

The Parole Board for England and Wales

Guidance to members on LASPO Act 2012 – test for release

Revised Guidance – December 2013

LASPO (Legal Aid, Sentencing and Punishment of Offenders Act 2012)

NEW SENTENCES AND TESTS FOR RELEASE

This Act came into force on 3 December 2012. The significant changes that affect the Parole Board are:

1. Abolition of the IPP/EPP
2. Introduction of a new extended determinate sentence (EDS)
3. Change in the test for release for existing DCR, 1967 and 'old style' extended sentence cases
4. Power given to the Secretary of State to change the release test by statutory instrument
5. Arrangements for determinate recalls
6. New automatic life sentence

1. ABOLITION OF THE IPP/EPP

Anyone convicted (the date the offence was committed is immaterial) on or after 3 December 2012 will not be eligible for an IPP or EPP. Existing IPP prisoners' status is unaffected.

2. EDS (Extended Determinate Sentence)

Section 124 of LASPO creates the EDS by inserting a new section 224A into the 2003 Act. Schedule 18 of LASPO inserts a new Schedule 15B into the 2003 Act. Schedule 15B (attached at Annex A) lists 44 offences of the more serious kind. The longer list of specified offences still exists under Schedule 15 (attached at Annex B).

An EDS will be imposed on an offender who, if over 18:

- where he is convicted of a Schedule 15 offence on or after 3 December 2012 (regardless of when the offence was committed); and
- is adjudged to present a significant risk to the public of serious harm; and
- is not suitable for a life sentence; and either
- he has a previous conviction for a Schedule 15B offence or
- if the court was minded to impose an extended sentence, the custodial would be at least 4 years.

An EDS will be imposed on an offender who is under 18:

- where he is convicted of a Schedule 15 offence on or after 3 December 2012 (regardless of when the offence was committed); and
- is adjudged to present a significant risk to the public of serious harm; and
- is not suitable for a life sentence; and
- if the court was minded to impose an extended sentence, the custodial would be at least 4 years.

The extension period imposed must not exceed 5 years in respect of a violent offence; and 8 years in respect of a sexual offence.

Guidance for panels

In cases where the custodial period is less than 10 years, and the offence is not one listed in Schedule 15B, the EDS prisoner will be released automatically once he has served two thirds of the custodial period.

Any case where the custodial period is 10 years or more; or the EDS was imposed for a Schedule 15B offence, will be referred to the Parole Board for consideration of early release.

In EDS cases referred to the Board, the relevant eligibility date will be the two-thirds stage of the custodial period. If the Board does not release at this stage, the prisoner will serve the whole of the custodial period subject to annual reviews, as for DCRs.

Note: In October 2013, the Secretary of State announced changes to the criteria by which EDS sentence prisoners will be referred to the Board. Legislation is required for these changes to take effect and we will update members as and when such changes are implemented.

The sentence and eligibility calculations in respect of the release of all existing determinate prisoners (DCR, 1967, pre-LASPO extended sentences) remain unchanged.

The test for release for EDS prisoners is stated in section 125 of the LASPO (amending section 246 of the 2003 Act):

"The Parole Board must not give a direction [*for release*] ... unless the Board is satisfied that it is no longer necessary for the protection of the public that P should be confined."

For advice on interpreting the test, see 3 below.

3. NEW TEST FOR RELEASE FOR ALL DETERMINATE PRISONERS

LASPO imposes the same statutory test for the release of all determinate prisoners:

"The Parole Board must not give a direction [*for release*] ... unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined."

This test came into force on 3 December 2012 and applies to all determinate prisoners at first release (EDS, DCR, 1967 and extended sentences).

Where there is a statutory test, it is for the Board to interpret it in light of any existing case law. Parliament has ruled that the test shall be one of public protection rather than a balancing act between the risk of any type of offending against the benefits of early release; in other words, it will be a 'risk-only' test.

In respect of lifers/IPPs, the Board is required to protect the public from the risk of serious harm (risk to life and limb). The Board's view is that the same test must be applied to determinate sentenced prisoners.

Every Parole Board panel is a judicial body in its own right; this guidance cannot legally fetter a panel's duty to interpret the statutory test as it sees fit. Guidance is published in order to assist rather than bind a panel.

