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Other Offences (pdf 232K)

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## General Rules

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### POINT TO NOTE

Although these general rules have an overall application, there are exceptions for certain types of crime. These exceptions are stated on the counting rules page for that particular crime type.

For this reason, counting rules for individual crime types should take precedence over the general rules, in cases where there is an apparent contradiction between the two.

# A Whether & When to Record (1 of 4)

This section has been substantially revised to reflect the introduction of the National Crime Recording Standard (NCRS). The main aims of the Standard are:

- To promote greater consistency between Police Forces in the recording of crime; and
- To take a more victim oriented approach to crime recording.

NCRS was instigated by research from ACPO, the Home Office (Review of Police Forces' Crime Recording Practices, Burrows et al, HORS 204, 2000) and Her Majesty's Inspectorate of Constabulary (On the Record, HMIC 2000) that revealed a lack of consistency in recording practices across police forces. This was particularly marked in the proportion of incidents that were recorded as crimes.

The original NCRS has been revised with effect from 1 April 2003 and a full copy of the revised version of the NCRS document is attached as Annex A to the General Rules section.

## Incident Reports

- **ALL REPORTS OF INCIDENTS, WHETHER FROM VICTIMS, WITNESSES OR THIRD PARTIES AND WHETHER CRIME RELATED OR NOT, WILL RESULT IN THE REGISTRATION OF AN INCIDENT REPORT BY THE POLICE**

The reasons for registering all incidents include the need to ensure Forces have all available information in relation to possible crimes in their area and to allow an audit trail to be created, to ensure consistency of crime recording between Forces. Where a report is recorded as a crime initially (e.g. telephone report direct to Crime Management Unit), it is not necessary that an incident report is also created. However, where the report is not recorded as a crime, an auditable incident report should be registered (whether in the Force Incident System or some other accessible or auditable means).

## Whether to Record

- **AN INCIDENT WILL BE RECORDED AS A CRIME (NOTIFIABLE OFFENCE) IF, ON THE BALANCE OF PROBABILITY:**
  - (A) **THE CIRCUMSTANCES AS REPORTED AMOUNT TO A CRIME DEFINED BY LAW; AND**
  - (B) **THERE IS NO CREDIBLE EVIDENCE TO THE CONTRARY**

Any reference to a crime elsewhere in section A ('whether and when to record') means a recorded crime or notifiable offence, as defined by the Home Office and listed in the counting rules chapters. Notifiable offences do not cover all criminal offences, as most summary offences are not notifiable.

The Police will determine whether the circumstances as reported amount to a crime defined by law, based on their knowledge of the law and the counting rules.

The test to be applied in respect of recording a crime is that of the balance of probabilities i.e. is the incident more likely than not the result of a criminal act? In most cases, the belief by the victim (or person reasonably assumed to be acting on behalf of the victim) that a crime has occurred is sufficient to justify its recording, although this will not be the case in all circumstances.

# A Whether & When to Record (2 of 4)

- ” Where apparent criminal activity comes to the attention of the Police, and the alleged victim confirms that a crime has taken place but declines to support any Police action, a crime should be recorded.

A victim's refusal to supply details is not reason in itself for failing to record a crime.

*The police are called to the scene of a crime. The alleged victim is found, confirms that the crime took place (and there is no credible evidence to the contrary), but refuses to supply personal details and does not want the matter taken any further.* *Record a crime.*

- ” Where there are grounds to suspect that a victim related crime (i.e a crime requiring victim confirmation for it to be complete) may have taken place but no victim (or person reasonably assumed to be acting on behalf of the victim) can immediately be found or identified, the matter should be recorded as a crime related incident until such time as the victim is located or comes forward.

- Apparent or possible criminal activity, such as damage to bus shelters, telephone kiosks, forensic items (blood) etc, which does not in itself amount to evidence of a crime, coming to the attention of the Police after the incident either personally or via third parties, would not initially be recorded as a crime but as a crime related incident and enquiries should be carried out to locate the victim.

*A report of a crime is received by phone but the caller is not acting on behalf of the victim. No other information is available.* *Register a crime related incident but do not record a crime.*

- In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime.

Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence the incident will remain as a crime related incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in accordance with the Home Office Counting Rules.



# A Whether or When to Record (3 of 4)

## When to Record

- A CRIME SHOULD BE RECORDED AS SOON AS THE REPORTING OFFICER IS SATISFIED THAT IT IS MORE LIKELY THAN NOT THAT A CRIME HAS BEEN COMMITTED

The timing should be the earliest that the police force's crime recording system allows. Any delay should be made only if there are administrative difficulties that prevent immediate recording, or (in some forces) if an initial record needs to be validated by a nominated officer before confirmation and recording.

Recording should not be delayed in order to wait for further details of the case, including the likelihood of a detection.

- THE TIMING OF A RECORDED CRIME, FOR THE HOME OFFICE STATISTICAL RETURNS, SHOULD RELATE TO THE DATE IT IS RECORDED.

So for example, a crime that was committed in September, but reported to the police and recorded as a crime in October, should be included in the recorded crime total for October.

- ONCE RECORDED, A CRIME SHOULD REMAIN RECORDED UNLESS THERE IS CREDIBLE EVIDENCE TO THE CONTRARY.

Credible evidence to the contrary amounts to the circumstances listed in section C, in which case the crime should be 'no-crimed'.

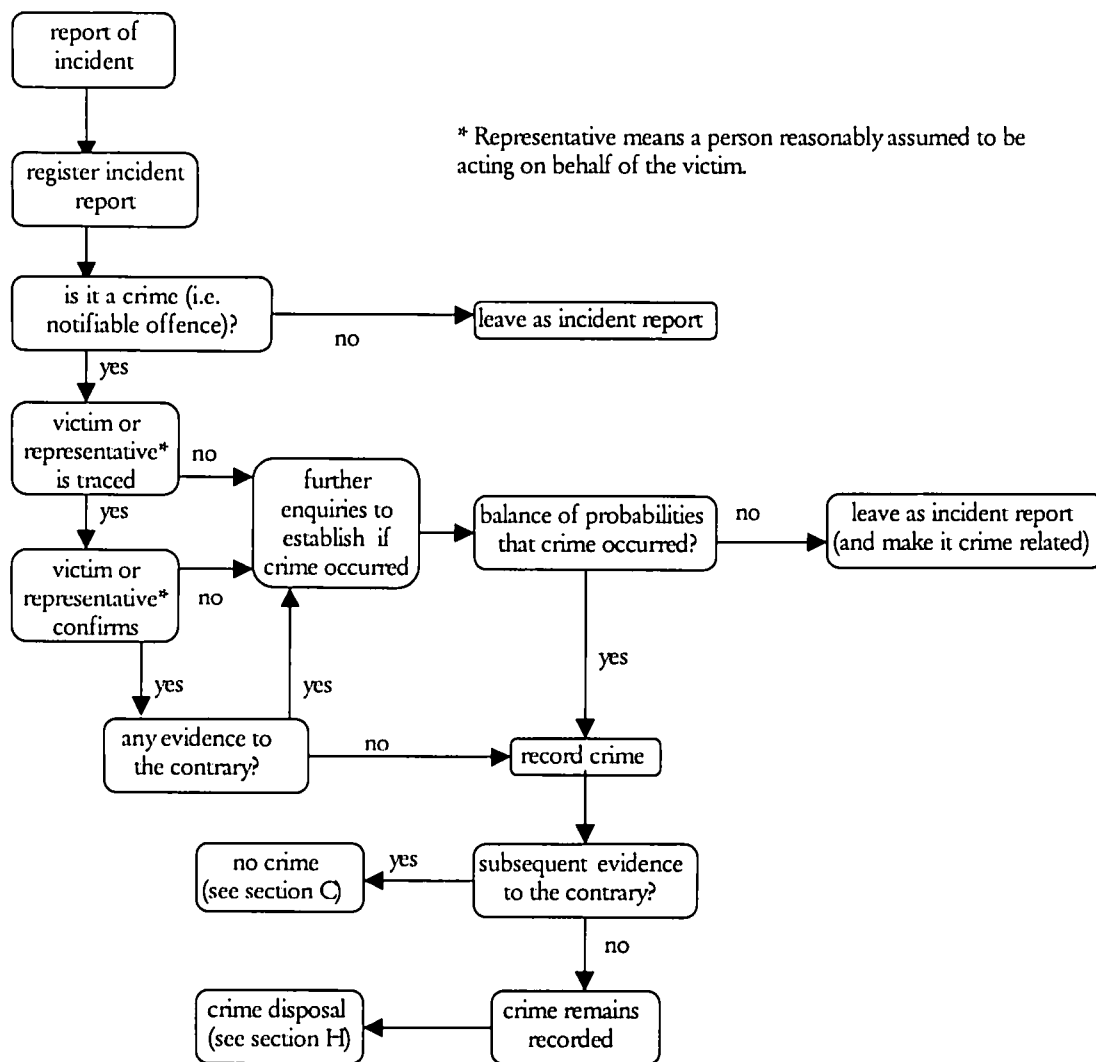
- A CRIME COMMITTED OUTSIDE ENGLAND AND WALES SHOULD ONLY BE RECORDED IF IT INVOLVES AN INVESTIGATION BY THE FORCE TO WHICH IT IS REPORTED.

(This does not include homicide, which is already covered by law).

# A Whether or When to Record (4 of 4)

## The Recording Process: Summary Flow Chart

(a more detailed version appears at the end of the NCRS Annex)



## B Classification & Re-classification

### When to Classify

- CLASSIFICATION OF A RECORDED CRIME SHOULD BE MADE AT THE TIME OF RECORDING.

This is the point at which the crime is confirmed i.e. a nominated officer (and ultimately the Force Crime Registrar) has checked the crime record to satisfy himself/herself that the procedure has been undertaken correctly.

### How to Classify: the 'Record as Charged' Rule

- THE CRIME TYPE CHOSEN SHOULD BE THE ONE WITH WHICH A SUSPECT WOULD BE CHARGED, GIVEN THE INFORMATION AVAILABLE AT THE TIME OF RECORDING.

This means that there will be occasions where the crime type recorded does not equate with the crime type with which a suspect is actually charged (or dealt with by other method of detection).

Where there is doubt about which crime type to choose, the test to apply is that of balance of probabilities (as with the decision to record an incident as a crime – see section A).

### Re-classification

- IF FURTHER SUBSTANTIVE INFORMATION COMES TO LIGHT AFTER A CRIME IS RECORDED, IT MAY BE RE-CLASSIFIED BY THE FORCE CRIME REGISTRAR IF IT IS CONSIDERED APPROPRIATE TO DO SO.

This rule includes re-classifications to all notifiable offences, including homicide.

- IF THE ORIGINAL CLASSIFICATION IS DISCOVERED TO BE IN ERROR, IT MAY BE RE-CLASSIFIED BY THE FORCE CRIME REGISTRAR.

The Force Crime Registrar should aim to make all necessary re-classifications within one month.

Re-classifications to non-notifiable offences are covered by the 'no crime' rule (see section C).

*A crime is initially recorded and classified as crime type A. The Force Crime Registrar considers crime type B to be more appropriate*

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|--|--|
| (i) <i>The Force Crime Registrar is validating the crime before confirmation</i>                                 | <i>The crime should be classified as crime type B.</i>                   |
| (ii) <i>The crime has already been confirmed, but new information suggesting crime type B has emerged later.</i> | <i>The Force Crime Registrar may re-classify to crime type B.</i>        |
| (iii) <i>As (ii), but crime type B is not notifiable</i>   | <i>The Force Crime Registrar should not re-classify to crime type B.</i> |
| (iv) <i>A crime (type A) is entered in error as crime type B.</i>  | <i>The Force Crime Registrar may re-classify to crime type A.</i>        |

- CRIMES RECORDED BEFORE 1 APRIL 2003 SHOULD BE COUNTED ACCORDING TO THE RULES APPLYING BEFORE 1 APRIL 2003. THEREFORE A CRIME RECORDED BEFORE APRIL 2003 CANNOT BE RE-CLASSIFIED UNLESS IT IS TO HOMICIDE.

## C No Crimes

- A CRIME ONCE RECORDED SHOULD BE CLASSIFIED AS A “NO CRIME” IF ONE OF THE FOLLOWING CRITERIA ARE SATISFIED:
  - (A) THE CRIME WAS COMMITTED OUTSIDE THE JURISDICTION OF THE POLICE FORCE IN WHICH IT WAS RECORDED. (Crimes committed within the jurisdiction of another police force area should be referred to the respective force - see also section G.)
  - (B) WHERE FOLLOWING THE REPORT OF AN INCIDENT WHICH HAS SUBSEQUENTLY BEEN RECORDED AS A CRIME, CREDIBLE EVIDENCE COMES TO LIGHT WHICH DETERMINES THAT NO NOTIFIABLE CRIME HAS BEEN COMMITTED.
  - (C) IF THE CRIME, AS ALLEGED, CONSTITUTES PART OF A CRIME ALREADY RECORDED.
  - (D) IF THE REPORTED INCIDENT WAS RECORDED AS A CRIME IN ERROR.

NO CRIMES RELATE TO CRIMES ALREADY RECORDED, AND ARE THEREFORE DISTINCT FROM INCIDENT REPORTS THAT ARE NOT CRIMED.

### Examples of crime which should be NO CRIMED

<i>A man reports that he has been blackmailed. The crime is recorded and investigated but the complaint is shown to be false. The complainant is prosecuted for wasting police time.</i>	<i>No crime the blackmail.</i>
<i>A burglary is reported and recorded but the subsequent investigation reveals that the report was false and a fraudulent insurance claim has been made.</i>	<i>No crime the burglary and record one crime of fraud.</i>
<i>A theft in a dwelling is discovered to have been recorded subsequent to the burglary of which it forms part.</i>	<i>No crime the theft in a dwelling.</i>
<i>An ABH is recorded but is discovered to have occurred during the course of a robbery which is already recorded.</i>	<i>No crime the ABH.</i>
<i>An offender knogles a dwelling, rapes the occupant and steals her car from the driveway. All are reported together and under the Principal Crime Rule the rape is recorded. One of the other constituent crimes of the incident is subsequently recorded.</i>	<i>No crime the subsequent record.</i>
<i>An abandoned vehicle is found burnt out. The incident was not witnessed. No report of the vehicle being stolen has been received and extensive enquiries failed to establish an owner for the vehicle. Police initially recorded an offence of arson.</i>	<i>In these circumstances, no notifiable crime has been committed in law. It should be treated as having been crimed in error and the offence should be no crimed.</i>

### Examples of crimes which should remain recorded

<i>A rape is reported to and recorded by the police. Following investigation, the police are unclear whether a crime actually took place.</i>	<i>The rape remains recorded.</i>
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## D One Crime per Victim

- **THE GENERAL RULE OF ONE CRIME PER VICTIM APPLIES TO CRIMES WITH SPECIFIC, INTENDED OR IDENTIFIABLE VICTIMS.**

The rule for each type of crime (including any exception to the general rules stated here) can be found on the counting rule page for that crime.

For crimes against the person, the victim is the person assaulted or threatened.

For crimes against property, the victim is generally the owner of the property targeted. In vehicle crime, for example, the crimes are counted in terms of numbers of registered owners vehicles, which may not exactly coincide with numbers of vehicles (as more than one vehicle may be owned by one person or company). The victim of a burglary in a dwelling is the household targeted, rather than individual owners of property.

### Example

*Two relatives of the household who are staying overnight have property stolen when the house is burgled.*

*One crime of burglary in a dwelling (class 28).*

- **IF THERE IS NO SPECIFIC, INTENDED VICTIM OF A CRIME, OR IF THE CRIME IS 'VICTIMLESS', THEN ONE CRIME SHOULD BE COUNTED FOR EACH OFFENDER OR GROUP OF OFFENDERS.**

This rule is clarified when applied to the relevant crime type.

In general, for offenders to constitute a group, three characteristics need to be established.

- (i) The offenders need to have a common purpose.
- (ii) There should be an element of conspiracy.
- (iii) They need to have more than mere common knowledge of the victim (in crimes where there is a victim).

- **IF A PERSON IS A VICTIM OF MORE THAN ONE CRIME, COUNT THE OFFENCES SEPARATELY IF THERE IS EVIDENCE THAT THE OFFENDER OR OFFENDERS HAVE ACTED INDEPENDENTLY.**

This rule can be viewed alternatively by considering the counting of crimes in terms of 'offender or group of offender / victim relationships'. In most cases any repeat crimes are likely to be carried out either by the original offender or by someone in league with the original offenders. However, if a completely independent person commits a second crime, then this constitutes a second offender/victim relationship and so should be counted separately.

## E The Finished Incident Rule

- AN INCIDENT COMPRISING A SEQUENCE OF CRIMES BETWEEN THE SAME OFFENDER (OR GROUP OF OFFENDERS) AND THE SAME VICTIM SHOULD BE COUNTED AS ONE CRIME IF REPORTED TO THE POLICE ALL AT ONCE

The incident can comprise crimes of different types. Classification then depends on the Principal Crime rule (see section F below).

- AN INCIDENT SHOULD BE REGARDED AS FINISHED WHEN IT COMES TO THE NOTICE OF THE POLICE

If the offending resumes after it comes to the police's notice, then further crimes are recorded whenever they come to the police's notice.

### Examples of the Finished Incident Rule

*A threatens B on three occasions.*

(i) *B reports the threats to the police on each occasion a threat is made*      *Three crimes.*

(ii) *B reports the three occurrences at the same time*      *One crime.*

*During a police operation an offender is observed to commit a number of crimes against the same victim*      *Each incident to be considered finished as it comes to the notice of the police. Separate crimes to be recorded*

## F The Principal Crime Rule

- IF THE SEQUENCE OF CRIMES IN AN INCIDENT, OR A COMPLEX CRIME, CONTAINS MORE THAN ONE TYPE OF CRIME, THEN COUNT THE MOST SERIOUS CRIME

(As it states in section E these incidents must involve the same offender and victim.)

In determining the most serious crime, the most serious violent crime (including rape) should generally take precedence over the most serious property crime. If it is not possible to do this, regard should be taken of the maximum sentence or, where equal sentences are prescribed, the maximum sentence likely to be imposed on an offender.

The end pages of each crime group chapter contain look-up tables of maximum sentences, together with a ranking chart to clarify precedence, particularly for crime types with the same maximum sentence.

This principal crime rule would not normally be applied to victimless crimes. If one considers the state or Regina as the victim in these crimes, then it is distinct from a specific victim. It follows that the victimless crime is counted in addition to the one with a victim. If there are two or more victimless crimes, then they should be counted separately, providing that they are distinct in nature (e.g. different crime classification).

It is difficult to provide a look-up table to cover all crimes. Violent crimes usually take precedence but with theft, when all else has been considered, the value becomes important.

### Examples of the Principal Crime Rule

*A house is entered, the female occupant is raped and her car is stolen from the driveway. All reported together.*

*One crime of rape (class 19A).*

*A householder is repeatedly victimised by a gang. Greenhouse glass is smashed on one occasion; garden furniture stolen on another occasion and the householder is assaulted. The incidents are reported to the police all at the same time.*

*One crime of assault unless this is clearly not the most serious crime committed on the victim in which case record one criminal damage or one theft depending on the value of the property.*

*A person stopped for dangerous driving is found to have a false tax disc.*

*One crime of dangerous driving (class 802) and one crime of fraud (class 814).*

## G Crimes in More Than One Force

- WHERE A CRIME AFFECTS THE DISTRICTS OF MORE THAN ONE POLICE FORCE, ONE CRIME SHOULD BE RECORDED BY THE FORCE WHO FIRST BECAME AWARE OF THE OFFENCE.

If there are practical difficulties in agreeing which force should record, then some negotiation can be made, particularly on the basis of who is taking the lead in investigating it.

- WHERE SEPARATE CRIMES HAVE BEEN COMMITTED IN DIFFERENT POLICE FORCE AREAS, THEY SHOULD BE RECORDED BY THE RESPECTIVE POLICE FORCES.

If there are any difficulties in determining the location of such crimes (e.g. crimes committed on a train, or by mail), then again some negotiation can be made on the basis of the force or forces investigating the respective crimes.

### Examples of Crimes in More Than One Force

*Goods are discovered to have been stolen from a lorry on arrival in force area B. Force B to record. Having travelled from force area A. Force B are investigating.*

*As above, but new evidence suggests that the theft took place in force A. Force A are taking over the investigation. Force B to 'no crime'. Force A to record.*

*A man is arrested for rape and admits raping three other women in different parts of the country – those crimes not previously reported. Each force to record the rapes committed in their area.*

*A riot occurring on or over the border of two police force areas. One crime recorded by the force in which it first comes to notice (probably where it started).*

- WHEREVER APPROPRIATE THE ABOVE RULES SHOULD APPLY TO CRIMES IN MORE THAN ONE BCU WITHIN A FORCE AREA

### Examples of Crimes in More Than One BCU

*A riot occurring on or over the boundary of two BCUs within the same force. One crime recorded in the BCU in which it first comes to notice (probably where it started).*

*A gang robs two branches of the same bank, located in different BCUs within the same force. Two crimes of robbery: one in each of the two BCUs.*

- CRIMES COMMITTED IN LOCATIONS UNDER THE JURISDICTION OF THE BRITISH TRANSPORT POLICE (BTP) SHOULD BE RECORDED BY THE BTP AND NOT BY THE HOME OFFICE FORCE IN WHOSE AREA THE CRIME WAS COMMITTED

The locations under BTP jurisdiction are as described in HO circular 25/2002: 'A Protocol between British Transport Police and Home Office Police Forces'.

- \* Crimes that cross the border between BTP and HO force jurisdiction, should be treated as 'crimes in more than one force' under the rules above.

SEE ANNEX C FOR NCRSG PROTOCOL FOR MANAGING REPORTS OF CRIME OCCURRING IN OTHER POLICE FORCE AREAS



# H Detections (1 of 10)

## Basic Principles

A CRIME IS DEEMED TO BE DETECTED (I.E. CLEARED UP) WHEN ALL OF CONDITIONS 1 TO 4 LISTED BELOW ARE MET.

(1) A CRIME (I.E. NOTIFIABLE OFFENCE) HAS BEEN COMMITTED AND RECORDED (see General Rule A).

(2) A SUSPECT HAS BEEN IDENTIFIED AND IS AWARE OF THE DETECTION.

### Clarification:

- In most cases, this will involve the suspect being interviewed by a police officer.
- In cases where an interview is not necessary to determine guilt, or for evidential purposes, and the detection is of "No further Action" (see D below), the suspect should at least be informed that the crime has been detected. If the suspect is not informed, a crime cannot be detected. The **only** exceptions are where the suspect has died or is mentally or physically incapable of being interviewed. There should be a clear audit trail in such cases.
- It is no longer permissible to claim a detection where "inflammatory consequences" prevent interviewing or informing the suspect. In such cases the crime should remain undetected.

(3) THERE MUST BE SUFFICIENT EVIDENCE TO CHARGE THE SUSPECT WITH THE CRIME.

### Clarification:

- The evidence supporting the case must be sufficient to pass the Crown Prosecution Service (CPS) evidential test i.e :
  - there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.
- The evidential test should be applied at the time the detection is claimed. If the victim or an essential witness subsequently withdraws his/ her evidence, the detection should stand – see D4.
- It is not possible to give precise definitions of what constitutes sufficient evidence to charge that cover every circumstance. What follows should act as a **guide**.

Evidence	Sufficient to charge?
Word against word only	Insufficient to charge
Admission only (offender serving a sentence)	Insufficient to charge
Admission only (not serving a sentence)	There may be sufficient to charge (e.g. for cautions & TICs) – though there should be checks against details of the crime record to corroborate the admissions made
Witness fails to pick out suspect on identification parade – only other evidence is the statement of the witness	Insufficient to charge
Circumstantial evidence (such as a suspect found near crime scene) only	Insufficient to charge
One piece of <i>prima facie</i> evidence – e.g. Witness statement, CCTV – not supported by any other evidence	Insufficient to charge
One piece of DNA evidence	There may be sufficient evidence to charge
One piece of <i>prima facie</i> evidence – e.g. Witness statement, positive forensic identification, CCTV – plus supporting evidence	There may be sufficient evidence to charge
Witness fails to pick out suspect on identification parade. Other supporting evidence exists e.g. forensic identification	There may be sufficient other evidence to charge

# H Detections (2 of 10)

## (3) contd.

*An officer arrives at a domestic disturbance following a third party allegation of assault. Two people are present, one of whom is obviously injured. Both people refuse to make a statement.*

*If the NCRS is met, the crime cannot be detected, as the injuries alone do not constitute sufficient evidence to charge.*

## (4) ONE OF THE METHODS OF DETECTION (A to E) LISTED ON THE FOLLOWING PAGES APPLIES.

**NOTE: ONCE A DETECTION HAS BEEN CLAIMED, ANY IDENTIFIABLE VICTIM MUST BE INFORMED THAT THE CRIME HAS BEEN 'DETECTED' OR, IN THE CASE OF A CHILD, THE PARENT OR GUARDIAN MUST BE INFORMED.**

### Clarification:

- Ideally, the victim should be informed in person, but a letter will suffice. The process should be auditable.
- In cases where there is no victim, e.g. possession of drugs, the detection still counts.
- In cases where it is not possible to establish who the victim is (e.g. on admission of property stolen from a vehicle, the details of which aren't known), if the remaining detection criteria are met, the detection can be counted.

# H Detections (3 of 10)

## Methods of Detection

- ONCE THE OVERALL PRINCIPLES HAVE BEEN SATISFIED, THE CRIME CAN ONLY BE CLASSIFIED AS DETECTED FOR HOME OFFICE PURPOSES USING ONE OF THE FOLLOWING FIVE METHODS:-

(A) A PERSON HAS BEEN CHARGED OR SUMMONSED FOR THE CRIME (irrespective of any subsequent acquittal at Court).

### Clarification:

- If the CPS, when presented with the case file, discontinues the case on the grounds of insufficient evidence, a designated decision maker should review the reasons for the charge.
  - The designated decision maker should be approved by the ACPO officer responsible for crime recording, and may be an officer or specialist civilian staff member (e.g. law clerk).
  - The designated decision maker should not have been in any way involved in the original decision.
  - If the designated decision maker agrees that there is insufficient evidence then the detection **must be cancelled**.
  - If the designated decision maker stands by the original decision, this should be recorded together with the grounds for the decision in auditable form, and the detection can still be counted as charge/ summons.
- If the case is discontinued at a later stage, i.e. after the initial CPS evidential test has been passed, then the detection should not be cancelled.
- In the case of a summons, a detection can be counted once the issue of the summons has been authorised.

(B) THE OFFENDER HAS BEEN CAUTIONED BY THE POLICE (or given a reprimand or final warning, under the Crime and Disorder Act 1998). Guidance on the use of formal cautions was given in Home Office Circular 18/1994.

### Clarification:

- Informal Warnings, where forces make use of them, and Formal Warnings for youths, should **not** be counted as detections by this method. Nor should any other form of disposal not explicitly listed above.

(C) THE CRIME HAS BEEN TAKEN INTO CONSIDERATION BY THE COURT (or if the offender is found to be not guilty, that the unequivocal consent of the offender had been obtained by way of statement of admission and desire to have further crimes taken into consideration prior to him/her being found not guilty).

### Clarification:

- Note that crimes that have not previously been recorded but which are taken into consideration, should be counted and returned to the Home Office separately from other TICs.
- Crimes can be counted as detections once the admission is made and the TIC acceptance form has been signed. Any TIC acceptance form that is not put before the court should be reviewed by a designated decision maker. (The designated decision maker should not have been in any way involved in the original decision). Each case should be judged on its merits, taking into account the reasons it has not been put before the court. It may be appropriate to charge for the offence, or it may be detected as not in the public interest, or the detection may be cancelled. It should not remain as a TIC, unless the offender has been found not guilty, as described above.

## H Detections (4 of 10)

- If the TIC form has not been signed, it may be appropriate to clear up the crime using Method D. For this to be possible, there should be proof that the offence has not been admitted by a serving offender (see D7). The offender should also be informed of the detection.

*An offender asks for a crime to be taken into consideration. It has not already been recorded, but the victim confirms that it was committed, and a TIC acceptance form has been signed.*      *The crime should be recorded and detected under method (C).*

*As above, except that there is no evidence of the TIC crime having been committed.*      *The crime should be neither recorded nor detected.*

*An offender admits in an interview to a crime that has not been recorded, and of which there is no evidence apart from the admission. The alleged victim is informed, but cannot confirm the crime.*      *The crime should be neither recorded nor detected.*

### (D) NO FURTHER ACTION HAS BEEN TAKEN BY THE POLICE, FOR ANY OF THE FOLLOWING REASONS:

- D1. The offender dies before proceedings could be initiated or completed.
- D2. The offender is ill and is unlikely to recover or is too senile or too mentally disturbed for proceedings to be taken.

#### Clarification:

- This should be verified by a suitably qualified medical practitioner and auditable (e.g. by documenting the contact details of that practitioner; a medical certificate, which can be costly, is not mandatory).

- D3. The complainant or an essential witness is dead and the proceedings cannot be pursued.
- D4. There would be sufficient admissible evidence to charge but the victim or an essential witness refuses, or is permanently unable, or if a juvenile is not permitted, to give evidence.

#### Clarification:

- "Sufficient admissible evidence to charge" : See basic principle 3.
- "Victim or an essential witness refuses" : There is no requirement for the refusal of the victim or essential witness to relate to evidence given in court. A refusal to give evidence at any time is sufficient. It can include a refusal to make any statement. The refusal will normally be recorded by a signed witness statement or signed pocket book entry, but in exceptional circumstances a note by the officer in their pocket book or other official record will be sufficient when a victim refuses to do either of the former.
- "Permanently unable" : The victim may be permanently unable to give evidence for reasons that they are:
  - dead;
  - permanently ill;
  - mentally/ physically incapable;
  - overseas and not likely to return in the near future; or
  - not traced.
- "Juvenile is not permitted" : A juvenile may not be permitted to give evidence by, for example, their parent or guardian, or by an appropriate authority such as Social Services.

# H Detections (5 of 10)

## D4 (contd)

Scenario	Scenario	Scenario	Scenario
Victim declines to give evidence, but the additional evidence is sufficient to charge	Victim declines to give evidence, but if they did there would be sufficient evidence to charge	Victim declines to give evidence, and even if they did there would not be sufficient evidence to charge	Victim initially agrees to give evidence, and there is sufficient evidence to charge
<i>Charge/ Summons, Caution or TIC as appropriate, or count as D4</i>	<i>Count as D4</i>	<i>Cannot detect the crime</i>	<i>Charge/ Summons, Caution or TIC as appropriate</i>
Victim subsequently agrees to give evidence	Victim subsequently agrees to give evidence	Victim subsequently agrees to give evidence	Victim subsequently declines to give evidence
<i>Do not change detection method</i>	<i>Do not change detection method</i>	<i>Cannot detect the crime, unless there is now sufficient evidence to charge</i>	<i>Do not change detection method</i>

N.B. For victim, read victim or essential witness; for declines, read refuses, is unable, or not permitted.

*A rape is reported by a female victim who names her assailant. Medical examination confirms recent intercourse. The alleged offender is interviewed and admits to having intercourse with the victim but is adamant that she consented.*

*(i) The victim, during subsequent interview, maintains that she did not consent. However, with the prospect of a full criminal trial, she refuses to support proceedings. Even with her evidence, there would not be sufficient evidence to charge.*

*The crime is recorded but remains undetected. D4 does not apply as there is not sufficient evidence to charge.*

*(ii) During subsequent interview the victim admits that she did consent but later regretted having done so.*

*Record as 'no crime'. Investigation has determined no crime was committed.*

*Victim reports a rape, which is corroborated by medical evidence and independent witnesses. The victim names her assailant who is subsequently interviewed and refuses to answer any questions but does not deny the allegation. The victim later refuses to support criminal proceedings.*

*The crime can be recorded as detected under method D4, providing that there is sufficient evidence to charge the assailant.*

*Police attend a domestic disturbance. Upon arrival the victim is seen to have recent injuries.*

*(i) The alleged offender is present and is arrested. During subsequent interview the offender admits the assault. The victim refuses to support proceedings and provides an explanation for the decision. The victim refuses to make a written statement or sign the officer's pocket book entry.*

*Record as detected under method D4 if, were the victim to give evidence, there would be sufficient evidence to charge the alleged offender.*

*(ii) The alleged offender has left prior to police arrival but is named by the victim who insists that police should not approach or interview the alleged offender. There is no independent evidence.*

*The crime should remain undetected as there is not sufficient evidence to charge.*

## H Detections (6 of 10)

- D5. It is ascertained that a crime has been committed by a child under the age of criminal responsibility.
- D6. A crime is admitted by a juvenile of the age of criminal responsibility and police take no action other than reporting the particulars to a local authority for action under the Children and Young Persons Act 1969.
- D7. There is sufficient admissible evidence to charge the offender but the CPS or a designated decision maker decides that no useful purpose would be served by proceeding with the charge.

### Clarification:

- The designated decision maker should be approved by the ACPO officer responsible for crime recording, and may be an officer or specialist civilian staff member (e.g. law clerk).
- "No useful purpose" : This means that one of the following circumstances can apply:
  - If the crimes were committed years before and prosecution would be an abuse of process.
  - Prosecution is not in the public interest.
  - The attendance of a victim or an essential witness at court is considered inappropriate.
- Paragraphs 6.1 to 6.6 of the Code for Crown Prosecutors cover the Public Interest Test. Annex B at the end of the General Rules reproduces some common public interest factors against prosecution. However, there are also factors in favour of prosecution, and the balance of factors leads to a decision in each case – so the existence of one or more factors against prosecution does not of itself rule out prosecution.
- Evidence should be provided in each case, as to which of the criteria is met, and how.
- Offender already serving a sentence (custodial or otherwise) for another crime. In general, a crime cannot be detected for Home Office purposes by this method if the suspect is already serving a sentence (custodial or otherwise) for another crime. The only exception is where an offender is serving a sentence when evidence becomes available which, regardless of the interview and/or admission, is sufficient to charge him/her.
  - **Evidential Test** - Before applying the public interest test each case will be considered against the evidential test. If the evidential requirement is not met then the case will not be considered further and should remain undetected unless sufficient evidence is forthcoming.
  - The case has been reviewed by an officer of superintendent rank or above and further prosecution is considered to be appropriate: In such cases the police will submit an expedited file to the CPS in accordance with the file standard agreed between ACPO and the CPS in February 2001. If the CPS decides to proceed with the case, the crime should be detected by method A. If the CPS decides there is sufficient evidence but it is not in the public interest to charge the suspect, the crime can be detected by method D7.
  - If further prosecution is not considered to be appropriate (following review by an officer of superintendent rank or above), the crime can be detected by method D7. There is no need to involve the CPS in such cases. The officer's decision should be documented and auditable, as it will be subject to rigorous audit by Crime Registrars and PSU. Documentation should include evidence that:
    - All the basic principles are met;
    - The new evidence, regardless of the interview and/or admission, is sufficient to charge; and
    - Prosecution would not be in the public interest.
  - **Other Offences** - A schedule of additional offences, which, in the event of a fresh prosecution, may be suitable for being taken into consideration, should be submitted with the case papers. Such a schedule should not be served on the alleged offender or shown as detected until the decision to prosecute is made. If no further prosecution takes place each offence should be subject to review as if it were a charge.

# H Detections (7 of 10)

D7 contd.

Evidence	Police decision	CPS decision	Detection?
Admission/ interview AND new evidence, give sufficient to charge	Charge	Charge	A
	Not in public interest	Not in public interest	None
Based on new evidence <u>only</u> , sufficient to charge	Not in public interest	N/A	None
	Charge	Charge	A
	Not in public interest	Not in public interest	D7
	Not in public interest	N/A	D7

<i>A serving offender not only admits to another burglary, but he is able to give precise details of the inside of the premises, layout, decoration etc. The crime has previously been recorded. There is no other supporting evidence.</i>	<i>Cannot be detected. This information is still part of the interview. There is no new evidence which is sufficient to charge.</i>
<i>DNA evidence becomes available which links a serving offender to a previously recorded crime. The DNA is judged sufficient to charge.</i>	
<i>(i) A Superintendent decides prosecution is not in the public interest.</i>	<i>Detect the crime using method D7.</i>
<i>(ii) A Superintendent decides prosecution is appropriate, and CPS agree.</i>	<i>Detect the crime using method A (Charge).</i>
<i>(iii) A Superintendent decides prosecution is appropriate, but CPS decide prosecution is not in the public interest.</i>	<i>Detect the crime using method D7.</i>

D8. There is sufficient admissible evidence to charge the offender with a summary offence but a designated decision maker has authorised the detection as the time limit of six months for commencing prosecution has been exceeded.

## Clarification:

- The designated decision maker should be nominated by the ACPO officer responsible for crime recording, and may be an officer or specialist civilian staff member (e.g. law clerk).

(E) A PENALTY NOTICE HAS BEEN ISSUED. Police Operational Guidance on Penalty Notices for Disorder was issued by the Home Office in October 2002.

## Clarification:

- If the penalty notice is not contested, the detection can be counted.
- If the penalty is contested, and the CPS when presented with the case file, proceed with the case, the detection can be counted.
- If the penalty is contested, and the CPS, discontinues the case on the grounds of insufficient evidence then a designated decision maker should review the reasons for the penalty notice.
  - The designated decision maker should be approved by the ACPO officer responsible for crime recording, and may be an officer or specialist civilian staff member (e.g. law clerk).
  - The designated decision maker should not have been in any way involved in the original decision.
  - If the designated decision maker agrees that there is insufficient evidence, then the detection **must be cancelled**.
  - If the designated decision maker stands by the original decision, this should be recorded together with the grounds for the decision in auditable form, and the detection can still be counted as a penalty notice.

# H Detections (8 of 10)

## Counting and Classification

- A DETECTION SHOULD BE COUNTED AND CLASSIFIED IN THE SAME WAY AS THE RECORDED CRIME (I.E. SAME CRIME TYPE). IF FURTHER CRIMES ARE DISCOVERED THEN THEY CAN ADDITIONALLY BE RECORDED AND DETECTED, PROVIDING THAT THE GENERAL COUNTING RULES ARE APPLIED.

## Clarification:

- If investigations reveal that a different crime has in fact been committed, then the crime should be reclassified, and the detection counted the same as the final classification.
- Where a suspect is charged with a less serious crime than the final classification, the crime record should accurately state this, and information on the number of times this occurs, and for which crimes, should be made available to the Home Office.

*A suspect is charged with grievous bodily harm for a crime already recorded as attempted murder. One detection of attempted murder.*

*As above, but the crime had not previously been recorded. One crime of GBH recorded and detected.*

*A crime is recorded as a burglary. Investigation reveals theft by a member of the household who is charged with theft. Reclassify the burglary as theft. One crime of theft recorded and detected.*

- A RECORDED CRIME CAN BE DETECTED ONLY IF THERE IS EVIDENCE OR AN ADMISSION CONCERNING THAT PARTICULAR INCIDENT. WHERE THE PRINCIPAL CRIME RULE APPLIES, THE CRIME CAN BE DETECTED IF ANY OF THE COMPONENT CRIMES ARE DETECTED.

## Clarification:

- Where a suspect is charged with a less serious crime than the final classification, the crime record should accurately state this, and information on the number of times this occurs, and for which crimes, should be made available to the Home Office.
- If investigations reveal evidence suggesting that crimes recorded under the principal crime rule were not in fact committed by the same offender(s) with the same victim, additional crimes should be recorded (in line with the NCRS) and may be detected accordingly.

*The police are investigating a burglary, which has been recorded. A suspect is found with the stolen goods, but there is evidence of handling only (which he admits). The burglary remains undetected. An extra crime of handling can be recorded and detected, if there is evidence this may be a distinct crime not covered by the principal crime rule (as there is a separate victim).*

*A person reports a GBH, criminal damage to their vehicle and theft from their vehicle, taking place at the same time and committed by the same offender. The police record the GBH. A suspect admits the criminal damage but there is insufficient evidence to charge for the other two crimes. One crime of GBH recorded and detected (the detection is counted the same as the crime).*



# H Detections (9 of 10)

Contd.

