Amendment Act 1885, section 8
Vagrancy Act 1898, section 1
Children and Young Persons Act 1933, section 1
Children and Young Persons (Scotland) Act 1937, section 12(1)
Infanticide Act 1938, section 1
Infanticide Act (Northern Ireland) 1939, section 1
Sexual Offences Act 1956, section 2
Sexual Offences Act 1956, section 3
Sexual Offences Act 1956, section 4
Sexual Offences Act 1956, section 5
Sexual Offences Act 1956, section 6
Sexual Offences Act 1956, section 7
Sexual Offences Act 1956, section 9
Sexual Offences Act 1956, section 14
Sexual Offences Act 1956, section 15
Sexual Offences Act 1956, section 16

Sexual Offences Act 1956, section 17
Sexual Offences Act 1956, section 19
Sexual Offences Act 1956, section 20
Sexual Offences Act 1956, section 21
Sexual Offences Act 1956, section 22
Sexual Offences Act 1956, section 23
Sexual Offences Act 1956, section 24
Sexual Offences Act 1956, section 25
Sexual Offences Act 1956, section 26
Sexual Offences Act 1956, section 27
Sexual Offences Act 1956, section 28
Sexual Offences Act 1956, section 29
Sexual Offences Act 1956, section 30
Sexual Offences Act 1956, section 31
Mental Health Act 1959, section 128
Indecency with Children Act 1960, section 1
Sexual Offences Act 1967, section 4
Sexual Offences Act 1967, section 5
Theft Act 1968, section 9(1)(a)
Children and Young Persons Act (Northern Ireland) 1968, section 20
Children and Young Persons Act (Northern Ireland) 1968, section 21
Children and Young Persons Act (Northern Ireland) 1968, section 22
Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, section 9
Theft Act (Northern Ireland) 1969, section 9
Sexual Offences (Scotland) Act 1976, section 2A
Sexual Offences (Scotland) Act 1976, section 2B
Sexual Offences (Scotland) Act 1976, section 2C
Sexual Offences (Scotland) Act 1976, section 4
Criminal Law Act 1977, section 54
Protection of Children Act 1978, section 1
Protection of Children (Northern Ireland) Order 1978, Article 3
Criminal Justice (Northern Ireland) Order 1980, Article 9
Criminal Justice (Scotland) Act 1980, section 80(7)
Homosexual Offences (Northern Ireland) Order 1982, Article 7
Homosexual Offences (Northern Ireland) Order 1982, Article 8
Civic Government (Scotland) Act 1982, section 52
Civic Government (Scotland) Act 1982, section 52A

Mental Health Act 1983, section 126
Mental Health Act 1983, section 127
Mental Health Act 1983, section 128
Mental Health Act 1983, section 129
Child Abduction Act 1984, section 1
Child Abduction Act 1984, section 2
Child Abduction Act 1984, section 6
Mental Health (Scotland) Act 1984, section 105
Mental Health (Scotland) Act 1984, section 108
Mental Health (Scotland) Act 1984, section 109
Child Abduction (Northern Ireland) Order 1985, Article 3
Child Abduction (Northern Ireland) Order 1985, Article 4
Mental Health (Northern Ireland) Order 1986, Article 119
Mental Health (Northern Ireland) Order 1986, Article 121
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the criteria which determine whether a person should be included automatically in the children's barred list or the adults' barred list maintained by the Independent Barring Board under section 2 of the Safeguarding Vulnerable Groups Act 2006 (c. 47) (the Independent Barring Board is established under section 1 of that Act).

Regulation 3 prescribes the criteria on the basis of which a person will be included automatically in the children's barred list without having the right to make representations. Regulation 4 prescribes the criteria on the basis of which a person will be included automatically in that list but then allowed to make representations as to why they should be removed from it.

Regulation 3 addresses three categories of person. The first is someone who, before these Regulations came into force, (i) was made subject to a disqualification order (an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000 (c. 43)), (ii) met conditions under the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (S.I. 2003/1184, as amended – "the 2003 Regulations") which meant that, had that order not been imposed, the Secretary of State would still have been bound to make the person subject to a direction under section 142 of the Education Act 2002 (c. 32) ("the 2002 Act") without giving that person the right to make representations on the matter, but (iii) in relation to whom no such direction was made. The second is someone who, before these Regulations came into force, was convicted of or cautioned in relation to an offence meeting conditions under the 2003 Regulations which meant that the Secretary of State would have been bound to make that person subject to a direction under section 142 of the 2002 Act without having the right to make representations on the matter, but in relation to whom no such direction was made. The third is someone who, on or after the coming into force of these Regulations, has been convicted of or cautioned in relation to, an offence specified in paragraph 1 of the Schedule in any relevant circumstances, where these are prescribed, a "connected offence", or a "relevant foreign offence" (these last two terms being defined in regulation 1).

Regulation 4 addresses five categories of person. The first is someone who, before these Regulations came into force, (i) was made subject to a disqualification order, (ii) did not meet conditions under the 2003 Regulations which, but for the imposition of that order, would have led to the imposition of a direction under section 142 of the 2002 Act without giving that person the right to make representations, and (iii) in relation to whom no such direction was made. The second is someone who, before these Regulations came into force, was convicted of or cautioned in relation to an offence meeting conditions under the 2003 Regulations which meant that the Secretary of State would have been bound to make that person subject to a direction under section

142 of the 2002 Act but also to have allowed the person to make representations on the matter, and in relation to whom no such direction was made. The third is someone who, on or after the coming into force of these Regulations, has been made subject to a risk of sexual harm order (within the meaning of section 123 of the Sexual Offences Act 2003 (c. 42) or section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)). The fourth is someone who, on or after the coming into force of these Regulations, has been convicted of or cautioned in relation to, an offence specified in paragraph 2 of the Schedule in any relevant circumstances, where these are prescribed, a connected offence, or a relevant foreign offence. The fifth is someone who, on or after the coming into force of these Regulations, is made subject to a disqualification order and who does not meet any other criteria prescribed by regulations 3 or 4.

Regulation 5 prescribes the criteria on the basis of which a person will be included in the adults' barred list without having the right to make representations. Regulation 6 does the same in relation to criteria on the basis of which a person will be included in that list but then have the right to make representations as to why they should be removed from it.

The Schedule to these Regulations sets out the offences under the common law and statute law of England and Wales, Scotland and Northern Ireland which are prescribed for the purposes of these Regulations and, where relevant, the circumstances in which they must have been committed for a particular conviction or caution to meet criteria for automatic inclusion in either the children's or adults' barred list.

Regulation 7 amends regulation 8 of the Education (Provision of Information by Independent Schools) (England) Regulations 2003 (S.I. 2003/1934) and inserts a new regulation 10A into those Regulations which imposes a duty on the Independent Barring Board to inform the Secretary of State, on request, whether it has received information from the proprietor of a specified independent school about the dismissal of a specified member of staff, in accordance with the amended regulation 8.

Regulation 8 amends the Safeguarding Vulnerable Groups Act 2006 (Transitional Provisions) Order 2008 (S.I. 2008/473) so that anyone who meets criteria prescribed by these Regulations and who is made subject to a disqualification order does not fall to be referred to IBB by the Secretary of State in accordance with article 2 of that Order.

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