Guidance to panels

Panels may interpret the test for all determinate sentenced prisoners as follows:

In order to direct release, the Board should be satisfied that it is no longer necessary for the prisoner to be detained in order to protect the public from serious harm (to life and limb). It is not a requirement to balance the risk against the benefits to the public or the prisoner of release.

Panels are invited to interpret the statutory test as they see fit with the above guidance in mind.

Panels are reminded that when considering a case, public protection must be the over-riding consideration.

The identification and management of risk remains the focal point for panels' consideration.

4. SECRETARY OF STATE'S POWER TO CHANGE THE TEST

Section 128 of LASPO gives the Secretary of State power, by order made by statutory instrument, to change the test for:

- An IPP prisoner
- An extended sentence prisoner or
- A determinate sentenced prisoner subject to the transitional arrangements in the Act

The Secretary of State has confirmed that he has no plans to exercise his power at present. Should that position change in the future, further advice will be given to members.

5. ARRANGEMENTS FOR DETERMINATE RECALLS

There are three changes of interest to the Board. The third will mean a significant change to the way we approach the risk of re-offending in recall cases.

- i. Previous statutory restrictions which prevented some categories of prisoner being given a Fixed Term Recall (FTR) have been removed by LASPO. This means that FTRs may now be considered (but only where appropriate in each case) for prisoners:
 - serving a sentence for a violent or sexual offence (as listed in Schedule 15 CJA 2003);
 - who have previously had a FTR during the current sentence;
 - subject to the Home Detention Curfew (HDC) scheme.

As regards standard recalls, there are no changes procedurally.

- ii. The Board now has the power to direct release of recalled determinate prisoners, rather than recommend it.
- iii. Interpreting the test for release of recalled determinate prisoners - see following guidance.

Guidance to panels

The Parole Board will now apply the public protection test to all determinate cases at first release. LASPO is silent, however, on the test for release of recalled determinate prisoners. This could be interpreted in two ways: either Parliament did not want the Board to apply the public protection test; or it is content for the Board, as a judicial decision maker, to interpret it for itself in light of case law. There are two good reasons for saying that the public protection test must now be applied to recalls.

- i. Since FTRs are now available in respect of Schedule 15 offences, and the Secretary of State must himself apply the public protection test when considering executive release of someone not suitable for FTR, it would be difficult to reconcile the Board's position with this if the Board devised a completely different test for itself.
- ii. LASPO presents a similar picture to that for lifers - there is a statutory public protection test for the first release of a lifer, but none in respect of a recalled lifer. In the 1996 case of *Watson*, the Court of Appeal said:

'Section 39(4) [1991 Act] prescribes no statutory test [*for recall*] which the Board is to apply. But the Board's function under section 39(5) [*first release*] is almost exactly the same as that under section 34(3), namely to direct (or not) the prisoner's release. **In the absence of express statutory provision, it is to be assumed that the same test is applicable**'(emphasis added).

That closely resembles the situation in LASPO in respect of determinate sentences; other amendments brought in by LASPO give the Board the power to direct release rather than recommend it as it did before. Accordingly the public protection test may be interpreted to apply to determinate recall cases. Just as for lifers, someone charged with a minor offence can be dealt with through the criminal courts and will, if convicted, receive a sentence appropriate in all the circumstances.

Panels may interpret the test for determinate sentenced prisoners as follows:

In order to direct release, the Board should be satisfied that it is no longer necessary for the prisoner to be detained in order to protect the public from serious harm (to life and limb). It is not a requirement to balance the risk against the benefits to the public or the prisoner of release.

Panels are reminded that when considering a case, public protection must be the over-riding consideration.

The identification and management of risk remains the focal point for panels' consideration.

6. NEW AUTOMATIC LIFE SENTENCE

Although courts will no longer be able to impose an IPP, section 122 introduces a new life sentence. The life sentence will be imposed on someone over the age of 18 where:

- the offence is one of those in the new Schedule 15B; and
- it was committed after 3 December 2012; and
- the court would otherwise have imposed a 10 year sentence or more (disregarding the extension period if an extended sentence); and
- the offender had a previous conviction for a Schedule 15B offence for which he received a determinate sentence of 10 years or more, or a life sentence with a tariff of 5 years or more; and
- it would not be unjust in all the circumstances to impose a life sentence.