*A person reports a GBH, criminal damage to their vehicle and theft from their vehicle, but is uncertain of when the damage or theft were committed, or by whom. A suspect admits the criminal damage and theft, but denies the GBH, alleging it was committed by another person (i.e. a separate incident).*

*Assuming NCRS is met, one undetected crime of GBH and one detected crime of criminal damage (principal crime rule applies), provided there is sufficient evidence to charge.*

*A crime is recorded as wounding with intent to do GBH (Sec 18, Offences against the Person Act 1861), and police charge with GBH without intent (Sec 20).*

*One crime recorded and detected of wounding with intent to do GBH (the detection is counted the same as the crime).*

*A drunk person pushes into two people. They report assaults, and both are recorded as crimes. The suspect admits being drunk, and banging into the people, but denies intending harm. The victims insist they were assaulted. There are no grounds for reclassification. Police charge the suspect with being drunk and disorderly.*

*Assuming NCRS is met, record two crimes of assault. The detections count as the offence i.e. 2 detections for assault.*

*As above, but the victims accept that there was no harmful intent. The suspect is charged with being drunk and disorderly.*

*No crime the assaults if recorded as crimes. Record the (non-notifiable) drunk and disorderly offence, but the detection cannot be counted as no notifiable offence has been recorded.*

A distinction should be made between this scenario and the downgrading of a charge on CPS advice that there is a more appropriate charge.

*A group of offenders are responsible for several burglaries, each of which has been recorded. There is sufficient evidence that the group is responsible for the burglaries but the police are unable to match individuals in the group to individual properties. CPS advises charging each member of the group with conspiracy to burglar.*

*The burglaries can be detected.*

- A CRIME COMMITTED BY A GROUP OF PEOPLE CAN BE DETECTED WHEN ONE MEMBER OF THE GROUP HAS BEEN DEALT WITH FOR THE CRIME UNDER ANY OF THE METHOD OF DETECTION CATEGORIES A-E. HOWEVER THE INITIAL METHOD OF DETECTION CANNOT BE RE-CLASSIFIED TO ACCOUNT FOR THE APPREHENSION OF OTHER MEMBERS OF THE GROUP.

The characteristics of a group are listed in General Rule D.

*The police are investigating a burglary by a group of offenders. The burglary has been recorded. One member of the group is apprehended and cautioned. A further member is later charged.*

*One burglary detected by means of a caution (method B).*

- A DETECTION CANNOT BE CANCELLED ONCE FINALISED BY THE POLICE, UNLESS A GENUINE ERROR HAS OCCURRED.

As stated above, if the subsequent case is discontinued on evidential grounds, then the detection should not be cancelled if a designated decision maker still stands by the reasons for charging or issuing a penalty notice.

# H      Detections (10 of 10)

Contd.

- THE METHOD OF DETECTION CANNOT BE CHANGED ONCE FINALISED BY THE POLICE, UNLESS A GENUINE ERROR HAS OCCURRED.

This means that, for example, if a detection has been classified as a caution, it cannot be subsequently changed to a Charge/ Summons, if a another offender is later charged or summonsed. The only exception to this is where a TIC form is signed, but not put before the court, as described above.

- CRIMES DEALT WITH BY OTHER FORCES SHOULD BE DETECTED BY THE FORCE THAT RECORDED THE CRIME. THE METHOD OF DETECTION WOULD DEPEND ON HOW THE SUSPECTS ARE DEALT WITH BY THE OTHER FORCE (e.g. if charged then method of detection would be a charge).

# I Other Agencies (1 of 2)

A list has been compiled of organisations, which are termed as 'Other Agencies' for the purpose of the Home Office Counting Rules and issues surrounding crime recording. The agencies have been selected on the basis of their current ability to record incidents of crime in a sound and appropriate way. The list is:

Customs and Excise	Trading Standards	Prisons	Armed Forces
Immigration Service	Local Authority Police	Coastguards	Inland Revenue
British Telecom	MOD Police	RSPCA	Health and Safety
Banks and Finance	Atomic Energy Police	NSPCC	Benefits Agency
National Health Service	Post Office	Social Services	

The list is not intended to be a rigid one, and other organisations may be added or removed in any revision of the Counting Rules.

- WHERE POLICE ARE INVOLVED IN A JOINT INVESTIGATION WITH AN AGENCY CONTAINED WITHIN THE ABOVE LIST, IT WILL BE THE PARTNERSHIP AGENCY THAT HAS PRIMACY OF INVESTIGATION THAT WILL BE RESPONSIBLE FOR RECORDING A CRIME.
- WHERE THE OTHER AGENCY IS NOT ON THE LIST IT WILL ALWAYS FALL TO THE POLICE TO RECORD THE CRIME IN ACCORDANCE WITH THE NCRS.

## Clarification

In accordance with the victim based approach to the NCRS, where a victim contacts police a crime will be recorded, albeit the matter may be referred for investigation, either completely or primarily, by another agency.

In these instances such cases will be by nature a type the 'other agency' has a statutory duty to deal with or it is accepted practice for them to do so.

If a potential incident of crime occurs, which relates to the 'other agency' and is outside the scope of the above paragraph (Criminal Damage to a telephone box for example), the agency will be dealt with as a victim in the normal way. A decision to record being made in accordance with para 2.2. of the Standard.

Where an 'other Agency' brings a potential crime or series of crimes to police attention as a part of an exchange of information agreement or on an ad hoc basis, such data will be considered as intelligence. As a consequence such provision will not place a requirement on Police to separately record crime.

Where **an agency** presents details of an incident amounting to a crime and request police assistance, any decision to record will be made in accordance with guidance contained in this section on joint investigation.

Where an agency within the list is potentially both the victim and also the recording/investigating body (Banks and Financial Institutions, etc), any formal request to record a crime must be considered in accordance with the Standard.

# I Other Agencies (2 of 2)

Contd.

## Examples of crimes which SHOULD be recorded

*The police in partnership with the DTI are investigating a fraud and the police are the leading body.*

*Police are the lead investigating body in an investigation involving a number of agencies (social services, etc) into sexual abuse on minors.*

*Police are investigating an allegation of rape which has been brought to their attention by a voluntary agency.*

*Police attend the scene of a fire which is designated as an arson.*

## Examples of crimes which SHOULD NOT be recorded by Police

*The police provide PNC information, but no other assistance, to a DTI fraud investigation.*

*The police offer custody facilities to customs officials who have apprehended smugglers.*

*The police obtain names of benefit fraud offenders from DSS but take no part in the investigation.*

*The police accompany customs officials in raiding a ship suspected of smuggling (Customs have primacy).*

*The police assist DSS officials in surveillance work that leads to the apprehension of benefit fraudsters (DSS have primacy).*

## J Other Issues

### Attempts etc.

In general, attempting, conspiring, inciting, aiding, abetting, causing or permitting a crime is classified under the heading of the crime itself, though in certain cases it is shown separately.

### Crimes Committed before 1 April 2003

- **CRIMES COMMITTED BEFORE 1 APRIL 2003, WHICH ARE RECORDED ON OR AFTER THAT DATE, SHOULD BE RECORDED ACCORDING TO THE RULES FOR COUNTING AND COVERAGE THAT APPLIES FROM 1 APRIL 2003.**

Under this rule, a crime committed in March 2003 but not coming to the police's notice until April 2003 should be recorded in April 2003 and can therefore be reclassified if appropriate.

### Crimes Recorded before 1 April 2003

- **CRIMES RECORDED BEFORE 1 APRIL 2003 SHOULD BE COUNTED ACCORDING TO THE RULES APPLYING BEFORE 1 APRIL 2003, EVEN IF THEY ARE DETECTED ON OR AFTER THAT DATE.**

Therefore, a crime recorded in March 2003 cannot be reclassified unless it is to homicide.

- **THE ABOVE RULES ALSO APPLY TO ANY COUNTING RULES REVISION OR AMENDMENT DATE.**

For example, crimes committed before 1 April 1998 (the last major counting rules revision date), which are recorded after 1 April 2003, should be recorded according to the current rules.

<http://www.homeoffice.gov.uk/rds/pdfs2/countrecstan03.pdf>

4/28/2003

11pp

# National Crime Recording Standard (1 of 8)

*This is a reproduction of the revised version of the ACPD National Crime Recording Standard document. The original version formed appendix B of the letter from DCC Frank Whiteley of Northamptonshire Police to Chief Officers, force crime registrars, HMIC and the Home Office in February 2002. Its security classification is 'unclassified'.*

## 1 AIMS:

- To promote greater consistency between Police Forces in the recording of crime.
- To take a more victim oriented approach to crime recording.

## 2 GENERAL PRINCIPLES

The proposed standard accords with three basic principles:

- 2.1 All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will result in the registration of an incident report by the police.
- 2.2 Following the initial registration, an incident will be recorded as a crime (notifiable offence) if, on the balance of probability:
  - (a) The circumstances as reported amount to a crime defined by law (the Police will determine this, based on their knowledge of the law and counting rules).  
and
  - (b) There is no credible evidence to the contrary.
- 2.3 Once recorded, a crime would remain recorded unless there was credible evidence to disprove that a crime had occurred.
- 2.4 It is important that the Standard supports a victim focused approach to crime recording where the public's call for service is met, as opposed to a proactive one where the police are required to trawl for potential crimes.

## 3 GENERAL INTERPRETATION OF PRINCIPLES

- 3.1 The reasons for registering all incidents include the need to ensure Forces have all available information in relation to possible crimes in their area and to allow an audit trail to be created, to ensure consistency of crime recording between Forces. Where a report is recorded as a crime initially (e.g. telephone report direct to Crime Management Unit), it is not necessary that an incident report is also created. However, where the report is not initially recorded as a crime, an auditable incident report should be registered (whether on the Force Incident System or some other accessible and auditable means).

## National Crime Recording Standard (2 of 8)

- 3.2 When examining a report of a crime related incident, the test to be applied in respect of recording a crime is that of the balance of probabilities: that is to say is the incident more likely than not the result of a criminal act? In most cases, a belief by the victim (or person reasonably assumed to be acting on behalf of the victim) that a crime has occurred is sufficient to justify its recording as a crime, although this will not be the case in all circumstances. Effectively, a more victim oriented approach is advocated.
- 3.3 The degree to which Police Forces investigate an initial report from a victim or person reasonably assumed to be acting on behalf of the victim to establish whether a crime has occurred or not will vary with the circumstances of the report. Such investigation may range from questioning over the telephone when the initial report is made, to fuller investigation of the circumstances surrounding the allegation. However, it is envisaged such further investigations, to facilitate the crime recording decision, would be the exception, not the norm, as a victim focused approach is to be taken.
- 3.4 An allegation should be considered as made, at the point of first contact, i.e. the stage at which the victim or a person reasonably assumed to be acting on behalf of the victim first makes contact with the police, be that by phone, etc or in person. If an alleged or possible victim cannot be contacted or later refuses to provide further detail, the Crime Recording Decision Making Process (CRDMP) should be based on all available first contact information.
- 3.5 The fact that a person is drunk or otherwise impaired might have a bearing on the balance of probability issue within the CRDMP. As a minimum a crime related incident must be recorded and followed up by the police when the person is in a fit state. However, if at the time of reporting supporting evidence exists, a crime should be recorded, regardless of the victim's condition.
- 3.6 In all cases, a crime should be recorded as soon as the reporting officer is satisfied that it is more likely than not that a crime has been committed (in accordance with para 2.2.).
- 3.7 Where apparent criminal activity comes to the attention of the Police, and the alleged victim confirms that a crime has taken place, but declines to support Police action, a crime should be recorded. An unwillingness to support an investigation or prosecution should not be allowed to negatively influence the CRDMP.
- 3.8 Advice received from ACPO Data Protection Sub-Committee would indicate that the recording of a victim's personal details, possibly against their wishes, would be permissible under either Section 29 of the Data Protection Act 1998 (necessary for the prevention or detection of crime) or Schedule 2 [4] (necessary to protect the vital interests of the subject).
- 3.9 Where there are grounds to suspect that a victim related crime (i.e a crime requiring victim confirmation for it to be complete) may have taken place but no victim (or person reasonably assumed to be acting on behalf of the victim) can immediately be found or identified, the matter should be recorded as a crime related incident until such time as the victim is located or comes forward.



## National Crime Recording Standard (3 of 8)

- 3.10 For example, apparent or possible criminal activity, such as damage to bus shelters, telephone kiosks, forensic items (blood) etc, which does not in itself amount to evidence of a crime, coming to the attention of the Police after the incident either personally or via third parties, would not initially be recorded as a crime but as a crime related incident and enquiries should be carried out to locate the victim.
- 3.11 In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime. Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence the incident will remain as a crime related incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in accordance with the Home Office Counting Rules.
- 3.12 It is not the intention of the NCRS to record as crimes all incidents that could be construed as crimes when viewed on CCTV. Incident reports from CCTV systems should be treated as reports by a third party coming to the attention of the Police and treated in line with the principles set out in paragraph 3.9 and 3.10. For example, where, as a result of events seen on CCTV, Police Officers attend the scene of a disturbance but all parties have left, this should be recorded as a crime related incident rather than as a recorded crime.
- 3.13 In all cases where apparent criminal activity is reported, but a crime is not initially recorded, the police would be expected to carry out reasonable enquiries to confirm whether a crime has, in fact, been committed through seeking confirmation, on the balance of probability, from the victim, a person reasonably assumed to be acting on behalf of the victim, witnesses or via other supporting evidence. Where this cannot be confirmed, the crime related incident should be endorsed with the enquiries made and for audit purposes, the reason why a crime was not recorded.
- 3.14 In adding to the general principle contained in paragraph 2.3 regarding no criming, there will continue to be three administrative reasons for no criming, as contained in Section C of the General Rules of the Home Office Counting Rules.
- 3.15 Appendix 'B'1 *[reproduced here on page 8]* shows the National Crime Recording Standard in flowchart form.
- 3.16 Definitive guidance in relation to crime recording will continue to be contained in the "Home Office Counting Rules for Crime". Additional examples will be included in the HOOCR to facilitate clarification and specific interpretation of the National Crime Recording Standard. Additional offence specific clarification may be developed as a result of the consideration of local/national audits (see paragraph 4.4), and the seminar processes associated with the development of the Force Registrar infrastructure (see paragraph 4.2). Changes recommended from these sources will become incorporated into Home Office Counting Rules.

# National Crime Recording Standard (4 of 8)

- 3.17 The Home Office Counting Rules will along with the Standard (as outlined at 3.16) be subject of ongoing and timely development, which will be managed by the National Crime Recording Steering Group (NCRSG). Any amendments will be made on an annual basis.

## 4 SUPPORTING PROCESSES

### 4.1 Leadership

The adoption of a more consistent and victim oriented crime recording standard will require an unequivocal statement and clear commitment from Chief Officers and local BCU Commanders. Chief Officers would doubtless wish to ensure on an ongoing basis that each Force's position on crime recording was clearly articulated throughout the organisation, and that the Service and personal implications of such an approach were understood.

### 4.2 Force Crime Registrar

To ensure the National Crime Recording Standard is maintained within the Force and to provide greater consistency within and across Forces, each Force should appoint a "Force Crime Registrar" to act as final arbiter in both the audit process and the interpretation of the counting rules. It is envisaged that such an individual would be outside operational line command and answerable to the Chief Officer with overall responsibility for the accuracy and integrity of crime recording processes. Experience of FCR's suggests that to ensure that the responsibilities of the post are effectively met a deputy or other identified person, should be appointed.

#### Key tasks

- The development of crime recording policies and subsequent audit programmes
- The achievement of a more consistent and accurate response to crime recording
- To ensure prompt and adequate circulation of changes in counting rules, policy etc.
- To chair or be involved in Force crime recording user group meetings
- To act as Force representative and Home Office contact on the subject of crime recording
- To have regular contact with other Force Crime Registrars through regional and national fora with the remit to maintain standards between Forces which is consistent with the National Crime Recording Standard.

A major programme of training for FCR's and other staff involved in Crime Recording will commence in April 2003. Thereafter it is intended that basic training be made available on an annual basis, to take account of the normal levels of staff movement. Once initial training has been delivered the need for further developmental training will be considered.

# National Crime Recording Standard (5 of 8)

## 4.3 Force Systems

### 4.3.1 The Incident Recording System

Forces should seek to capture all crime related incidents coming to the notice of the Police so as to establish an accurate and timely picture of what is happening locally. This will usually be in the form of a command and control system incident, but will vary with Force circumstances. It is envisaged that all future incident and crime recording systems should be fully integrated or at least linked to facilitate tracking and audit between the systems.

For audit purposes, where recorded incidents appear to be crime related, they should either result in a recorded crime being created or an account of the reasons for not completing a crime report sufficient to show that the National Crime Recording Standard has not been breached.

#### Key aspects:

- Adequate distribution of input terminals to encourage full and accurate recording
- Adequate guidance and supervision in respect of the classification and closing of incidents
- Incident logs to be cross-referenced with the crime system and vice-versa
- Appropriate query tool mechanisms to be in place with the system being able to adequately respond to different user requirements
- Crime related incidents that do not result in a recorded crime to include sufficient account to show that the National Crime Recording Standard has not been breached.

### 4.3.2 The Crime Recording System

A modern crime recording system, available force wide, is essential to the proper implementation of the National Crime Recording Standard.

#### Key aspects:

- Good user-friendly crime recording system
- The crime recording system should be capable of proper audit
- Ideally, there should be an automatic link between incident recording and crime recording systems
- Any future development of Crime Recording systems, be it at a national or force level, will need to take account of the National Crime Recording Standard and any associated audit requirement.

# National Crime Recording Standard (6 of 8)

## 4.3.3 The Crime Recording Process

Responsibility for the recording of crime should be placed in the hands of a dedicated and highly trained group of staff, such as is common in dedicated Crime Recording / Crime Management Units, whether centrally or locally based.

### Key aspects:

- Forces with a centralised crime recording facility should provide a local crime management function to ensure proper local monitoring and response
- Realistic staffing levels
- Staff tasked with recording crime should be fully trained e.g. customer care skills, investigative skills, SOCO aware, victim support knowledge etc.
- Adequate supervision to ensure a competent and consistent service
- All stages of the process from initial recording to final disposal should be subject to scrutiny by trained staff
- All decisions made should be auditable
- Appropriate, centre-led “User Groups” to meet regularly with regards to determination of best practice, changes on policy / rules and problem-solving
- Maximum use made of Force communication facilities to disseminate changes in policy or highlight areas causing difficulty.

## 4.4 Audit (national and local)

An essential element of the National Standard is the need for regular and on-going local and national scrutinisation at all stages of the process.

### Key aspects of Scrutiny Process:

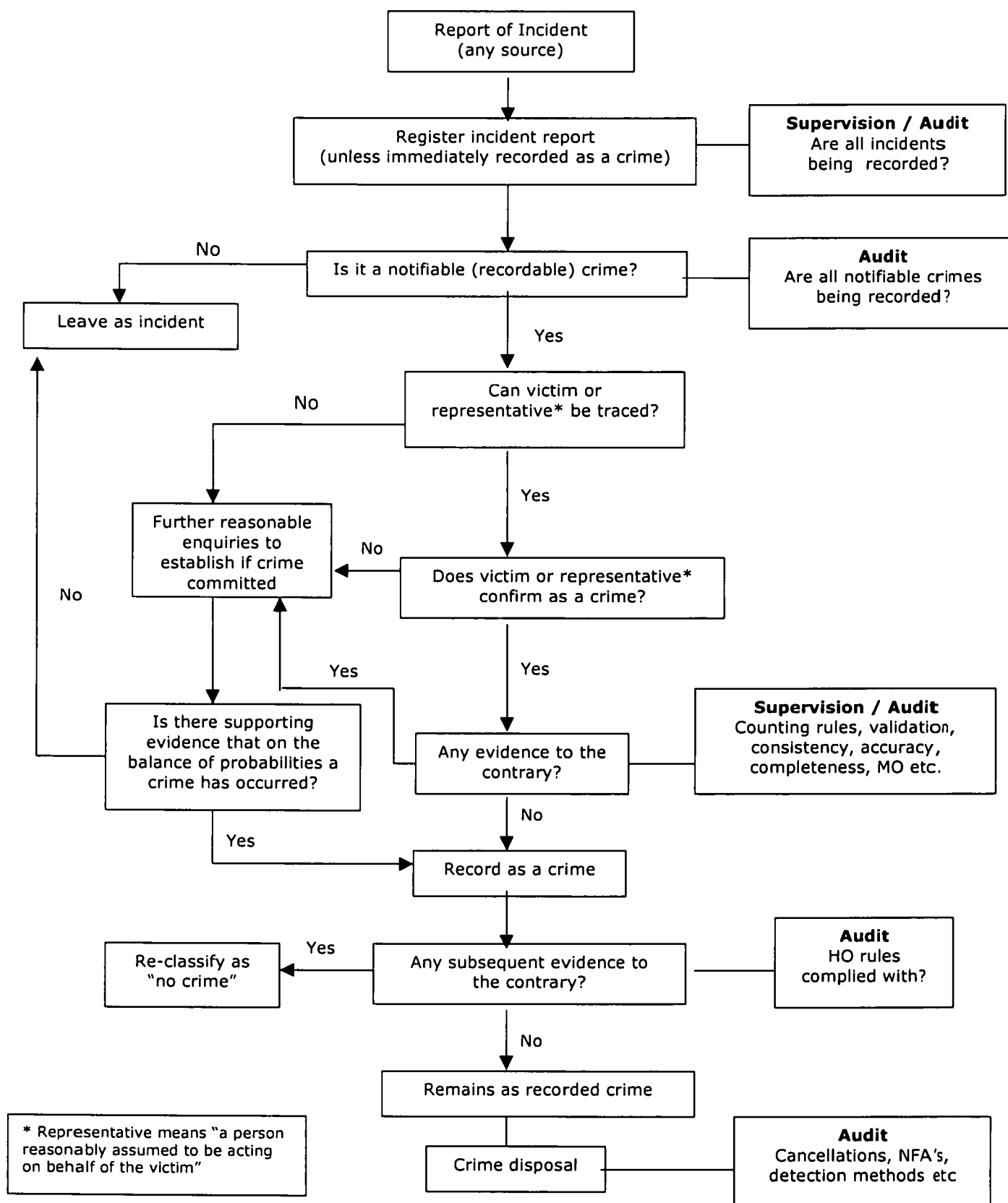
- Consistency - the least number of staff involved the better
- Investigators classification to be provisional
- Classification to be validated by trained staff prior to final acceptance
- Scrutiny to be devoid of operational line management pressures
- Crime related incidents not subsequently recorded as a crime to be supported by appropriate rationale and routinely vetted to ensure conformity with recording model
- Check in respect of: accuracy and completeness of data, appropriate investigation undertaken, correct disposal
- Development of agreed audit mechanism for local use, which must be capable of being used either electronically or manually to suit the systems used in different Forces
- Arrangements to undertake national audit need to be developed.

These key supporting processes are summarised in Appendix B2 *[not attached here]*.

## National Crime Recording Standard (7 of 8)

(cont.) HMIC Inspection Protocol was produced with the aim that it govern both internal and external audit of NCRS compliance. The auditing of forces has now become the responsibility of the Police Standards Unit and an inspection manual based on the HMIC Inspection Protocols has been developed to manage such inspection activity. The Audit Commission, on behalf of PSU, commenced an audit programme in 2002 and it is intended that all forces and BCU's be subject to initial inspection by April 2003.

# National Crime Recording Standard (8 of 8)



## EXTRACT FROM CPS CODE FOR CROWN PROSECUTORS

- Some Common public interest factors against prosecution

A prosecution is less likely to be needed if:

- The court is likely to impose a nominal penalty;
- The defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution;
- The offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
- The loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- There has been a long delay between the offence and the trial, unless:
  - (C) The offence is serious;
  - (D) The delay has been caused in part by the defendant;
  - (E) The offence has only recently come to light; or
  - (F) The complexity of the offence has meant that there has been a long investigation;
- A prosecution is likely to have a bad effect on the victim's physical and mental health, always bearing in mind the seriousness of the offence;
- The defendant is elderly or is, or was at the time of the offence, suffering from significant physical or mental health, unless the offence is serious or there is a real possibility that it may be repeated;
- The defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution solely because they pay compensation); or
- Details may be made public that could harm sources of information, international relations or national security.

## NATIONAL CRIME RECORDING STEERING GROUP PROTOCOL FOR MANAGING REPORTS OF CRIME OCCURRING IN OTHER POLICE FORCE AREAS

### 1. Aims:

- To establish a consistent approach by police forces\* in managing reports of crimes and crime related incidents occurring in other police force areas whilst adhering to the aims and principles of the National Crime Recording Standard (NCRS).

*\*References to police forces in this document should be interpreted to include the British Transport Police.*

- To ensure that the needs of the victim are met by the provision of a professional high quality service.
- Provide a mechanism for resolving disagreements between forces in relation to transfers of crimes between forces.

*N.B. This protocol does not seek to address any operational considerations in relation to resource deployment, preservation of evidence or dealing with suspected offenders.*

### 2. General Principles:

- All reports of incidents occurring in a police force area other than that covered by the force receiving the first report, will result in the creation of a crime related incident<sup>1</sup> report in accordance with NCRS General Principle 2.1

*<sup>1</sup> Crime Related Incidents – This term is used to describe a record of a reported incident where a crime is alleged, which could amount to a notifiable offence, but a resultant crime has not been recorded. The reason for not recording being that one of the exceptions contained in the NCRS paragraph 3.6 applies, or the crime was committed outside the jurisdiction of the police force to which it was initially reported.*

- Following the initial report, details of the incident will be transferred to the force identified as being the owning force. The victim, or person making the report, will be advised of the action to be taken.
- Upon receipt of the details the owning force will either record the crime or, in appropriate cases, create a Crime Related Incident report.
- The crime related incident or crime reference number of the force having ownership will be supplied to the force who received the original report to provide a cross-reference to the original crime related incident report thus providing an audit trail across the forces.



- The force having ownership will be responsible for further contact with the victim or person making the original report.
- If the circumstances are such that clear ownership cannot be established, the incident or crime will be recorded and dealt with by the force receiving the first notification.

### 3. Conflict Resolution

Where there is disagreement between the force receiving the original report and the force identified as having ownership, the following action will be taken:

- The force receiving the original report will refer the case to their Crime Registrar for review.
- The Crime Registrar will review the circumstances and decide, in consultation with the other force Registrar, if the case is suitable for transfer.
- If the Registrars cannot reach agreement within two working days, the force taking the original report will be responsible for finally recording the incident or crime.
- Whilst the question of ownership is being resolved the original force have a duty to ensure that all necessary steps are taken in relation to victim care, preservation of evidence and meeting the immediate needs of the investigation.
- Where it is considered appropriate for the purpose of seeking clarification, cases giving rise to disagreement *may* be referred to the National Crime Recording Standard Steering Group, via the Regional Representative, for further consideration.

<http://www.homeoffice.gov.uk/rds/pdfs2/countviolence03.pdf>

4/28/2003

52pp

## Violence against the Person

1	Murder
2	Attempted Murder
3	Threat or Conspiracy to Murder
4/1	Manslaughter
4/2	Infanticide
4/3	Child Destruction
4/4,6	Causing Death by Dangerous Driving
5	Wounding or Other Act Endangering Life
6	Endangering a Railway Passenger
7	Endangering Life at Sea
8A	Other Wounding
8B	Possession of Weapons
8C	Harassment
8D	Racially and Religiously Aggravated Other Wounding
8E	Racially and Religiously Aggravated Harassment
11	Cruelty to and Neglect of Children
12	Abandoning Child Under Two Years
13	Child Abduction
14	Procuring Illegal Abortion
15	Concealment of Birth
37/1	Causing Death by Aggravated Vehicle Taking
104	Assault on a Constable
105A	Common Assault
105B	Racially and Religiously Aggravated Common Assault

# 1 Murder Classification

1

Murder

Common Law

**Murder: Coverage**

Only the Common Law definition applies to recorded crime.

Sections 9 & 10 of the Offences against the Person Act 1861 gives English courts jurisdiction where murders are committed abroad, but these crimes should not be included in recorded crime.

**Homicide: Definition for Recorded Crime**

Homicide comprises:

- 1 Murder
- 4/1 Manslaughter
- 4/2 Infanticide

**Abolition of 'Year and a Day' Rule**

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of murder can be recorded even if the victim of an attack dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

**Diminished Responsibility Manslaughter: Classification****HOMICIDE ACT 1957 SECTION 2**

These crimes should not be counted separately under classification 4/5, as they will be already have been counted as murder (classification 1).

# 1 Murder Counting Rules

## GENERAL RULE: ONE CRIME FOR EACH PERSON MURDERED

*Four bodies are discovered murdered at the same address.*

*Four crimes (class 1).*

- \* Victims injured should be counted in addition to those murdered.

*A places a bomb in a public house and warns the police. The bomb explodes before full evacuation, killing 10 people and wounding a further 15, with the remaining 4 people escaping unhurt.*

*Ten crimes of murder (class 1) plus 19 crimes of attempted murder (class 2).*

- \*\* Principal Crime: see also general rules section F & end page of chapter.

*A robs a bank and deliberately shoots dead a cashier.*

*One crime of murder (class 1).*

*A rapes B and causes her death by strangulation.*

*One crime of murder (class 1).*

- \*\* Re-classification: see Section B.

*A seriously wounds B who subsequently dies in hospital from the injuries inflicted.*

*One crime (class 1). If wounding (class 5) already recorded, the Force Crime Registrar should re-classify to class 1.*

## 2 Attempted Murder Classification

2 Attempted murder

Criminal Attempts Act 1981.  
Common Law.

### Attempts: Classification

#### CRIMINAL ATTEMPTS ACT 1981

Attempts are defined under the Criminal Attempts Act 1981. Normally, attempts are defined under the substantive crime type. Murder is an exception, as the crime is classified separately.

## 2 Attempted Murder Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM

*A attempts to murder both B and C by attacking them with knife* Two crimes (class 2).

- \* All specific intended victims should be counted, including those unharmed. If those injured are not specific intended victims, then count crimes of wounding (class 5 or 8) instead.

*Terrorists plant a bomb under a jeep containing five soldiers. The bomb explodes killing 2, seriously injuring two, and one escapes unharmed.*

*Two crimes of murder (class 1), plus 3 crimes of attempted murder (class 2). (All of the soldiers are considered to be specific intended victims).*

*The water supply of a village is poisoned. Four people die, 3 are left seriously ill and the rest of the village escape unharmed.*

*Four crimes of murder (class 1), plus three crimes of wounding (class 5 or 8) - (No specific intended victims).*

*Lethal gas is released in the carriage of an underground train. Four people die, 30 are injured and 6 escape unharmed.*

*Four crimes of murder (class 1), plus 30 crimes of wounding (class 5 or 8).*

- \* Re-classification: see Section B.

*A attempts to murder B and seriously injures him. B dies of his injuries several days later.*

*One crime of murder (class 1). If attempted murder (class 2) already recorded, the Force Crime Registrar should re-classify to class 1.*

- \* If no specific intended victim, and no injuries, then count one crime only.

*A places a bomb in a restaurant but owing to its early discovery, nobody was injured in the subsequent explosion.*

*One crime (class 2).*

*A group of people are shot at, but all escape without injury.*

*One crime (class 2).*

- \* Finished Incident: see also general rules section E.

*The police receive a report that A has attempted to murder B by adding poison to food over a period of 6 weeks.*

*One crime (class 2).*

*A attempts to murder B twice and succeeds on the second occasion*

(i) *the initial attempt was reported at the time*

*One crime of attempted murder (class 2) and one homicide (class 1).*

(ii) *the initial attempt was not reported at the time*

*One homicide only (class 1).*

### 3 Threat or Conspiracy to Murder Classification

3/1	Threats to kill	Offences against the Person Act 1861 Sec 16
3/2	Soliciting to commit murder Conspiracy to commit murder	Offences against the Person Act 1861 Sec 4 Criminal Law Act 1977 Sec 1
3/3	Assisting offender by impeding his apprehension or prosecution in a case of murder	Criminal Law Act Sec 4(1)(pt)

#### Threats to Kill: Legal Definition

##### OFFENCES AGAINST THE PERSON ACT 1861 SECTION 16

"A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out, to kill that other or a third person ..."

#### Soliciting to Commit Murder: Legal Definition

##### OFFENCES AGAINST THE PERSON ACT 1861 SECTION 4

"Whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person ..."

#### Conspiracy: Classification

Conspiracy is defined under section 1 of the Criminal Law Act 1977. Normally, conspiracy to commit a notifiable offence is classified with the substantive crime type. Murder is an exception, as the crime is classified separately.



### 3 Threat or Conspiracy to Murder Counting Rules

#### GENERAL RULE: ONE CRIME FOR EACH INTENDED VICTIM

*A solicits B to murder C* *One crime (class 3).*

*A threatens to kill both B and C (either separate or joint threats).* *Two crimes (class 3).*

*A solicits B to murder both C and D.* *Two crimes (class 3).*

*A solicits B to murder C and separately solicits D to murder C.* *One crime (class 3).*

\* **The intended victims may be unaware of the threat.**

*A wrote to B threatening to murder his 2 three-year-old children* *Two crimes (class 3) (the intended victims are the children).*

\* **If no specific intended victim, then count one crime only.**

*A threatens to kill one or more members of the staff of a certain political organisation unless his demands are met.* *One crime (class 3).*

\* **Finished Incident:** see also general rules section E.

*A threatens to kill B on numerous occasions. B reports it to the police for the first time.* *One crime (class 3).*

\* **Principal Crime:** see also general rules section F and end page of chapter.

*A solicits B to murder C and B makes an attempt to murder C.* *One crime of attempted murder (class 2).*

*A solicits B to murder C and B does murder C.* *One crime of murder (class 1) only.*

## 4/1      Manslaughter Classification

4/1              Manslaughter

Offences against the Person Act 1861 Sec 5.  
Common Law.

### **Manslaughter: Coverage**

Only the Common Law and section 5 definitions apply to recorded crime.

Sections 9 & 10 of the Offences against the Person Act 1861 gives courts jurisdiction where manslaughter is committed abroad, but these crimes should not be included in recorded crime.

### **Homicide: Definition for Recorded Crime**

Homicide comprises:

- |     |              |
|-----|--------------|
| 1   | Murder       |
| 4/1 | Manslaughter |
| 4/2 | Infanticide  |

### **Abolition of 'Year and a Day' Rule**

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of manslaughter can be recorded even if the victim of an attack dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

### **Diminished Responsibility Manslaughter: Classification**

#### **HOMICIDE ACT 1957 SECTION 2**

These crimes should not be counted separately under classification 4/5, as they will already have been counted as murder (class 1).

## 4/1      Manslaughter Counting Rules

### GENERAL RULE:      ONE CRIME FOR EACH VICTIM

*A person unintentionally kills two people in a fight.*

*Two crimes (class 4/1).*

\*      Victims injured should be counted in addition to those killed.

*A throws an object from a motorway bridge, causing an accident that kills two people and injures 4 others.*

*Two crimes of manslaughter (class 4/1), plus four crimes of wounding (class 5 or 8).*

\*      Re-classification: see Section B.

*A unintentionally injures B seriously in a scuffle. B subsequently dies in hospital from the injuries inflicted.*

*One crime (class 4/1). If wounding (class 5) already recorded, the Force Crime Registrar should re-classify to class 4/1.*

## 4/2 Infanticide

## 4/3 Child Destruction

## Classification

4/2 Infanticide

Infanticide Act 1938 Sec 1(1).

4/3 Child Destruction

Infant Life (Preservation) Act 1929 Sec 1.

### Homicide: Definition for Recorded Crime

Homicide comprises:

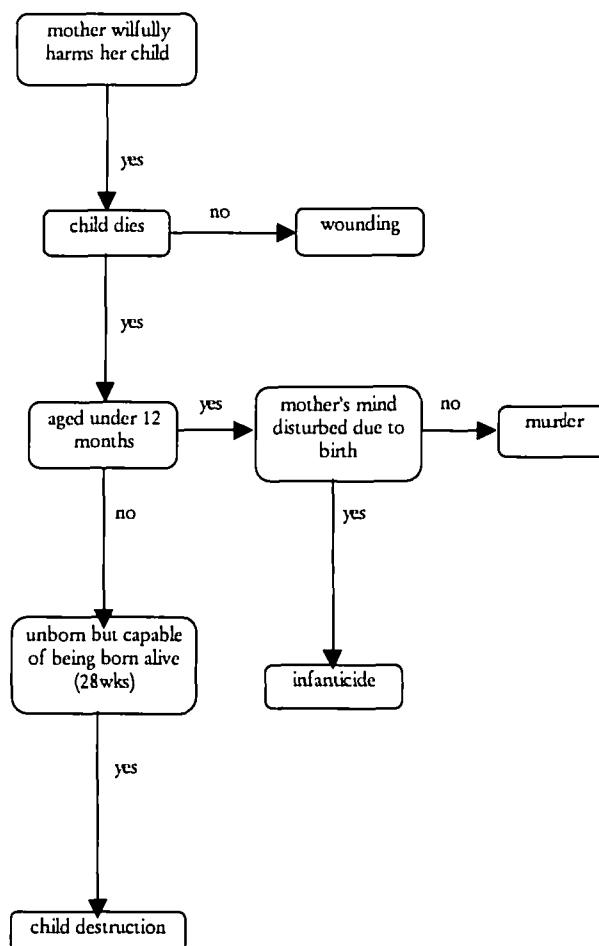
- 1 Murder
- 4/1 Manslaughter
- 4/2 Infanticide

### Abolition of 'Year and a Day' Rule

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of infanticide can be recorded even if the baby dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

### Death of a Baby: Legal Classification



# 4/2 Infanticide

## 4/3 Child Destruction

### Counting Rules

**GENERAL RULE: ONE CRIME FOR EACH BABY**

*A mother wilfully allows her 6 month old baby to die.*

*One crime of infanticide (class 4/2).*

<sup>35</sup> **Re-classification: see Section B.**

*A mother seriously harms her two month old baby who subsequently dies in hospital from the injuries received.*

*One crime (class 4/2). If wounding (class 5) already recorded, the Force Crime Registrar should re-classify to class 4/2.*

## 4/4,6 Causing Death by Dangerous Driving (including under influence of drink or drugs) Classification

4/4	Causing death by dangerous driving	Road Traffic Act 1988 Sec 1. as added by the Road Traffic Act 1991 Sec 1 and Criminal Justice Act 1993 Sec 67.
4/6	Causing death by careless driving when under the influence of drink or drugs	Road Traffic Act 1988 Sec 3A. as added by the Road Traffic Act 1991 Sec 3 and amended by CJA 1993 Sec 67.

### Abolition of 'Year and a Day' Rule

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for homicide in 1996. This means that a crime of causing death can be recorded even if the victim dies more than a year afterwards.

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

## 4/4,6 Causing Death by Dangerous Driving (including under influence of drink or drugs) Counting Rules

GENERAL RULE: ONE CRIME FOR EACH VICTIM

*A driver causes the death of two of his passengers in a road accident by dangerous driving*

*Two crimes (class 4/4).*

## 5 Wounding or Other Act Endangering Life Classification (1 of 2)

5/1	Wounding with intent to do grievous bodily harm	Offences against the Person Act 1861 Sec 18
5/2	Shooting at naval or revenue vessels	Customs & Excise Management Act 1979 Sec 85(2)
5/4	Attempting to choke etc. in order to commit indictable offence	Offences against the Person Act 1861 Sec 21
5/5	Using chloroform etc. to commit indictable offence	Offences against the Person Act 1861 Sec 22
5/6	Causing bodily injury by explosion	Offences against the Person Act 1861 Sec 28
5/7	Causing explosions, sending explosive substance or throwing corrosive fluids with intent to do grievous bodily harm	Offences against the Person Act 1861 Sec 29
5/8	Impeding the saving of life from shipwreck	Offences against the Person Act 1861 Sec 17
5/9	Placing explosives in or near buildings with intent to do bodily harm	Offences against the Person Act 1861 Sec 30
5/10	Administering poison so as to endanger life	Offences against the Person Act 1861 Sec 23

### **"Unlawfully & Maliciously": Legal Clarification**

O.A.T.P. ACT 1861 SEC 17,18,23,28,29

These sections state that the action needs to have been carried out "unlawfully and maliciously". Stones' Justices' Manual defines 'maliciously' as satisfying one of two criteria:

- (i) an actual intention to do the particular kind of harm that in fact was done; or
  - (ii) recklessness as to whether such harm should occur or not (i.e. the offender has foreseen that the particular kind of harm might be done and yet has gone on to take the risk of doing it).
- It is neither limited to, nor does it indeed require, any ill-will towards the person injured.

