

SCHEDULES

SCHEDULE 1

EXCLUDED OFFENCES FOR THE PURPOSES OF SECTION 6

PART 1

CRIMINAL CONDUCT ETC UNDER ARMED FORCES LEGISLATION

Criminal conduct etc under armed forces legislation

- 1 (1) An offence under section 42 of the Armed Forces Act 2006 (criminal conduct) is an “excluded offence” if the corresponding civil offence is an offence referred to in any of paragraphs 2 to 14, 30 and 31.
- (2) In sub-paragraph (1) the reference to section 42 of the Armed Forces Act 2006 is to be taken to include a reference to—
- (a) section 70 of the Army Act 1955 (civil offences),
 - (b) section 70 of the Air Force Act 1955 (civil offences), and
 - (c) section 42 of the Naval Discipline Act 1957 (civil offences).

Corresponding offences under law of England and Wales (including under repealed provisions)

- 2 An offence under any provision of the Sexual Offences Act 1956.
- 3 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14).
- 4 An offence under section 1(1) of the Genocide Act 1969 (genocide).
- 5 An offence under section 54 of the Criminal Law Act 1977 (inciting child under 16 to commit incest).
- 6 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).
- 7 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).
- 8 An offence under any provision of the Sexual Offences Act 2003.
- 9 An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images).
- 10 An offence under section 62 of the Coroners and Justice Act 2009 (possession of prohibited images of children).
- 11 An offence under section 33 of the Criminal Justice and Courts Act 2015 (disclosing private sexual photographs and films with intent to cause distress).

Status: This is the original version (as it was originally enacted).

- 12 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).
- 13 An offence at common law of outraging public decency.
- 14 An offence within any of paragraphs 18 to 20 (certain offences under the International Criminal Court Act 2001).
- 15 A reference in paragraphs 2 to 14 or paragraphs 30 and 31 to an offence (“offence A”) includes—
- (a) a reference to an attempt to commit offence A,
 - (b) a reference to a conspiracy to commit offence A,
 - (c) a reference to incitement to commit offence A,
 - (d) a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed, and
 - (e) a reference to aiding and abetting, counselling or procuring the commission of offence A.

Interpretation etc

- 16 (1) In paragraph 1(1) the reference to the “corresponding civil offence” is—
- (a) in relation to an offence under section 42 of the Armed Forces Act 2006, to the corresponding offence under the law of England and Wales within the meaning of that section;
 - (b) in relation to an offence under section 70 of the Army Act 1955 or section 70 of the Air Force Act 1955, to the corresponding civil offence within the meaning of that Act;
 - (c) in relation to an offence under section 42 of the Naval Discipline Act 1957, to the civil offence within the meaning of that section.
- (2) Section 48 of the Armed Forces Act 2006 (supplementary provisions relating to ancillary service offences) applies for the purposes of sub-paragraph (1)(a) as it applies for the purposes of the provisions of that Act referred to in subsection (3) (b) of that section.