December 2013

Annex A

SCHEDULE 18

LIFE SENTENCE FOR SECOND LISTED OFFENCE ETC: NEW SCHEDULE 15B TO CRIMINAL JUSTICE ACT 2003

In the Criminal Justice Act 2003, after Schedule 15A insert— Sections 224A, 226A and 246A

“SCHEDULE 15B Offences listed for the purposes of sections 224A, 226A and 246A

Part 1 Offences under the law of England and Wales listed for the purposes of sections 224A(1), 224A(4), 226A and 246A

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

1 Manslaughter.

2 An offence under section 4 of the Offences against the Person Act 1861 (soliciting murder).

3 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).

4 An offence under section 16 of the Firearms Act 1968 (possession of a firearm with intent to endanger life).

5 An offence under section 17(1) of that Act (use of a firearm to resist arrest).

6 An offence under section 18 of that Act (carrying a firearm with criminal intent).

7 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 possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.

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

9 An offence under section 56 of the Terrorism Act 2000 (directing terrorist organisation).

10 An offence under section 57 of that Act (possession of article for terrorist purposes).

11 An offence under section 59 of that Act (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life.

12 An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).

13 An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).

- 14 An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).
- 15 An offence under section 1 of the Sexual Offences Act 2003 (rape).
- 16 An offence under section 2 of that Act (assault by penetration).
- 17 An offence under section 4 of that Act (causing a person to engage in sexual activity without consent) if the offender is liable on conviction on indictment to imprisonment for life.
- 18 An offence under section 5 of that Act (rape of a child under 13).
- 19 An offence under section 6 of that Act (assault of a child under 13 by penetration).
- 20 An offence under section 7 of that Act (sexual assault of a child under 13).
- 21 An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
- 22 An offence under section 9 of that Act (sexual activity with a child).
- 23 An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
- 24 An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
- 25 An offence under section 12 of that Act (causing a child to watch a sexual act).
- 26 An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
- 27 An offence under section 15 of that Act (meeting a child following sexual grooming etc).
- 28 An offence under section 25 of that Act (sexual activity with a child family member) if the offender is aged 18 or over at the time of the offence.
- 29 An offence under section 26 of that Act (inciting a child family member to engage in sexual activity) if the offender is aged 18 or over at the time of the offence.
- 30 An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice) if the offender is liable on conviction on indictment to imprisonment for life.
- 31 An offence under section 31 of that Act (causing or inciting a person with a mental disorder to engage in sexual activity) if the offender is liable on conviction on indictment to imprisonment for life.
- 32 An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder) if the offender is liable on conviction on indictment to imprisonment for life.

- 33 An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc) if the offender is liable on conviction on indictment to imprisonment for life.
- 34 An offence under section 47 of that Act (paying for sexual services of a child) against a person aged under 16.
- 35 An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
- 36 An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).
- 37 An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
- 38 An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence) if the offender is liable on conviction on indictment to imprisonment for life.
- 39 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).
- 40 An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).
- 41 An offence under section 9 of that Act (making or possession of radioactive device or materials).
- 42 An offence under section 10 of that Act (misuse of radioactive devices or material and misuse and damage of facilities).
- 43 An offence under section 11 of that Act (terrorist threats relating to radioactive devices, materials or facilities).
- 44(1) An attempt to commit an offence specified in the preceding paragraphs of this Part of this Schedule ("a listed offence") or murder.
- (2) Conspiracy to commit a listed offence or murder.
- (3) Incitement to commit a listed offence or murder.
- (4) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence or murder is the offence (or one of the offences) which the person intended or believed would be committed.
- (5) Aiding, abetting, counselling or procuring the commission of a listed offence.

Part 2 Further offences under the law of England and Wales listed for the purposes of sections 224A(4), 226A and 246A

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

45 Murder.

46(1) Any offence that—

(a) was abolished (with or without savings) before the coming into force of this Schedule, and

(b) would, if committed on the relevant day, have constituted an offence specified in Part 1 of this Schedule.