### **GBH: Class 5 or Class 8A**

O.A.T.P. ACT 1861 SECS 18,20

Section 18 (class 5): "...[to] wound or cause any grievous bodily harm ... with intent to do some grievous bodily harm ... or with intent to resist or prevent the lawful apprehension or detainer ..."

Section 20 (class 8A): "...[to] wound or inflict any grievous bodily harm ... either with or without any weapon or instrument..."

If there is intent to commit GBH, record under class 5, otherwise record under class 8A.



## 5 Wounding or Other Act Endangering Life Counting Rules (1 of 2)

### GENERAL RULE: ONE CRIME FOR EACH VICTIM

*Three people (acting together) attack and wound two others.*

*Two crimes (class 5).*

*One person attacks and wounds two others.*

*Two crimes (class 5).*

\* **Victims injured should be counted in addition to those murdered**

*A places a bomb in a shopping centre and gives a telephone warning to the police. During evacuation of the shopping centre the bomb explodes injuring 5 people.*

*Five crimes of wounding (class 5). If the placing of the explosive (class 5/9) is already recorded it should remain.*

*A places a bomb in a public house. The bomb explodes killing 10 people and wounding a further 15; the remaining 4 people escaping unhurt.*

*Ten crimes of murder (class 1) and 15 of wounding (class 5). Count additional crime of placing bomb (class 5) only if already recorded when explosion occurs.*

\* **Wounding offences can be re-classified as murder**

*A seriously wounds B who subsequently dies in hospital.*

*One crime of murder (class 1). If wounding (class 5) already recorded, it should be deleted (unless it took place in previous financial year).*

\* **Principal Crime: see also general rules section F & back page of chapter**

*A wounding (class 5) occurs in the course of a burglary.*

*One crime of wounding (class 5) only.*

*A commits criminal damage in the course of seriously wounding B.*

*One crime of wounding (class 5) only.*

*A places several bombs around a building. They explode killing three people, and injuring two.*

*Three crimes of murder (class 1), two of wounding (class 5/1), but none for placing the explosive (class 5/9).*

*A attempts to choke B with intent to kill him.*

*One crime of attempted murder (class 2).*

\* **Whether to record: see also general rules section A**

*A member of the public reports seeing a person being stabbed in the street from his flat window. The police receive no other reports, and they examine the scene.*

(i) *The examination (and further enquiries) reveals no grounds to suggest the crime took place.*

*Register a crime related incident report but do not record the crime.*

(ii) *The examination reveals some grounds to suggest that, on the balance of probabilities, a crime took place.*

*One crime of wounding (class 5).*

## 5      Wounding or Other Act Endangering Life Classification (2 of 2)

5/11	Causing danger to road-users	Road Traffic Act 1988 Sec 22a
5/13	Possession of explosives with intent to endanger life	Explosive Substances Act 1883 Sec 3(1)(b)
5/14-16	Possession of firearm with intent to injure 5/14 - group I weapons 5/15 - group II weapons 5/16 - group III weapons	Firearms Act 1968 Sec 16
5/17-19	Use of firearm to resist arrest 5/17 - group I weapons 5/18 - group II weapons 5/19 - group III weapons	Firearms Act 1968 Sec 17(1)
5/20	[Use of chemical weapons]	Chemical Weapons Act 1996 Sec 2
5/21	[Premises or equipment for producing chemical weapons]	Chemical Weapons Act 1996 Sec 11
5/22	Use etc. of nuclear weapons	Anti-Terrorism, Crime and Security Act 2001, sec 47
5/23	Weapons related acts overseas	Anti-Terrorism, Crime and Security Act 2001, sec 50
5/24	Use of noxious substances or things to cause harm and intimidate	Anti-Terrorism, Crime and Security Act 2001, sec 113

### Firearms: Coverage

#### FIREARMS ACT 1968

Group I includes imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling.

Group II comprises shot guns as defined in section 1(3)(a) of the Act, i.e. smooth-bore guns with a barrel not less than 24 ins in length and any barrel with a bore exceeding 2" diameter, not having an unapproved magazine - not being an airgun or a revolver.

Group III comprises air weapons as defined in section 1(3)(b) of the Act, i.e. an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under section 53 of the Act to be specially dangerous.

## 5      Wounding or Other Act          Endangering Life          Counting Rules (2 of 2)

\*      If there is intent but no actual victims, then count one crime only.

*A places fire bombs near a building with intent to do bodily harm*      One crime (class 5).

*Possession of explosives with intent to endanger life*      One crime (class 5).

\*      Finished Incident: see also general rules section E.

*The police discover that A has been poisoning his wife over a period of weeks (endangering her life).*      One crime (class 5).

\*      Possession of Explosives: One crime should be counted where the possession of explosives is the most serious crime disclosed.

\*      Weapons Crimes: One crime should be counted where the possession of weapon is the most serious crime disclosed, irrespective of the number of persons, weapons and types of weapon involved in the incident.

## 6 Endangering Railway Passengers Classification

6/1	Endangering railway passengers by placing anything on railway, taking up rails, changing points and signals etc.	Offences against the Person Act 1861 Sec 32.
6/2	Endangering railway passengers by throwing anything at railway carriages etc.	Offences against the Person Act 1861 Sec 33.
6/3	Endangering railway passengers by unlawful acts, or by omission or neglect	Offences against the Person Act 1861 Sec 34.
6/4	Destroying, damaging etc. a Channel Tunnel train or the Tunnel system or committing acts of violence likely to endanger safety of operation	Channel Tunnel Act 1987 Sec 1(7). Channel Tunnel (Security) Order 1994 Art 6.

Endangering Passengers on Public Transport: Classification	
Rail	Class 6
Ship	Class 7
Air	Class 36
Road	no separate classification

Rail	Class 6
Ship	Class 7
Air	Class 36
Road	no separate classification

## 6 Endangering Railway Passengers Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS  
(no specific intended victim)

- \* If two or more unlawful acts occur at the same time, e.g. omission and neglect of duty, these are part of the same crime and should not be counted separately

*A places a sleeper on a railway line and also jams points and tampers with the signals at the same time.*

*One crime (class 6).*

- \* **Finished Incident:** see also general rules section E.

*A places a sleeper on the line which fails to dislodge the train. He then tries again for another train.*

*One crime (class 6).*

*Stones are thrown during the course of an afternoon at five different trains, not by the same company, passing one location and endangering the safety of passengers. The incidents are reported:*

(i) *at the same time*

*One crime (class 6).*

(ii) *on the five occasions*

*Five crimes (class 6).*

- \* Where a crime of endangering railways passengers (class 6) results in injuries that are not specific and intended, count the class 6 crime but not the injuries.

*A person places a sleeper on the line, which derails a train and injures twenty passengers.*

*One crime of endangering railway passengers (class 6) only.*

- \* **Principal Crime:** see also general rules section F & end page of chapter. Homicide or attempted murder takes precedence over endangering railway passengers. Therefore, if a crime of endangering railway passengers involves homicide or attempted murder, count the homicide or attempted murder only.

*A person drops a piece of concrete onto a train from a bridge, killing the driver and four passengers, and injuring several others.*

*Five crimes of murder (class 1) only.*

## 7      Endangering Life at Sea Classification

7/1	Sending unseaworthy ship to sea	Merchant Shipping Act 1995 Sec 98.
7/2	Not waiting to save lives in collision	Merchant Shipping Act 1995 Sec 92(1,3)
7/3	Endangering ship, life or limb on shipboard by breach of duty	Pilotage Act 1987 Sec 21
7/4	Failing to assist ships in distress or persons in danger at sea	Merchant Shipping Act 1995 Sec 93(1,2,4,7)
7/5	Taking or sending ship to sea with load line submerged	Merchant Shipping Act 1995 Sch 3(paras 4,14)
7/6	Contravening cargo ship construction & survey rules	Merchant Shipping Act 1964 Sec 7
7/7	Misconduct of master or crew likely to endanger ships, structures or individuals	Merchant Shipping Act 1995 Sec 58
7/8	Drunkenness etc. on duty	Merchant Shipping Act 1995 Sec 117
7/9	Contraventions of deck cargo regulations (load lines etc.)	Merchant Shipping Act 1995 Sch 3(para 24)
7/10	Intentionally making false or fraudulent certificate (load lines etc.)	Merchant Shipping Act 1995 Sch 3(para 27)
7/11	Using unsafe lighter, barge etc., likely to endanger life	Merchant Shipping Act 1995 Sec 99
7/12	Disobedience, neglect of duty, impeding navigation of ship	Merchant Shipping Act 1995 Sec 59

## 7 Endangering Life at Sea Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS  
(no specific intended victim)

- " Where a crime of endangering life at sea (class 7) results in injuries that are not specific and intended, count the class 7 crime but not the injuries.

*A person sends an unseaworthy ship to sea, causing injury to twenty passengers.*

*One crime of endangering life at sea (class 7) only*

- " Principal Crime: see also general rules section F & end page of chapter. Homicide or attempted murder takes precedence over endangering life at sea. Therefore, if a crime of endangering life at sea involves homicide or attempted murder, count the homicide or attempted murder only.

## 8A Other Wounding Classification

8/1	Wounding or inflicting grievous bodily harm, with or without weapon.	Offences against the Person Act 1861 Sec20
8/2	Administering poison with intent to injure or annoy	Offences against the Person Act 1861 Sec24
8/4	Drivers injuring persons by furious driving	Offences against the Person Act 1861 Sec35
8/5	Assault on person preserving wreck	Offences against the Person Act 1861 Sec37
8/6	Assault occasioning actual bodily harm	Offences against the Person Act 1861 Sec47
8/20	Assault with intent to resist apprehension	Offences against the Person Act 1861 Sec38
8/21	Owner or person in charge allowing dog to be dangerously out of control in a public place injuring any person	Dangerous Dogs Act 1991 Sec 3(1)
8/22	Owner or person in charge allowing dog to enter a non-public place and injure any person	Dangerous Dogs Act 1991 Sec 3(3)

### "Unlawfully & Maliciously": Legal Clarification

O.A.T.P. ACT 1861 SEC 20,24

These sections state that the action needs to have been carried out "unlawfully and maliciously". Stones' Justices' Manual defines 'maliciously' as satisfying one of two criteria:

(i) an actual intention to do the particular kind of harm that in fact was done; or

(ii) recklessness as to whether such harm should occur or not (i.e. the offender has foreseen that the particular kind of harm might be done and yet has gone on to take the risk of doing it).

It is neither limited to, nor does it indeed require, any ill-will towards the person injured.

### GBH: Class 5 or Class 8A

O.A.T.P. ACT 1861 SECS 18,20

Section 18 (class 5): "... [to] wound or cause any grievous bodily harm ... with intent to do some grievous bodily harm ... or with intent to resist or prevent the lawful apprehension or detainer ..."

Section 20 (class 8A): "...[to] wound or inflict any grievous bodily harm ... either with or without any weapon or instrument..."

If there is intent to commit GBH, record under code 5, otherwise record under class 8A.

### Minor Injuries: Recording Practice

Common assault includes common assault with no injury.

Where battery results in injury, other wounding (class 8A) should be recorded even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a "black eye".

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5 or 8).



## 8A Other Wounding Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM

*Three people acting together attack two others unintentionally inflicting grievous bodily harm*

*Two crimes (class 8A).*

*An angry driver injures two people by forcing their car off the road*

*One crime (class 8A).*

*Three persons are assaulted and receive cuts and grazes.*

*Three crimes (class 8A).*

\* **Finished Incident:** see also general rules section E.

*The police discover that A has been poisoning his wife over a number of weeks (making her ill but not endangering her life).*

*One crime (class 8A).*

\* **Principal Crime:** see also general rules section F & end page of chapter.

*A wounding (class 8/1) occurs in the course of a burglary*

(i) *The wounding is in order to steal.*

*One crime of robbery (class 34A or B).*

(ii) *The wounding is not in order to steal.*

*One crime of wounding (class 5 or 8A).*

*An incident involves a wounding (class 8/1) and a crime of criminal damage to the same victim*

*One crime of wounding (class 8A) only.*

\* **Whether to record:** see also general rules section A.

*A person reports sounds of a fight taking place next door. No other report is received, but the police contact the neighbours.*

(i) *No one admits being involved in a fight, and do not wish the matter to be taken further. The police see no signs of injury.*

*Register a crime related incident report but do not record the crime.*

(ii) *They identify a victim who shows signs of recent injury (cuts, bruises), confirms the assault took place, but does not wish the matter to be taken further.*

*One crime of assault occasioning ABH (class 8A).*

*An anonymous caller reports a disturbance outside a public house. On arrival, witnesses report a heated argument having taken place*

(i) *No victim of violence (or persons acting on their behalf) can be traced. No other information is available.*

*Register a crime related incident report but do not record the crime.*

(ii) *Witnesses report that there was a fight, and further investigation locates a victim who confirms actual bodily harm*

*One crime of wounding (class 8A).*

(iii) *Several onlookers report threats of violence, and they confirm that they feared for their safety.*

*One crime of affray (class 66).*

## 8B Possession of Weapons Classification

8/3	Setting spring guns etc. with intent to inflict grievous bodily harm	Offences against the Person Act 1861 Sec 31
8/11	Possession of offensive weapon without lawful authority or reasonable excuse	Offensive Weapons Act 1996 Sec 2(1)
8/13-15	Possessing firearm or imitation firearm while committing or being arrested for offence specified below 8/13 - group I weapons 8/14 - group II weapons 8/15 - group III weapons	Firearms Act 1968 Sec 17(2)
8/16-18	Possessing firearm or imitation firearm with intent to commit indictable offence or resist arrest 8/16 - group I weapons 8/17 - group II weapons 8/18 - group III weapons	Firearms Act 1968 Sec 18(1)
8/23-25	Possessing firearm or imitation firearm with intent to cause fear of violence 8/23 - group I weapons 8/24 - group II weapons 8/25 - group III weapons	Firearms Act 1968 Sec 16A
8/26	Having an article with a blade or point in a public place	Offensive Weapons Act 1996 Sec 3
8/27	Having an article with a blade or point on school premises )	Offensive Weapons Act 1996 Sec 4(1)
8/28	Possession of other offensive weapon on school premises )	

### Firearms: Coverage

#### FIREARMS ACT 1968

Group I includes imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling.

Group II comprises shotguns as defined in section 1(3)(a) of the Act, i.e. smooth-bore guns with a barrel not less than 24 ins in length and any barrel with a bore exceeding 2" diameter - not having an unapproved magazine - not being an airgun or a revolver.

Group III comprises air weapons as defined in section 1(3)(b) of the Act, i.e. an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under section 53 of the Act to be specially dangerous.

### Firearms: Specified Crimes (8/13-15)

#### FIREARMS ACT 1968 SCH 1

Garrotting (class 5/4); Criminal use of chloroform etc. (class 5/5)  
Placing explosives etc. (class 5/9)  
Endangering railway passengers (class 6/1)  
Wounding (class 8/1); Assault occasioning a.b.h. (class 8/6)  
Child Abduction (class 13); Rape (class 19)  
Abduction of female (class 25)  
Burglary (classes 28-31); Robbery (class 34); Blackmail (class 35)  
Theft (classes 39-49); Assault on a constable (class 104)  
Assault on a custody officer (class 105/4)  
Unauthorised Taking (class 130)  
Attempts, aiding & abetting of above crimes

## 8B Possession of Weapons Counting Rules

**GENERAL RULE:** ONE CRIME SHOULD BE COUNTED WHERE THE POSSESSION OF A WEAPON IS THE MOST SERIOUS CRIME DISCLOSED, IRRESPECTIVE OF THE NUMBER OF PERSONS, WEAPONS AND TYPES OF WEAPON INVOLVED IN THE INCIDENT.

- \* Setting Spring Guns etc.: One crime for each time discovered & recorded by the police, irrespective of the number of traps set or placed.
- \* Possession of Offensive Weapons: One crime for each time discovered & recorded by the police.
- \* Principal Crime: see also general rules section F & end page of chapter.

*Man waves knife around and slaps female (common assault)*

*One crime of possession of a weapon (class 8B)*

*As above but causes actual bodily harm*

*One crime (class 8A)*

## 8C Harassment Classification (1 of 2)

8/29	Breach of conditions of injunction against harassment	Protection from Harassment Act 1997 Sec 3
8/30	Putting people in fear of violence	Protection from Harassment Act 1997 Sec 4
8/31	Breach of a restraining order	Protection from Harassment Act 1997 Sec 5
8/32	Breach of anti-social behaviour order	Crime & Disorder Act 1998 Sec 1(10)
125/9	Causing intentional harassment, alarm or distress	Public Order Act 1986 Sec 4A
125/11	Fear or provocation of violence	Public Order Act 1986 Sec 4
125/12	Harassment, alarm or distress	Public Order Act 1986 Sec 5
195/94	Harassment	Protection from Harassment Act 1997 Sec 2

### Harassment: Legal Definition

#### PROTECTION FROM HARASSMENT ACT 1997 SECTION 1

- "(1) A person must not pursue a course of conduct-
- (a) which amounts to harassment of another, and
  - (b) which he knows or ought to know amounts to harassment of the other.
- (2) For the purposes of this section, the person whose course of conduct is in question ought to know that it amounts to harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.
- (3) Subsection (1) does not apply to a course of conduct if the person who pursued it shows-
- (a) that it was pursued for the purpose of preventing or detecting crime,
  - (b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or
  - (c) that in the particular circumstances the pursuit of the course of conduct was reasonable."

#### SECTIONS 2 & 4

"2-(1) A person who pursues a course of conduct (i.e. two related incidents) in breach of section 1 is guilty of an offence....."

"4-(1) A person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on that occasion....."

### Harassment: Coverage

The **Protection from Harassment Act 1997** is designed to be used where no other substantive notifiable offence exists. It addresses series of incidents that do not amount to the commission of a substantive offence per se, but when looked at as a course of conduct are likely to cause fear, alarm or distress.

It is important that where evidence exists to support the report of another substantive crime, an offence under the Protection from Harassment Act is not recorded.

An incident of harassment is finished, and thus a crime is recorded, at the point at which the police have in some way dealt with the offender; i.e. by means of charge, summons, caution etc. It does not include the issue of verbal warning after the first incident or complaint.

Sections 4, 4A and 5 of the **Public Order Act 1986** are also offences of harassment. Unlike offences under the Protection from Harassment Act, they do not require a course of conduct for them to be crimes.

### Nuisance Telephone Calls

Nuisance telephone calls come under Telecommunications Act 1984 Section 43. This is a summary offence (classification 195/51) and is not notifiable.

A series of nuisance calls could, however, amount to a course of conduct, and therefore be recorded as harassment.

## 8C Harassment Counting Rules (1 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM  
(Where there is no specific intended victim, count only one crime)

*A man is reported to have harassed five women (At least two related incidents amounting to one course of conduct demonstrated for each). Five crimes (class 8C).*

\* If a person is victim to separate offenders, count these crimes separately unless the offenders are part of a group.

*An elderly person is harassed by a group of five children (At least two related incidents amounting to one course of conduct demonstrated for each). One crime (class 8C).*

*The same person is harassed by five children acting independently on separate occasions (all of whom has been responsible for at least two incidents, each amounting to one course of conduct). Five crimes (class 8C).*

\* Whether to record: see also general rules section A and coverage box on class 8C classification page.

*Person A reports that person B has followed her/him home on one occasion and done so in circumstances that cause fear, alarm or distress. Register as a crime-related incident but do not record a crime. The course of conduct rule (i.e. at least two separate but related incidents) has not been met.*

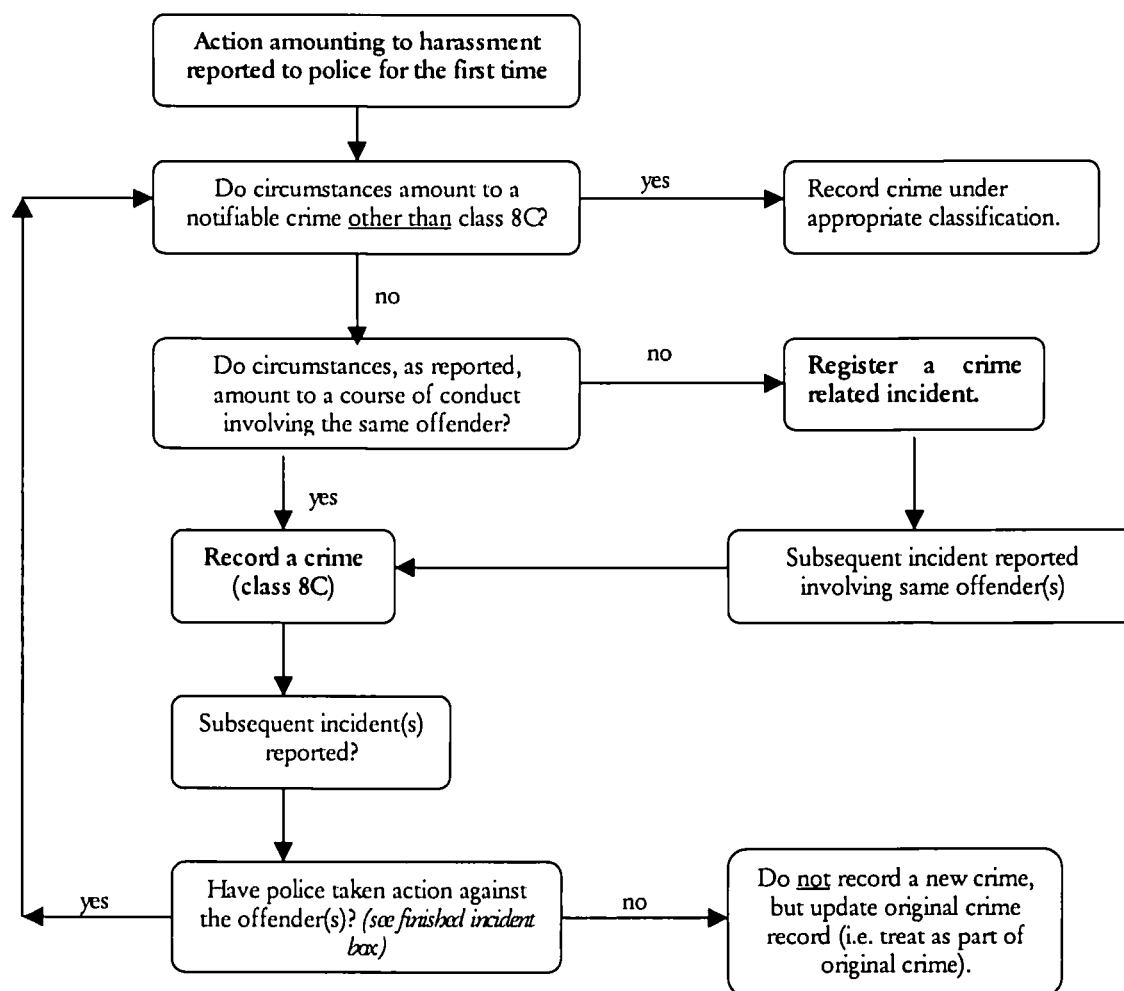
*Person A reports for the first time that on six days over the past fortnight person B has followed her home causing fear, alarm or distress. Record one crime (class 8C). The course of conduct rule (see above) has been met.*

*Person A reports on two consecutive nights person B has been banging on their door shouting abuse, causing fear, alarm or distress. Record one crime (class 8C). The course of conduct rule (see above) has been met.*

*As above, but next day person A reports person B has been back at the address repeating the behaviour. No action has yet been taken against person B. No new crime record as it should be considered as further evidence to support the first crime report.*

## 8C Harassment Classification (2 of 2)

### Harassment: Recording Practice



## 8C Harassment Counting Rules (2 of 2)

- \* **Finished Incidents:** see general rules section E. Once a crime of harassment under the Protection from Harassment Act has been recorded, further incidents by the same offender or group of offenders against the same victim, up to the point when police take action against the offender (or offenders), should not be recorded separately.

*A woman reports for the first time that she has been harassed by the same person on numerous occasions.*

- |      |  |   |
|------|--|---|
| (i)  | <i>The police decide not to take action against the offender but to monitor the situation (i.e. To be a substantive offence it is not required that the victim report to police on more than one occasion, only that the victim or empowered third person report at least one course of conduct)</i> | <i>One crime (class 8C).</i>  |
| (ii) | <i>Further incidents of harassment occur and the police decide to take action</i>  | <i>No further crime (should be considered a continuation of the initial offence).</i> |

- \* **Breach of Injunction or Restraining Order:** one crime for each offender.

## 8D Racially or Religiously Aggravated Other Wounding Classification

8/33	Racially or religiously aggravated malicious wounding or grievous bodily harm	Crime & Disorder Act 1998 Sec 29(1)(a) (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)
8/40		
8/46		
8/34	Racially or religiously aggravated actual bodily harm	Crime & Disorder Act 1998 Sec 29(1)(b) (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)
8/41		
8/47		

### Racially or Religiously Aggravated: Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

(1) An offence is racially or religiously aggravated for the purposes of sections 29 to 32 if-

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or

(b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.

(2) In subsection (1)(a) above-  
"membership", in relation to a racial or religious group, includes association with members of those groups;  
"presumed" means presumed by the offender.

(3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

(5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

### Racially or Religiously Aggravated Other Wounding: Legal Definition

CRIME & DISORDER ACT 1998 SECTION 29  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

(1) A person is guilty of an offence under this section if he commits-

(a) an offence under section 20 of the Offences Against the Person Act 1861 (malicious wounding or grievous bodily harm);

(b) an offence under section 47 of that Act (actual bodily harm); or... ..

which is racially or religiously aggravated for the purposes of this section.

### Racially or Religiously Aggravated Other Wounding: Recording Practice

A crime of other wounding should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.



## 8D      Racially or Religiously Aggravated Other Wounding Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM

## 8E Racially or Religiously Aggravated Harassment Classification

8/36 8/43 8/49	Racially or religiously aggravated intentional harassment, alarm or distress	Crime & Disorder Act 1998 Sec 31(1)(b) (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)
8/37 8/44 8/50	Racially or religiously aggravated harassment	Crime & Disorder Act 1998 Sec 32(1)(a) (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)
8/38 8/45 8/51	Racially or religiously aggravated putting people in fear of violence	Crime & Disorder Act 1998 Sec 32(1)(b) (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)
66/9 66/10 66/16	Racially or religiously aggravated fear or provocation of violence	Crime & Disorder Act 1998 Sec 31(1)(a) (as added to by Anti-terrorism, Crime and Disorder Act 2001 Sec 39)
125/58 125/61 125/63	Racially or religiously aggravated harassment, alarm or distress	Crime & Disorder Act 1998 Sec 31(1)(c) (as added to by Anti-terrorism, Crime and Disorder Act 2001 Sec 39)

### Harassment: Legal Definition

PROTECTION FROM HARASSMENT ACT 1997  
SECTIONS 1, 2 & 4

See box on class 8C classification page.

### Racially or Religiously aggravated: Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

See box on class 8D classification page.

### Harassment: Coverage

An incident of harassment is finished at the point at which the police have in some way dealt with the offender; i.e. by means of charge, summons, caution etc.

### Racially or Religiously Aggravated Harassment: Recording Practice

A crime of harassment should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.

### Racially or Religiously Aggravated Harassment: Legal Definition

CRIME & DISORDER ACT SECTIONS 31(1) & 32(1) as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39

"31. (1) A person is guilty of an offence under this section if he commits-

- a) an offence under section 4 of the Public Order Act 1986 (fear or provocation of violence);
- b) an offence under section 4A of that Act (intentional harassment, alarm or distress); or
- c) an offence under section 5 of that Act (harassment, alarm or distress), which is racially or religiously aggravated for the purposes of this section."

"32. (1) A person is guilty of an offence under this section if he commits-

- a) an offence under section 2 of the Protection from Harassment Act 1997 (offence of harassment); or
- b) an offence under section 4 of that Act (putting people in fear of violence), which is racially or religiously aggravated for the purposes of this section."

## 8E Racially or Religiously Aggravated Harassment Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM  
(Where there is no specific intended victim, count only one crime)

*A man is reported to have racially or religiously harassed five women. (At least two courses of conduct demonstrated for each).* Five crimes (class 8E).

\* If a person is victim to separate offenders, count these crimes separately unless the offenders are part of a group.

*A person is racially or religiously harassed by a group of five children (involving at least two courses of conduct).* One crime (class 8E).

*The same person is harassed by five children acting independently on separate occasions (each of whom has been responsible for at least two courses of conduct).* Five crimes (class 8E).

\* **Finished Incidents:** see general rules section E. Once a crime of harassment under the Protection from Harassment Act has been recorded, further courses of conduct by the same offender or group of offenders against the same victim, up to the point when police take action against the offender (or offenders), should not be recorded separately.

*A woman reports for the first time that she has been racially or religiously harassed by the same person on numerous occasions.*

(i) *The police decide not to take action against the offender but to monitor the situation.* One crime (class 8E)

(ii) *Further incidents of harassment occur and the police decide to take action.* No further crime

# 11 Cruelty to and Neglect of Children

## Classification

11/2	Neglecting to provide for apprentice or servant	Offences against the Person Act 1861 Sec 26
11/3	Cruelty to and neglect of children	Children and Young Persons Act 1933 Sec 1
	(Allowing persons under 16 to take part in performances endangering life or limb	Children and Young Persons Act 1933 Sec 23
109/1	(Training of persons under 12 for dangerous performances	Children and Young Persons Act 1933 Sec 24
109/2	Taking children to nurse for reward	Children Act 1989 Secs 70,73
109/5	Exposing child to risk of burning	Children and Young Persons Act 1933 Sec 11
109/6	Allowing child or young person to be in brothel	Children and Young Persons Act 1933 Sec 3
109/7	Neglecting to provide for safety at children's entertainment	Children and Young Persons Act 1933 Sec 12
109/8	Permitting child to be in verminous condition	Education Act 1996 Sec 525

# 11 Cruelty to and Neglect of Children Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH CHILD/YOUNG PERSON OR SERVANT/APPRENTICE

*An adult is reported being cruel to three children.*

*Three crimes (class 11).*

\* **Principal Crime:** See also general rules section F & end page of chapter.

*Through acts of cruelty, a child suffers actual bodily harm*

*One crime of cruelty (class 11).*

*Through acts of cruelty, a child suffers grievous bodily harm*

*One crime of wounding (class 5).*

\* **Finished Incidents:** see also general rules section E.

*A child reports for the first time having been subjected to a series of acts of neglect and cruelty by the same person over several years.*

*One crime (class 11).*

*A servant has been subjected to repeated acts of cruelty and neglect by her employers during her time of employment, and reports this for the first time*

*One crime (class 11).*

\* **Neglecting to provide for children's safety:** one crime (no specific victim)

## 12      Abandoning Child under two years Classification

12	Abandoning child under two years	Offences against the Person Act 1861 Sec 27
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## 12      Abandoning Child under two years Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH CHILD

*Two children are abandoned at same time and place.*

*Two crimes (class 12).*

# 13 Child Abduction Classification

13/1 Abduction of a child by parent

Child Abduction Act 1984 Sec 1 as amended by the Children's Act 1989

13/2 Abduction of child by other persons

Child Abduction Act 1984 Sec 2 as amended by the Children's Act 1989

## Abduction of Child by Parent etc.: Legal Definition

### CHILD ABDUCTION ACT 1984 SEC 1

"... a person connected with the child under the age of sixteen... takes or sends the child out of the United Kingdom without the appropriate consent."

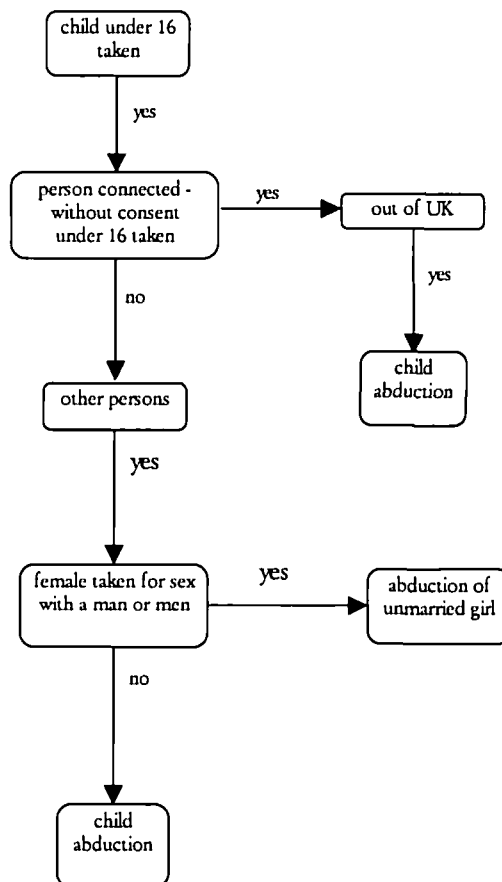
Person connected with the child includes a parent, the father, a guardian, or person with either a residence order or custody over the child

## Abduction of Child by Other Persons: Legal Definition

### CHILD ABDUCTION ACT SEC 2

"a person other than [the child's mother, father or others covered in sec 1], without lawful authority or reasonable excuse...takes or detains a child under the age of sixteen..."

## Abduction or Kidnapping: Classification





## 13 Child Abduction Counting Rules

GENERAL RULE: ONE CRIME FOR EACH CHILD ABDUCTED

[EXAMPLES REQUIRED]

## 14 Procuring Illegal Abortion Classification

14/1	Administering drugs or using instruments to procure abortion	Offences against the Person Act 1861 Sec58
14/2	Procuring drugs etc. to cause abortion	Offences against the Person Act 1861 Sec59

**Medical Termination of Pregnancy:  
Legal Classification****ABORTION ACT 1967 SEC 1**

This section contains conditions under which a pregnancy can be terminated within the law by a registered medical practitioner.

## 14      Procuring Illegal Abortion Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH PROSPECTIVE MOTHER

*Drugs obtained for use in five abortions.*

*Five crimes (class 14).*

\*      Do not count a crime of class 14/2 if a crime of 14/1 is already counted.

*Drugs and instruments obtained and then used to procure an abortion.*

*One crime (class 14).*

## 15      Concealment of Birth Classification

15/1

Concealment of birth

Offences against the Person Act 1861 Sec 60

### **Concealment of Birth: Legal Definition**

O.A.T.P. ACT 1861 SEC 60

This section covers concealment of the birth of a child  
“whether such child died before, at, or after its birth”.

## 15      Concealment of Birth          Counting Rules

GENERAL RULE:      COUNT ONE CRIME FOR EACH CHILD

*Twins are stillborn and the births are concealed*

*Two crimes (class 15).*

## 37/1 Causing Death by Aggravated Vehicle Taking Classification

37/1

Causing death by aggravated vehicle taking

Theft Act 1968 Sec 12A

**Aggravated Vehicle-Taking: Classification**

A crime of theft or unauthorised taking of a vehicle should be recorded as aggravated vehicle-taking if at the time of recording, one of the four circumstances that determine AVT under Theft Act 1968 Sec 12A is known to have applied. The four circumstances are:

- (i) the vehicle was driven dangerously on a road or other public place;
- (ii) owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;
- (iii) owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle;
- (iv) damage was caused to the vehicle

If death results from the second circumstance, and the link is known at the time of recording, then a crime of causing death by AVT should be recorded.

## 37/1 Causing Death by Aggravated Vehicle Taking Counting Rules

GENERAL RULE: ONE CRIME FOR EACH DEATH CAUSED

- \* If theft or unauthorised taking of a vehicle, or AVT, has already been recorded when a death by AVT is discovered, then the death by AVT should be counted additionally.

*A pedestrian is accidentally knocked down and killed by a car being driven in an act of aggravated vehicle taking.*

*One crime of causing death by AVT (class 37/1) - whether or not theft already recorded.*

*A vehicle is already reported stolen and recorded as a theft / unauthorised taking (class 48). It later emerges that the theft is an aggravated vehicle taking, and an accidental death has resulted.*

*One crime of causing death by AVT (class 37/1), in addition to the crime of theft / unauthorised taking (class 48) already recorded.*

## 104 Assault on a Constable Classification

104/23	Assault on a constable	Police Act 1996 Sec 89(1)(pt)
104/30	Assault on a constable	Local Acts
104/31	Vagrant violently resisting a constable	Vagrancy Act 1824 Sec 4

**PLEASE NOTE: CRIMES OF RESISTING OR OBSTRUCTING A CONSTABLE IN THE EXECUTION OF HIS/HER DUTY (PREVIOUSLY CODES 104/33 AND 104/40) ARE NO LONGER NOTIFIABLE AND THEREFORE DO NOT FORM PART OF THE RECORDED CRIME SERIES.**

### **Assault on a Constable: Recording Practice**

It is appropriate to record a crime of assault on a constable, providing the constable is acting in execution of his/her duty.

See note above in bold for resisting or obstructing a constable.



# 104 Assault on a Constable

## Counting Rules

GENERAL RULE: ONE CRIME FOR EACH CONSTABLE ASSAULTED.

*Three constables are assaulted by a group of youths, but receive only minor injuries.*

*Three crimes (class 104).*

\* Principal Crime: see also general rules section F and end page of chapter.

*A constable is assaulted and robbed.*

*One crime of robbery (class 34B).*

*A person assaults a constable and inflicts GBH.*

*One crime of wounding (class 5 or 8 depending on intent).*

\* An assault on a constable in the process of apprehending someone for another crime should be counted separately, unless the constable is also the victim of the other crime.

*An officer is assaulted when arresting a suspect of a previously recorded burglary.*

*One crime (class 104) in addition to the original burglary.*

*An officer is assaulted when apprehending a person in the process of robbing a member of the public.*

*One crime of assault on a constable (class 104) and one crime of robbery (class 34B).*

*An officer is assaulted when apprehending a person in the process of vandalising his squad car.*

*One crime of assault on a constable (class 104) and one crime of criminal damage (class 58C). (The force, rather than the constable, is considered to be the victim of the criminal damage).*

*An officer is assaulted when apprehending a person for vandalising his own car.*

*One crime of criminal damage (class 58C) only. [The constable is the victim of both crimes, and therefore the principal crime rule applies.]*

## 105A Common Assault Classification

105/1	Common assault and battery	Criminal Justice Act 1988 Sec 39
105/2	Assault on County Court officer	County Courts Act 1984 Sec 14
105/3	Assault on person assisting a constable	Police Act 1996 Sec 89(pt)
105/4	(Assault on prison custody officer ( (Assault on officer in secure training centre	Criminal Justice Act 1991 Sec 90(1)  Criminal Justice & Public Order Act 1994 Sec 13
105/5	(Resisting or wilfully obstructing a (prison custody officer ( (Resisting or wilfully obstructing a custody officer	Criminal Justice Act 1991 Sec 90(3)  Criminal Justice & Public Order Act 1994 Sec 13(2)
105/6	Assault on court security officer	Criminal Justice Act 1991 Sec 78(1)
105/7	Resisting or wilfully obstructing court security officer	Criminal Justice Act 1991 Sec 78(2)

### Minor Injuries: Recording Practice

Common assault includes common assault with no injury.

Where battery results in injury, other wounding (class 8A) should be recorded even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a "black eye".

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5 or 8).

# 105A Common Assault Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED ETC.

\* **Principal Crime:** see also general rules section F and end page of chapter.

*A person receives minor abrasions while being robbed.* One crime of robbery (class 34B).

*A person receives minor abrasions while unsuccessfully preventing the theft of his/her car.* One crime of theft of vehicle (class 48).

\* **Finished Incidents:** see also general rules section E.

*A victim reports for the first time having been the victim of common assault by the same offender on numerous occasions.* One crime of common assault (class 105A).

*A victim reports for the first time having been the victim of a variety of crimes of violence against the person by the same offender.* One crime (record the most serious, i.e. the principal crime).

• **Re-classification:** see also general rules section B.

*A person is assaulted and apparently receives no injury. A crime of common assault (class 105) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital.* Force Crime Registrar should re-classify to class 8A.

# 105B Racially or Religiously Aggravated Common Assault Classification

8/35 Racially or religiously  
8/42 aggravated common assault  
8/48

Crime & Disorder Act 1998 Sec 29(1)(c)  
(as added to by Anti-terrorism, Crime and  
Security Act 2001 Sec 39)

## Minor Injuries: Recording Practice

Common assault includes common assault with no injury.

