Supersedes draft laid before Parliament on 25th October 2004 and is being issued free of charge to all known recipients of that draft instrument.Draft Order laid before Parliament under section 330(5) of the Criminal Justice Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Categories of Offences) Order 2004

Made - - - -

Coming into force

The Secretary of State, in exercise of the powers conferred upon him by section 103(4)(b) of the Criminal Justice Act 2003(**1**) hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Categories of Offences) Order 2004 and shall come into force 14 days after the day on which it is made or on the day that sections 98 to 110 of the 2003 Act (Evidence of Bad Character) come into force, whichever is later.

(2) In this Order "the 2003 Act" means the Criminal Justice Act 2003.

2.—(1) The categories of offences set out in Parts 1 and 2 of the Schedule to this Order are hereby prescribed for the purposes of section 103(4)(b) of the 2003 Act.

(2) Two offences are of the same category as each other if they are included in the same Part of the Schedule.

Home Office
2004

Minister of State

(**1**) 2003 c. 44.

SCHEDULE Article 2

Prescribed Categories of Offences

PART 1

THEFT CATEGORY

1. An offence under section 1 of the Theft Act 1968(**2**) (theft).

2. An offence under section 8 of that Act (robbery).

3. An offence under section 9(1)(a) of that Act(**3**) (burglary) if it was committed with intent to commit an offence of stealing anything in the building or part of a building in question.

4. An offence under section 9(1)(b) of that Act (burglary) if the offender stole or attempted to steal anything in the building or that part of it.

5. An offence under section 10 of that Act (aggravated burglary) if the offender committed a burglary described in paragraph 3 or 4 of this Part of the Schedule.

6. An offence under section 12 of that Act(**4**) (taking motor vehicle or other conveyance without authority).

7. An offence under section 12A of that Act(**5**) (aggravated vehicle-taking).

8. An offence under section 22 of that Act (handling stolen goods).

9. An offence under section 25 of that Act (going equipped for stealing).

10. An offence under section 3 of the Theft Act 1978(**6**) (making off without payment).

11. An offence of–

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

(b) attempting to commit an offence so specified.

PART 2

SEXUAL OFFENCES (PERSONS UNDER THE AGE OF 16) CATEGORY

1. An offence under section 1 of the Sexual Offences Act 1956(**7**) (rape) if it was committed in relation to a person under the age of 16.

2. An offence under section 5 of the Sexual Offences Act 1956(**8**)(intercourse with a girl under thirteen).

(**2**) 1968 c. 60.
(**3**) Section 9 was amended by sections 139 and 140 of and paragraph 17 of Schedule 6 and Schedule 7 to the Sexual Offences Act 2003 (c. 42); section 26(2) of the Criminal Justice Act 1991 (c. 53) and section 168(2) and paragraph 26 of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33).
(**4**) Section 12 was amended by section 37(1) of the Criminal Justice Act 1988 (c. 33); section 119(2) and Part I of Schedule 7 to the Police and Criminal Evidence Act 1984 (c. 60); section 37 of the Vehicles (Crime) Act 2001 (c. 3).
(**5**) Section 12A was inserted by section 2(1) of the Aggravated Vehicle-Taking Act 1992 (c. 11) and was amended by section 285(1) of the Criminal Justice Act 2003 (c. 44).
(**6**) 1978 c. 31.
(**7**) 1956 c. 69; section 1 was substituted by section 142 of the Criminal Justice and Public Order Act 1994 (c. 33).
(**8**) Sections 5 to 7 and 10 to 15 of the Sexual Offences Act 1956 (c. 69); section 54 of the Criminal Law Act 1977 (c. 45); section 1 of the Indecency with Children Act 1960 (c. 33); section 128 of the Mental Health Act 1959 (c. 72) and section 3 of the Sexual