(2) “Relevant day”, in relation to an offence, means—

(a) for the purposes of this paragraph as it applies for the purposes of section 246A(2), the day on which the offender was convicted of that offence, and

(b) for the purposes of this paragraph as it applies for the purposes of sections 224A(4) and 226A(2), the day on which the offender was convicted of the offence referred to in section 224A(1)(a) or 226A(1)(a) (as appropriate).

Part 3 Offences under service law listed for the purposes of sections 224A(4), 226A and 246A

47 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 or 2 of this Schedule.

48(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 or 2 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.

Annex B

SCHEDULE 15 SPECIFIED OFFENCES FOR PURPOSES OF CHAPTER 5 OF PART 12

PART 1 SPECIFIED VIOLENT OFFENCES

- 1 Manslaughter.
- 2 Kidnapping.
- 3 False imprisonment.
- 4 An offence under section 4 of the Offences against the Person Act 1861 (c. 100) (soliciting murder).
- 5 An offence under section 16 of that Act (threats to kill).
- 6 An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
- 7 An offence under section 20 of that Act (malicious wounding).
- 8 An offence under section 21 of that Act (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence).
- 9 An offence under section 22 of that Act (using chloroform etc. to commit or assist in the committing of any indictable offence).
- 10 An offence under section 23 of that Act (maliciously administering poison etc. so as to endanger life or inflict grievous bodily harm).
- 11 An offence under section 27 of that Act (abandoning children).
- 12 An offence under section 28 of that Act (causing bodily injury by explosives).
- 13 An offence under section 29 of that Act (using explosives etc. with intent to do grievous bodily harm).
- 14 An offence under section 30 of that Act (placing explosives with intent to do bodily injury).
- 15 An offence under section 31 of that Act (setting spring guns etc. with intent to do grievous bodily harm).
- 16 An offence under section 32 of that Act (endangering the safety of railway passengers).
- 17 An offence under section 35 of that Act (injuring persons by furious driving).
- 18 An offence under section 37 of that Act (assaulting officer preserving wreck).
- 19 An offence under section 38 of that Act (assault with intent to resist arrest).
- 20 An offence under section 47 of that Act (assault occasioning actual bodily harm).
- 21 An offence under section 2 of the Explosive Substances Act 1883 (c. 3) (causing explosion likely to endanger life or property).

- 22 An offence under section 3 of that Act (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).
- 23 An offence under section 1 of the Infant Life (Preservation) Act 1929 (c. 34) (child destruction).
- 24 An offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to children).
- 25 An offence under section 1 of the Infanticide Act 1938 (c. 36) (infanticide).
- 26 An offence under section 16 of the Firearms Act 1968 (c. 27) (possession of firearm with intent to endanger life).
- 27 An offence under section 16A of that Act (possession of firearm with intent to cause fear of violence).
- 28 An offence under section 17(1) of that Act (use of firearm to resist arrest).
- 29 An offence under section 17(2) of that Act (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act).
- 30 An offence under section 18 of that Act (carrying a firearm with criminal intent).
- 31 An offence under section 8 of the Theft Act 1968 (c. 60) (robbery or assault with intent to rob).
- 32 An offence under section 9 of that Act of burglary with intent to—
- (a) inflict grievous bodily harm on a person, or
 - (b) do unlawful damage to a building or anything in it.
- 33 An offence under section 10 of that Act (aggravated burglary).
- 34 An offence under section 12A of that Act (aggravated vehicle-taking) involving an accident which caused the death of any person.
- 35 An offence of arson under section 1 of the Criminal Damage Act 1971 (c. 48).
- 36 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.
- 37 An offence under section 1 of the Taking of Hostages Act 1982 (c. 28) (hostage-taking).
- 38 An offence under section 1 of the Aviation Security Act 1982 (c. 36) (hijacking).
- 39 An offence under section 2 of that Act (destroying, damaging or endangering safety of aircraft).
- 40 An offence under section 3 of that Act (other acts endangering or likely to endanger safety of aircraft).