Where battery results in injury, other wounding (class 8A) should be recorded if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a "black eye".

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5 or 8).

## Racially and Religiously Aggravated Common Assault: Legal definition

CRIME & DISORDER ACT 1998 SEC 29  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

(1) A person is guilty of an offence under this section if he commits-... ..

... .. (c) common assault,

which is racially or religiously aggravated for the purposes of this section.

## Racially or Religiously Aggravated Common Assault: Recording Practice

A crime of common assault should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.

## Racially or Religiously Aggravated - Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

(1) An offence is racially or religiously aggravated for the purposes of sections 29 to 32 if-

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or

(b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.

(2) In subsection (1)(a) above-  
"membership", in relation to a racial or religious group, includes association with members of those groups;  
"presumed" means presumed by the offender.

(3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

(5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

# 105B Racially or Religiously Aggravated Common Assault Counting Rules

GENERAL RULE: ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED ETC.

*Three persons are assaulted because of their racial or religious group and receive cuts and grazes.*

*Three crimes (class 8D).*

\* Principal Crime: see also general rules section F and end page of chapter.

\* Finished Incidents: see also general rules section E.

*A person reports for the first time having been the victim of racially or religiously aggravated common assault by the same offender on numerous occasions.*

*One crime of racially or religiously aggravated common assault (class 105B).*

*A victim reports for the first time having been the victim of a variety of crimes of racially or religiously aggravated violence against the person by the same offender.*

*One crime (record the most serious, i.e. the principal crime).*

• Re-classification: see also general rules section B.

*A person suffers a racially or religiously aggravated assault and apparently receives no injuries. A crime of common assault (class 105B) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital.*

*Force Crime Registrar should re-classify to class 8D.*

Maximum sentence - Violence against the person											
Life	14 years	10 years	7 years	5 years	4 years	2 years	6 months	3 months	1 month	Fine	
1	5/9	3/1	5/11	5/2	8/11	6/3	104/23	104/31	104/33	7/5-7/6	
2	5/24	4/4,4/6	8/5	8/1-8/2	8/28	7/1-7/4	104/30	105/2	105/3	7/9	
3/2		5/10	8/33-8/34	8/3		7/7-7/8	104/40			7/11	
4/1-4/3		8/23-8/25	8/38	8/6		7/10	105/1			105/7	
5/1		11/3	13/1	8/29-8/32		7/12	104/4-105/6			109/1	
5/4-5/8			13/2	11/2		8/4	109/2			109/5	
5/13-5/23			8/40-8/47	12		8/9(rec99/99)	109/6125/9			109/7-109/8	
6/1-6/2				14/2		8/20-8/22	125/11			125/12	
6/4				37/1		8/26-8/27	195/94			125/58	
8/13-8/18						8/35-8/38				125/61	
14/1						8/48-8/51				125/63	
						15/1					
						66/9-66/10&16					

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
common assault	105	6 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22. Certain crimes triable either way to be tried summarily if value involved is small (<or = £5000).		

<http://www.homeoffice.gov.uk/rds/pdfs2/countsexual03.pdf>

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## Sexual Offences

- 16            Buggery
- 17            Indecent Assault on a Male
- 18            Gross Indecency between Males
- 19A          Rape of a Female
- 19B          Rape of a Male
- 20            Indecent Assault on a Female
- 21            Unlawful Sexual Intercourse with Girl Under 13
- 22            Unlawful Sexual Intercourse with Girl Under 16
- 23            Incest
- 24            Procurement
- 25            Abduction
- 26            Bigamy
- 27            Soliciting or Importuning by a Man
- 73            Abuse of Position of Trust
- 74            Gross Indecency with a Child



## 16 Buggery Classification

16/5	Buggery or act of gross indecency by male member of staff of hospital or mental nursing home with male patient	Mental Health Act 1959 Sec 128(1)(a)
16/6	Buggery or act of gross indecency by man with mentally disordered male patient who is the subject of his care	Mental Health Act 1959 Sec 128(1)(b)
16/11	Assault with intent to commit buggery	Sexual Offences Act 1956 Sec 16
16/12-21	Buggery and attempted buggery (individual classifications determine age of offender and age/gender of 2nd party - see table below)	) ) ) Sexual Offences Act 1956 Sec 12 ) )
16/22	Buggery with an animal	)
16/23-28	Buggery and attempted buggery (individual classifications determine age of offender and age/gender of 2nd party - see table below)	) Sexual Offences Act 1956 Sec 12 as ) amended by Sexual Offences ) (Amendment) Act 2000 Sec 1

Table of Offence Classifications		Age of Offender			
Age of 2nd Party		<16	16 - 17	18 - 20	+21
<b>MALE</b>					
<16	16/12	16/25*	16/23*	16/26*	
16-17	16/16	16/15	16/14	16/13	
18-20	16/16	16/15	16/16	16/16	
21+	16/16	16/15	16/16	16/16	
<b>FEMALE</b>					
<16	16/17	16/28*	16/24*	16/27*	
16-17	16/21	16/20	16/19	16/18	
18-20	16/21	16/20	16/21	16/21	
21+	16/21	16/20	16/21	16/21	

\* These codes replaced earlier codes from 1/1/01

### Buggery: Legal Coverage from 1/1/01

Buggery (i.e. anal intercourse) between two people should not be recorded as a crime if it takes place in private, and both parties are 16 or over.

### Unwilling Victim

If the victim is unwilling, then the crime should be classified as either female rape (class 19A) or male rape (class 19B) as appropriate..

### Mental Health Offences: Legal Update

#### SEXUAL OFFENCES ACT 1967 SECTION 1(4)

The original Mental Health Act sec 128 offences relate to having unlawful sexual intercourse with a woman (classes 19/3,4). The Sexual Offences Act 1967 extends this to include buggery or other acts of gross indecency with another man.

# 16 Buggery Counting Rules

## GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP

*Three separate pairs of men are reported committing buggery in a park.* *Three crimes (class 16).*

*Three persons acting together assault a fourth with the intention of committing buggery but are prevented.* *One crime (class 16).*

\* If the number of relationships cannot be determined, count one crime.

\* Finished Incidents: see also general rules section E.

*A man admits to having committed buggery with a boy under 16 on numerous occasions over several years. The boy was willing, and no previous reports have been made.* *One crime (class 16).*

\* If a person has been buggered by more than one other man, count these crimes separately, unless the perpetrators have been acting together as a group.

*Two men are buggered by four other members of a group in a public place.* *Two crimes (class 16).*

\* Buggery with an animal: One crime for each offender or group of offenders.

## 17 Indecent Assault on a Male Classification

17/11	Indecent assault on male person under 16 years	)	) Sexual Crimes Act 1956 Sec 15
		)	
17/12	Indecent assault on male person 16 years and over	)	

### Willing Victim: Legal Coverage

#### SEXUAL OFFENCES ACT 1956 SECTION 15

This law presumes that a crime has not taken place if the victim is willing, except when he is under 16 or a defective.

### What is an indecent assault?

An assault accompanied by an act of indecency, which may include indecent suggestions or gestures.

# 17 Indecent Assault on a Male

## Counting Rules

GENERAL RULE: ONE CRIME FOR EACH PERSON INDECENTLY ASSAULTED

*A man indecently assaults four other men.*

*Four crimes (class 17).*

\* Finished Incidents: see also general rules section E.

*A series of indecent assaults on a boy on numerous occasions over several years is reported for the first time.*

*One crime (class 17).*

\* If a victim was indecently assaulted by more than one offender, count crimes separately unless the offenders were acting together as a group.

*A man is indecently assaulted by a group of three.*

*One crime (class 17).*

# 18 Gross Indecency between Males Classification

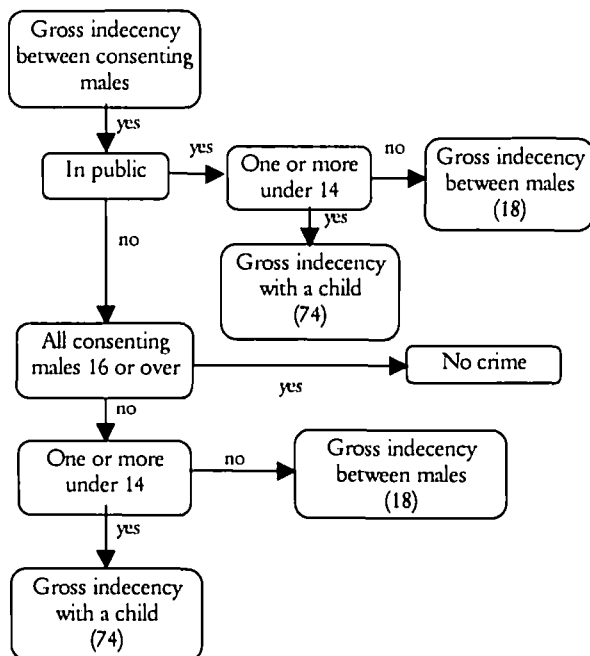
18/2-6 Gross indecency between males  
(individual classifications 18/3-6 determine  
ages of offenders - see table below;  
other situations covered by 18/2)

Sexual Offences Act 1956 Sec 13(pt)

18/7-11 Gross indecency between males  
(individual classifications determine  
age of offender and age of 2<sup>nd</sup> party  
- see table below)

Sexual Offences Act 1956 Sec 13(pt)  
as amended by Sexual Offences  
(Amendment) Act 2000 Sec 1.

## Gross Indecency between Males: Classification



## Indecency Between Men: Legal Definition & Classification

### SEXUAL OFFENCES ACT 1956 SECTION 13

**"It is an offence for a man to commit an act of gross indecency with another man, whether in public or in private [\*], or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man."**

The part in bold constitutes class 18; the remainder is classified within class 24 (procurement).

Gross indecency between males includes conduct such as mutual masturbation and oral sex.

\* Under section 1 of the Sexual Offences (Amendment) Act 2000, it is no longer a crime if committed in private by two consenting men of 16 or over.

Table of Offence Classifications				
Age of 2nd Party	Age of Offender			
<14	<6	16 - 17	18 - 20	21 +
<14	74	74	74	74
14 - 16	18/10*	18/07*	18/08*	18/11*
16 - 17	18/10*	18/09*	18/09*	18/09*
18 - 20	18/10*	18/09*	18/09*	18/09*
21 +	18/10*	18/09*	18/09*	18/09*

\* These codes replaced earlier codes from 1/1/01

# 18 Gross Indecency between Males

## Counting Rules

GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP

*Two couples committing indecent acts in a public place*

*Two crimes (class 18).*

\* If the number of relationships cannot be determined, count one crime.

\* Finished Incidents: see also general rules section E.

*A person reports two consenting men over 16 committing indecent acts in public on three separate occasions*

(i) *Incidents reported all at once*

*One crime (class 18).*

(ii) *Incidents reported separately*

*Three crimes (class 18).*

## 19A Rape of a Female Classification

19/2	Man having unlawful sexual intercourse with a woman who is a defective	Sexual Offences Act 1956 Sec 7
19/3	Male member of staff of hospital or mental nursing home having unlawful sexual intercourse with female patient	Mental Health Act 1959 Sec 128(1)(a)
19/4	Man having unlawful sexual intercourse with mentally disordered female patient who is subject to his care	Mental Health Act 1959 Sec 128(1)(b)
19/7	Rape of a female aged under 16	) Sexual Offences Act 1956 Sec 1(pt)
19/8	Rape of a female aged 16 or over	
19/11	Attempted rape of female aged under 16	
19/12	Attempted rape of female aged 16 or over	

### Rape of Woman or Man: Legal Definition

#### SEXUAL OFFENCES ACT 1956 SECTION 1

[as amended by the Criminal Justice and Public Order Act 1994 Section 142]

"A man commits rape if (a) he has sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to it; and (b) at the time he knows that the person does not consent to the intercourse or is reckless as to whether that person consents to it."

"A man [also] commits rape if he induces a married woman to have sexual intercourse with him by impersonating her husband."

# 19A Rape of a Female

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH WOMAN RAPED

- \* **Attempted Rape:** one crime for each victim.

*A man attempts to rape three women and succeeds with a fourth.*

*Four crimes (i.e. three attempts and one substantive) – class 19A.*

- \* If a woman is raped by more than one man, count crimes separately unless the men are acting together as a group.

*Two women are raped by a group of men*

*Two crimes of rape (class 19A) as there are two victims.*

- \* **Principal Crime:** see also general rules section F & end page of chapter. Only homicide and attempted murder should be recorded instead of rape.

*A man rapes and attempts to murder a woman*

*One crime of attempted murder (class 2).*

*A man rapes and intentionally commits GBH on a woman*

*One crime of rape (class 19A)*

*A man rapes and robs a woman*

*One crime of rape (class 19A).*

- \* **Finished Incident:** see also general rules section E.

*A woman has been raped by the same man on numerous occasions over several years, and she reports it for the first time.*

*One crime (class 19A).*

- \* **Timing of Recording:** see also general rules section A.

*A woman reports in 1998 that she was raped in 1995.*

*One crime (class 19A) - (within 1998 total).*

- \* **Crimes in More Than One Force:** see also general rules section G

*A man is arrested for rape and admits raping three other women in different parts of the country, those crimes not previously reported.*

*Each force to record the rapes committed in their area (class 19A).*

- \* **Whether to record:** see also general rules section A.

*A woman reports having been raped, but the alleged offender insists that she consented.*

*One crime (class 19A).*

*As above, but she does not want the matter taken further.*

*One crime (class 19A).*

*As above, but the woman later admits she consented.*

*No crime the original offence.*



## 19B Rape of a Male Classification

19/9	Rape of a male aged under 16	)	
19/10	Rape of a male aged 16 or over	)	
19/13	Attempted rape of male aged under 16	)	Sexual Offences Act 1956 Sec 1(pt)
19/14	Attempted rape of male aged 16 or over	)	
		)	

### Rape of Woman or Man: Legal Definition

#### SEXUAL OFFENCES ACT 1956 SECTION 1

[as amended by the Criminal Justice and Public Order Act 1994  
Section 142]

"A man commits rape if (a) he has sexual intercourse with a person (whether vaginal or anal) who at the time of the intercourse does not consent to it; and (b) at the time he knows that the person does not consent to the intercourse or is reckless as to whether that person consents to it."

"A man [also] commits rape if he induces a married woman to have sexual intercourse with him by impersonating her husband."

## 19B Rape of a Male Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH MAN RAPED

- \* Attempted Rape: one crime for each victim.

*A man attempts to rape three other men and succeeds with a fourth. Four crimes (class 19B).*

- \* If a man is raped by more than one other man, count crimes separately unless the men are acting together as a group.

*Two men are raped by a group of men. Two crimes of rape (class 19B) as there are two victims.*

- \* Principal Crime: see also general rules section F & chart opposite. Only homicide and attempted murder should be recorded instead of rape.

*A man rapes and attempts to murder another man. One crime of attempted murder (class 2).*

*A man rapes and intentionally commits GBH on another man. One crime (class 19B).*

*A man rapes and robs another man. One crime (class 19B).*

- \* Finished Incident: see also general rules section E.

*A man has been raped by another man on numerous occasions over several years, and he reports it for the first time. One crime (class 19B).*

- \* Whether to record: see also general rules section A.

*A man reports having been raped, but the alleged offender insists that he consented. One crime (class 19B).*

*As above, but he does not want the matter taken further. One crime (class 19B).*

*As above, but the man later admits he consented. No crime the original offence.*

## 20 Indecent Assault on a Female Classification

20/1	Indecent assault on female under 16	)
20/2	Indecent assault on female 16 and over	) Sexual Offences Act 1956 Sec 14

### Willing Victim: Legal Coverage

#### SEXUAL OFFENCES ACT 1956 SECTION 14

This law presumes that a crime has not taken place if the victim is willing, except when she is under 16 or a defective.

## 20 Indecent Assault on a Female Counting Rules

GENERAL RULE: ONE CRIME FOR EACH WOMAN INDECENTLY ASSAULTED

*A man indecently assaults two women.*

*Two crimes (class 20).*

*Thirteen unreported crimes of indecent assault on different victims were admitted by an offender during interview. Seven victims are identified and subsequent interviews confirm the crimes, but the remaining six are unknown.*

*Seven crimes (class 20) (if not already recorded). An additional six crimes only if corroboration is available.*

» Finished Incident: see also general rules section E.

*A series of indecent assaults by the same person on a girl on numerous occasions over several years is reported for the first time.*

*One crime (class 20).*

*A person having temporary charge of young children on several occasions admits to having committed 3 rapes on one young child and 1 rape and several indecent assaults and gross indecencies on another child. None of these crimes have been reported previously.*

*Two crimes of rape (class 19A or 19B) only.*

## 21 Unlawful Sexual Intercourse with Girl under 13 Classification

21 Unlawful sexual intercourse  
with girl under 13

Sexual Offences Act 1956 Sec 5

### Unlawful Sexual Intercourse: Legal Exceptions

#### SEXUAL OFFENCES ACT 1956 SECTION 5

There are no legal exceptions, as sexual intercourse with a girl under 13 is always unlawful.

## 21 Unlawful Sexual Intercourse with Girl under 13 Counting Rules

GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP

*A man has sex with two girls under 13.*

*Two crimes (class 21).*

\* Finished Incident: see also general rules section E.

*A girl under 13 had sex with a man on numerous occasions, and reports it to the police for the first time.*

*One crime (class 21).*

\* Principal Crime: see also general rules section F & end page of chapter.

*A girl under 16 has had sex with a man on numerous occasions, including when she was under 13, and reports it to the police for the first time.*

*One crime of unlawful sex with girl under 13 (class 21).*

## 22 Unlawful Sexual Intercourse with Girl under 16 Classification

22 Unlawful sexual intercourse  
with a girl under 16

Sexual Offences Act 1956 Sec 6

### Unlawful Sexual Intercourse: Legal Exceptions

#### SEXUAL OFFENCES ACT 1956 SECTION 6

Section 6 lists circumstances where it is not unlawful to have sex with a girl under 16. Basically, they comprise men who are legally married to girls under 16; those who are not but believe to be so; and men under 24, not previously charged with such an offence, who believed the girl to be 16 or over and had reasonable grounds for this belief.

## 22 Unlawful Sexual Intercourse with Girl under 16

### Counting Rules

GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP

*A man has sex with his girlfriend, knowing her to be under 16 but over 13. One crime (class 22).*

\* Finished Incident: see also general rules section E.

*A girl under 16 has had sex with a man on numerous occasions, and reports it to the police for the first time. One crime (class 22).*

\* Principal Crime: see opposite & general rules section F.

*A girl under 16 has had sex with a man on numerous occasions, including when she was under 13, and reports it to the police for the first time. One crime of unlawful sex with girl under 13 (class 21).*



## 23 Incest Classification

23/1	Incest with a girl under 13	) Sexual Offences Act 1956 Secs 10,11
23/2	Other incest	
23/3	Inciting girl under 16 to have incestuous sexual intercourse	Criminal Law Act 1977 Sec 54

**Incest by a Man: Legal Definition****SEXUAL OFFENCES ACT 1956 SECTION 10(1)**

"It is an offence for a man to have sexual intercourse with a woman he knows to be his granddaughter, daughter, sister or mother."

**Incest by a Woman: Legal Definition****SEXUAL OFFENCES ACT 1956 SECTION 11(1)**

"It is an offence for a woman of the age of sixteen or over to permit a man whom she knows to be her grandfather, father, brother or son to have sexual intercourse with her by her consent."

**Inciting Girl under 16 to have Incestuous Sexual Intercourse: Legal Definition****CRIMINAL LAW ACT 1977 SECTION 54(1)**

"It is an offence for a man [or boy] to incite to have sexual intercourse with him a girl under the age of sixteen whom he knows to be his granddaughter, daughter or sister."

## 23 Incest Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH RELATIONSHIP BETWEEN OFFENDERS

- \* If a woman or girl/ man or boy has incestuous sexual intercourse with more than one of her/his male/female relatives, count separate crimes unless the relatives are acting as a group.

*Three brothers have sex with their sister*

(i) *the brothers act separately.* *Three crimes (class 23).*

(ii) *the brothers act together.* *One crime (class 23).*

*Three sisters have sex with their brother*

(i) *the sisters act separately.* *Three crimes (class 23).*

(ii) *the sisters act together.* *One crime (class 23).*

- \* Finished Incident: see also general rules section E.

*A crime of incest between a father and daughter is reported to the police, and subsequent investigations show that this has occurred on numerous occasions over several years.*

*One crime (class 23).*

- \* Principal Crime: see general rules section F & end page of chapter.

*A father unintentionally wounds his daughter while committing incest.* *One crime of incest (class 23).*

- \* A crime of inciting a girl under 16 to have incestuous sexual intercourse (class 23/3) should not be counted separately if the substantive crime is committed.

## 24 Procuration Classification

24/1	(	Procuring woman by threats or intimidation	Sexual Offences Act 1956 Sec 2
	(	Procuring woman by false pretences	Sexual Offences Act 1956 Sec 3
	(	Using drugs to obtain/facilitate intercourse	Sexual Offences Act 1956 Sec 4
	(	Procuring woman to become prostitute	Sexual Offences Act 1956 Sec 22
	(	Procuring girl under 21	Sexual Offences Act 1956 Sec 23
24/2		Householder permitting unlawful sexual intercourse with a girl under 16	Sexual Offences Act 1956 Secs 25, 26
24/3		Detention of female in brothel or other premises	Sexual Offences Act 1956 Sec 24
24/5		Person responsible for a girl under 16 causing or encouraging her prostitution etc.	Sexual Offences Act 1956 Sec 28
24/6		(Living off earnings of prostitution	Sexual Offences Act 1956 Sec 30
		(Exercising control over prostitute	Sexual Offences Act 1956 Sec 31
24/7	(	Procurement of female defective	Sexual Offences Act 1956 Sec 9
	(	Permitting female defective to use	
	(	premises for intercourse	Sexual Offences Act 1956 Sec 27
	(	Causing or encouraging prostitution of female defective	Sexual Offences Act 1956 Sec 29
24/10		Procuring others to commit unlawful homosexual acts	Sexual Offences Act 1967 Sec 4(1)
24/11		Man or woman living wholly or in part off earnings of male prostitution	Sexual Offences Act 1967 Sec 5(1)
24/12,13		Male procuring or attempting to procure or being party to the commission by a male of gross indecency with another male	Sexual Offences Act 1956 Sec 13(pt)
24/14	Male of or over the age of 21	) procuring or attempting to procure or being party	Sexual Offences Act 1956 Sch 2 Para 16 as amended by the Sexual Offences (Amendment) Act 2000 S. 1
24/15	Male aged 18-20	) to the commission by a	
24/16	Male aged 16-17	) <u>male under 16</u> of an act of Gross Indecency	

### Sex or Prostitution Procured: Location

Although the class 24 crime is recorded in the police force area that the procurement is made, the sexual intercourse or prostitution to which it relates can take place anywhere in the world.

### Unlawful Homosexual Acts: Legal Reference

#### SEXUAL OFFENCES ACT 1967 SECTION 1

This section provides a distinction between lawful and unlawful homosexual acts.

## 24 Procuration Counting Rules

GENERAL RULE: ONE CRIME FOR EACH VICTIM OR RELATIONSHIP

*A man procures three women to have sexual intercourse with other men*      *Three crimes (class 24).*

*Five women are detained against their will in a brothel with the intention that they have sex with customers.*      *Five crimes (class 24).*

- \* **Finished Incident:** If an act is procured between the same two persons on more than one occasion one crime should be counted for each group of incidents separately reported to the police. See also general rules section E.

*Two men have been procured to commit indecent acts in a night club over a period of months. They report this to the police for the first time*      *One crime (class 24).*

- \* **Living off earnings of prostitution:** one crime for each offender.

## 25 Abduction Classification

25/1	Abduction of woman by force or for the sake of her property	)	
		)	
25/2	Abduction of female for sex or marriage	)	Sexual Offences Act 1956 Sec 17
25/3	Abduction of unmarried girl under 16	)	Sexual Offences Act 1956 Sec 20
25/4	Abduction of unmarried girl under 18	)	Sexual Offences Act 1956 Sec 19
25/5	Abduction of female defective	)	Sexual Offences Act 1956 Sec 21

### Abduction: Key Points from Legal Definition

#### SEXUAL OFFENCES ACT 1956 SECS 17-21

An abduction of a woman means to "take away or detain a woman against her will.."

An abduction of an unmarried girl means to "...take an unmarried girl...from the possession of her parent or guardian against his [/her] will.."

Similarly, an abduction of a defective means to "...take a woman who is a defective out of the possession of her parent or guardian against his [/her] will.."

In all cases, unless otherwise specified the intention of the abduction of the woman/girl is that .."she shall have unlawful sexual intercourse with men or a particular man.."

### Abduction or Kidnapping: Classification

Child Abduction (class 13)

Abduction (class 25)

Kidnapping (class 36)

## 25      Abduction          Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH PERSON ABDUCTED

- Principal Crime: see general rules section F & end page of chapter.

<i>A woman receives actual bodily harm during the course of abduction.</i>	<i>One crime of abduction (class 25).</i>
<i>A man abducts a woman for sex, and has sex with her against her will.</i>	<i>One crime of rape (class 19A).</i>

## 26 Bigamy Classification

26 Bigamy

Offences against the Person Act 1861 Sec 57

### Bigamy: Legal Definition

#### O.A.T.P. ACT 1861 SECTION 57

“Whosoever, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in England or Ireland or elsewhere ...”

The law lists certain circumstances where a second marriage is not a crime: continual absence of a husband or wife for at least seven years and not known to have been living within that time, and divorce from the first marriage at the time of the second.

## 26 Bigamy Counting Rules

GENERAL RULE: ONE CRIME FOR EACH BIGAMOUS MARRIAGE

*A and B go through a form of marriage while both have legal spouses living*      *One crime (class 26).*

*A goes through a form of marriage with B and subsequently C while A's legal spouse is known to be living*      *Two crimes (class 26).*



## 27      Soliciting or Importuning by a Man Classification

27	Soliciting or importuning by a man	Sexual Offences Act 1956 Sec 32
165/1	Kerb-crawling	Sexual Offences Act 1985 Sec 1
165/2	Persistently soliciting of women for the purpose of prostitution	Sexual Offences Act 1985 Sec 2

### **Soliciting or Importuning by a Man: Legal Definition**

#### **SEXUAL OFFENCES ACT 1956 SECTION 32**

"It is an offence for a man persistently to solicit or importune in a public place for immoral purposes."

### **Kerb-crawling: Legal Definition**

#### **SEXUAL OFFENCES ACT 1985 SECTION 1**

"A man commits an offence if he solicits a woman (or different women) for the purpose of prostitution -

(a) from a motor vehicle while it is in a street or public place; or

(b) in a street or public place while in the immediate vicinity of a motor vehicle that he has just got out of or off,

persistently or in such a manner or in such circumstances as to be likely to cause annoyance to the woman (or any of the women) solicited, or nuisance to other persons in the neighbourhood."

## 27      Soliciting or Importuning by a Man Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH OFFENDER

[EXAMPLES REQUESTED]

## 73 Abuse of Position of Trust Classification

73/1	Abuse of position of trust - sexual intercourse	Sexual Offences (Amendment) Act 2000 Sec 3a, 4.
73/2	Abuse of position of trust - sexual activity other than sexual intercourse	Sexual Offences (Amendment) Act 2000 Sec 3b, 4.
73/3	Failure to notify police of name or names	Sex Offenders Act 1997 Sec 3(1A)
73/4	Failure to notify police of home address	
73/5	Notifies police with false name or names	
73/6	Notifies police with false information as to home address	

### Position of trust definition

A person aged 18 or over ("A") is in a position of trust in relation to a person under that age ("B") if any of the four conditions below, or any specified by statutory instrument, is fulfilled.

- A looks after persons under 18 detained in an institution by an order of court or under an enactment; and B is so detained in that institution.
- A looks after persons under 18 who are resident in a home or other place in which:-
  - a) accommodation and maintenance are provided by an authority under section 23(2) of the Children Act 1989 or Article 27(2) of the Children (N Ireland) Order 1995.
  - b) accommodation is provided by a voluntary organisation under section 59(1) of that Act or Article 75(1) of that Order; or
  - c) accommodation is provided by an authority under section 26(1) of the Children (Scotland) Act 1995 and B is resident, and provided with accommodation and maintenance, in that place.
- A looks after persons under 18 who are accommodated and cared for in an institution which is
  - a) a hospital b) a residential care home, nursing home, mental nursing home or private hospital
  - c) a community home, voluntary home, children's home or residential establishment; or d) a home provided under section 82(5) of the Children Act 1989 and B is accommodated and cared for in that institution.
- A looks after persons under 18 who are receiving full-time education at an educational institution, and B is receiving such education there.

## 73 Abuse of Position of Trust Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER

## 74 Gross Indecency with a Child Classification

74/1	Gross indecency with a boy	)	Indecency with Children Act 1960 Sec 1,
		)	amended by the Criminal Justice and
74/2	Gross indecency with a girl	)	Courts Services Act 2000 Sec 39

### Gross Indecency with a Child: Legal Definition

INDECENCY WITH CHILDREN ACT 1960  
SECTION 1, AMENDED BY THE CRIMINAL  
JUSTICE AND COURTS SERVICES ACT 2000  
SECTION 39

“Any person who commits an act of gross indecency  
with or towards a child under the age of sixteen, or  
who incites a child under that age to such an act with  
him or another ...”

## 74      Gross Indecency with a Child Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH CHILD

*A man acts indecently towards four children*

*Four crimes (class 74).*

\*      **Finished Incident:** see also general rules section E.

*A man is reported for the first time acting indecently towards a child on several occasions.*

*One crime (class 74).*

Maximum sentence - Sexual offences					
Life	14 years	10 years	7 years	5 years	2 years
16/12	25/1-25/2	16/11	23/2	16/13	16/5-16/6
16/16-16/17		17/11-17/12	24/6	16/18	16/14-16/15
16/21-16/28		20/1-20/2	24/11	18/3	16/19-16/20
19/7-19/14		74/1-74/2	26	18/10-18/11	18/2
21				24/12	18/4-18/9
23/1				24/14	19/2-19/4
24/2(< 13)				73/1-73/6	22
					23/3
					24/1
					24/2(13 or over)
					24/3
					24/5
					24/7
					24/10
					24/13
					24/15-24/16
					25/3-25/5
					27

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
common assault	105	6 months
(1) Excludes crimes charged under Magistrate's Courts Act 1980 Sec22. Certain crimes triable either way to be tried summarily if value involved is small (< or = £5000).		

<http://www.homeoffice.gov.uk/rds/pdfs2/countrobbery03.pdf>

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## Robbery

34A Robbery of Business Property

34B Robbery of Personal Property

## 34A Robbery of Business Property Classification

34/1(pt)	Robbery	)	Theft Act 1968 Sec 8(pt)
34/2(pt)	Assault with intent to rob	)	
		)	

### Robbery: Legal Definition

#### THEFT ACT 1968 SECTION 8(1)

"A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force."

### Robbery of Business Property: Definition for Recorded Crime Classification

A robbery where the goods stolen belong to a business or other corporate body, regardless of the location of the robbery.

Goods that are the property of business but would generally be regarded as personal property, should be treated as personal property if robbed from the person. Examples of such items are mobile phones, laptop computers and pagers.

If a person is robbed of both personal and business property, then the decision whether to classify under robbery of business property (class 34A) or robbery of personal property (class 34B) depends on the respective values of the goods stolen.

## 34A Robbery of Business Property Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH BUSINESS WHOSE PROPERTY IS ROBBED

*A bank is robbed and no one is injured.*

*One crime of robbery (class 34A).*

- \* If people are injured immediately before or at the time of the robbery, count the robbery only.

*Three people are wounded during a robbery of a post office.*

*One crime of robbery (class 34A).*

- If people are killed immediately before or at the time of the robbery, count the homicides in addition to the robbery.

*A group of offenders kill two people and wound a third person during bank robbery.*

*Two crimes of homicide (class 1 or 4/1) and crime of robbery (class 34A).*

- \* If people are injured or killed after the robbery, count the crimes in addition to the robbery.

*Two people suffer common assault immediately before a bank is robbed. One person is seriously wounded trying to prevent the robbers taking the money. A fourth person darts after the robbers and suffers A BH in the street outside.*

*One crime of robbery (class 34A), and one crime of A BH (class 8).*

- \* Where a business and customers are robbed during the same incident.

*Two offenders carry out an armed robbery in a supermarket. They steal takings and then round up the four customers in the shop office and steal personal items from them.*

*One crime of robbery of business robbery (34A) and four crimes of robbery of personal property (34B).*

- \* Different branches or units of the same company should be counted separately if robbed.

*Robberies committed against three shops owned by the same person.*

*Three crimes (class 34A).*

- \* Assault with intent to rob: do not record in connection with an incident for which an crime of robbery has been counted.

## 34B Robbery of Personal Property Classification

34/1(pt)	Robbery	)	
		)	
34/2(pt)	Assault with intent to rob	)	Theft Act 1968 Sec 8(pt)

### Robbery: Legal Definition

#### THEFT ACT 1968 SECTION 8(1)

"A person is guilty of robbery if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force."

### Robbery or Theft from the Person: Clarification for Recorded Crime

The use or threat of force in a theft from the person should be recorded as a robbery. For example, if the victim or a third party offers any resistance, or if anyone is assaulted in any way, then this constitutes force. Similarly, if a victim is under any impression from the offender's words or actions that the offender may use force, then this constitutes threat of force.

### Robbery of Personal Property: Definition for Recorded Crime Classification

A robbery where the goods stolen belong to an individual or group of individuals, rather than a corporate body, regardless of the location of the robbery, or whether the personal property actually belongs to the person being robbed.

Goods that are the property of business but would generally be regarded as personal property, should be treated as personal property if robbed from the person. Examples of such items are mobile phones, laptop computers and pagers.

If a person is robbed of both personal and business property, then the decision whether to classify under robbery of business property (class 34A) or robbery of personal property (class 34B) depends on the respective values of the goods stolen.

## 34B Robbery of Personal Property Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH PERSON ROBBED

*Two women are simultaneously threatened and robbed of their handbags.* Two crimes (class 34B).

\* **Principal Crime:** see also general rules section F and end page of chapter.

*One person is robbed and killed.* One homicide crime (class 1 or 4/1).

*One person is seriously injured and robbed.* One crime of robbery (class 34A or 34B).

\* **Finished Incident:** see also general rules section E.

*A schoolboy robs two classmates, under threat of violence over a 4 month period twice a week. It is reported to the police for the first time.* Two crimes (class 34B).

\* **Robbery or Theft from the Person?:** see note on opposite page.

*A man has his pocket picked*

(i) *He feels it but cannot prevent it.* One crime of theft from the person (class 39).

(ii) *He feels it and his wallet or mobile phone is stolen only after a tussle.* One crime of robbery (class 34B).

(iii) *He manages to keep hold of his wallet or mobile phone after a tussle.* One crime of assault with intent to rob (class 34B).

(iv) *He is barged with intent to steal his wallet or mobile phone.* One crime of attempted robbery (class 34B).

*A woman has her handbag or mobile phone wrenched from her grasp.* One crime of robbery (class 34B).

*A person has a shoulder-bag taken without force by slipping the strap from the shoulder.* One crime of theft from the person (class 39).

\* If a person reports having been robbed by more than one person, count separately only if the offenders were acting independently

*A person is mugged by a group of three.* One crime (class 34B).

\* **Whether to record:** see also general rules section A.

*CCTV picks up an apparent street robbery, but neither the victim nor persons acting on their behalf come forward to report it. No other information is available.* Register a crime related incident report but do not record the crime.

*As above, but further investigation locates the victim who confirms the robbery.* One crime of robbery (class 34B).

Maximum sentence - Robbery
Life
34/1
34/2

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
common assault	105	6 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec22. Certain crimes triable either way to be tried summarily if value involved is small (< or = £5000).		

<http://www.homeoffice.gov.uk/rds/pdfs2/countburglary03.pdf>

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## Burglary

- 28        **Burglary in a Dwelling**
- 29        **Aggravated Burglary in a Dwelling**
- 30        **Burglary in a Building other than a Dwelling**
- 31        **Aggravated Burglary in a Building other than a Dwelling**



## 28 Burglary in a Dwelling Classification (1 of 3)

28/1	)		
28/2	)	Burglary in a dwelling	Theft Act 1968 Sec 9(pt)
28/3	)		

NOTE: Two additional lines are on the Crimsec 3 return w.e.f. 1 April 2003 which now reads as follows:

- 28 Burglary in a dwelling  
 28.1 of which, attempted burglary in a dwelling  
 28.2 of which, distraction burglary

### Burglary: Legal Definition

#### THEFT ACT 1968 SECTION 9(1,2)

"(1) A person is guilty of a burglary if -

- (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2) below; or  
 (b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

(2) The offences referred to in subsection (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or raping any person therein, and of doing unlawful damage to the building or anything therein."

### Burglary: Recording Practice

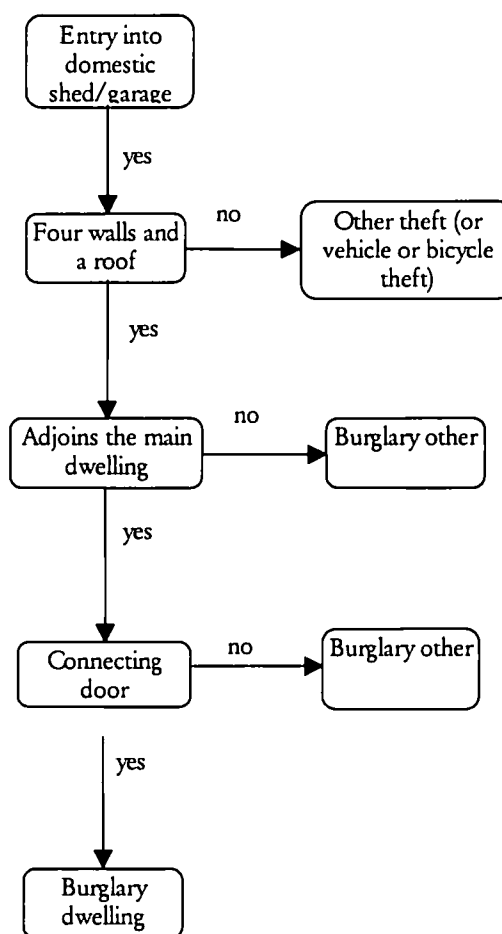
If a person enters a building as a trespasser and commits or attempts to commit rape or grievous bodily harm, this constitutes burglary under section 9 of the Theft Act 1968, but should be recorded as GBH or rape.

If entry as a trespasser is gained or attempted and there is evidence of intent to steal but only criminal damage is caused, then this should be recorded as burglary rather than criminal damage.

### Distraction burglary: Definition

Any crime where a falsehood, trick or distraction is used on an occupant of a dwelling to gain, or try to gain, access to the premises to commit burglary.

### Burglary in a Shed, Garage etc.: Classification



## 28 Burglary in a Dwelling Counting Rules (1 of 3)

### GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD BURGLED

*A person burgles five houses in a street.* Five crimes (class 28).

*A person caught burgling a house has cannabis in his possession.* Two crimes (class 28).

\* If a household is victim to more than one burglar, count crimes separately only if each burglar is acting independently.

*A house inhabited by one person is burgled by a group of five people.* One crime (class 28).

*Four people sharing a house (a family or house mates without separately lockable rooms) burgled by a group of five people.* One crime (class 28).

\* **Flats:** one crime for each separately lockable flat burgled. Vacant (i.e. uninhabited) flats and common areas to be counted only if no separately lockable flat burgled.

*A residential property rented jointly by two tenants is burgled. The tenants inhabit different parts of the property, but each part is not separately lockable.* One crime (class 28).

*A person enters a block of flats as a trespasser with intent to steal*

- (i) Entry to common hallway only. One crime (class 28).
- (ii) Entry via hallway, then three lockable flats burgled. Three crimes (class 28).
- (iii) Entry direct to three lockable flats. Three crimes (class 28).
- (iv) One of the three flats is vacant. Two crimes (class 28).

\* **Hostels, halls of residence, 'long-stay' hotels etc.:** Same rule as for flats, to apply to separately lockable rooms. For definition of 'long-stay' hotel, see box on classification page 3 of 3.

*A person enters a university hall of residence in term time with intent to steal*

- (i) Entry to common area only. One crime (class 28).
- (ii) Entry via common area, then three study-bedrooms burgled. Three crimes (class 28).
- (iii) One of the three rooms is vacant. Two crimes (class 28).

## 28 Burglary in a Dwelling Classification (2 of 3)

### Burglary in a Hotel: Classification for Recorded Crime

A burglary in a 'long-stay hotel' whose rooms are let out on a permanent basis (i.e. so that the hotel is the resident's permanent address) should be recorded as a burglary (or aggravated burglary) in a dwelling.

A burglary in a hotel whose rooms are let out to guests on a 'short-stay' basis (i.e. so that the hotel is not the guests' permanent address) should be recorded as a burglary (or aggravated burglary) other than in a dwelling.

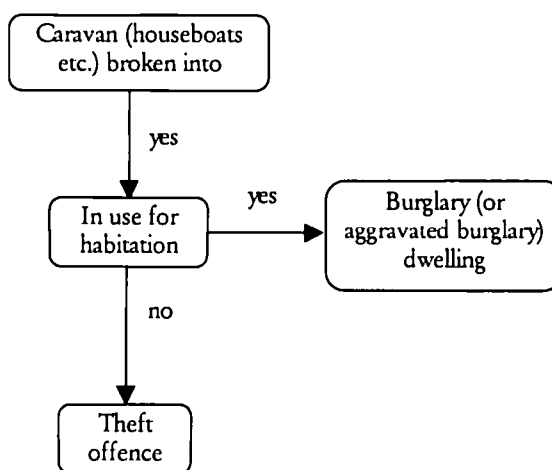
A combination of the above two types should be classified according to the victim or victims. In general, burglary of common areas in hotels should be classified as burglary other than in a dwelling; and burglary of living quarters inhabited by the proprietor, manager or employees should be recorded as burglary in a dwelling.

### Burglary in a Caravan, Houseboat etc.: Legal Definition

#### THEFT ACT 1968 SECTION 9(4)

"References [in the statutory definition of burglary] to a building .. or to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as times when he is."

### Burglary in a Caravan, Houseboat etc.: Classification



### Vacant Properties: Classification

For the purposes of classifying burglaries of vacant properties, one should consider them to be dwellings only if they are fit for habitation. Normally, this means that they are merely between occupiers and that all the basic services (water, electricity, gas) are connected. Properties that have been completely gutted for renovation should not be considered to be dwellings if they are not fit for habitation at that time.

## 28 Burglary in a Dwelling Counting Rules (2 of 3)

\* **Finished Incident:** see also general rules section E.

*A burglar admits to police that he has entered the same house on four separate occasions to burglar it*

- |       |  |                                |
|-------|--|--------------------------------|
| (i)   | <i>Each burglary separately reported by the victim</i>                   | <i>Four crimes (class 28).</i> |
| (ii)  | <i>Only the first one reported</i>                                       | <i>One crime (class 28).</i>   |
| (iii) | <i>None of the burglaries reported but the victim confirms the crime</i> | <i>One crime (class 28).</i>   |

\* **Burglary in a Caravan, Houseboat etc.:** see also box and flowchart opposite.

*A person known to the police as a burglar, enters a caravan parked on the owners driveway and steals a radio cassette*

*One crime of other theft (class 49).*

*The caravan described above is towed by its owners to a caravan park for a weeks holiday. Owing to the late hour of their arrival they decide to eat at a local restaurant. Whilst out a thief breaks in and steals a portable television*

*One crime of burglary in a dwelling (class 28).*

*A fully furnished houseboat moored on the Thames is entered by a trespasser for the purpose of stealing. The owner lives in Spain for six months of the year and is currently in Spain*

*One crime of other theft (class 49).*

*Whilst a circus family are performing, the caravan they own and in which they sleep is entered and cash stolen. The same thief then breaks into a caravan, owned by the circus and used as a ticket booth, stealing some change*

*One crime of burglary in a dwelling (class 28) plus one crime of other theft (class 49).*

\* **Principal Crime:** see also general rules section F and end page of chapter. Generally, the most serious violent crime (apart from common assault and assault on a constable) takes precedence over burglary or aggravated burglary.

*A wounding occurs in the course of a burglary*

*One crime of wounding (class 5 or 8).*

*A person reports having his house burgled and car stolen from the drive*

*One crime of burglary (class 28).*

*Tools from a shed (not connected to the main dwelling) are taken in order to attempt a burglary of the dwelling. The attempt is unsuccessful.*

*One crime of attempted burglary in a dwelling (class 28). (The shed break-in is not actually a burglary as the intention has not been to permanently deprive the owner of the tools).*

## 28 Burglary in a Dwelling Classification (3 of 3)

Break-ins to Various Types of Premises: Classification					
Status of Habitation					
Premises	In use by owner for habitation	Rented to occupier on short-stay basis	Rented to occupier on long-stay basis	Vacant but habitable**	Vacant but not habitable**
House, self-contained flat	Burglary in a dwelling (class 28)	Burglary in a dwelling (class 28)	Burglary in a dwelling (class 28)	Burglary in a dwelling (class 28)	Burglary other than in a dwelling (class 30)
Room in hotel, hostel, nursing home, hall of residence etc.	Burglary in a dwelling (class 28)	Burglary other than in a dwelling (class 30)*	Burglary in a dwelling (class 28)*	Burglary other than in a dwelling (class 30)***	Burglary other than in a dwelling (class 30)***
Holiday home, chalet etc. ****	Burglary in a dwelling (class 28)	Burglary other than in a dwelling (class 30)	Burglary in a dwelling (class 28)	Burglary other than in a dwelling (class 30)	Burglary other than in a dwelling (class 30)
Caravan, houseboat etc.	Burglary in a dwelling (class 28)	Burglary in a dwelling (class 28)	Burglary in a dwelling (class 28)	Other theft (class 49)	Other theft (class 49)

\* For distinction between short-stay and long-stay hotel rooms, see box on classification page 2 of 3.

\*\* To determine whether a vacant property is fit for habitation or not, see guidance box on classification page 2 of 3.

\*\*\* Only count these crimes if no occupied rooms have been broken into. See also counting rules page 1 of 3.

\*\*\*\* Includes permanently sited caravans (i.e. those which are not considered to be vehicles)

## 28 Burglary in a Dwelling Counting Rules (3 of 3)

\* **Vacant Properties:** see box on classification page 2 of 3 and table on opposite page.

*The burglary of a vacant house is reported to the police*

- |   |  |
|---|--|
| (i) <i>The house is between occupiers and, although being re-decorated, all its basic services are connected.</i> | <i>One crime of burglary in a dwelling (class 28).</i> |
| (ii) <i>The house is being completely renovated, and has its basic services unconnected.</i>                      | <i>One crime of burglary other (class 30).</i>         |
| (iii) <i>The house has been renovated and is ready for occupation with services connected.</i>                    | <i>One crime of burglary in a dwelling (class 28).</i> |

*The burglary of a showflat for a new property development is reported to the police*

- |   |  |
|---|--|
| (i) <i>The flat is ready for occupancy.</i>   | <i>One crime of burglary in a dwelling (class 28).</i> |
| (ii) <i>The flat is purely for show and, although separately lockable, is not fit for habitation.</i> | <i>One crime of burglary other (class 30).</i>         |

*The burglary of a house is reported to the police. The house has its basic services unconnected, but is being occupied by squatters.*

*One crime of burglary other (class 30).*

\* A guest staying in a household is treated as part of the household.

*Two relatives of the householder who are staying overnight have property stolen when the house is burgled*

*One crime of burglary in a dwelling (class 28).*

\* If force or the threat of force is used in order to steal during the course of a burglary then it should be classified as a robbery.

*During the course of a burglary, an offender uses force in order to steal a mobile phone from a guest staying at the house*

*One crime of robbery (class 34B).*

\* **Whether to record:** see also general rules section A.

*A person (not acting on behalf of the victim) reports a gang of youths trying to enter a house, while the owners are away. No other witness report, and no other grounds to suggest a break-in.*

*Register a crime related incident report but do not record the crime.*

*(i) As above, but the police on their attendance or the owners on their return can confirm that an attempt to enter has been made.*

*One crime of attempted burglary (class 28).*

\* **How to Classify:** see also general rules section B. Any damage to an entry point of a house should be assumed to be an attempt to enter and burgle the house, if on balance of probabilities, attempted burglary is considered to be the more likely offence than the criminal damage.

*The lock to a front door has been damaged. On the balance of probabilities, attempted burglary is considered more likely than criminal damage.*

*One crime of attempted burglary in a dwelling (class 28).*

*A ground floor window has been broken. It could have been used to enter the house, and as the house is in an isolated location it is considered the more likely intent than mere vandalism.*

*One crime of attempted burglary in a dwelling (class 28).*

## 29      Aggravated Burglary in a Dwelling Classification

29      Aggravated burglary in a dwelling

Theft Act 1968 Sec 10(pt)

### **Aggravated Burglary: Legal Definition**

#### **THEFT ACT 1968 SECTION 10(1)**

"A person is guilty of aggravated burglary if he commits any burglary and at the time he has with him any firearm or imitation firearm, any weapon of offence, or any explosive ..."

## 29 Aggravated Burglary in a Dwelling Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD BURGLED

*A person burgles five houses in a street. He has a weapon on him but does not use it.*

*Five crimes (class 29).*

- \* If a household is victim to more than one burglar, count crimes separately only if each burglar is acting independently.

*A house inhabited by one person is burgled by a group of five people possessing (but not using) offensive weapons.*

*One crime (class 29).*

*Four people sharing a house (a family or house-mates) are victims of aggravated burglary by a group of five people.*

*One crime (class 29).*

- \* Principal Crime: see also general rules section F and end page of chapter.

*A burglar wounds a house occupant with the weapon he has brought on the burglary.*

*One crime of wounding (class 5 or 8).*

*Criminal damage occurs in the course of an aggravated burglary.*

*One crime of aggravated burglary (class 29 or 31).*

*Three members of the same household are wounded in the course of an aggravated burglary.*

*Three crimes of wounding (class 5 or 8) [same victims].*

*Two people staying with friends are wounded in the course of an aggravated burglary.*

*Two crimes of wounding (class 5 or 8) and one crime of aggravated burglary (class 29).*

- \* Other counting rules and examples given for burglary (class 28) can be applied to aggravated burglary as well.



## 30 Burglary in a Building other than a Dwelling Classification (1 of 2)

30/1 )  
 30/2 ) Burglary other than in a dwelling

Theft Act 1968 Sec 9 (pt)

**NOTE:** One additional line is on the Crimsec 3 return w.e.f. 1 April 2003 which now reads as follows:

30 Burglary in a building other than a dwelling  
 30.1 of which, attempted burglary in a building other than a dwelling

### Burglary: Legal Definition

#### THEFT ACT 1968 SECTION 9(1,2)

“(1) A person is guilty of a burglary if -

(a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2) below; or

(b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

(2) The offences referred to subsection (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or raping any person therein, and of doing unlawful damage to the building or anything therein.”

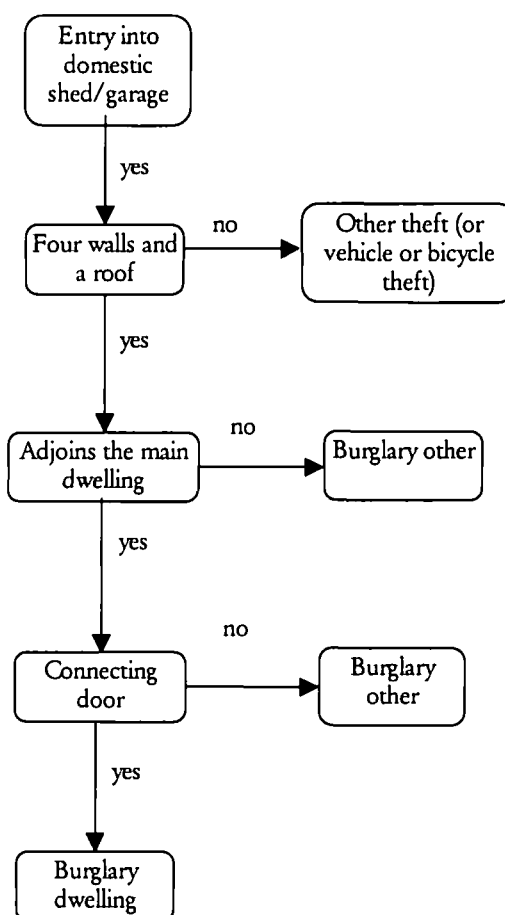
### Burglary: Recording Practice

If a person enters a building as a trespasser and commits or attempts to commit rape or grievous bodily harm, this constitutes burglary under section 9 of the Theft Act 1968, but should be recorded as GBH or rape.

If entry as a trespasser is gained or attempted and there is evidence of intent to steal but only criminal damage is caused, then this should be recorded as burglary rather than criminal damage.

### Burglary in a Shed, Garage etc<sup>(1)</sup>: Classification

<sup>(1)</sup> Includes domestic greenhouses and portacabins



# 30 Burglary in a Building other than a Dwelling

## Counting Rules (1 of 2)

### GENERAL RULE: ONE CRIME FOR EACH BUILDING BURGLIED

- A person burgles five units on an industrial estate* Five crimes (class 30).
- A person burgles a pub while the owner is asleep in the adjoining living quarters.* One crime (class 30).
- A person burgles the living quarters of a pub but not the adjoining pub itself.* One crime (class 28).
- \* If a building is burgled more than once, count crimes separately only for each burglar acting independently.
- A warehouse is burgled by a group of five people* One crime (class 30).
- \* **Sites under Common Ownership:** groups of buildings on the same site and belonging to the same owner should be counted as one crime if burgled. This rule applies to burglary other but not to burglary dwelling.
- Three of a company's buildings on the same factory site are burgled by a group of four people* One crime (class 30).
- Four flats on a building site are burgled* One crime (class 30).
- Six chalets on the same holiday camp site are burgled*
- (i) *All the chalets are vacant and not fit for habitation at the time* One crime of burglary other (class 30).
  - (ii) *Three chalets are rented out at the time, and three are vacant but fit for habitation.* Three crimes of burglary dwelling (class 28) and one crime of burglary other (class 30).
- \* **Commercial Blocks:** one crime for each suite of offices or other premises in a building that are inhabited by a separately registered company and which are also separately lockable. Vacant (i.e. uninhabited) suites and common areas to be counted only if no separately lockable office suites burgled.
- A commercial property rented jointly by two tenants is burgled. The tenants inhabit different parts of the property, but each part is not separately lockable* One crime (class 30).
- A person burgles an office block*
- (i) *Entry to reception area only* One crime (class 30).
  - (ii) *Entry via hallway, then lockable offices belonging to three companies burgled* Three crimes (class 30).
  - (iii) *Entry direct to above offices.* Three crimes (class 30).
  - (iv) *Offices of one of the companies are vacant.* Two crimes (class 30).

## 30 Burglary in a Building other than a Dwelling Classification (2 of 2)

### **Burglary in a Hotel: Classification for Recorded Crime**

A burglary in a 'long-stay hotel' whose rooms are let out on a permanent basis (i.e. so that the hotel is the resident's permanent address) should be recorded as a burglary (or aggravated burglary in a dwelling).

A burglary in a hotel whose rooms are let out to guests on a 'short-stay' basis (i.e. so that the hotel is not the guests' permanent address) should be recorded as a burglary (or aggravated burglary) other than in a dwelling.

A combination of the above two types should be classified according to the victim or victims. In general, burglary of common areas in hotels should be classified as burglary other than in a dwelling; and burglary of living quarters inhabited by the proprietor, manager or employees should be recorded as burglary in a dwelling.

### **Vacant Properties: Classification**

For the purposes of classifying burglaries of vacant properties, one should consider them to be dwellings only if they are fit for habitation. Normally, this means that they are merely between occupiers and that all the basic services (water, electricity, gas) are connected. Properties that have been completely gutted for renovation should not be considered to be dwellings if they are not fit for habitation at that time.

### **Break-ins to Various Types of Premises: Classification**

See table on classification page 3 of 3 of class 28

## 30 Burglary in a Building other than a Dwelling Counting Rules (2 of 2)

\* **'Short-stay' Hotels:** Same rule as for flats (class 28), to apply to separately lockable bedrooms or bedroom suites. See also classification box opposite.

*A person enters an hotel with intent to steal*

- |       |   |                                 |
|-------|---|---------------------------------|
| (i)   | <i>Entry to common area only</i>                          | <i>One crime (class 30).</i>    |
| (ii)  | <i>Entry via common area, then three bedrooms burgled</i> | <i>Three crimes (class 30).</i> |
| (iii) | <i>One of the three suites is vacant.</i>                 | <i>Two crimes (class 30).</i>   |

*A person enters a university hall of residence with intent to steal. It is the summer holiday period, and the hall is being used for a conference*

- |       |   |                                 |
|-------|---|---------------------------------|
| (i)   | <i>Entry to common area only</i>                                | <i>One crime (class 30).</i>    |
| (ii)  | <i>Entry via common area, then three study bedrooms burgled</i> | <i>Three crimes (class 30).</i> |
| (iii) | <i>One of the three rooms is vacant.</i>                        | <i>Two crimes (class 30).</i>   |

\* **Principal Crime:** see also general rules section F and end page of chapter.

*A company reports having a warehouse burgled and several of its vans stolen both from inside and outside the warehouse*

*One crime of burglary (class 30). (The victim of the burglary and the vehicle theft (which applies to the outside vans) is the company).*

\* **Vacant Properties:** see box on classification page 2 of 3 and table on opposite page.

*The burglary of a vacant house is reported to the police*

- |      |  |  |
|------|--|--|
| (i)  | <i>The house is between occupiers and, although being re-decorated, all its basic services are connected</i> | <i>One crime of burglary in a dwelling (class 28).</i> |
| (ii) | <i>The house is being completely renovated, and has its basic services disconnected</i>                      | <i>One crime of burglary other (class 30).</i>         |

*The burglary of a showflat for a new property development is reported to the police*

- |      |  |  |
|------|--|--|
| (i)  | <i>The flat is ready for occupancy</i>   | <i>One crime of burglary in a dwelling (class 28).</i> |
| (ii) | <i>The flat is ready for show and, although separately lockable, is not fit for habitation</i> | <i>One crime of burglary other (class 30).</i>         |

*The burglary of a house is reported to the police. The house has its basic services disconnected, but is being occupied by squatters.*

*One crime of burglary other (class 30).*

\* **Whether to record:** see also general rules section A.

*A person reports a gang of youths trying to enter a warehouse, while it is closed for the night. No other witness report, and no other grounds to suggest a break-in*

*Register a crime related incident report but do not record the crime.*

*(i) As above, but the police on their attendance or the owners on their return can confirm that an attempt to enter has been made*

*One crime of attempted burglary (class 30).*

\* **How to Classify:** see also general rules section B. Any damage to an entry point of a building should be assumed to be an attempt to enter and burgle the building, if on balance of probabilities, attempted burglary is considered to be the more likely offence than the criminal damage.

*The lock to the entrance to a commercial building has been damaged. On the balance of probabilities, attempted burglary is considered more likely than criminal damage.*

*One crime of attempted burglary other than in a dwelling (class 30).*

*A ground floor window of an office block has been broken. It could have been used to enter the building, and this is considered the more likely intent than mere vandalism*

*One crime of attempted burglary other than in a dwelling (class 30).*

# 31      Aggravated Burglary in a Building          other than a Dwelling          Classification

31                      Aggravated burglary in a building  
                         other than a dwelling

Theft Act 1968 Sec 10(pt)

## Aggravated Burglary: Legal Definition

### THEFT ACT 1968 SECTION 10(1)

“A person is guilty of aggravated burglary if he commits any burglary and at the time he has with him any firearm or imitation firearm, any weapon of offence, or any explosive ...”

# 31 Aggravated Burglary in a Building other than a Dwelling

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH BUILDING BURGLIED

*A person burgles five separately leased and lockable stalls in a market hall. He has a weapon on him but does not use it.*

*Five crimes (class 31).*

- \* If a building is burgled more than once, count crimes separately only for each burglar acting independently.

*A shop is burgled by a group possessing weapons and the door left open. The CCTV later shows another apparently unconnected person entering to steal - no sign of a weapon.*

*One crime of aggravated burglary (class 31) and one of burglary (class 30).*

- \* **Principal Crime:** see also general rules section F and end page of chapter.

*A burglar wounds a security guard with the weapon he has brought on the burglary.*

*One crime of wounding (class 5 or 8) and one crime of aggravated burglary (class 31). Assumes the security guard is not the owner of the business.*

*The owner of a shop is wounded in the course of an aggravated burglary.*

*One crime of wounding (class 5 or 8).*

*Criminal damage occurs in the course of an aggravated burglary.*

*One crime of aggravated burglary (class 29 or 31).*

- \* Other counting rules and examples given for burglary (class 30) can be applied to aggravated burglary as well.

Maximum Sentence - Burglary		
Life	14 years	10 years
29	28/1	30/1
31	28/2	30/2
	28/3	

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
common assault	105	6 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22. Certain crimes triable either way to be tried summarily if value involved is small (< or = £5000)		

<http://www.homeoffice.gov.uk/rds/pdfs2/counttheft03.pdf>

4/28/2003

33pp



## **Theft & Handling Stolen Goods**

37/2	Aggravated Vehicle Taking
38	Proceeds of Crime
39	Theft from the Person
40	Theft in a Dwelling other than from an Automatic Machine or Meter
41	Theft by an Employee
42	Theft or Unlawful Taking of Mail
43	Abstracting Electricity
44	Theft or Unauthorised Taking of a Pedal Cycle
45	Theft from a Vehicle
46	Theft from a Shop
47	Theft from an Automatic Machine or Meter
48	Theft or Unauthorised Taking of a Motor Vehicle
49	Other Theft
54	Handling Stolen Goods
126	Vehicle Interference and Tampering

## 37/2     Aggravated Vehicle Taking Classification

37/2	Aggravated vehicle taking	)	
		)	
131/1	Aggravated vehicle taking where	)	Theft Act 1968 Sec 12A(pt)
	the only aggravating factor is	)	
	criminal damage of £5000 or under	)	

### Aggravated Vehicle Taking: Classification

A crime of theft or unauthorised taking of a vehicle should be recorded as aggravated vehicle-taking if, at the time of recording, one or more of the four circumstances that determine AVT under the Theft Act 1968 Sec 12A is known to have applied. The four circumstances are:

- the vehicle was driven dangerously on a road or other public place, or
- that owing to the driving of the vehicle, an accident occurred causing injury to any person, or
- that owing to the driving of the vehicle, an accident occurred by which damage was caused to any property other than the vehicle, or
- damage was caused to the vehicle.

If death results from the second circumstance, and the link is known at the time of recording, then a crime of causing death by AVT (class 37/1) should be recorded.

## 37/2 Aggravated Vehicle Taking Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER

*Two young men seen taking a car and driving dangerously until they crash the car and flee the scene.*

*One crime of aggravated vehicle taking (class 37/2).*

*A person reports his car stolen. It has been used for A VT, but this is not known at the time of recording.*

*One crime of theft or unauthorised taking (class 48).*

• Vehicles under common ownership should be counted singly if stolen by the same group of offenders for AVT.

*Two mini-cabs belonging to the same company are stolen by a group of offenders and used for A VT.*

*One crime (class 37/2).*

## 38 Proceeds of Crime Classification

38/1	Concealing etc. criminal property	Proceeds of Crime Act 2002 Sec 327
38/2	Arrangements - concerned in arrangement, knows or suspects, facilitates acquisition, retention, use or control of criminal property by, or on behalf of another person	Proceeds of Crime Act 2002 Sec 328
38/3	Acquisition, use & possession	Proceeds of Crime Act 2002 Sec 329
38/4	Failure to disclose; another person involved in money laundering - regulated sector	Proceeds of Crime Act 2002 Sec 330
38/5	Failure to disclose; another person involved in money laundering - nominated officer in the regulated field	Proceeds of Crime Act 2002 Sec 331
38/6	Failure to disclose; another person involved in money laundering - other nominated officer in the regulated field	Proceeds of Crime Act 2002 Sec 332
38/7	Tipping off - knows or suspects a disclosure has been made; makes a disclosure likely to prejudice an investigation	Proceeds of Crime Act 2002 Sec 333
38/8	Nominated officer; must not give consent to the doing of a prohibited act	Proceeds of Crime Act 2002 Sec 336

## 38      Proceeds of Crime           Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

[EXAMPLES REQUIRED]

## 39 Theft from the Person Classification

39

Theft from the person of another

Theft Act 1968 Sec 1(pt)

**Theft: Legal Definition****THEFT ACT 1968 SECTION 1(1)**

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ....".

The terms in this basic definition are amplified in sections 2-6 of the Theft Act.

**Robbery or Theft from the Person: Clarification for Recorded Crime**

The use or threat of force in a theft from the person, in order to commit the theft, should be recorded as a robbery. For example, if the victim or a third party offers any resistance that needs to be overcome, or if anyone is assaulted in any way, then this constitutes force. Similarly, if a victim is under any impression from the offender's words or actions that the offender may use force, then this constitutes threat of force.

**Theft from the Person or Other Theft: Clarification for Recorded Crime**

A theft without the use or threat of force should be recorded as a theft from the person if one of the following circumstances apply at the time of the theft:

- (i) the goods stolen were being worn by the victim
- (ii) the goods stolen were physically attached in some way to the victim, or carried by the victim; or
- (iii) the goods stolen were contained in an article of clothing being worn by the victim.

If none of these circumstances apply, the theft should be recorded under one of the other theft codes as appropriate.

## 39 Theft from the Person Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH PERSON (from whom a theft has been made)

*Ten people on a crowded train report having their pockets picked. None report any force being used.*

*Ten crimes (class 39).*

\* **Robbery or Theft from the Person:** see note on opposite page.

*A man has his pocket picked*

- |   |   |
|---|---|
| (i) <i>He feels it but cannot prevent it.</i>                         | <i>One crime of theft from the person (class 39).</i>       |
| (ii) <i>He feels it and his wallet is stolen only after a tussle.</i> | <i>One crime of robbery (class 34B).</i>                    |
| (iii) <i>He manages to keep hold of his wallet after a tussle.</i>    | <i>One crime of assault with intent to rob (class 34B).</i> |
| (iv) <i>He is barged with intent to steal his wallet.</i>             | <i>One crime of attempted robbery (class 34B).</i>          |

\* **Theft from the Person or Other Theft:** see note on opposite page.

*Five people have possessions stolen from the changing room of a swimming pool while they are swimming.*

*Five crimes of other theft (class 49).*

*A pinse is stolen from a shopping trolley*

- |   |   |
|---|---|
| (i) <i>while being pushed around a supermarket.</i> | <i>One crime of theft from the person (class 39).</i> |
| (ii) <i>when left momentarily.</i>                  | <i>One crime of other theft (class 49).</i>           |

\* **Whether to record:** see also general rules section A

*CCTV picks up an apparent pickpocketing, but neither the victim nor persons acting on their behalf come forward to report it. No other information is available.*

*Register a crime related incident but do not record the crime.*

*(i) As above, but further investigation locates the victim who confirms the loss of valuables around the same time and location.*

*One crime of theft from the person (class 39).*

*A man reports having a wallet stolen from his possession. He was not aware of it actually being taken.*

*(i) During the conversation with the police, he reconsiders and now thinks it is more likely that he has lost the wallet.*

*Register a crime related incident but do not record the crime.*

*(ii) As above, but after providing details he still thinks that it is more likely to have been stolen.*

*One crime of theft from the person (class 39).*

*(iii) The wallet is later handed in, with its contents intact.*

*No crime the theft (if it has already been recorded).*

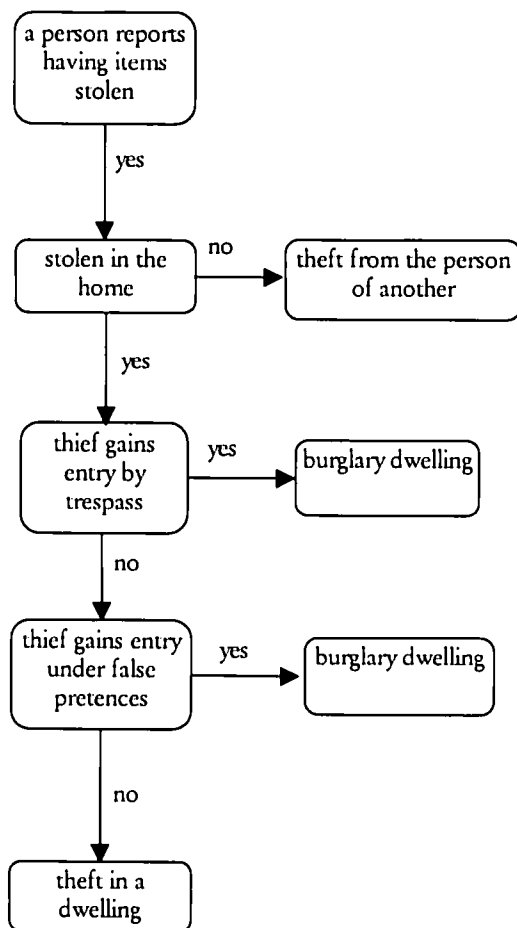
## 40 Theft in a Dwelling other than from an Automatic Machine or Meter Classification

40

Theft in a dwelling other than from automatic machine or meter

Theft Act 1968 Sec 1(pt)

### Theft in a Dwelling: Classification





## 40 Theft in a Dwelling other than from Automatic Machine or Meter

### Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OWNER OF PROPERTY STOLEN

*A house is occupied jointly by four tenants one of whom steals possessions from bedrooms of the other three*

*Three crimes (class 40).*

\* If a person is victim to more than one thief, count separately for each thief acting independently.

*A woman throws a party in her own home. Two of those invited steal from her home, and it is established that they acted independently.*

*Two crimes (class 40).*

\* **Finished Incident:** see also general rules section E.

*A steals from B's home on numerous occasions. B eventually realises and reports the thefts.*

*One crime (class 40).*

\* **Principal Crime:** see also general rules section F and end page of chapter.

*A person reports that a fellow guest at a party has taken his house keys left in a bag and has used them to break his house*

*One crime of burglary in a dwelling (class 28).*

\* Items belonging to several members of the same family are stolen at the same time from a dwelling, count one offence only as the ownership is treated as common within a household.

# 41 Theft by an Employee Classification

41

Theft by an employee

Theft Act 1968 Sec 1(pt)

**Theft: Legal Definition****THEFT ACT 1968 SECTION 1(1)**

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ....".

The terms in this basic definition are amplified in sections 2-6 of the Theft Act.

**Theft by an Employee: Clarification for Recorded Crime**

- The theft should be known at the time of recording to have been by an employee or group of employees.
- The owner of the property stolen should be the employee's employer.

# 41 Theft by an Employee

## Counting Rules

GENERAL RULE: ONE CRIME FOR EACH EMPLOYEE OR GROUP OF EMPLOYEES

*A group of employees are caught stealing from their employer and reported to the police.*

*One crime (class 41).*

*A group of employees steal from their employer on three occasions. The thefts are reported on each occasion they occur.*

*Three crimes (class 41).*

\* **Finished Incident:** see also general rules section E.

*A factory worker admits for the first time to stealing from his work over a number of years, various parts for himself and his friends.*

*One crime (class 41).*

\* If the employee or group of employees work for more than one employer (including separate branches of the same company) and steal from them, count separate crimes for each company.

*A dancer admits to the police to stealing from the five companies he/she has worked for. None of these thefts has previously been reported.*

*Five crimes (class 41).*

42

Theft or Unlawful Taking of Mail  
Classification

42	(	Theft of mail bag or postal packet	Theft Act 1968 Sec 1(pt)
	(	Unlawfully taking away or opening	
	(	mail bag	Post Office Act 1953 Sec 53

Unlawfully Taking Away or Opening Mail Bag:  
Legal Definition

POST OFFICE ACT 1953 SECTION 53

“If any person unlawfully takes away or opens a mail bag sent by any ship, vehicle or aircraft employed by or under the Post Office authority for the transmission of postal packets under contract, or unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent.”

## 42 Theft or Unlawful Taking of Mail Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH OWNER OF MAIL BAGS OR POSTAL PACKETS

*Postal packets in transit are stolen from a Post Office van by a non-employee of the Post Office.*

*One crime (class 42).*

*As above, but the missing mail is initially reported to the force covering the destination area of the van, which is different from the location of the theft.*

*One crime (class 42), to be recorded by the force covering the location of the theft.*

\* If there is evidence at the time of recording that the bags or packets have been stolen by an employee of the mail company, classify as theft by an employee (class 41).

*Postal packets in transit are stolen by a Post Office employee.*

*One crime of theft by an employee (class 41).*

## 43      Abstracting Electricity Classification

43

Abstracting electricity

Theft Act 1968 Sec 13

**Abstracting of Electricity: Legal Definition****THEFT ACT 1968 SECTION 13**

“A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity...”

**Misuse of Telephone Equipment: Classification**

Crimes under the Telecommunications Act 1984 & 1997 should be recorded in class 99 and NOT in class 43.

**Abstracting Electricity: Recording Practice**

Crimes recorded should be limited to those which are the subject of police action. They should not include any that may have been brought to the police's attention but have been dealt with entirely by the electricity board (e.g. by civil action).

See also general rules section A.

## 43 Abstracting Electricity Counting Rules

**GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS**

*Five flat-owners are reported to the police at the same time for abstracting electricity from a local sub-station.*

(i) *They acted independently.*

*Five crimes (class 43).*

(ii) *They acted as a group.*

*One crime (class 43).*

*A family on a council site reported to the police for abstracting of electricity from a street lamp.*

*One crime (class 43).*

\* **Principal Crime:** see also general rules section F and end page of chapter.

*An offender steals money from an electricity meter and then bypasses meter thus stealing electricity. Both crimes reported to the police at the same time.*

*One crime of theft from automatic machine or meter (class 47).*

\* **If a person has abstracted electricity from more than one electricity company, count separate crimes for each company.**

*A person is caught abstracting electricity. He admits to the police that he has committed the same crime against three other electricity companies in other parts of the country, but they were not reported to the police.*

*Four crimes (class 43) - (three of which should be referred to the respective police forces).*

\* **Crimes dealt with by Other Agencies:** see also general rules section I.

*An electricity board discovers ten flat-owners abstracting electricity, and takes action against them. The police are given their names, but merely undertake a PNC check.*

*Do not count.*

## 44 Theft or Unauthorised Taking of a Pedal Cycle Classification

44	Theft of a pedal cycle	Theft Act 1968 Sec 1(pt)
137/18	Take or ride a pedal cycle without consent etc.	Theft Act 1968 Sec 12(5) or By-law

### Theft: Legal Definition

#### THEFT ACT 1968 SECTION 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ....".

The terms in this basic definition are amplified in sections 2-6 of the Theft Act.

### Taking or Riding a Pedal Cycle without Authority: Legal Definition

#### THEFT ACT 1968 SEC 12(5)

"... a person who without having the consent of the owner or other lawful authority, takes a pedal cycle for his own or another's use, or rides a pedal cycle knowing it to have been taken without such authority...."



## 44 Theft or Unauthorised Taking of a Pedal Cycle

### Counting Rules

GENERAL RULE: ONE CRIME FOR EACH PEDAL CYCLE OWNER

*Three bicycles are reported stolen from a bike rack*

(i) *The three cycles are separately owned*

*Three crimes (class 44).*

(ii) *The three are rented from the same company*

*One crime (class 44).*

*A pedal cycle is taken without consent and later returned*

*One crime of taking without consent (class 44).*

" Entry into a building as a trespasser to steal a pedal cycle is a burglary.

*A college bike shed (not adjoining a main building) is broken into and three cycles are stolen*

*One crime of burglary other than in a dwelling (class 30).*

" Pedal cycles belonging to several members of the same family are stolen at the same time, count one offence only as the ownership is treated as common within a household.

## 45 Theft from a Vehicle Classification

45/10 Theft from a motor vehicle

Theft Act 1968 Sec 1(pt)

45/11 Theft from vehicle other than a motor vehicle

Theft Act 1968 Sec 1(pt)

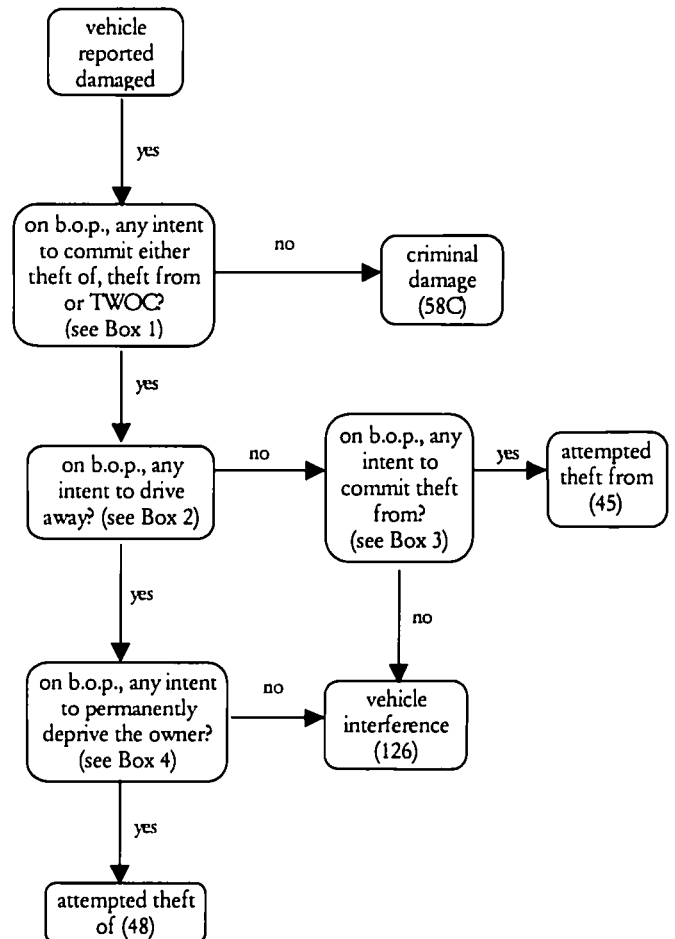
### Theft: Legal Definition

#### THEFT ACT 1968 SECTION 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ....".

The terms in this basic definition are amplified in sections 2-6 of the Theft Act.

### Damage to a Motor Vehicle: Classification for Recorded Crime



Note: b.o.p. = balance of probabilities

For further clarification see Box nos. shown at class 126  
Classification (2 of 2)

# 45 Theft from a Vehicle Counting Rules

## GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER

- A person steals radios from three separately owned cars in a street.* *Three crimes (class 45).*  
*A person siphons petrol from four adjacent, separately owned cars in a street.* *Four crimes (class 45).*  
*A person is caught stealing badges off cars in the forecourt of a car showroom*  
*All the cars belong to the showroom owner.* *One crime (class 45).*  
*A car is stationary at traffic lights and items are taken via an open window* *One crime (class 45).*
- \* **The number of owners of the goods stolen from a vehicle is not relevant for crime recording purposes.**  
*A car owner reports having items belonging to two friends stolen from his vehicle* *One crime (class 45).*
- \* **The Collective Protection rule has been abolished. Therefore, thefts from several vehicles in a secure park should be counted as one crime per separately owned vehicle (rather than one crime in total).**  
*A group of offenders enter a secure car park and steal articles from six separately owned cars.* *Six crimes (class 45).*
- \* **Principal Crime:** see general rules section F and end page of chapter. If people are injured during a theft, and in order to commit the theft, then one crime of robbery should be counted.  
*A group wounds a car owner while stealing (and in order to steal) personal valuables from his car.* *One crime of robbery (class 34B).*  
*A group steals from a car and sprays graffiti on it.* *One crime of theft from a vehicle (class 45).*
- \* **Finished Incident:** see also general rules section E  
*A vehicle is reported stolen but not yet recorded by the police. The police recover it and return it to the owner, who discovers that items have been stolen from it* *[N.B. The assumption here is that the 'theft from' took place at the same time as the 'theft of', and does not constitute a new incident].*  
*(i) The intention was to steal the vehicle.* *One crime of theft of a motor vehicle (class 48).*  
*(ii) The intention was to TWOC the vehicle in order to steal the contents.* *One crime of theft from a vehicle (class 45) - (which is the principal crime over unauthorised taking).*
- \* **Whether to record:** see also general rules section A.  
*CCTV picks up someone apparently stealing items from a parked car, but the numberplate is not clear.*  
*(i) Neither the victim nor persons acting on their behalf come forward to report it. No other information is available.* *Register a crime related incident report but do not record the crime.*  
*(ii) Further investigation locates the victim who confirms the theft.* *One crime of theft from a vehicle (class 45).*  
*A woman reports having a handbag stolen from her car while it was in a car park. She is sure that she left the bag in the car, and therefore feels sure that it has not been lost.*  
*(i) There is no evidence that it has been lost.* *One crime of theft from a vehicle (class 45).*  
*(ii) CCTV footage of the vehicle shows that no-one came near the car while it was parked.* *Register a crime related incident report but do not record the crime.*  
*(iii) The victim phones later to say she has found it at home.* *No crime the theft (if it has already been recorded).*

## 46 Theft from a Shop Classification

46

Theft from shops and stalls

Theft Act 1968 Sec 1(pt)

**Theft: Legal Definition****THEFT ACT 1968 SECTION 1(1)**

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ....".