- 41 An offence under section 4 of that Act (offences in relation to certain dangerous articles).
- 42 An offence under section 127 of the Mental Health Act 1983 (c. 20) (ill-treatment of patients).
- 43 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (c. 38) (prohibition of female circumcision).
- 44 An offence under section 1 of the Public Order Act 1986 (c. 64) (riot).
- 45 An offence under section 2 of that Act (violent disorder).
- 46 An offence under section 3 of that Act (affray).
- 47 An offence under section 134 of the Criminal Justice Act 1988 (c. 33) (torture).
- 48 An offence under section 1 of the Road Traffic Act 1988 (c. 52) (causing death by dangerous driving).
- 49 An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).
- 50 An offence under section 1 of the Aviation and Maritime Security Act 1990 (c. 31) (endangering safety at aerodromes).
- 51 An offence under section 9 of that Act (hijacking of ships).
- 52 An offence under section 10 of that Act (seizing or exercising control of fixed platforms).
- 53 An offence under section 11 of that Act (destroying fixed platforms or endangering their safety).
- 54 An offence under section 12 of that Act (other acts endangering or likely to endanger safe navigation).
- 55 An offence under section 13 of that Act (offences involving threats).
- 56 An offence under Part II of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).
- 57 An offence under section 4 of the Protection from Harassment Act 1997 (c. 40) (putting people in fear of violence).
- 58 An offence under section 29 of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated assaults).
- 59 An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986 (c. 64)).

60 An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17) (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

61 An offence under section 1 of the Female Genital Mutilation Act 2003 (c. 31) (female genital mutilation).

62 An offence under section 2 of that Act (assisting a girl to mutilate her own genitalia).

63 An offence under section 3 of that Act (assisting a non-UK person to mutilate overseas a girl's genitalia).

64 An offence of—

(a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,

(b) conspiring to commit an offence so specified, or

(c) attempting to commit an offence so specified.

65 An attempt to commit murder or a conspiracy to commit murder.

PART 2 SPECIFIED SEXUAL OFFENCES

66 An offence under section 1 of the Sexual Offences Act 1956 (c. 69) (rape).

67 An offence under section 2 of that Act (procurement of woman by threats).

68 An offence under section 3 of that Act (procurement of woman by false pretences).

69 An offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse).

70 An offence under section 5 of that Act (intercourse with girl under thirteen).

71 An offence under section 6 of that Act (intercourse with girl under 16).

72 An offence under section 7 of that Act (intercourse with a defective).

73 An offence under section 9 of that Act (procurement of a defective).

74 An offence under section 10 of that Act (incest by a man).

75 An offence under section 11 of that Act (incest by a woman).

76 An offence under section 14 of that Act (indecent assault on a woman).

77 An offence under section 15 of that Act (indecent assault on a man).

78 An offence under section 16 of that Act (assault with intent to commit buggery).

79 An offence under section 17 of that Act (abduction of woman by force or for the sake of her property).

80 An offence under section 19 of that Act (abduction of unmarried girl under eighteen from parent or guardian).

- 81 An offence under section 20 of that Act (abduction of unmarried girl under sixteen from parent or guardian).
- 82 An offence under section 21 of that Act (abduction of defective from parent or guardian).
- 83 An offence under section 22 of that Act (causing prostitution of women).
- 84 An offence under section 23 of that Act (procuration of girl under twenty-one).
- 85 An offence under section 24 of that Act (detention of woman in brothel).
- 86 An offence under section 25 of that Act (permitting girl under thirteen to use premises for intercourse).
- 87 An offence under section 26 of that Act (permitting girl under sixteen to use premises for intercourse).
- 88 An offence under section 27 of that Act (permitting defective to use premises for intercourse).
- 89 An offence under section 28 of that Act (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen).
- 90 An offence under section 29 of that Act (causing or encouraging prostitution of defective).
- 91 An offence under section 32 of that Act (soliciting by men).
- 92 An offence under section 33 of that Act (keeping a brothel).
- 93 An offence under section 128 of the Mental Health Act 1959 (c. 72) (sexual intercourse with patients).
- 94 An offence under section 1 of the Indecency with Children Act 1960 (c. 33) (indecent conduct towards young child).
- 95 An offence under section 4 of the Sexual Offences Act 1967 (c. 60) (procuring others to commit homosexual acts).
- 96 An offence under section 5 of that Act (living on earnings of male prostitution).
- 97 An offence under section 9 of the Theft Act 1968 (c. 60) of burglary with intent to commit rape.
- 98 An offence under section 54 of the Criminal Law Act 1977 (c. 45) (inciting girl under sixteen to have incestuous sexual intercourse).
- 99 An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs of children).