The terms in this basic definition are amplified in sections 2-6 of the Theft Act.

**Theft from a Shop: Recording Practice**

Crimes recorded should be limited to those which are the subject of police action. They should not include any that may have been brought to the police's attention but have been dealt with entirely by the owner of the shop (e.g. by civil action)

See also general rules section A.

**Shop Unit: Clarification for Recorded Crime**

For the purpose of recording crime, the following should be regarded as shop units:

- Individual shops
- Individual market stalls
- Department stores
- Separate branches of a chain

The following should not be counted as shop units:

- Departments within a department store
- Franchises within a store

## 46 Theft from a Shop Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH SHOP UNIT

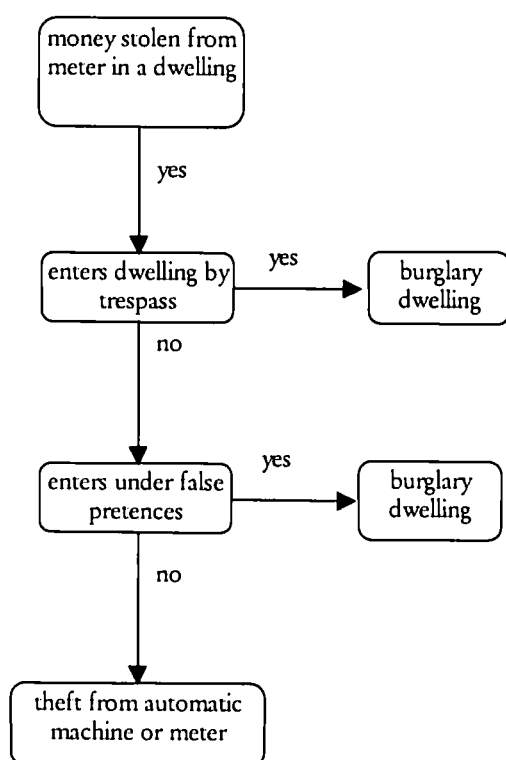
- A group of offenders admit to shoplifting in four stores in a city centre*      *Four crimes (class 46).*
- A large shop grants exclusive franchises for individual perfume counters and a group of offenders steal items from five of these counters.*      *One crime (one shop unit) – (class 46).*
- An offender admits to stealing videos from three branches of the same store*      *Three crimes (class 46).*
- \*      **Entry into a shop as a trespasser with intent to steal should be counted as a shop theft, unless the offender has already been charged with burglary at the time of recording.**
- A person has been banned from entering a particular store. He is then caught shoplifting in a store and reported to the police.*      *One crime of shoplifting (class 46) - (unless the offender has already been charged with burglary).*
- \*      **Theft from a shop by an employee of that shop is classified as theft by an employee.**
- \*      **Finished Incident:** see also general rules section E.
- A person is caught shoplifting and admits stealing from the same store every Saturday for 20 weeks. None of these crimes had been previously reported.*      *One crime (class 46).*
- \*      **Principal Crime:** see general rules section F and end page of chapter. If people are injured during a theft, and in order to commit the theft, then one crime of robbery should be counted.
- A shoplifter pushes a shop assistant (causing minor bruising) while stealing (and in order to steal) from a shop.*      *One crime of robbery (class 34A).*
- A person is reported stealing various items from a shop on five different occasions. In between times she returns to shop and gains refund for goods previously stolen*      *One crime of other fraud (class 53B).*
- \*      **Theft from the non-public areas of a shop or from tills should be classified as burglary.**
- A person is caught stealing from the staff room of a large store.*      *One crime of burglary (class 30).*
- A person on the opposite side to the checkout grabs money from the till while the checkout person is dealing with a customer.*      *One crime of burglary (class 30).*

## 47 Theft from an Automatic Machine or Meter Classification

47

Theft from automatic machine or meter

Theft Act 1968 Sec 1(pt)



### Theft from an Automatic Machine or Meter: Recording Practice

Crimes recorded should be limited to those which are the subject of police action. They should not include any that may have been brought to the police's attention but have been dealt with entirely by the owner of the machine/meter (e.g. by civil action)

See also general rules section A.

## 47 Theft from an Automatic Machine or Meter

### Counting Rules

#### GENERAL RULE: ONE CRIME FOR EACH OWNER OF CONTENTS STOLEN

*A meter is broken into by someone residing in, or lawfully admitted to, the premises.*

*One crime (class 47).*

*A gas and electricity meter in the same house are broken into.*

*Two crimes (class 47).*

*A stolen cash card is used to obtain money from four cash machines, one inside a supermarket and three outside separate branches of a bank.*

*One crime of other theft (class 49) covering theft of the card, plus four crimes of theft from an automatic machine or meter (class 47).*

*A stolen cash card is used in several different telephone boxes in the same area.*

*One crime of other theft (class 49) for the theft of the card plus one crime of theft from an automatic machine or meter (class 47). (The BT local call centre is the owner of all the telephone boxes).*

\* **Principal Crime:** see general rules section F & end page of chapter.

*An offender steals money from an electricity meter and then by-passes meter thus stealing electricity*

*One crime of theft from automatic machine or meter (class 47).*

\* **Finished Incident:** see general rules section E.

*A person visits an amusement arcade on four occasions and steals money out of two machines in the arcade owned by the same company. The crimes are reported to the police for the first time.*

*One crime (class 47).*

*A group of offenders admit to breaking into six parking meters in two London boroughs over a period of a couple of weeks. One borough had already reported the crimes on its meters. [The meter contents assumed to be the ownership of each borough].*

*One crime in addition to the one crime already recorded.*

*A stolen cash card is used in three separate cash machines on the LINK system outside a supermarket; the machines are adjacent.*

*One crime (class 47) - (it assumes that it is the same part of the bank or building society that is the victim each time).*

# 48 Theft or Unauthorised Taking of a Motor Vehicle Classification

48/1 Theft of a motor vehicle

Theft Act 1968 Sec 1(pt)

130/1 (part) Unauthorised taking of a motor vehicle  
(does not include 'being carried knowing  
motor vehicle has been taken.....')

Theft Act 1968 Sec 12 (pt)

## Theft: Legal Definition

### THEFT ACT 1968 SECTION 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ....".

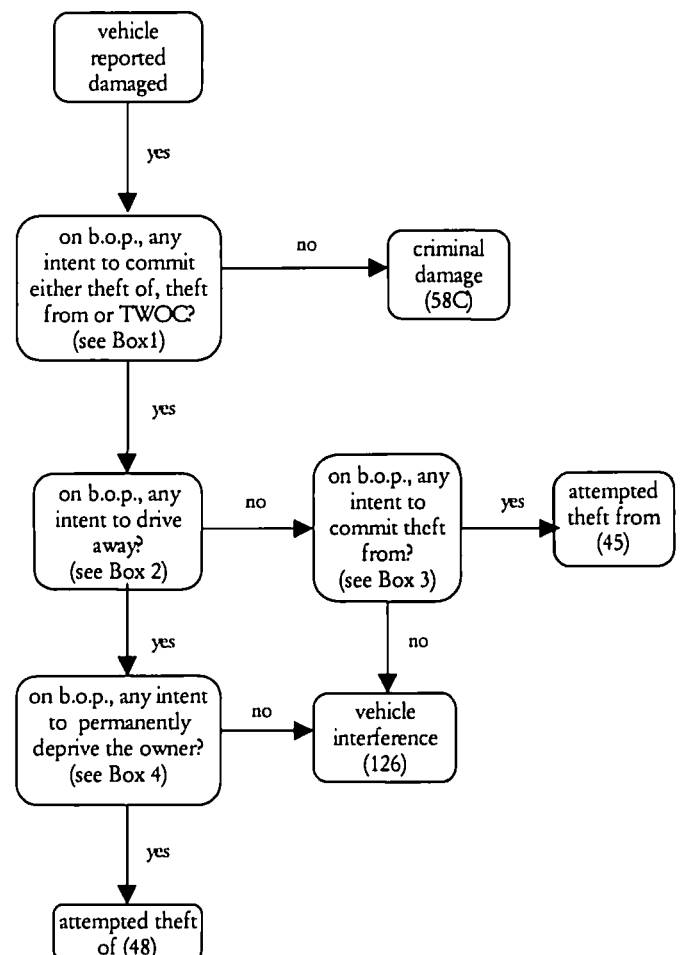
The terms in this basic definition are amplified in sections 2-6 of the Theft Act.

## Taking Motor Vehicle or Other Conveyance Without Authority: Legal Definition

### THEFT ACT 1968 SECTION 12(1)

"... a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any motor vehicle has been taken without such authority, drives it or allows himself to be carried in or on it."

## Damage to a Motor Vehicle: Classification for Recorded Crime



Note: b.o.p. = balance of probabilities

For further clarification see Box nos. shown at class 126  
Classification (2 of 2)



# 48 Theft or Unauthorised Taking of a Motor Vehicle

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER

- A vehicle is reported stolen and is later found abandoned.* One crime (class 48).
- Three taxis belonging to the same company are reported stolen by a group acting together.* One crime (class 48).
- An offender admits that while intending to steal one vehicle he attempted to steal five other vehicles on the same night, before finally stealing one. All vehicles separately owned, and there is corroborating evidence for the attempts.* Six crimes (class 48).
- \* **Entry into a building to steal a vehicle should be classified as burglary.**
- A house is burgled and a car stolen from the garage in the garden.* One crime of burglary (class 28).
- Four cars are stolen from a locked garage.* One crime of burglary (class 28 if garage connected to house otherwise class 30).
- \* **Company car used by householder should be treated as property of householder**
- An offender caught stealing a motor vehicle has cannabis in his possession.* Two crimes (class 48).
- \* **Finished Incident:** see also general rules section E. If a vehicle is stolen or taken without consent, then any further offences to the vehicle by the same offender (or group of offenders) should be considered a continuation of the same incident.
- A vehicle is stolen and later found abandoned and deliberately burnt out (in the same police force area as the theft).*
- (i) *The vehicle theft reported before the vehicle is found.* One crime of theft or unauthorised taking (class 48).
  - (ii) *The theft not reported before the vehicle is found.* One crime of theft or unauthorised taking (class 48) [this is the principal crime over arson].
  - (iii) *As (i) or (ii) but there is evidence that the arson was committed by someone unconnected with the theft.* One crime of theft or unauthorised taking (class 48) and one crime of arson (class 56).
- A stolen vehicle is spotted but before the police arrive the vehicle disappears again.*
- (i) *Second theft known to be unconnected to the first.* Two crimes (class 48).
  - (ii) *No such evidence exists.* One crime (class 48).
- \* **Crimes in More Than One Force:** see also general rules section G.
- A vehicle is stolen in one police force area and later found burnt out in another police force area.* One crime of theft or unauthorised taking (class 48) recorded by force covering theft location.
- \* **How to Classify:** see also general rules section B. Unless there is evidence to the contrary, any evidence of intent to drive the vehicle away (e.g. hot-wiring) should be assumed on balance of probabilities to be an intended unauthorised taking (or TWOC), and should therefore be recorded as vehicle interference (see flow chart on classification page).

## 49 Other Theft Classification

49/10	Theft if not classified elsewhere	Theft Act 1968 Sec 1(pt)
49/11	Removal of articles from places open to the public	Theft Act 1968 Sec 11
49/12	Theft of conveyance other than motor vehicle or pedal cycle	Theft Act 1968 Sec 1(pt)
130/2	Unauthorised taking of conveyance other than a motor vehicle or pedal cycle	Theft Act 1968 Sec 12(pt)

### Conveyance: Legal Definition

#### THEFT ACT 1968 SECTION 12(7)

“... ‘conveyance’ means any conveyance constructed or adapted for the carriage of a person or persons whether by land water or air, except that it does not include a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and ‘drive’ shall be construed accordingly,....”

## 49 Other Theft Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OWNER OF GOODS STOLEN

*A man collects money for a club fund over a period of time and later decides to abscond with it.*

*One crime (class 49) - (the club is considered to be the owner of money stolen).*

*Milk money left outside five houses is stolen.*

*Five crimes (class 49).*

*A group of people go into back gardens, going over fences, stealing ladders, etc.*

*One crime of class 49/10 for each garden stolen from (assuming the householder is the owner of the goods stolen).*

*A person, or group of persons, steal from outside a stockyard on several occasions at intervals of a few days. All crimes reported at the same time.*

*One crime (class 49).*

*A stolen benefit cheque issued by the DSS is cashed at a post office.*

*One crime of other theft (class 49) plus one crime of deception (class 53A).*

\* **Finished Incident:** see also general rules section E.

*A hospital porter admits stealing from twenty patients' lockers on different occasions. Crimes reported to the police for the first time.*

*Twenty crimes (class 49).*

*As above, but five other lockers damaged.*

*Twenty crimes of other theft (class 49) plus....*

(i) *Evidence of intent to steal from lockers.*

*Five crimes of attempted other theft (class 49).*

(ii) *No evidence of intent to steal from lockers.*

*One crime of criminal damage (class 58D) (the hospital is the victim).*

\* A person with custody of another person's possessions should be considered as the owner of those possessions for the purpose of crime recording.

*In a hospital, items are stolen from a patient's locker belonging to the patient and a friend.*

*One crime (class 49)*

\* Offences of theft from an aircraft committed in England and Wales should be recorded as class 49/10 - general rule applies.

## 54 Handling Stolen Goods Classification

54/1	Receiving stolen goods	)	
54/2	Undertaking or assisting in the retention, removal, disposal or realisation of stolen goods or arranging to do so	)	
		)	
		)	
		)	Theft Act 1968 Sec 22
		)	

### Handling Stolen Goods: Legal Definition

#### THEFT ACT 1968 SECTION 22(1)

"A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so."

## 54 Handling Stolen Goods Counting Rules

**GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS**

*Antique silver is stolen by a group of thieves and four shops buy some of the goods knowing them to be stolen.*

*Four crimes (class 54).*

*A known receiver is found in possession of the proceeds of several different thefts (the thieves are unknown).*

*One crime (class 54).*

*A man admits buying stolen goods from three different groups of thieves and selling them to another person, who knew them to be stolen.*

*Four crimes (class 54) - (3 relationships between thief and receiver, 1 between receiver and receiver).*

*Two receivers acting independently are observed by the police to be receiving stolen goods from the same group of thieves. The goods are known to have been the proceeds of several burglaries.*

*Two crimes (class 54).*

*A group of offenders share out, among themselves, the proceeds of several thefts they have separately carried out.*

*One crime (class 54) since the receiving is done by the group.*

*A thief steals from his employer and then sells the items to various people who know them to be stolen.*

*One crime (class 54) for each receiver, i.e. one for each thief/receiver relationship.*

*A group of offenders are apprehended for stealing vehicles and breaking them up to sell on the parts.*

*One crime of handling (class 54), in addition to one theft for each vehicle owner.*

\* **Finished Incident:** see also general rules section E.

*On 3 occasions A receives the proceeds of different thefts committed by B. All are reported together for the first time.*

*One crime (class 54) since there is only one relationship, that between A and B.*

# 126 Vehicle Interference and Tampering Classification (1 of 2)

126 Interference with a motor vehicle

Criminal Attempts Act 1981 Sec 9

825/90(pt) Tampering with motor vehicles

Road Traffic Act 1988 Sec 25

## Interference with a Motor Vehicle: Legal Definition

### CRIMINAL ATTEMPTS ACT 1981 SECTION 9

(1) A person is guilty of the offence of vehicle interference if he interferes with a motor vehicle or trailer or with anything carried in or on a motor vehicle or trailer with the intention that an offence specified in subsection (2) below shall be committed by himself or some other person.

(2) The offences mentioned in subsection (1) above are:

- (a) theft of the motor vehicle or trailer or part of it
- (b) theft of anything carried in or on the motor vehicle or trailer; and
- (c) the offence under section 12(1) of the Theft Act 1968 (taking and driving away without consent);

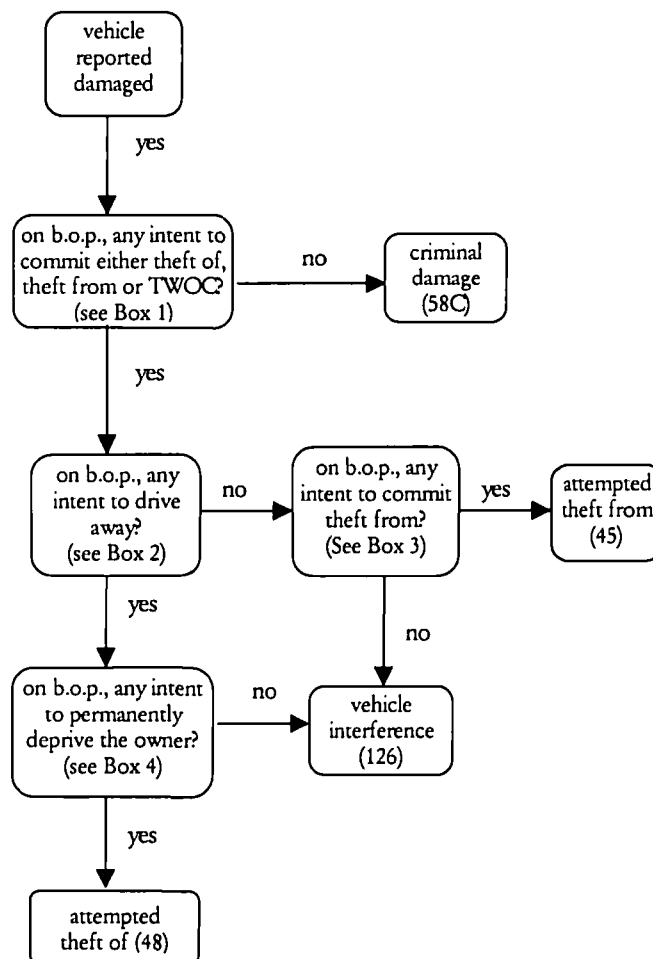
## Tampering with Motor Vehicles: Legal Definition

### ROAD TRAFFIC ACT 1988 SECTION 25

"If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person

- (a) gets on to the vehicle, or
  - (b) tampers with the brake or other part of its mechanism,
- without lawful authority or reasonable cause ..."

## Damage to a Motor Vehicle: Classification for Recorded Crime



Note: b.o.p = balance of probabilities  
For further clarification see Box nos. shown at  
Classification (2 of 2)

# 126 Vehicle Interference and Tampering Classification (2 of 2)

## Damage to a Motor Vehicle: Clarification of Flow Chart

**BOX 1: Are there any grounds to believe that on the balance of probabilities there was any intent to commit either theft of, theft from or TWOC?**

Clarification: The main area of concern revolves around how to classify damage to a vehicle where only the window(s) are broken and no other factors exist. In this scenario an offence under Criminal Damage to Motor Vehicles (Class 58/4) will be the appropriate classification.

Supporting factors may include:

- Door lock(s) forced, damaged, punched out etc
- Tops of door bent out

**BOX 2/3: On the balance of probabilities are there grounds to indicate an intention to drive the vehicle away or steal from it?**

Clarification: If there are no grounds to indicate that entry has been gained to the vehicle there can be no presumption of intent to drive away or steal from the vehicle.

Where the vehicle has been entered and there are grounds to believe that on the balance of probabilities the intention was to take the vehicle or steal from it consideration must be given to either classifying as:-

- Attempted Theft of Vehicle (Class 48)
- Attempted Theft from Vehicle (Class 45)
- Vehicle Interference (Class 126).

**BOX 4: Are there, on the balance of probabilities, grounds to indicate an intention to permanently deprive the owner of the vehicle?**

If there are such grounds then the offence recorded should be Attempted Theft of Motor Vehicle (Class 48).

Potential evidence of intent to steal:-

- The presence of a suspect who admits the intention to steal.
- Is in possession of items (false number plates, etc), or
- Present at the scene are false number plates or other evidence that the vehicle's appearance has or was to be changed (paint etc).

In most cases it is unlikely that there will be grounds to believe that the intention was to **permanently** deprive the owner. In these circumstances the offence recorded should be Vehicle Interference (Class 126).

## Definition of Entry

Similar to Burglary an entry will have the normal interpretation, but will also include where a person has gained access to a vehicle through the use of some form of instrument (stick, wire, etc) with the intent of, or in order to commit an offence under this category. It is not necessary for a part of their body to have actually entered or touched the vehicle for an offence to be complete.

# 126 Vehicle Interference and Tampering

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER

*A car door has been scratched or a car door lock has been super glued but no apparent intent to enter the vehicle.* One crime of criminal damage (class 58C).

*A car has a broken window. There are no grounds to suggest intent to enter or search the car.* One crime of criminal damage (class 58C).

*The vehicle has been entered, by force or otherwise. There are indications that a search has been carried out, e.g. property/documents disturbed, an attempt to remove fixed items, the glove box or any similar place searched, but no indication of an attempt to steal the vehicle.* One crime of attempted theft from a vehicle (class 45).

*The vehicle has been entered, by force or otherwise. There are no indications that the vehicle has been searched. There are indications of an attempt to steal the car as the ignition/steering lock has been interfered with or the wiring has been disturbed (includes under the bonnet) but there is no indication that there is any attempt to "permanently deprive the owner".* One crime of vehicle interference (class 126).

*The vehicle has been entered, by force or otherwise. There are indications that an attempt has been made both to steal the vehicle and to steal from it. There is no indication of an attempt to "permanently deprive the owner", although the indication may be that the intention was to steal the vehicle in the first place. When this could not be achieved the attempt was to steal from it.* One crime of attempted theft from vehicle (class 45).

*Police receive a report of children climbing onto a lorry in a local authority lorry park. Further investigation reveals that they disconnected the braking system air line between the lorry and the trailer. No damage occurred and the air line can be easily replaced.* One crime of tampering (825/90 but recorded as class 126).



Maximum sentence - Theft & handling stolen goods						
14 years	7 years	5 years	2 years	6 months	3 months	Fine
38/1-3	39	38/4-8	37/2	130/01	126	137/18
54/1	40	43		130/02		825/90
54/2	41	49/11		131/01		
	42					
	44					
	45/10					
	45/11					
	46					
	47					
	48/1					
	49/10					
	49/12					

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
arson - of vehicle only	56	-
common assault	105	6 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22. Certain crimes triable either way to be tried summarily if value involved is small (< or = £5000).		

<http://www.homeoffice.gov.uk/rds/pdfs2/countfraudforg03.pdf>

4/28/2003

24pp

## Fraud and Forgery

- 51           Frauds by Company Directors etc.
- 52           False Accounting
- 53A          Cheque and Credit Card Fraud
- 53B          Other Frauds
- 55           Bankruptcy and Insolvency Offences
- 60           Forgery etc. of Drug Prescription
- 61           Other Forgery etc.
- 814          Fraud, Forgery etc. associated with Vehicle or Driver Records

## 51      Frauds by Company Directors etc. Classification

51/1	False statements by company directors etc.	Theft Act 1968 Sec 19
51/3	(      Fraudulent trading	Companies Act 1985 Sec 458
	(      Other frauds by company directors	Companies Act 1985 Sec 70(1)
51/4	Give false information knowingly or recklessly when applying for a Confidentiality Order etc	Companies Act 1985

### False Statements by Company Directors etc.: Legal Definition

#### THEFT ACT 1968 SECTION 19

"... an officer of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement or account which to his knowledge is or may be misleading, false or deceptive in a material particular ..."

The law also makes provision for organisations managed by its members.

### Fraudulent Trading: Legal Definition

#### COMPANIES ACT 1985 SEC 458

"... any business of a company is carried on with intent to defraud creditors of the company or creditors of any other person, or for any fraudulent purpose... "

This applies whether or not the company has been, or is in the course of being, wound up.

# 51      Frauds by Company Directors etc. Counting Rules

**GENERAL RULE:**      ONE CRIME FOR EACH SPECIFIC, INTENDED OR IDENTIFIABLE  
CREDITOR DEFRAUDED

*Three creditors have been intentionally defrauded by a company director's false statement.*

*Three crimes (class 51).*

- \* If several directors' names have been used in defrauding a creditor, count separately only where a director is a separate person (rather than a mere alias) and has been acting independently of the others.

*Two directors of a company have been involved in defrauding a creditor.*

*One crime (class 51).*

*A director intentionally defrauds four building societies through fraudulent trading practices under several different names.*

*Four crimes (class 51).*

- \* For club officials defrauding members, count each identifiable member defrauded.

*A club treasurer persuades three other club officials and five members to donate money to the club, by making a false statement about the club's finances.*

*Eight crimes (class 51).*

- \* If no specific intended creditor, count one crime for each creditor identified as being defrauded. If none can be identified, count one crime for each director acting independently.

*A company issues a prospectus containing false information with the intent of misleading investors and creditors generally, but no one in particular.*

- (i) *the police identify three creditors who have been defrauded*

*Three crimes (class 51).*

- (ii) *the police cannot identify any creditors who have been defrauded*

*One crime (class 51).*

- \* Finished Incident: see also general rules section E.

*A company director intentionally defrauds a creditor on many occasions before he is discovered and reported to the police.*

*One crime (class 51).*

## 52 False Accounting Classification

52	False Accounting	)	Theft Act 1968 Sec 17
		)	Protection of Depositors Act 1963 Sec 15

### False Accounting: Legal Definition

#### THEFT ACT 1968 SECTION 17(1)

"... a person dishonestly with a view to gain for himself or another or with intent to cause loss to another -

(a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purpose; or

(b) in furnishing information for any purpose produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular ..."

Section 17(2) states the circumstances whereby making an entry in an account or omission of an item in an account can be treated as falsification.

## 52 False Accounting Counting Rules

**GENERAL RULE: ONE CRIME FOR EACH SPECIFIC, INTENDED OR IDENTIFIABLE VICTIM**

*A person is reported to the police for falsifying accounting records, with intent to cause loss to two other employees.*

*Two crimes (class 52).*

- \* If no specific intended creditor, count one crime for each creditor identified as being defrauded. If none can be identified, count one crime for each director acting independently.

*A person falsifies accounts to cause general loss, but with no-one particular in mind*

- (i) *five shareholders report having suffered loss as a result of the false statement.*

*Five crimes (class 52).*

- (ii) *no-one is identified as having been defrauded.*

*One crime (class 52).*

- \* **Principal Crime:** see also general rules section F and end page of chapter. If a person undertakes false accounting in order to steal money or property, then the principal crime is theft.

*An employee is reported to the police for false accounting in order to steal money.*

*One crime of theft by an employee (class 41).*

*As above, but there is no evidence that money or goods have actually been stolen*

*One crime of false accounting (class 52).*

## 53A Cheque and Credit Card Fraud Classification (1 of 2)

53/1(pt)	Obtaining property by cheque or credit card fraud	Theft Act 1968 Sec 15(pt)
53/2(pt)	Obtaining pecuniary advantage by cheque or credit card fraud	Theft Act 1968 Sec 16(pt)
53/4(pt)	Conspiracy to commit cheque or credit card fraud	Common Law Criminal Justice Act 1987 Sec 12(pt)
53/23(pt)	Obtaining services by cheque or credit card fraud	Theft Act 1978 Secs 1,2(pt)
53/31(pt)	Obtaining a money transfer by cheque or credit card fraud	Theft Act 1978 Sec 15A

### Cheque and Credit Card Fraud: Definition for Recorded Crime Classification

The acquisition of property, goods, services or money through the fraudulent use of stolen or forged items listed below:

Cheques & cheque cards  
Postal orders  
Travellers cheques  
Credit & charge cards  
Store cards  
Debit cards

Fraudulent use of cash (ATM) cards to obtain money from a cash machine should be recorded as theft from an automatic machine or meter (class 47).

Non-personalised 'smart' cards, such as telephone cards or Mondex cards, are excluded, as use of stolen cards of this type does not constitute deception.

### Cheque and Credit Card Fraud: Recording Practice

The original theft of the card etc. should be counted in addition to any subsequent deceptions.

### Fraud and Forgery: Location of Crime

For the purposes of crime recording, the location of the crime should be determined by the ACPO guidelines on responsibility for investigation.

The relevant ACPO guidelines are:

Cardholder not present. The address to which the fraudulently ordered goods are to be actually delivered shall be deemed to be the location.

Fraudulent applications. The venue from which the fraudulent application is sent shall be deemed to be the location. However if, as is commonly the case, the fraudster has arranged for a mail re-direction from the first address, then the 're-direct' address shall be deemed to be the location.

These guidelines also apply to crimes where there is doubt about the location.

If delivery address or venue from which fraudulent application is sent, is unknown e.g. internet, mobile pay phones, then the force which first became aware of the crime should record.



## 53A Cheque and Credit Card Fraud Counting Rules (1 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH IDENTIFIABLE OWNER OF GOODS OR SERVICES OBTAINED USING STOLEN OR FORGED CHEQUES OR CARDS

\* The fact that the owners of the goods obtained will be reimbursed by the credit card company or bank does not affect the counting.

*A stolen credit card is used to obtain goods from five separate shops.*

*Five crimes (class 53A) plus original theft of card (class 49).*

*A person is apprehended for manufacturing four forged credit cards and using them to obtain goods from three separate shops.*

*One crime of forgery (class 61), plus three crimes of cheque and credit card fraud (class 53A).*

*Five cheques from a cheque book are used to obtain goods from the same store. They are all reported to the police at the same time.*

*One crime (class 53A).*

*A stolen benefit cheque issued by DSS is cashed at the Post Office.*

*One crime of theft (class 49) plus one crime of deception (class 53A).*

\* Separate branches of the same chain (including banks) should be counted separately.

*A stolen store card is used to obtain goods from three different branches of the store chain.*

*Three crimes (class 53A) plus original theft of card.*

*A stolen cash card is used to obtain money from four cash machines; one inside a supermarket and three outside separate branches of a bank.*

*Four crimes of theft (class 47) plus original theft of card.*

*Credit card deception occurs at a supermarket store and filling station situated within the same compound.*

*One crime of deception (class 53A). (consider as 2 parts of same branch)*

*An offender has kept credit card details of 50 people. The offender has used each number once to transfer money from these 50 accounts into his/her own account using a computer.*

*The number of crimes is the number of banks deceived (class 53A).*

*An offender has kept credit card details of 20 people. The details are used to buy airtime from a telephone company to telephone relatives overseas.*

*The telephone company is the victim of the deception. One crime if all reported at the same time (class 53A).*

\* Count each owner of goods or services, whether they reported the fraud to the police or it was subsequently discovered in the investigation.

*A credit card or cheque book has been used to obtain goods from 2 shops which reported the incidents separately. During police enquiries 57 other crimes, involving identifiable and different victims, are discovered using the same credit card or cheque book.*

*Fifty-nine crimes (class 53A).*

## 53A      Cheque and Credit Card Fraud Classification (2 of 2)

## 53A Cheque and Credit Card Fraud Counting Rules (2 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH IDENTIFIABLE OWNER OF GOODS OR SERVICES OBTAINED USING STOLEN OR FORGED CHEQUES OR CARDS

\* Conspiracy to defraud: do not count in addition to substantive crime.

\* Crimes dealt with by Other Agencies: see also general rules section I.

If a bank or credit card company is mounting a full investigation of a fraud with the aim of taking action against the offender, and the police are taking no action, then the police need not count. This however is likely to happen very rarely.

\* Location of crime: see box on classification page. If separate identifiable victims, arrange recording by appropriate force.

*A n offender in police force area (pfa) A obtains friend's credit card details without their knowledge. The offender orders goods by mail from three companies in pfa's B, C & D to be delivered to an address in pfa A. Mail order companies report crimes to their local police*

*Three crimes to be recorded by pfa A.*

*A n offender uses a stolen credit card to obtain pre-paid time on a mobile phone*

*As there is no offender location, record by pfa where first reported.*

## 53B Other Frauds Classification (1 of 2)

53/1(pt)	Obtaining property by deception (apart from cheque & credit card fraud)	Theft Act 1968 Sec 15(pt)
53/2(pt)	Obtaining pecuniary advantage by deception (apart from cheque & credit card fraud)	Theft Act 1968 Sec 16(pt)
53/4(pt)	Conspiracy to defraud (apart from cheque & credit card fraud)	Common Law Criminal Justice Act 1987 Sec 12
53/5	Purporting to act as a spiritualistic medium for reward	Fraudulent Mediums Act 1951 Sec 1
53/6	Taking marks from public stores	Public Stores Act 1875 Sec 5
53/8	Fraudulent issue of money orders by Post Office employee	Post Office Act 1953 Sec 22
53/10	Fraudulently retaining, secreting etc. postal packet or mail bag	Post Office Act 1953 Sec 55
53/11	Fraudulently printing, mutilating or re-issuing stamps	Stamp Duties Management Act 1891 Sec 13
53/13	Frauds by farmers in connection with agricultural charges	Agricultural Credits Act 1928 Sec 11
53/14	Cheating at play to be punished as obtaining money by false pretences	Gaming Act 1845 Sec 17
53/15,16	Suppression etc. of documents	Theft Act 1968 Sec 20

### Obtaining Property by Deception: Legal Definition

#### THEFT ACT 1968 SECTION 15(1)

"A person who by any deception dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it ..."

### Pecuniary Advantage: Legal Definition

#### THEFT ACT 1968 SECTION 16(2)

[A person obtains pecuniary advantage for himself or another if] he is allowed to borrow by way of overdraft, or to take out any policy of insurance or annuity contract, or obtains an improvement of the terms on which he is allowed to do so; or he is given the opportunity to earn remuneration or greater remuneration in an office or employment, or to win money by betting."

### Fraud and Forgery: Location of Crime

See box on class 53A classification page

### Cheating at Play etc.: Legal Definition

#### GAMING ACT 1845 SECTION 17

"[a] That every person who shall, by any fraud or unlawful device or ill practice in playing at or with cards, dice, tables or other game, or in hearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of them that do play, or in wagering on the event of any game, sport, pastime or exercise, win from any other person to himself, or any other or others, any sum or valuable thing..."

### Suppression etc. of Documents: Legal Coverage

#### THEFT ACT 1968 SECTION 20

The dishonest destruction, defacement or concealment of "any valuable security, any will or other testamentary document or any original document of or belonging to, or files or deposited in, any court of justice or any government department"

The dishonest procurement by deception of "the execution of a valuable security."

## 53B Other Frauds

### Counting Rules (1 of 2)

**GENERAL RULE: ONE CRIME FOR EACH SPECIFIC, INTENDED OR IDENTIFIABLE VICTIM OF FRAUD**

- |   |   |
|---|---|
| <i>A person fraudulently obtains goods or services from five different companies.</i>   | <i>Five crimes (class 53B).</i>   |
| <i>A person obtains a dead person's birth certificate and uses it to apply for a driving licence and passport.</i>                      | <i>Two crimes (class 53B) - (the victims are the DVLC and Passport Agency).</i> |
| <i>Father enters a restaurant with his family, and orders a meal without any means of payment.</i>                                      | <i>One crime (class 53B).</i>   |
| <i>At a works meeting an offender obtains sums of money from each of twenty people by deception. Each of the victims is identified.</i> | <i>Twenty crimes (class 53B).</i>   |
- \* If an individual or organisation is the victim of fraud by more than one person, count separately only if the offenders are acting independently.
- |   |                                  |
|---|----------------------------------|
| <i>A person is defrauded on three occasions by salesmen purporting to represent different companies, with no evidence of collusion.</i> | <i>Three crimes (class 53B).</i> |
| <i>Two separate groups of people order a meal in a restaurant without any means of payment.</i>   | <i>Two crimes (class 53B).</i>   |
- \* Count each identifiable victim, whether he/she reported the fraud to the police or it was subsequently discovered in the investigation.
- |   |                                       |
|---|---------------------------------------|
| <i>Frauds are reported separately by 2 victims. During police enquiries 57 victims of frauds are discovered.</i>  | <i>Fifty-nine crimes (class 53B).</i> |
| <i>As above but the offender admits to 57 other associated crimes, but only 20 victims can be identified.</i>   | <i>Twenty-two crimes (class 53B).</i> |
| <i>A milk roundsman is reported to the police for repeatedly charging his customers for more milk than they have received. Twenty victims are identified.</i> | <i>Twenty crimes (class 53B).</i>     |

## 53B Other Frauds Classification (2 of 2)

53/20	Railway frauds	Theft Act 1978 Secs 1,2(pt)
53/21(pt)	Frauds in connection with sale of land etc.	Law of Property Act 1925 Sec 183(pt)
53/22	Frauds in connection with sale of land etc.	Land Registration Act 1925 Secs 115-117
53/23(pt)	Obtaining services by deception (except railway fraud or cheque and credit card fraud)	Theft Act 1978 Sec 1(pt)
53/24	Evasion of liability by deception (except railway frauds)	Theft Act 1978 Sec 2(pt)
53/25	Making off without payment	Theft Act 1978 Sec 3
53/26	Assisting another to retain the benefit of criminal conduct	Criminal Justice Act 1988 Sec 93A
53/27	Acquisition, possession or use of proceeds of criminal conduct	Criminal Justice Act 1988 Sec 93B
53/28	Concealing or transferring proceeds of criminal conduct	Criminal Justice Act 1988 Sec 93C
53/29	Disclosure of information likely to prejudice an investigation	Criminal Justice Act 1988 Sec 93D
53/30	Insider dealing	Criminal Justice Act 1988 Sec 52
53/31(pt)	Obtaining a money transfer by deception (except cheque and credit card fraud)	Theft Act 1968 Sec 15A
53/32	Dishonestly retaining a wrongful credit	Theft Act 1968 Sec 24A
53/33	Dishonest representation for obtaining benefit etc.	Social Security Administration Act 1992 Sec 111A
53/34	Unauthorised access to computer material with intent to commit or facilitate commission of further offences	Computer Misuse Act 1990 Sec 2
53/35	Unauthorised modification of computer material	Computer Misuse Act 1990 Sec 3
53/36	Fraudulent evasion of contributions	Social Security Act 1998 Sec 61 (implementation 1/1/2000)
53/37	Cartel offences	The Enterprise Act 2002 Secs 183, 185
53/99	Other frauds	various
195/59	Unauthorised access to computer material	Computer Misuse Act 1990 Sec 1

### Obtaining Services by Deception: Legal Definition

#### THEFT ACT 1978 SECTION 1

"A person who by any deception dishonestly obtains services from another..."

Obtaining services is defined as "where the other [person] is induced to confer a benefit by doing some act, or causing or permitting some act to be done, on the understanding that the benefit has been or will be paid for."

### Making Off Without Payment: Legal Definition

#### THEFT ACT 1978 SECTION 3

"... a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due."

## 53B Other Frauds

### Counting Rules (2 of 2)

- \* Crimes in different police force areas: see also general rules section G. If separate identifiable victims, arrange recording by appropriate force.

*Goods are fraudulently obtained from a mail order company which reports the matter to the police.*

*One crime (class 53B) to be recorded by the force in whose area the mail order goods were to be delivered.*

*A person living in police force area A applies for loans by post from two different finance companies outside pfa A by completing application forms using false details.*

*Two crimes (class 53B) to be recorded by pfa A.*

- \* Finished Incident: see also general rules section E.

*Employee, after leaving company, continued to obtain petrol from garage by signing usual documents at garage as if still employed by company thereby obtaining petrol on former employer's account.*

*One crime (class 53B).*

*A n offender admits to deceiving 5 people over a period of 2 years by deceiving them as to the condition of their roofs, getting them to agree to his repairing the invented damage and then charging an exorbitant price.*

*Five crimes (class 53B).*

*It is discovered that money was illegally drawn each week from 2 Pension Books, one issued by the Department of Health and Social Security and one by the local County Council, the true recipient having died 15 years earlier. A total of 1,560 crimes are presented at court.*

*Two crimes (class 53B) - (the victims are DSS and the County Council).*

- \* Conspiracy to defraud: do not count in addition to substantive crime.

## 55 Bankruptcy & Insolvency Offences Classification

55	(	Preferential payment to creditor	Deeds of Arrangement Act 1914 Sec17
	(	Fraud etc. in anticipation of winding up	Insolvency Act 1986 Sec 206(1)
	(	Privity to fraud in anticipation of winding up;	
	(	fraud, or privity to fraud, after commencement of winding up	Insolvency Act 1986 Sec 206(2)
	(	Knowingly taking in pawn or pledge,	
	(	or otherwise receiving, company property	Insolvency Act 1986 Sec 206(4)
	(	Transactions in fraud of creditors	Insolvency Act 1986 Sec 207
	(	Misconduct in course of winding up	Insolvency Act 1986 Sec 208
	(	Falsification etc. of company's books	Insolvency Act 1986 Sec 209
	(	Material omissions from statement relating to company's affairs	Insolvency Act 1986 Sec 210
	(	False representations or fraud for purpose of obtaining creditors'	
	(	consent to a agreement in connection with winding up	Insolvency Act 1986 Sec 211
	(	Contravening restrictions on re-use of name of company in	
	(	insolvent liquidation	Insolvency Act 1986 Sec 216(4)
	(	Bankrupt failing to disclose property or disposals	
	(	to official receiver or trustee	Insolvency Act 1986 Sec 353(1)
	(	Bankrupt failing to deliver property to, or concealing	
	(	property from, official receiver or trustee	Insolvency Act 1986 Sec 354(1)
	(	Bankrupt removing property which he is required to deliver	
	(	to official receiver or trustee	Insolvency Act 1986 Sec 354(2)
	(	Bankrupt failing to account for loss of substantial part of property	Insolvency Act 1986 Sec 354(3)
	(	Bankrupt failing to deliver books, papers or records to	
	(	official receiver or trustee	Insolvency Act 1986 Sec 355(1)
	(	Bankrupt concealing destroying etc. books, papers or records,	
	(	or making false entries in them	Insolvency Act 1986 Sec 355(2)
	(	Bankrupt disposing of, or altering, books, papers or records	
	(	relating to his estate or affairs	Insolvency Act 1986 Sec 355(3)
	(	Bankrupt making material omission in statement relating to his affairs	Insolvency Act 1986 Sec 356(1)
	(	Bankrupt making false statement, or failing to inform trustee,	
	(	where false debt proved	Insolvency Act 1986 Sec 356(2)
	(	Bankrupt fraudulently disposing of property	Insolvency Act 1986 Sec 357
	(	Bankrupt absconding with property he is required to deliver	
	(	to official receiver or trustee	Insolvency Act 1986 Sec 358
	(	Bankrupt disposing of property obtained on credit and not paid for	Insolvency Act 1986 Sec 359(1)
	(	Obtaining property in respect of which money is owed by a bankrupt	Insolvency Act 1986 Sec 359(2)
	(	Bankrupt obtaining credit or engaging in business without disclosing	
	(	his status or name in which he was made bankrupt	Insolvency Act 1986 Sec 360(1)
	(	Person made bankrupt in Scotland or Northern Ireland obtaining	
	(	credit etc. in England and Wales	Insolvency Act 1986 Sec 360(3)
	(	Bankrupt failing to keep proper accounting records	Insolvency Act 1986 Sec 361(1)
	(	Bankrupt increasing extent of insolvency by gambling	Insolvency Act 1986 Sec 362
	(	Acting as insolvency practitioner when not qualified	Insolvency Act 1986 Sec 389



## 55 Bankruptcy & Insolvency Offences Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

- \* Crimes against specific creditors: One crime for each specific and intended creditor that can be identified. If there is no specific creditor, count one crime for each offending company official acting independently.

*A trustee under a deed of arrangement makes preferential payments to five creditors.*

*Five crimes (class 55).*

*Three members of a company collude in concealing key information to a liquidator when a company is being wound up.*

*One crime (class 55).*

- \* Crimes by a bankrupt: One crime for each bankrupt.

*A bankrupt is reported to the police committing a variety of Insolvency Act crimes.*

*One crime (class 55).*

- \* Finished Incident: see also general rules section E.

*As previous example, but the bankrupt is bailed and is subsequently reported for committing further Insolvency Act crimes.*

*Two crimes (class 55) - (one for original series, plus one for those committed on bail).*

- \* Principal Crime: see also general rules section F and end page of chapter.

*A bankrupt illegally continues trading under different names and obtains money and goods from ten customers by deception.*

*Ten crimes of obtaining property by deception (class 53B).*

## 60 Forgery etc. of Drug Prescription Classification

60/21	Forgery of a drug prescription or copying a false drug prescription	Forgery & Counterfeiting Act 1981 Secs 1,2(pt)
60/22	Using a false drug prescription or a copy of a false drug prescription	Forgery & Counterfeiting Act 1981 Secs 3,4(pt)

### Forgery: Legal Definition

#### FORGERY AND COUNTERFEITING ACT 1981 SECTION 1

"... A person ... makes a false instrument, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

### Copying a False Instrument: Legal Definition

#### FORGERY AND COUNTERFEITING ACT 1981 SECTION 2

"It is an offence for a person to make a copy of an instrument which is, and which he knows or believes it be, a false instrument, with the intention that he or another shall use it to induce somebody to accept it as a copy of a *genuine instrument*, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

### Using a False Instrument: Legal Definition

#### FORGERY AND COUNTERFEITING ACT 1981 SECTION 3

"It is an offence for a person to use an instrument which is, and which he *knows*, or believes to be, false, with the intention of inducing somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

### Using a Copy of a False Instrument: Legal Definition

#### FORGERY AND COUNTERFEITING ACT 1981 SECTION 4

"It is an offence for a person to use a copy of an instrument which is, and which he knows or believes to be, a false instrument, with the intention of inducing somebody to accept it as a copy of a *genuine instrument*, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice.

### Drug Prescriptions: Coverage

This code covers prescriptions for any drug covered in schedule 2 of the Misuse of Drugs Act 1971

## 60 Forgery etc. of Drug Prescription Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A person, apprehended for forging a prescription for class A drugs, admits to five similar crimes.*

*One crime (class 60).*

\* **Finished Incident:** see also general rules section E.

*A person on bail for issuing forged drug prescriptions is caught doing so again*

*One further crime (class 60).*

\* Where an offender forges a prescription and then issues, copies or uses it, only one crime should be counted.

*A forged prescription is used to obtain drugs controlled under the Misuse of Drugs Act 1971.*

*One crime (class 60).*

*(i) As above, but the drugs are not controlled under the Misuse of Drugs Act 1971.*

*One crime of other forgery (class 61).*

*(ii) As above, but both types of drugs are involved.*

*One crime (class 60).*

\* **Principal Crime:** see also general rules section F and end page of chapter.

*A person steals a prescription pad when visiting a doctor's surgery. Four different chemists report forged prescriptions being used from the stolen pad.*

*One crime of forgery (class 60) and one crime of theft (class 49).*

*(i) As above, but the pad is obtained by breaking into the surgery.*

*One crime of forgery (class 60) and one crime of burglary (class 30).*

# 61 Other Forgery etc. Classification (1 of 2)

61/21	( ( ( (	Forgery or copying false instrument (other than drug prescription)	Forgery & Counterfeiting Act 1981 Secs 1,2
		Forgery etc. of mental health document	Mental Health Act 1983 Sec 126(2)
61/22		Using a false instrument or copy of one (other than drug prescription)	Forgery & Counterfeiting Act 1981 Secs 3,4
61/23	( ( (	Possess false instrument or materials to make false instrument	Forgery & Counterfeiting Act 1981 Sec 5
		Possess false mental health document	Mental Health Act 1983 Sec 126(1)
61/24		Making counterfeit coin or note	Forgery & Counterfeiting Act 1981 Sec 14
61/25		Pass etc. counterfeit coin or note as genuine	Forgery & Counterfeiting Act 1981 Sec 15
61/26		Possess counterfeit coin or note	Forgery & Counterfeiting Act 1981 Sec 16
61/27		Possess materials or dies to make counterfeit coin or note	Forgery & Counterfeiting Act 1981 Sec 17
61/28		Reproduce British currency note or make imitation coins	Forgery & Counterfeiting Act 1981 Secs 18,19
61/29		Melting down or breaking up metal coin without licence	Coinage Act 1971 Sec 10(1)

## Forgery etc. : Legal Definitions

FORGERY & COUNTERFEITING ACT 1981 SECTION 1-4

See class 60 classification page.

## Mental Health Documents: Legal Coverage

MENTAL HEALTH ACT 1983 SECTION 126

"... any documents purporting to be -

(a) an application under part II of the Act [i.e. where patients may be compulsorily admitted to and detained in hospital or received into guardianship];

(b) a medical or other recommendation or report under this Act;

(c) any other document required or authorised to be made for any of the purposes of this Act."

## Possession of False Instrument: Legal Coverage

FORGERY & COUNTERFEITING ACT 1981 SECTION 5

"The instruments to which this section applies are:

- (a) money orders;
- (b) postal orders;
- (c) United Kingdom postage stamps;
- (d) Inland Revenue stamps;
- (e) share certificates;
- (f) passports and documents which can be used instead of passports;
- (g) cheques;
- (h) travellers' cheques;
- (i) cheque cards;
- (j) credit cards;
- (k) credited copies to an entry in a register of births, adoptions, marriages or deaths ...
- (l) certificates relating to entries in such registers."

# 61 Other Forgery etc. Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A person, apprehended for forging a passport, admits to five similar crimes.*

*One crime (class 61).*

\* **Finished Incident:** see also general rules section E.

*A person on bail for issuing forged documents is caught doing so again.*

*One further crime (class 61).*

\* Where an offender forges a document and then issues, copies or uses it, only one forgery crime should be counted.

*A forged birth certificate is used to obtain a job.*

*One crime (class 61).*

*A person is apprehended for manufacturing five forged credit cards and using them to obtain goods from twenty shops.*

*One crime of forgery (class 61), plus twenty crimes of cheque and credit card fraud (class 53A).*

\* **Principal Crime:** see also general rules section F and end page of chapter.

*A storeman forges 266 requisition slips in order to steal from his employer.*

*One crime of forgery (class 61).*

\* Passing etc. counterfeit coin or note as genuine - count one crime for each recipient of counterfeit coin or note.

\* **Whether to record:** see also general rules section A. Unless there is clear evidence of a crime (e.g. person caught in possession/using notes), counterfeit currency should be registered as a crime related incident but not recorded as a crime.

## 61 Other Forgery etc. Classification (2 of 2)

### Hallmarking offences

61/30	- Prohibited descriptions of unhallmarked article;	Hallmarking Act 1973 Sec 1
	- Unauthorised striking of sponsor's mark;	Hallmarking Act 1973 Sec 3(8)
	- Supplying false information to assay office;	Hallmarking Act 1973 Sec 4(4)
	- Making unauthorised alterations to hallmarked article;	Hallmarking Act 1973 Sec 5(1,2)
	- Supplying article with unauthorised mark.	Hallmarking Act 1973 Sec 7(6)
61/31	Counterfeiting etc. of dies or marks	Hallmarking Act 1973 Sec 6(1)
61/32	Failure to withdraw from circulation a Euro note or coin which is believed to be counterfeit	Protection of the Euro against Counterfeiting Regulations 2001 Reg 2 (SI 3948/2001)
61/33	Failure to hand over a Euro note or coin believing it to be counterfeit	Protection of the Euro against Counterfeiting Regulations 2001

## 61 Other Forgery etc. Counting Rules (2 of 2)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

## 814 Fraud, Forgery etc. associated with Vehicle or Driver Records Classification

814/1	Fraud, forgery etc. associated with driving licence	Road Traffic Act 1988 Sec 173(1), Public Passenger Vehicles Act 1981 Sec 65(1)(a) & (2)
814/2	Fraud, forgery etc. associated with insurance certificate	Road Traffic Act 1988 Sec 173(1)
814/3	Fraud, forgery etc. associated with registration and licensing documents	Vehicle Excise and Registration Act 1994 Secs 44 & 45. Public Passenger Vehicles Act 1981 Sec 65(1)(b) & (2)
814/4	Fraud, forgery etc. associated with work records	Transport Act 1968 Sec 99(5)
814/5	Fraud, forgery etc. associated with operator's licence	Goods Vehicles (Licensing of Operators) Act 1995 Sec 38 Sch 5 para 4. Road Traffic Act 1988 Sec 173(1), Public Passenger Vehicles Act 1981 Sec 65(1)(a) & (2)
814/6	Fraud, forgery etc. associated with test certificate	Road Traffic Act 1988 Sec 173(1)
814/7	Mishandling or faking parking documents	Road Traffic Regulation Act 1984 S.115(1)

### Forgery of documents etc.: Legal Definition

#### ROAD TRAFFIC ACT 1988 SEC 173(1)

'A person who, with intent to deceive-

- (a) forges, alters or uses a document or other thing to which this section applies, or
- (b) lends to, or allows to be used by, any other person a document or other thing to which this section applies, or
- (c) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive,.....'



## 814 Fraud, Forgery etc. associated with Vehicle or Driver Records Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A person caught displaying a tax disc he has stolen*

*One crime of theft (class 49) and one crime of  
fraud (class 814).*

Maximum sentence - Fraud and forgery							
14 years	10 years	7 years	5 years	3 years	2 years	6 months	Fine
53/11	53/1	51/1	53/2	53/13	53/5	195/59	61/28
53/26-53/28	53/4	51/3	53/20		53/10		61/33
60/21-60/22		52	53/23-53/24		53/14		
61/21-61/27		53/6	53/29		53/21-53/22		
61/31		53/8	53/34-53/35		53/25		
		53/15-53/16	53/37		61/29-61/30		
		53/30			61/32		
		53/36			814/1-814/7		
		55					
53/99 not included							

<http://www.homeoffice.gov.uk/rds/pdfs2/countdamage03.pdf>

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## Criminal Damage

- 56 Arson
- 58A Criminal Damage to a Dwelling
- 58B Criminal Damage to a Building other than a Dwelling
- 58C Criminal Damage to a Vehicle
- 58D Other Criminal Damage
- 58E Racially or Religiously Aggravated Criminal Damage to a Dwelling
- 58F Racially or Religiously Aggravated Criminal Damage to a Building other than a Dwelling
- 58G Racially or Religiously Aggravated Criminal Damage to a Vehicle
- 58H Racially or Religiously Aggravated Other Criminal Damage
- 59 Threat or Possession with Intent to Commit Criminal Damage

## 56 Arson Classification

56/1	Arson endangering life	Criminal Damage Act 1971 Sec 1(pt)
56/2	Arson not endangering life	Criminal Damage Act 1971 Sec 1(pt)

### Destroying or Damaging Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 1

“(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged....”

“(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another-

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be therefore endangered;.....”

“(3) An offence committed under this section by destroying or damaging property by fire shall be charged as arson.”

## 56 Arson Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH SPECIFIC, INTENDED OWNER OF PROPERTY DAMAGED

*Five fires are set around one building.*

*One crime (class 56).*

*A fire set in one building spreads to an adjacent one (under different ownership).*

*One crime (class 56).*

*Offenders break into a yard and set alight four vehicles (all have different owners). The fire also damages the building.*

*If there is no evidence that the vehicles were set alight separately, then one crime (class 56).*

\* **Vehicles should be counted separately, if separately owned.**

*Three cars parked in a street are individually set on fire*

(i) *All three have different owners.*

*Three crimes (class 56).*

(ii) *All three have same registered owner.*

*One crime (class 56).*

\* **Principal Crime: see also general rules section F & end page of chapter.**

*Two people die in a fire deliberately set.*

*Two crimes of homicide.*

*An offender bungs a property and sets fire to it before leaving.*

*One crime of arson (class 56).*

\* **Finished Incident: see also general rules section E. If a vehicle is stolen or taken without consent, then any further offences to the vehicle by the same offender (or group of offenders) should be considered a continuation of the same incident.**

*A vehicle is stolen and later found abandoned and deliberately burnt out (in the same police force area as the theft).*

(i) *The owner reported the theft before the vehicle was found.*

*One crime of theft or unauthorised taking (class 48).*

(ii) *The owner did not report the theft before the vehicle was found.*

*One crime of theft or unauthorised taking (class 48) (this is the principal crime over arson).*

(iii) *As (i) or (ii) but there is evidence that the arson was committed by someone unconnected with the theft.*

*One crime of theft or unauthorised taking (class 48) and one crime of arson (class 56).*

## 58A Criminal Damage to a Dwelling Classification

57(pt)	Criminal damage to a dwelling endangering life	( Explosive Substance Act 1883 Sec 2(pt) ( Explosive Substance Act 1883 Sec 3(pt) ( Criminal Damage Act 1971 Sec 1(2)
58(pt) ) 149(pt) )	Other criminal damage to a dwelling	( Explosive Substance Act 1883 Sec 2(pt), ( Explosive Substance Act 1883 Sec 3(pt) ( Criminal Damage Act 1971 Sec 1(1)

### Destroying or Damaging Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 1(1,2)

"(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged...."

"(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another-

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be therefore endangered;...."

### Causing Explosions etc. with Intent to Endanger Life or Property: Legal Definition

#### EXPLOSIVE SUBSTANCES ACT 1883 SECTIONS 2 & 3

"2. A person who in the United Kingdom or (being a citizen of the United Kingdom and Colonies) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not,....."

"3. A person who in the United Kingdom or a dependency or (being a citizen of the United Kingdom and colonies) elsewhere unlawfully and maliciously-

(a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland or

(b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland, or to enable any other person so to do, shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not,....."

## 58A Criminal Damage to a Dwelling Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD WHOSE DWELLING IS DAMAGED

*A person deliberately drives a vehicle into the side of a house causing the wall to collapse, narrowly missing the two occupants.*

*One crime (class 58A).*

*A group of offenders damage five houses on their way home from a party.*

*Five crimes (class 58A).*

*Vandals damage three flats in a block.*

*Three crimes (class 58A).*

\* If the dwelling is damaged by more than one person, count separately for each offender acting independently.

*A person reports to the police for the first time, his house being vandalised on three occasions by the same group of children.*

*One crime (class 58A).*

\* Principal Crime: see also general rules section F & end page of chapter.

*A person deliberately drives a vehicle into the side of a house causing the wall to collapse and seriously injuring the two occupants.*

*Two crimes of wounding (class 5).*

*Criminal damage occurs in the course of an aggravated burglary in a dwelling.*

*One crime of aggravated burglary (class 29).*

*An offender enters the premises of ex-girlfriend, commits common assault and damages girlfriend's property. Offender also damages the fabric of the building, which is council property.*

*If the cost of the damage to the building is greater than the damage to the personal property, then one crime (class 58A). Although the council owns the building the girlfriend is the householder. Else one crime (class 58D).*

*An offender enters the premises of ex-girlfriend, commits ABH and damages the building.*

*One crime of assault occasioning ABH (class 8A).*

\* How to Classify: see also general rules section B. Any damage to an entry point of a house should be assumed to be an attempt to enter and burgle the house, if on balance of probabilities, attempted burglary is considered to be the more likely offence than the criminal damage.

*The lock to a front door has been damaged. Attempted burglary is considered more likely than criminal damage.*

*One crime of attempted burglary in a dwelling (class 28).*

*A ground floor window has been broken. It could have been used to enter the house, and as the house is in an isolated location it is considered the more likely intent than mere vandalism.*

*One crime of attempted burglary in a dwelling (class 28).*



## 58B Criminal Damage to a Building other than a Dwelling Classification

57(pt)	Criminal damage to a building other than a dwelling endangering life	( Explosive Substances Act 1883 Sec 2(pt) ( Explosive Substances Act 1883 Sec 3(pt) ( Criminal Damage Act 1971 Sec 1(2)
58(pt) ) 149(pt) )	Other criminal damage to a building other than a dwelling	( Explosive Substances Act 1883 Sec 2(pt) ( Explosive Substances Act 1883 Sec 3(pt) ( Criminal Damage Act 1971 Sec 1(1)

### Destroying or Damaging Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 1(1,2)

"(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged...."

"(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another-

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be therefore endangered;...."

### Causing Explosions etc. with Intent to Endanger Life or Property: Legal Definition

#### EXPLOSIVE SUBSTANCES ACT 1883 SECTIONS 2 & 3

"2. A person who in the United Kingdom or (being a citizen of the United Kingdom and Colonies) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not,....."

"3. A person who in the United Kingdom or a dependency or (being a citizen of the United Kingdom and colonies) elsewhere unlawfully and maliciously-

(a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland or

(b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland, or to enable any other person so to do, shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not,....."

## 58B Criminal Damage to a Building other than a Dwelling Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OWNER OF PROPERTY DAMAGED

- A person damages five units on an industrial estate.* *Five crimes (class 58B).*
- Five of a party of hotel guests acting together are reported to the police for vandalising their hotel rooms.* *One crime (class 58B).*
- \* **If a building is damaged more than once, count crimes separately only for each offender acting independently.**
- A warehouse is damaged by a group of five people.* *One crime (class 58B).*
- Five individual people damage a warehouse on five separate occasions.* *Five crimes (class 58B).*
- \* **Sites under Common Ownership:** groups of building on the same site and belonging to the same owner should be counted as one crime if damaged.
- Three of a company's buildings on the same site are vandalised by a group of four people.* *One crime (class 58B).*
- \* **Shops, Offices, etc.:** Units within the same building should be counted separately if damaged. The definition of a separate shop unit is the same as for theft from a shop (class 46); and the general definition of separate commercial units is consistent with burglary in a building other than a dwelling (class 30).
- A person vandalises the office units of three separate companies in the same block.* *Three crimes (class 58B).*
- A group of offenders daub slogans on the windows of five branches of the same chain.* *Five crimes (class 58B).*
- \* **Principal Crime:** see also general rules section F & end page of chapter.
- Criminal damage occurs in the course of an aggravated burglary in a building other than a dwelling.* *One crime of aggravated burglary (class 31).*
- \* **Finished Incident:** see also general rules section E.
- An offender admits to the police that he has damaged the same warehouse on four separate occasions*
- |       |  |                                 |
|-------|--|---------------------------------|
| (i)   | <i>Each incident separately reported</i>         | <i>Four crimes (class 58B).</i> |
| (ii)  | <i>Only the first one previously reported</i>    | <i>Two crimes (class 58B).</i>  |
| (iii) | <i>None of the incidents previously reported</i> | <i>One crime (class 58B).</i>   |
- \* **Whether to record:** see also general rules section A.
- An anonymous caller reports persons spraying graffiti on the wall of a public building*
- |       |  |  |
|-------|--|--|
| (i)   | <i>Follow up enquiries by the police find no grounds to suggest recently sprayed graffiti.</i>           | <i>Register a crime related incident report but do not record the crime.</i> |
| (ii)  | <i>The police find recently sprayed graffiti.</i>  | <i>One crime of criminal damage (class 58B).</i>                             |
| (iii) | <i>The owner of the public building confirms the damage, but does not want the matter taken further.</i> | <i>One crime of criminal damage (class 58B).</i>                             |

## 58C Criminal Damage to a Vehicle Classification

57(pt)	Criminal damage to a vehicle endangering life	(	Explosive Substances Act 1883 Sec 2(pt)
		(	Explosive Substances Act 1883 Sec 3(pt)
		(	Criminal Damage Act 1971 Sec 1(2)
58(pt)	)Other criminal damage to	(	Explosive Substances Act 1883 Sec 2(pt)
149(pt)	)a vehicle	(	Explosive Substances Act 1883 Sec 3(pt)
		(	Criminal Damage Act 1971 Sec 1(1)

### Destroying or Damaging Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 1(P1)

"(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged...."

"(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another-

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be therefore endangered;....."

### Causing, Explosions etc. with Intent, to Endanger Life or Property: Legal Definition

#### EXPLOSIVE SUBSTANCES ACT 1883 SECTIONS 2 & 3

"2. A person who in the United Kingdom or (being a citizen of the United Kingdom and Colonies) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not,....."

"3. A person who in the United Kingdom or a dependency or (being a citizen of the United Kingdom and colonies) elsewhere unlawfully and maliciously-

(a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland or

(b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland, or to enable any other person so to do, shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not,....."

## 58C Criminal Damage to a Vehicle Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OWNER OF VEHICLE DAMAGED

*Two motor vehicles owned by separate persons were damaged by each party on a tit for tat basis.*

*Two crimes (class 58C).*

*Three cars belonging to the same car company are damaged on the forecourt of the car showroom*

*One crime (class 58C).*

*Three separately owned cars parked in a street are damaged*

*Three crimes (class 58C).*

*A car door has been scratched or a car door lock has been super glued but no apparent intent to enter vehicle*

*One crime of criminal damage (class 58C).*

*A car has a broken window. There is no evidence of intent to enter the car or search the car.*

*One crime of criminal damage (class 58C).*

\* Principal Crime: see also general rules section F & end page of chapter.

*A company reports having a warehouse burgled and several of its vans damaged.*

(i) *the vans were in the warehouse*

*One crime of burglary (class 30).*

(ii) *the vans were parked outside*

*One crime of burglary.*

## 58D Other Criminal Damage Classification

57(pt)	Criminal damage endangering life, other	(	Explosive Substance Act 1883 Sec 2(pt)
		(	Explosive Substance Act 1883 Sec 3(pt)
		(	Criminal Damage Act 1971 Sec 1(2)
		(	Malicious Damage Act 1861 Secs 35, 36, 47, 48
58(pt) ) 149(pt) )	Other criminal damage, other	(	Explosive Substance Act 1883 Sec 2(pt), 3(pt)
		(	Criminal Damage Act 1971 Sec 1(1)
		(	Malicious Damage Act 1861 Secs 35, 36, 47 & 48
		(	Ancient Monuments
		(	& Archaeological Areas Act 1979 Sec 28(1)
		(	Post Office Act 1953 Sec 60
		(	Salmon and Freshwater Fisheries Act 1975 Sec 5

### Destroying or Damaging Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 1(P1)

"(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged...."

"(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another-

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be therefore endangered;....."

### Miscellaneous Criminal Damage: Legal Coverage

#### MALICIOUS DAMAGE ACT 1861 SECS 35, 36, 47 & 48

35. Placing wood, etc., on railway, taking up rails etc. turning points, showing or hiding signals, etc., with intent to obstruct or overthrow any engine, etc.-

36. Obstructing engines or carriages on railways.-

47. Exhibiting false signals (ships, vessels or boats)

48. Removing buoys, etc.

### Causing, Explosions etc. with Intent to Endanger Life or Property: Legal Definition

#### EXPLOSIVE SUBSTANCES ACT 1883 SECTIONS 2 & 3

"2. A person who in the United Kingdom or (being a citizen of the United Kingdom and Colonies) in the Republic of Ireland unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not,....."

"3. A person who in the United Kingdom or a dependency or (being a citizen of the United Kingdom and colonies) elsewhere unlawfully and maliciously-

(a) does any act with intent to cause, or conspires to cause, by an explosive substance an explosion of a nature likely to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland or

(b) makes or has in his possession or under his control an explosive substance with intent by means thereof to endanger life, or cause serious injury to property, whether in the United Kingdom or the Republic of Ireland, or to enable any other person so to do, shall, whether any explosion does or does not take place, and whether any injury to person or property is actually caused or not,....."

## 58D Other Criminal Damage Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OWNER OF PROPERTY DAMAGED

*A person damages three statues, belonging to the same corporation, in a city centre.*

*One crime (class 58D).*

*A person pours paint into a post box.*

*One crime (class 58D).*

\* Whether to record: see also general rules section A.

*An anonymous caller reports a bus shelter being vandalised*

(i) *The police find the shelter recently damaged.*

*One crime of criminal damage (class 58D).*

(ii) *The police find no grounds to suggest recent damage.*

*Register a crime related incident report but do not record the crime.*

(iii) *The bus company (or whoever owns the shelter) confirms the damage, but does not want the matter taken further.*

*One crime of criminal damage (class 58D).*

*The police observe a damaged bus shelter and report it to the bus company who have already examined it and believe it to have been accidentally caused.*

*Register a crime related incident report but do not record the crime.*

## 58E Racially or Religiously Aggravated Criminal Damage to a Dwelling Classification

58/1(pt)	Racially aggravated criminal damage to a dwelling	Crime & Disorder Act 1998 Sec 30(1)
58/2(pt)	Religiously aggravated criminal damage to a dwelling	( Crime & Disorder Act 1998 Sec 30(1) ( as added to by Anti-terrorism, Crime ( Act 2001 and Security Sec 39) (
58/3(pt)	Racially or religiously aggravated criminal damage to a dwelling	(

### Destroying or Damaging Property: Legal Definition

CRIMINAL DAMAGE ACT 1971 SECTION 1(1,2)

See box on class 58A classification page.

### Racially or Religiously Aggravated Criminal Damage: Legal Definition

CRIME AND DISORDER ACT 1998 SECTION 30  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

"1. A person is guilty of an offence under this section if he commits an offence under section 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is racially or religiously aggravated for the purposes of this section...."

### Racially or Religiously Aggravated Criminal Damage: Recording Practice

A crime of criminal damage should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.

### Racially or Religiously Aggravated - Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

(1) An offence is racially or religiously aggravated for the purposes of sections 29 to 32 if-

- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
- (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.

(2) In subsection (1)(a) above-  
"membership", in relation to a racial or religious group, includes association with members of those groups;  
"presumed" means presumed by the offender.

(3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

(5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

## 58E Racially or Religiously Aggravated Criminal Damage to a Dwelling Counting Rules

GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD WHOSE DWELLING IS DAMAGED

*Vandals inflict racially or religiously aggravated damage to three flats in a block.*      *Three crimes (class 58E).*

- \* If the dwelling is damaged by more than one person, count separately for each offender acting independently.

*A person reports to the police for the first time, his house being vandalised on three occasions by the same group of children shouting racial or religious abuse.*      *One crime (class 58E).*

- \* Principal Crime: see also general rules section F & end page of chapter.

- \* Criminal damage to a dwelling should be classified as burglary in a dwelling if, on the balance of probabilities, attempted burglary is considered to be the more likely offence than the criminal damage.



## 58F Racially or Religiously Aggravated Criminal Damage to a Building other than a Dwelling Classification

58/1(pt)	Racially aggravated criminal damage to a building other than a dwelling	Crime & Disorder Act 1998 Sec 30(1)
58/2(pt)	Religiously aggravated criminal damage to a building other than a dwelling	( Crime & Disorder Act 1998 Sec 30(1) ( as added to by Anti-terrorism, Crime ( and Security Act 2001 Sec 39)
58/3(pt)	Racially or religiously aggravated criminal damage to a building other than a dwelling	( ( ( (

### Destroying or Damaging Property: Legal Definition

CRIMINAL DAMAGE ACT 1971 SECTION 1(1,2)

See box on class 58B classification page.

### Racially or Religiously Aggravated: Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

See box on class 58E classification page.

### Racially or Religiously Aggravated Criminal Damage: Legal Definition

CRIME AND DISORDER ACT 1998 SECTION 30  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

"1. A person is guilty of an offence under this section if he commits an offence under section 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is racially or religiously aggravated for the purposes of this section...."

### Racially or Religiously Aggravated Criminal Damage: Recording Practice

A crime of criminal damage should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.

## 58F Racially or Religiously Aggravated Criminal Damage to a Building other than a Dwelling Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OWNER OF PROPERTY DAMAGED

\* If a building is damaged more than once, count crimes separately only for each offender acting independently.

\* Sites under Common Ownership: groups of building on the same site and belonging to the same owner should be counted as one crime if damaged.

\* Shops, Offices, etc.: Units within the same building should be counted separately if damaged. The definition of a separate shop unit is the same as for theft from a shop (class 46); and the general definition of separate commercial units is consistent with burglary in a building other than a dwelling (class 30).

\* Principal Crime: see also general rules section F & end page of chapter.

\* Finished Incident: see also general rules section E.

*An offender admits to the police that he has inflicted racially or religiously aggravated damage on the same warehouse on four separate occasions.*

- |       |  |                                 |
|-------|--|---------------------------------|
| (i)   | <i>Each incident separately reported</i>         | <i>Four crimes (class 58F).</i> |
| (ii)  | <i>Only the first one previously reported</i>    | <i>Two crimes (class 58F).</i>  |
| (iii) | <i>None of the incidents previously reported</i> | <i>One crime (class 58F).</i>   |

## 58G Racially or Religiously Aggravated Criminal Damage to a Vehicle Classification

58/1(pt)	Racially aggravated criminal damage to a vehicle	Crime & Disorder Act 1998 Sec 30(1)
58/2(pt)	Religiously aggravated criminal damage to a vehicle	( Crime & Disorder Act 1998 Sec 30(1) ( as added to by Anti-terrorism, Crime ( and Security Act 2001 Sec 39)
58/3(pt)	Racially or religiously aggravated criminal to a vehicle	( ( ( (

### Destroying or Damaging Property: Legal Definition

CRIMINAL DAMAGE ACT 1971 SECTION 1(1,2)

See box on class 58C classification page.

### Racially or Religiously Aggravated - Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

See box on class 58E classification page.

### Racially or Religiously Aggravated Criminal Damage: Legal Definition

CRIME AND DISORDER ACT 1998 SECTION 30  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

"1. A person is guilty of an offence under this section if he commits an offence under section 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is racially or religiously aggravated for the purposes of this section...."

### Racially or Religiously Aggravated Criminal Damage: Recording Practice

A crime of criminal damage should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.

## 58G      Racially or Religiously Aggravated Criminal Damage to a Vehicle Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH OWNER OF VEHICLE DAMAGED

\*      Principal Crime: see also general rules section F & end page of chapter.

## 58H Racially or Religiously Aggravated Other Criminal Damage Classification

58/1(pt)	Racially aggravated criminal damage other	Crime & Disorder Act 1998 Sec 30(1)
58/2(pt)	Religiously aggravated other criminal damage	( Crime & Disorder Act 1998 Sec 30(1) ( as added to by Anti-terrorism, Crime ( and Security Act 2001 Sec 39)
58/3(pt)	Racially or religiously aggravated other criminal damage	( ( ( (

### Destroying or Damaging Property: Legal Definition

CRIMINAL DAMAGE ACT 1971 SECTION 1(1,2)

See box on class 58D classification page.

### Racially or Religiously Aggravated: Legal Definition

CRIME & DISORDER ACT 1998 SECTION 28  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

See box on class 58E classification page.

### Racially or Religiously Aggravated Criminal Damage: Legal Definition

CRIME AND DISORDER ACT 1998 SECTION 30  
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

"1. A person is guilty of an offence under this section if he commits an offence under section 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is racially or religiously aggravated for the purposes of this section...."

### Racially or Religiously Aggravated Criminal Damage: Recording Practice

A crime of criminal damage should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (under section 28) exists at the time of recording.

## 58H Racially or Religiously Aggravated Other Criminal Damage Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OWNER OF PROPERTY DAMAGED

\* Whether to record: see also general rules section A.

*A n anonymous caller reports racist or religious graffiti being sprayed at that time on the wall on a public building*

- |       |  |  |
|-------|--|--|
| (i)   | <i>The police find recently sprayed graffiti.</i>  | <i>One crime of criminal damage (class 58H).</i>                             |
| (ii)  | <i>As above, except that the police find no grounds to suggest recently sprayed graffiti.</i>            | <i>Register a crime related incident report but do not record the crime.</i> |
| (iii) | <i>The owner of the public building confirms the damage, but does not want the matter taken further.</i> | <i>One crime of criminal damage (class 58H).</i>                             |

## 59 Threat or Possession with Intent to Commit Criminal Damage Classification

59/11	Threats to destroy or damage property		Criminal Damage Act 1971 Sec 2
59/12	Making or possessing explosives etc. with intent	( (	Offences against the Person Act Sec 64 Explosive Substances Act 1883 Secs 3(pt),4
59/13	Possessing anything with intent to destroy or damage property		Criminal Damage Act 1971 Sec 3

### Threats to Destroy or Damage Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 2

"A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out-

- (a) to destroy or damage any property belonging to that other or a third person; or
- (b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or a third person....."

### Making or Possession of Explosive under Suspicious Circumstances: Legal Definition

#### EXPLOSIVE SUBSTANCES ACT 1883 SECTION 4

"Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object shall, unless he can show that he made it or had it in his possession or under his control for a lawful object,....."

### Possessing Anything with intent to Destroy or Damage Property: Legal Definition

#### CRIMINAL DAMAGE ACT 1971 SECTION 3

"A person who has anything in his custody or under his control intending without lawful excuse to use it or cause or permit another to use it-

- (a) to destroy or damage any property belonging to some other person;
- (b) to destroy or damage his own or the user's property in a way which he knows is likely to endanger the life of some other person;....."

## 59 Threat or Possession with Intent to Commit Criminal Damage Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS  
(no specific victim)

*A group of children are caught carrying cans of spray paint with intent to spray graffiti.*

*One crime (class 59).*

\* If specific, intended victims are identified, count one crime for each of them.



Maximum Sentence - Criminal Damage		
Life	14 years	10 years
56/1	58/1	58*
56/2		59/11
57*		59/12*
		59/13
* Maximum sentence varies depending on which Act is used		

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
arson - of vehicle only	56	-
common assault	105	6 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22. Certain crimes triable either way to be tried summarily if value involved is small (< or = £5000).		

<http://www.homeoffice.gov.uk/rds/pdfs2/countdrug03.pdf>

4/28/2003

10pp

## Drug Offences

- 92A      Trafficking in Controlled Drugs
- 92B      Possession of Controlled Drugs
- 92C      Other Drug Offences

## 92A      Trafficking in Controlled Drugs Classification (1 of 3)

77/50	Manufacturing a scheduled substance	)	
77/51	Supplying a scheduled substance to another person	)	Criminal Justice (International Co-operation) Act 1990 Sec 12
77/52	Failure to comply with regulations made by the Secretary of State as regards documentation, record keeping, labelling etc.	)	Criminal Justice (International Co-operation) Act 1990 Sec 13
77/53-55, 59	Possession on a ship of a controlled drug ) intended for trafficking	)	
	77/53 - class A drug	)	
	77/54 - class B drug	)	
	77/55 - class C drug	)	
	77/59 - class unspecified	)	
77/56-58, 60	Carrying or concealing on a ship a controlled drug intended for trafficking )	)	Criminal Justice (International Co-operation) Act 1990 Sec 19
	77/56 - class A drug	)	
	77/57 - class B drug	)	
	77/58 - class C drug	)	
	77/60 - class unspecified	)	
92/1, 3-5	Unlawful importation of a drug controlled under the Misuse of Drugs Act 1971		Customs and Excise Management Act 1979 Secs 50(pt), 170(pt)
	92/1 - unknown class of drug		
	92/3 - class A drug		
	92/4 - class B drug		
	92/5 - class C drug		
92/2, 6-8	Unlawful exportation of a drug controlled under the Misuse of Drugs Act 1971		Customs and Excise Management Act 1979 Secs 68(pt); 170(pt)

### Manufacture or Supply of a Scheduled Substance: Legal Definition

CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) ACT 1990 SECTION 12(1)

"It is an offence for a person to manufacture a scheduled substance, or to supply such a substance to another person, knowing or suspecting that the substance is to be used in or for the unlawful production of a controlled drug."

### Ships used for Illicit Traffic: Legal Definition

CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) ACT 1990 SECTION 19

"(1) This section applies to a British ship, a ship registered in a State ... party to the Vienna Convention & Ships not registered in any country or territory."