- 100 An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (penalty for fraudulent evasion of duty etc.) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (c. 36) (indecent or obscene articles).
- 101 An offence under section 160 of the Criminal Justice Act 1988 (c. 33) (possession of indecent photograph of a child).
- 102 An offence under section 1 of the Sexual Offences Act 2003 (c. 42) (rape).
- 103 An offence under section 2 of that Act (assault by penetration).
- 104 An offence under section 3 of that Act (sexual assault).
- 105 An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).
- 106 An offence under section 5 of that Act (rape of a child under 13).
- 107 An offence under section 6 of that Act (assault of a child under 13 by penetration).
- 108 An offence under section 7 of that Act (sexual assault of a child under 13).
- 109 An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
- 110 An offence under section 9 of that Act (sexual activity with a child).
- 111 An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
- 112 An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
- 113 An offence under section 12 of that Act (causing a child to watch a sexual act).
- 114 An offence under section 13 of that Act (child sex offences committed by children or young persons).
- 115 An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
- 116 An offence under section 15 of that Act (meeting a child following sexual grooming etc.).
- 117 An offence under section 16 of that Act (abuse of position of trust: sexual activity with a child).
- 118 An offence under section 17 of that Act (abuse of position of trust: causing or inciting a child to engage in sexual activity).
- 119 An offence under section 18 of that Act (abuse of position of trust: sexual activity in the presence of a child).

- 120 An offence under section 19 of that Act (abuse of position of trust: causing a child to watch a sexual act).
- 121 An offence under section 25 of that Act (sexual activity with a child family member).
- 122 An offence under section 26 of that Act (inciting a child family member to engage in sexual activity).
- 123 An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).
- 124 An offence under section 31 of that Act (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity).
- 125 An offence under section 32 of that Act (engaging in sexual activity in the presence of a person with a mental disorder impeding choice).
- 126 An offence under section 33 of that Act (causing a person with a mental disorder impeding choice to watch a sexual act).
- 127 An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).
- 128 An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception).
- 129 An offence under section 36 of that Act (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder).
- 130 An offence under section 37 of that Act (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception).
- 131 An offence under section 38 of that Act (care workers: sexual activity with a person with a mental disorder).
- 132 An offence under section 39 of that Act (care workers: causing or inciting sexual activity).
- 133 An offence under section 40 of that Act (care workers: sexual activity in the presence of a person with a mental disorder).
- 134 An offence under section 41 of that Act (care workers: causing a person with a mental disorder to watch a sexual act).
- 135 An offence under section 47 of that Act (paying for sexual services of a child).
- 136 An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
- 137 An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).

- 138 An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
- 139 An offence under section 52 of that Act (causing or inciting prostitution for gain).
- 140 An offence under section 53 of that Act (controlling prostitution for gain).
- 141 An offence under section 57 of that Act (trafficking into the UK for sexual exploitation).
- 142 An offence under section 58 of that Act (trafficking within the UK for sexual exploitation).
- 143 An offence under section 59 of that Act (trafficking out of the UK for sexual exploitation).
- 144 An offence under section 61 of that Act (administering a substance with intent).
- 145 An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).
- 146 An offence under section 63 of that Act (trespass with intent to commit a sexual offence).
- 147 An offence under section 64 of that Act (sex with an adult relative: penetration).
- 148 An offence under section 65 of that Act (sex with an adult relative: consenting to penetration).
- 149 An offence under section 66 of that Act (exposure).
- 150 An offence under section 67 of that Act (voyeurism).
- 151 An offence under section 69 of that Act (intercourse with an animal).
- 152 An offence under section 70 of that Act (sexual penetration of a corpse).
- 153 An offence of—
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this Part of this Schedule,
 - (b) conspiring to commit an offence so specified, or
 - (c) attempting to commit an offence so specified.