## 92A Trafficking in Controlled Drugs Classification (2 of 3)

92/10-15,19,20 21(pt),25,27-29	Production or being concerned in production of a controlled drug (see table below)	Misuse of Drugs Act 1971 Sec 2
92/21(pt)	Cultivation of a cannabis plant	Misuse of Drugs Act 1971 Sec 6
92/30-35,39-41, 45,47-49	Supplying or offering to supply a controlled drug (see table below for detail of individual offence classifications)	Misuse of Drugs Act 1971 Sec 4(3)
92/70-75,79-81, 85,87-89	Possession of a controlled drug with intent to supply (see table below for detail of individual offence classifications)	Misuse of Drugs Act 1971 Sec 5(3)

Table of Offence Classifications									
Class	Drug	Production	Supply	Possession	Possession with intent to supply	Permitting premises to be used	Possession on a ship	Carrying on a ship	Unlawful Import Export
	Main Code	92A	92A	92B	92A	92C	92A	92A	92A 92A
A	Cocaine	92/10	92/30	92/50	92/70	93/10	77/53	77/56	92/3 92/6
	Heroin	92/11	92/31	92/51	92/71	93/11			
	LSD	92/12	92/32	92/52	92/72	93/12			
	MDMA	92/13	92/33	92/53	92/73	93/13			
	Crack	92/14	92/34	92/54	92/74	93/14			
	Methadone	92/15	92/35	92/55	92/75	93/15			
B	Other	92/19	92/39	92/59	92/79	93/19	77/54	77/57	92/4 92/7
	Amphet-amine	92/20	92/40	92/60	92/80	93/20			
	Cannabis	92/21	92/41	92/61	92/81	93/21			
C	Other	92/25	92/45	92/65	92/85	93/25	77/55	77/58	92/5 92/8
	Anabolic Steroids	92/27	92/47	92/67	92/87	93/27			
	Other	92/28	92/48	92/68	92/88	93/28			
Unspecified		92/29	92/49	92/69	92/89	93/29	77/59	77/60	92/1 92/2

### Controlled Drugs: Legal Classification

#### MISUSE OF DRUGS ACT 1971 SCHEDULE 2

Controlled drugs are as listed in schedule 2. Class A drugs are those listed in Part I, class B in part II, and class C in part III.

### Scheduled Substances: Legal Classification

#### CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) ACT 1990 SCHEDULE 2

Scheduled substances are listed in schedule 2 of this Act as substances useful for manufacturing controlled drugs.

## 92A      Trafficking in Controlled Drugs Classification (3 of 3)

93/49	Concealing or transferring the proceeds of drug trafficking	Drug Trafficking Act 1994 Sec 49
93/50	Assisting another person to retain the benefit of drug trafficking	Drug Trafficking Act 1994 Sec 50
93/51	Acquisition, possession or use of proceeds of drug trafficking	Drug Trafficking Act 1994 Sec 51
93/52	Failure to disclose knowledge or suspicion of drug money laundering	Drug Trafficking Act 1994 Sec 52
93/53	Disclosure of information likely to prejudice a drug trafficking investigation ("Tipping off")	Drug Trafficking Act 1994 Sec 53
93/54	Prejudice an investigation into drug trafficking by making unlawful disclosure	Drug Trafficking Act 1994 Sec 58

### Drug Trafficking: Legal Definition

#### DRUG TRAFFICKING ACT 1994 SECTION 1

Section 1 of this Act defines drug trafficking offences by listing all the offences that are included in HO class 92A.

### Drug Money Laundering: Legal Definition

#### DRUG TRAFFICKING ACT 1994 SECTIONS 49-51

Any offence under sections 49-51 of this Act.

Corresponding acts committed outside England and Wales are also covered in this definition, but they should not be included in the recorded crime figures.

## 92A      Trafficking in Controlled Drugs Counting Rules

**GENERAL RULE:**      ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*Three men caught manufacturing a controlled drug together.*

*One crime (class 92A).*

*One person reported in possession of various class A, B and C controlled drugs with intent to supply.*

*One crime (class 92A).*

*A police operation results in the apprehension of three separate groups of drug pushers.*

*Three crimes (class 92A).*

*A person is reported by a neighbour to possess various controlled drugs and for cultivating cannabis plants, all for personal use and police enquiries confirm this.*

*One crime of cultivation of cannabis plant (class 92A).*

*A n offender caught cultivating cannabis in a hydroponics system. In addition he has used illegally abstracted electricity to supply the hydroponics system.*

*One crime of cultivation of cannabis plant (class 92A) and one crime of abstracting electricity.*

\*      As drug trafficking is a victimless crime, it should be counted in addition to crimes with a victim.

*A person supplies drugs to a user and commits A BH on him for not paying.*

*One crime of A BH (class 8), one crime of trafficking (class 92A) and one crime of possession (class 92B) by the user. (The possession is assumed, and is counted additionally - see 92B counting rules page).*

\*      **Finished Incident:** see also general rules section E. Further reports or discoveries of previous drug activities by the same offender or group of offenders should not be recorded separately, as they are likely to be discovered in the initial investigation (i.e. before the decision to record is made). Further crimes, which come to the notice of the police (e.g. surveillance operations), should be counted.

*Offender detained on the street in possession of controlled drug and admits it is for personal use. A search of his home address reveals further quantities of controlled drugs in his possession with the intent to supply.*

*One crime of trafficking (class 92A).*

*A n offender caught supplying a controlled drug. A search of his home yields facilities for producing the controlled drug.*

*One crime of trafficking (class 92A).*

*During a police operation an offender is observed supplying drugs on three separate occasions.*

*Three crimes of trafficking (class 92A).*

## 92B Possession of Controlled Drugs Classification

92/50-55,59-61,  
65, 67-69

Having possession of a controlled drug  
(see table below for detail of individual offence  
classifications)

Misuse of Drugs Act 1971 Sec 5(2)

Table of Offence Classifications									
Class	Drug	Production	Supply	Possession	Possession with intent to supply	Permitting premises to be used	Possession on a ship	Carrying on a ship	Unlawful Import Export
	Main Code	92A	92A	92B	92A	92C	92A	92A	92A 92A
A	Cocaine	92/10	92/30	92/50	92/70	93/10	77/53	77/56	92/3 92/6
	Heroin	92/11	92/31	92/51	92/71	93/11			
	LSD	92/12	92/32	92/52	92/72	93/12			
	MDMA	92/13	92/33	92/53	92/73	93/13			
	Crack	92/14	92/34	92/54	92/74	93/14			
	Methadone	92/15	92/35	92/55	92/75	93/15			
	Other	92/19	92/39	92/59	92/79	93/19			
B	Amphet-amine	92/20	92/40	92/60	92/80	93/20	77/54	77/57	92/4 92/7
	Cannabis	92/21	92/41	92/61	92/81	93/21			
	Other	92/25	92/45	92/65	92/85	93/25			
C	Anabolic Steroids	92/27	92/47	92/67	92/87	93/27	77/55	77/58	92/5 92/8
	Other	92/28	92/48	92/68	92/88	93/28			
Unspecified		92/29	92/49	92/69	92/89	93/29	77/59	77/60	92/1 92/2



## 92B Possession of Controlled Drugs Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OFFENDER

*A group of four youths picked up by the police, and each found to be in possession of a controlled drug*

*Four crimes (class 92B).*

*A person is searched by the police and found to be in possession of various class A, B and C drugs. There is no evidence of intent to supply.*

*One crime of possession (class 92B).*

\* **Finished Incident:** see also general rules section E. If a person being apprehended for another crime, is found to be in possession of drugs, the drug offence should be counted additionally unless there is a close link with the other crime (thus becoming part of the same incident).

*A person is reported in possession of a controlled drug, some time after being cautioned for the same crime.*

*One crime of possession (class 92B) in addition to the original one.*

*A person admits buying controlled drugs many times for his own personal use, but this is the first time the police have been aware of it.*

*One crime (class 92B).*

*A person is apprehended for a burglary, and is found to be in possession of cocaine.*

(i) *The cocaine was for his own personal use, and unconnected with the burglary (except that the motive for the burglary was to feed his drug habit).*

*One crime of drug possession (class 92B) in addition to the burglary.*

(ii) *The cocaine is established as being one of the items stolen in the burglary.*

*One crime of burglary only.*

*A person is apprehended for assaulting someone in the street, and found to be in possession of a controlled drug.*

(i) *The victim sustained a black eye.*

*Two crimes. One of assault occasioning ABH (class 8A) and one of possession (class 92B).*

(ii) *The victim was more seriously wounded.*

*Two crimes. One of wounding (class 5 or 8) and one of possession (class 92B).*

*In the course of a police drugs operation an officer calls on a dealer and purchases two bags of heroin. The dealer still has several bags of heroin left in his possession for supply.*

*One crime of trafficking (class 92A). Do not count the crime of possession.*

## 92C Other Drug Offences Classification

93/10-15,19-21 25,27-29	Permitting premises to be used for unlawful purposes (see class 92B classification page for offence detail)	Misuse of Drugs Act 1971 Sec 8
93/30	Obstructing powers of search etc. or concealing drugs etc.	Misuse of Drugs Act 1971 Sec 23(4)
(	(i) Offences relating to opium	Misuse of Drugs Act 1971 Sec 9
(	(iii) Contravention of directions relating to safe custody of controlled drugs	Misuse of Drugs Act 1971 Sec 11(2)
(	Contravention of directions prohibiting prescribing, possessing, supply etc. of controlled drugs by practitioners or pharmacists	Misuse of Drugs Act 1971 Sec 12(6),13(3)
93/40	(iv) Class A, B drugs	
(	(v) Class C drugs	
(	(vi) Doctors or pharmacists providing false information about the prescriptions, supply etc. of drugs	Misuse of Drugs Act 1971 Sec 17(4)
(	(vii) Offences against Misuse of Drugs Regulations etc.	Misuse of Drugs Act 1971 Sec 18
(	(viii) Assisting in or inducing commission of drug offence outside United Kingdom.	Misuse of Drugs Act 1971 Sec 20
193/11	Failure to comply with notice requiring information relating to prescribing, supply etc. of drugs	Misuse of Drugs Act 1971 Sec 17(3)
193/44	Supply of intoxicating substance	Intoxicating Substances (Supply) Act 1985 Sec(1)
193/46	Supply etc. of articles for administering or preparing controlled drugs	Misuse of Drugs Act 1971 Sec 9A

### Occupiers of Premises to be Punishable for Permitting Certain Activities to Take Place There: Legal Definition

#### MISUSE OF DRUGS ACT 1971 SECTION 8

"A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say-

- (a) producing or attempting to produce a controlled drug ...;
- (b) supplying or attempting to supply a controlled drug to another ... or offering to supply a controlled drug to another ...;
- (c) preparing opium for smoking;
- (d) smoking cannabis, cannabis resin, or prepared opium."

### Offence of Supply of Intoxicating Substance: Legal definition

#### INTOXICATING SUBSTANCES (SUPPLY) ACT 1985 SECTION 1

"(1) It is an offence for a person to supply a substance other than a controlled drug-

(a) to a person under the age of 18 whom he knows or has reasonable cause to believe, to be under that age; or

(b) to a person-

(i) who is acting on behalf of a person under that age; and  
(ii) whom he knows, or has reasonable cause to believe, to be so acting,

if he knows or has reasonable cause to believe that the substance is, or its fumes are, likely to be inhaled by the person under the age of 18 for the purpose of causing intoxication....."

## 92C Other Drug Offences Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A property owner is found to have permitted free of his premises to have been used for drug trafficking.*

*One crime (class 92C).*

*A shopkeeper admits having sold pots of glue to three boys under 18 knowing that they would be used by them for glue sniffing. No previous allegation had been made.*

*One crime (class 92C).*

*A person is reported to have supplied materials to a group specifically for the preparation of controlled drugs.*

*One crime (class 92C).*

- \* **Principal Crime:** see also general rules section F & end page of chapter. All class 92C crimes, except the summary ones, take precedence over possession (class 92B).

*A landlord of a rented flat admits permitting his tenants to use the flat for drug trafficking as they are supplying him as well. The trafficking offences have already been recorded.*

*One crime of permitting premises to be used (class 92C).*

- \* **Finished Incident:** see also general rules section E.

*A shopkeeper is caught selling solvent to two boys who he knows to be under 18 years of age, knowing that it is to be used for intoxication. He admits to having sold it to these same and other boys on numerous other occasions.*

*One crime (class 92C).*

Maximum sentence - Drug offences						
Life	14 years	7 years	5 years	2 years	6 months	Fine
77/53,56	77/50-51	92/1,2	77/55, 58-60	77/52	193/44	193/11
92/3,6	77/54,57	92/50-55, 59	92/5,8	92/67-69	193/46	
92/10-15, 19	92/4,7		92/27-29	93/30		
92/30-35, 39	92/20-21, 25		92/47-49			
92/70-75, 79	92/40-41, 45		92/60-61, 65			
	92/80-81, 85		92/87-89			
	93/10-15		93/27-29			
	93/19-21, 25		93/52-54			
	93/49-51					
93/40 - Depends on class of drug and Act, the maximum ranges from 2 to 14 years						

Principal Crime Look-up Table		
Crime type	Home Office classification	Maximum sentence
homicide	1	life
attempted murder	2	life
rape	19/7-19/14	life
robbery	34	life
conspiracy to murder	3/2	life
grievous bodily harm with intent	5/1	life
actual bodily harm	8/6	5 yrs
criminal damage endangering life	57	life
arson	56	life
aggravated burglary	29	life
burglary dwelling	28	14 yrs
criminal damage (1)	58	10 yrs
theft from person	39	7 yrs
theft of vehicle	48	7 yrs
common assault	105	6 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22. Certain crimes triable either way to be tried summarily if value involved is small (<or = £5000).		

<http://www.homeoffice.gov.uk/rds/pdfs2/counttother03.pdf>

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## Other Offences

33	Going Equipped for Stealing etc.
35	Blackmail
36	Kidnapping
62	High Treason and other offences against Treason Acts
63	Treason Felony
64	Rioting
65	Violent Disorder
66	Other Offences (against the State and Public Order)
67	Perjury
68	Libel
75	Betting, Gaming and Lotteries
76	Aiding and Abetting Suicide
78	Immigration Acts
79	Attempting to Pervert the Course of Public Justice
80	Absconding from Lawful Custody
81	Firearms Act 1968 and other Firearms Acts
82	Offences against Laws relating to Customs, Excise and Inland Revenue
83	Bail Act, 1976
84	Trade Descriptions Act, 1968 and similar offences
85	Health and Safety at Work Offences
86	Obscene Publications, etc. and Protected Sexual Material
87	Protection from Eviction
89	Adulteration of Food
90	Other Knives Offences
91	Public Health
94	Town and Country Planning Act 1990
95	Disclosure, Obstruction, False or Misleading Statements etc
99	Other indictable or triable either way offences
139	Indecent Exposure
802	Dangerous Driving

## 33      Going Equipped for Stealing etc. Classification

33      Going equipped for stealing etc.

Theft Act 1968 Sec 25.

### Going Equipped for Stealing, etc.: Legal Definition

#### THEFT ACT 1968 SECTION 25

“A person shall be guilty of an offence if, when not at his place of abode, he has with him any article for use in the course of or in connection with any burglary, theft or cheat.”

An offence under section 12(1) of the Theft Act 1968 (i.e. unauthorised taking of a vehicle or other conveyance) should be treated as theft; and “cheat” means an offence under section 15 of the Theft Act 1968 (i.e. obtaining property by deception).

### Going Equipped for Stealing etc.: Clarification for Recorded Crime

If there is a related crime of burglary, theft or deception, then the crime of going equipped should not be recorded.

## 33 Going Equipped for Stealing etc. Counting Rules

**GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS**

*A person is caught in the early hours of the morning in the garden of a stranger's house carrying a jemmy.* One crime (class 33).

*A group of youths are apprehended in a car park with materials for breaking into cars.* One crime (class 33).

*A person is stopped and found to possess false tradesmen's ID cards.* One crime (class 33).

\* Actual or attempted burglaries, thefts and deceptions take precedence over crimes of going equipped (see also box opposite on recording practice).

*A man is found to be going equipped to burgle. He admits having just committed a burglary*

(i) *The burglary has already been reported* No crime in addition to the burglary

(ii) *The burglary has not yet been reported* One crime of burglary (class 28 or 30).

\* **Finished Incident:** see also general rules section E.

*A man is reported for the first time to have been acting suspiciously in a neighbourhood on several occasions and carrying a bag. He is apprehended and the bag is found to contain burgling equipment. There is no evidence to connect him with any actual burglaries.*

One crime (class 33).



# 35 Blackmail

# 36 Kidnapping

## Classification

35	Blackmail	Theft Act 1968 Sec 21
36/1	Kidnapping	Common Law
	( Hijacking	Aviation Security Act 1982 Sec 1, 6(pt)
	( Destroying, damaging or endangering	
	( safety or aircraft	Aviation Security Act 1982 Sec 2, 6(pt)
36/2	( Other acts endangering safety of aircraft	Aviation Security Act 1982 Sec 3, 6(pt)
	(	
	( Hijacking, destroying or damaging	Channel Tunnel (Security) Order 1994
	( Channel Tunnel train or system.	Articles 4, 5, 7, 8
	(	(Channel Tunnel Act 1987 Sec 1(7))
36/3	False imprisonment	Common Law

### Blackmail: Legal Definition

#### THEFT ACT 1968 SECTION 21

"(1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief-

(a) that he has reasonable grounds for making the demand; and  
(b) that the use of the menaces is a proper means of reinforcing the demand.

(2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.....".

### Kidnapping Legal definition

The common law offence of kidnapping is an attack on, and infringement of, the personal liberty of an individual. The crime contains four ingredients: the taking away of one person by another, by force or fraud, without the consent of the person so taken or carried away and without lawful excuse.

### Hijacking: Legal definition

#### AVIATION SECURITY ACT 1982 SECTION 1

"A person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it ..."

Section 1 also stipulates the circumstances under which the hijacker must be a UK national, the plane must be registered in the UK, the act must be committed in the UK, and it specifies the aircraft's terms of registration.

### False imprisonment: Legal definition

The common law offence of false imprisonment comprises unlawful detention, compulsion, restraint of personal liberty but is not committed merely by preventing someone from proceeding along a particular way. A parent may be guilty of false imprisonment of a child where the facts take the circumstances outside reasonable parental discipline.

# 35 Blackmail

# 36 Kidnapping

## Counting Rules

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC, INTENDED VICTIM.

*A person makes demands against three others with menaces.* *Three crimes (class 35).*

*A person locks five people in a room against their will.* *Five crimes (class 36).*

\* If no specific, intended victim, count one crime for each offender or group of offenders.

*A person hijacks a plane containing 150 passengers.* *One crime (class 36).*

*A group of passengers damage a plane, so as to endanger the safety of all on the plane.* *One crime (class 36).*

\* Principal Crime: see also section F & end page of chapter.

*A woman is kidnapped and forced to withdraw money from her account.* *One crime of robbery (class 34B).*

\* Re-classification: see section B.

*A person is kidnapped and found dead several weeks later.* *The Force Crime Registrar should re-classify the crime of kidnapping (if already recorded) as homicide (class 1 or 4/1).*

\* Crimes in More Than One Force: see also general rules section G.

*A victim receives by telephone an unsolicited demand with menaces amounting to blackmail. The matter is reported to the police.* *One crime of blackmail (class 35) where the demand was received irrespective of where the telephone call was initiated.*

## 62 Treason

## 63 Treason-felony

## Classification

62 ( Treason  
( Attempting to injure or alarm the  
( sovereign

Treason Acts 1351-1814

Treason Act 1842 Sec 2

63 Treason-felony.

Treason Felony Act 1848

### Treason: Legal Definition

#### TREASON ACT 1351

"- when a man doth compass or imagine the death of our Lord the King, or of our lady his Queen, or of their eldest son and heir; or if a man do violate the King's companion, or the King's eldest daughter unmarried, or the wife of the King's eldest son and heir; or if a man do levy war against our lord the King in his realm, or be adherent to the King's enemies in his realm, giving them aid and comfort in the realm, or elsewhere and thereof be provably attainted of open deed by the people of their condition.....and if a man slea the chancellor, treasurer or the King's justices.....assigned to hear and determine being in their places doing their offices."

### Other Treason Legislation

There are various subsequent Treason Acts; 1695 (three-year limitation period), 1702 (acts to hinder the succession), 1795 (plots to kill, maim, imprison the sovereign, his heirs and successors), 1814 (death penalty). The Treason Act 1842, s 2, makes it an offence to attempt to injure or alarm the sovereign by, for example, presenting or firing a gun or striking with an offensive weapon, or throwing any substance. The terms of the section are wide.

### Treason -felony: Legal Definition

#### TREASON FELONY ACT 1848

"If any person whatsoever shall, within the United Kingdom or without, compass, imagine, invent, devise or intend to deprive or depose our most gracious lady the Queen.....from the style, honour, or royal name of the imperial crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against her Majesty.....within any part of the United Kingdom, or order by force of constraint to compel Her..... to change Her.....measures or counsels, or in order to, put any force or constraint upon, or in order to intimidate or overawe both houses or either house of parliament, or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other of Her Majesty's dominions or countries under the obeisance of Her Majesty .....and such compassings, imaginations, inventions, devices or intentions by any overt act or deed,..."

62      Treason  
63      Treason-felony  
         Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH OFFENDER

# 64 Rioting

## 65 Violent Disorder

### Classification

64/1

Riot

Public Order Act 1986 Sec 1

65

Violent disorder

Public Order Act 1986 Sec 2

**Riot: Legal Definition****PUBLIC ORDER ACT 1986 SECTION 1**

“(1) Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety ....

(2) It is immaterial whether or not the 12 or more use or threaten unlawful violence simultaneously.

(3) The common purpose may be inferred from conduct.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Riot may be committed in private as well as in public places.....”

**Violent disorder: Legal Definition****PUBLIC ORDER ACT 1986 SECTION 2**

“(1) Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety ....

(2) It is immaterial whether or not the 3 or more use or threaten unlawful violence simultaneously.

(3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(4) Violent disorder may be committed in private as well as in public places.....”

# 64 Rioting

# 65 Violent Disorder

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH INCIDENT OF RIOT OR VIOLENT DISORDER

*Fifteen people act in a riotous manner on one occasion.*

*One crime of riot (class 64).*

*Six people act in a riotous manner on one occasion.*

*One crime of violent disorder (class 65).*

*Two people act in a riotous manner on one occasion.*

*One crime of affray (class 66).*

*A group of over twelve people act in a riotous manner on three separate occasions.*

*Three crimes of riot (class 64).*

\* **Injuries in a Riot:** Where crimes of violence against the person are connected with a riot, count them in addition to the crime of riot.

\* **Injuries in a Violent Disorder:** Where crimes of violence against the person are connected with a violent disorder, count them in addition to the violent disorder.

*Two people suffer intentional GBH, and ten others ABH, in the course of a riot.*

*One crime of riot (class 64), two crimes of GBH (class 5), and ten crimes of ABH (class 8).*

*Five people suffer intentional GBH, and three ABH, in the course of a violent disorder.*

*One crime of violent disorder (class 65), five crimes of GBH (class 5), and three crimes of ABH (class 8) only.*

\* **Whether to record:** see also general rules section A.

In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime.

Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence the incident will remain as a crime related incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in accordance with the Home Office Counting Rules.

## 66 Other Offences against the State & Public Order Classification

66/1	Affray	Public Order Act 1986. Sec 3
66/3 66/4	( ( Placing or dispatching articles to cause a bomb hoax Communicating false information alleging presence of bomb	Criminal Law Act 1977 Sec. 51
66/5	Admitting football spectators to unlicensed premises	Football Spectators Act 1989 Sec 9
66/6	Threats of attack on United Nations workers	United Nations Personnel Act 1997 Secs 2,3
66/8	Breach of sex offender order	Crime & Disorder Act 1998 Sec 2(8)
66/11	Prohibition of disclosures – national security	Anti-terrorism, Crime and Security Act 2001 Sec 79(3)
66/12	Prohibition of disclosures – uranium enrichment technology	Anti-terrorism, Crime and Security Act 2001 Sec 80(3)
66/13	Failure to disclose knowledge gained in the course of business	Terrorism Act 2000 Sec 21A as added by Anti-terrorism, Crime and Security Act 2001 Sec 2 P3
66/14	Failure to disclose information about acts of terrorism	Terrorism Act 2000 Sec 38B as added by Anti-terrorism, Crime and Security Act 2001 Sec 117
66/15	Hoaxes involving noxious substances or things	Anti-terrorism, Crime and Security Act 2001 Sec 114
(	Causing disaffection among the police	( Police Act 1996 Sec 91
(		( Police Act 1997 Secs 43,87.
(	Public order offences in relation to terrorism	( Terrorism Act 2000 Secs 11, 15-19, 22, 39, 54 and 56-59.
(	Prohibition of quasi-military organisations	Public Order Act 1936 Sec 2
(	Acts intended or likely to stir up racial or religious hatred:	
(	Use of words or behaviour or display or written material	Public Order Act 1986 Sec 18
(	Publishing or distributing written material	Public Order Act 1986 Sec 19
66/99	Public performance of play	Public Order Act 1986 Sec 20
(	Distributing, showing or playing a recording	Public Order Act 1986 Sec 21
(	Broadcasting including programme in programme service	Public Order Act 1986 Sec 22
(	Possession of racially inflammatory material	Public Order Act 1986 Sec 23
(	Failure to disclose knowledge or suspicion of offences	N Ireland (Emergency Provisions) Act 1991 ( Sec 54A
(		
(	Public order acts (not elsewhere specified)	Channel Tunnel (Security) Order 1994 Articles
(	against Channel Tunnel	11,13(8),14(9),15(9),16(8),23(1)(3),28,32(1a)

### Affray: Legal Definition

#### PUBLIC ORDER ACT 1986 SECTION 3

“(1) A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

(2) Where 2 or more persons use or threaten the unlawful violence, it is the conduct of them taken together that must be considered for the purposes of subsection (1).

(3) For the purposes of this section a threat cannot be made by the use of words alone.

(4) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(5) Affray may be committed in private as well as public places.

### Bomb hoaxes: Legal Definition

#### CRIMINAL LAW ACT 1977 SECTION 51

“A person who-

- (a) places any article in any place whatever, or
- (b) dispatches any article by post, rail or any other means whatever of sending things from one place to another,

with the intention (in either case) of inducing in some other person a belief that it is likely to explode or ignite and thereby cause personal injury or damage to property...”

## 66 Other Offences against the State & Public Order

### Counting Rules

#### GENERAL RULE: ONE CRIME FOR EACH SPECIFIC, INTENDED VICTIM

*A group of offenders send hoax bombs to three individuals. Three crimes (class 66).*

\* If no specific, intended victim, count one crime for each offender or group of offenders

*A group of people is found to be producing racially inflammatory leaflets. One crime (class 66).*

\* Affray: One crime for each incident of affray. Where crimes of violence against the person are connected with an affray, count the VAP offences but not the affray.

*Two people cause an affray in the course of which:*

- |                              |  |
|------------------------------|--|
| i) four people are assaulted | Four crimes of assault (class 8 or 105). |
| ii) no one is assaulted      | One crime of affray (class 66).          |

\* Whether to record: see also general rules section A.

In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime.

Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence the incident will remain as a crime related incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in accordance with the Home Office Counting Rules.

*An anonymous caller reports a disturbance outside a public house. On arrival, witnesses report a heated argument having taken place.*

- |  |   |
|--|---|
| (i) No victim of violence (or persons acting on their behalf) can be traced. No other information is available.          | Register a crime related incident report but do not record the crime. |
| ii) Witnesses report that there was a fight, and further investigation locates a victim who confirms actual bodily harm. | One crime of wounding (class 8A).                                     |
| iii) Several onlookers report acts threatening violence, and they confirm that they feared for their safety.             | One crime of affray (class 66).                                       |

*A supermarket receives an anonymous phone call from someone claiming to have poisoned some items of food there. A search reveals no evidence of this.* Register a crime related incident report but do not record the crime.



## 67 Perjury and False Statements Classification

67/1	(	Perjury - judicial proceedings	(	Perjury Act 1911 Sec 1
	(	False written statements tendered	(	Magistrates' Court Act 1980 Sec 106
	(	tendered in evidence	(	Criminal Justice Act 1967 Sec 89
67/2	(	False unsworn statements		Perjury Act 1911 Sec 1A
	(	False statements on oath		
	(	not in judicial proceeding		Perjury Act 1911 Sec 2
	(	False statements etc. - marriage		Perjury Act 1911 Sec 3
	(	False statements etc. - births or deaths		Perjury Act 1911 Sec 4
	(	False statutory statements etc. without oath		Perjury Act 1911 Sec 5
	(	False declarations etc. to obtain registration		Perjury Act 1911 Sec 6
	(	False statements etc. to obtain passport		Criminal Justice Act 1925 Sec 36
	(	Corruptly giving false certificate of		
	(	service of summons etc.		County Courts Act 1984 Sec 133
	(	False entry or statement in document		Mental Health Act 1983 Sec 126(4)
	(	False information re disused tips		Mines & Quarries(Tips) Act 1969
				Sec 12(pt)
	(	False or misleading statements re		Crim Justice & Public Order Act
	(	interim possession orders		1994 Sec75

### Perjury: Legal Definition

#### PERJURY ACT 1911 SECTION 1(1)

"If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding which he knows to be false or does not believe to be true ..."

### Perjury: Coverage for Recorded Crime

This crime should cover all false declarations and representations made punishable by any statute.

## 67 Perjury and False Statements Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER

*Three members of a group commit perjury in court.*

*Three crimes (class 67).*

\* Finished Incident: see also general rules section E.

*The same false statement is made on several separate occasions by the same person but reported all at once*

*One crime (class 67).*

## 68 Libel Classification

68

Libel

Common Law and Libel Acts 1792 and 1843

**Libel: Legal Definition**

"A defamatory statement is a statement which if published of and concerning a person is calculated to expose him to public hatred, contempt or ridicule, or to damage him in his trade, business, professional calling or office. A defamatory libel consists in the expressing or conveying of the defamatory statement by written or printed words or in some other permanent form including broadcasting."

A criminal libel is when the publication complained of is sufficiently serious to justify, in the public interest, the institution of criminal proceedings. A criminal libel is so serious that an offender should be punished for it by the State itself.

## 68 Libel Counting Rules

GENERAL RULE: ONE CRIME FOR EACH PERSON LIBELLED

*A person makes statements libelling three others.*

*Three crimes (class 68).*

\* If several people make the same libellous statement about the same person, count separately only if the libellers are acting independently.

*A group of five people together sign a libellous statement against an individual.* One crime (class 68).

\* Finished Incident: see also general rules section E.

*A makes libellous statements about B. He is apprehended and bailed, but continues to make the same statements.*

*Two crimes (class 68).*

\* Principal Crime: see also general rules section F & end page of chapter.

*A makes libellous statements about B and also threatens to injure him*

*One crime of threat to wound (class 5 or 8).*

## 75 Betting, Gaming and Lotteries Classification (1 of 3)

### Betting:-

75/2	Accepting bets whilst not being the holder of a permit	Betting, Gaming and Lotteries Act 1963 Sec 2(1)
75/12	Restriction of Pool Betting	Betting, Gaming and Lotteries Act 1963 Sec 4 and Para 29 2nd Schedule
75/13	Restriction of Betting on tracks	Betting, Gaming and Lotteries Act 1963 Sec 5
75/15	Totalisator on licensed tracks	Betting, Gaming and Lotteries Act 1963 Sec 16
75/19	Totalisator operator contravening provisions of Schedule 5 other than paragraph 11(2)	Betting, Gaming and Lotteries Act 1963 Paragraph 17, 5th Schedule
75/21	Permitting unlicensed premises to be used for pool betting	Betting, Gaming and Lotteries Act 1963 Sec. 1(1)(a)
75/22	Permitting unlicensed premises to be used etc. for other betting	Betting, Gaming and Lotteries Act 1963 Sec. 1(1)(h)
75/31	Breach of conditions at non-commercial amusements	Lotteries and Amusements Act 1976 Sec 15
75/32	Breach of conditions at commercial amusements	Lotteries and Amusements Act 1976 Sec 16
75/33	In connection with betting and lotteries.	Lotteries and Amusements Act 1976 Secs. 2,3,4,13 Schedules 1 and 2.
75/34	Use of machines at non-commercial entertainment..	Gaming Act 1968 Secs 33 & 38(10)
75/35	Other uses of machines for amusement purposes.	Gaming Act 1968 Sec 34 & 38(10)

### Gaming:-

75/40	Unlawful gaming - Charge made. Levy on stakes or winnings.	Gaming Act 1968, Secs 2, 3 and 4
75/41	Gaming (a) when not present on premises or (b) on behalf of another person not present on the premises	Gaming Act 1968, Sec 12(1)
75/42	Non-member, holder of licence participating in gaming.	Gaming Act 1968. Sec 12(2)
75/43	Club or miners' welfare institute registered under this part of this Act. Non-member etc. participating in gaming.(Not bona fide guest if payment made to obtain access)	Gaming Act 1968. Sec 12(6)

## 75 Betting, Gaming and Lotteries Classification (2 of 3)

### Gaming continued:-

75/44	Where one or more of the conditions specified in Section 2(1) are fulfilled. Restrictions on games to be played. Regulations.	Gaming Act 1968. Sec 13
75/45	Charges for taking part in gaming - Regulations. Particulars of charges to be displayed on premises have not less than 14 days before which charge is made been notified to the licensing authority etc.	Gaming Act 1968. Sec 14
75/46	Levy on stake or winnings- Regulations	Gaming Act 1968. Sec 15
75/47	Provision of credit for gaming	Gaming Act 1968. Sec 16
75/48	Exclusion of person under 18 years of age	Gaming Act 1968. Sec 17
75/49	Gaming on Sunday between prohibited hours.	Gaming Act 1968. Sec 18
75/50	Person without certificate issued by the Gaming Board performing function at gaming	Gaming Act 1968. Sec 19
75/51	Bingo Clubs - Special provisions	Gaming Act 1968. Sec 20
75/52	Regulations of licensed club premises Restrictions for preventing contraventions	Gaming Act 1968. Sec 22(2)
75/53	Hours during which gaming is permitted - Regulations	Gaming Act 1968. Sec 22(4)
75/54	Contravention of restrictions imposed by licensing authority under provisions of paragraph 24, 2nd Schedule - permitted hours of gaming	Gaming Act 1968. Sec 23(5)
75/55	Contravention of restrictions imposed by licensing authority under provisions of paragraph 25, 2nd Schedule or para 11, 3rd Schedule- limitation of gaming to part(s) of premises. Kind of game(s), use of premises other than for gaming.	Gaming Act 1968. Sec 23(5)

### Gaming by means of machine:-

75/56	Restrictions on sale or maintenance of machines (Sec. 27) Restrictions (Sec 28). Contravention of provisions of Section 35	Gaming Act 1968. Secs 27, 28 and 38(10)
75/57	Use of machines by virtue of licence or registration	Gaming Act 1968. Secs 31, 35 and 36

# 75 Betting, Gaming and Lotteries Classification (3 of 3)

## Gaming by means of machine continued:-

75/58	Gaming at entertainment not held for private gain	Gaming Act 1968. Sec 41
75/59	Restrictions on advertisements relating to gaming	Gaming Act 1968. Sec 42

## National lottery:-

75/60	Contravention of the regulations as to the promotion of lotteries that form part of the National Lottery	National Lottery etc. Act 1993(a) Sec. 13
75/61	False representations as to the National Lottery	National Lottery etc. Act 1993(a) Sec. 16.

### Restriction of bookmaking except under bookmaker's permit: Legal Definition

**BETTING, GAMING AND LOTTERIES ACT 1963 SEC 2(1)**  
 "(1) No person shall act as a bookmaker on his own account unless he is the holder of a permit authorising him so to act (in this Act referred to as a "bookmaker's permit") which is for the time being in force; and if any person acts as a bookmaker in contravention of this subsection....."

### Nature of game: Legal definition

**GAMING ACT 1968 SEC 2(1)**  
 "(1) Subject to the following provisions of this section, no gaming to which this Part of this Act applies shall take place where any one or more of the following conditions are fulfilled, that is to say -  
 (a) the game involves playing or staking against a bank, whether the bank is held by one of the players or not;  
 (b) the nature of the game is such that the chances in the game are not equally favourable to all the players;  
 (c) the nature of the game is such that the chances in it lie between the player and some other person, or (if there are two or more players) lie wholly or partly between the players and some other person, and those chances are not as favourable to the player or players as they are to that other person...."

**GAMING ACT 1968 SEC 13**  
 "(1) Subject to the next following subsection, no gaming to which this Part of this Act applies shall take place where any one or more of the conditions specified in section 2(1) of this Act are fulfilled.  
 (2) Regulations made under this section may provide that the proceeding subsection shall not have effect in relation to any gaming if the game played is of a kind specified in the regulations and is so played as to comply with such conditions (if any) as may be prescribed by the regulations in relation to that kind of game.

### Contravention of regulations an offence

**NATIONAL LOTTERY ETC. ACT 1993 SEC 13**  
 "(1) If any requirement or restriction imposed by regulations made under section 12 is contravened in relation to the promotion of a lottery that forms part of the National Lottery -  
 (a) the promoter of the lottery shall be guilty of an offence, except if the contravention occurred without the consent or connivance of the promoter and the promoter exercised all due diligence to prevent such a contravention,  
 (b) any director, manager, secretary or other similar officer of the promoter, or any person purporting to act in such a capacity, shall be guilty of an offence if he consented to or connived at the contravention or if the contravention was attributable to any neglect on his part, and  
 (c) any other person who was party to the contravention....."

### False representations as to the National Lottery

**NATIONAL LOTTERY ETC. ACT 1993 SEC 16**  
 "(1) If a person advertising or offering the opportunity to participate in, a lottery, competition or game of another description gives, by whatever means, a false indication that it is a lottery forming part of, or is otherwise connected with, the National Lottery,....."

## 75 Betting, Gaming and Lotteries Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A syndicate is reported for accepting bets unlawfully.*

*One crime (class 75).*

\* **Finished Incident:** see also general rules section E.

*A club owner is reported for unlawfully allowing betting on three premises*

(i) *all premises reported at once.*

*One crime (class 75).*

(ii) *premises reported separately.*

*Three crimes (class 75).*



## 76 Aiding and Abetting Suicide Classification

76

Suicide (aiding, abetting etc.)

Suicide Act 1961 Sec 2(1)

### **Criminal Liability for Complicity in Another's Suicide: Legal Definition**

SUICIDAL ACT 1961 SEC 2(1)

"A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide....."

### **Abolition of 'Year and a Day' Rule**

The Law Reform 'Year and a Day Rule' Act 1996 abolished this rule for aiding and abetting suicide in 1996. This means that such a crime can be recorded even if the suicide victim dies more than a year afterwards

Home Office Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

## 76      Aiding and Abetting Suicide Counting Rules

### GENERAL RULE:      ONE CRIME FOR EACH PERSON AIDED

*A person is reported for having aided three people's suicides.*      *Three crimes (class 76).*

*A aids B's unsuccessful attempt at suicide*      *One crime (class 76).*

\*      The 'year and a day' rule (see opposite) has been abolished.

*A aids B's suicide, but B does not die until 15 months later.*      *One crime (class 76).*

## 78 Immigration Acts Classification (page 1 of 2)

78/1	Knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the UK of anyone whom he knows or has reasonable cause for believing to be an illegal entrant.	Immigration Act 1971 Sec 25(1)(a) as amended by Asylum & Immigration Act 1996 Sec 5
78/2	Knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the UK of anyone whom he knows or has reasonable cause for believing to be an asylum claimant.	Immigration Act 1971 Sec 25(1)(b) as added by Asylum & Immigration Act 1996 S.5
78/3	Knowingly concerned in making or carrying out arrangements for securing or facilitating the obtaining of leave to remain in the UK by means which he knows or has reasonable cause for believing to include deception.	Immigration Act 1971 Sec 25(1)(c) as added by Asylum & Immigration Act 1996 S.5
78/4	Non British Citizen, by means including deception, obtains or seeks to obtain leave to enter or remain in the UK or, postponement, avoidance or revocation of enforcement action against him.	Immigration Act 1971 Sec 24A as added by Immigration and Asylum Act 1999 Sec 23
78/5	Person who provides immigration advice or services in contravention of Sec 79 (provision of immigration services) or of restraining order.	Immigration and Asylum Act 1999 Sec 86(1)
78/6	Person knowingly or recklessly discloses information obtained under 88(2).	Immigration and Asylum Act 1999 Sec 88
78/7	Obtain benefits or advantage for himself or anyone else by making dishonest representations.	Immigration and Asylum Act 1999 Sec 102(1), (2)
78/8	Disclosure by certain persons employed at detention centres or in accordance with escort arrangement, of information relating to detained persons.	Immigration and Asylum Act 1999 Sec 153(1), (2)
78/9	Assisting a detained person to escape.	Immigration and Asylum Act 1999 Sch 11 para 4
78/10	Assisting unlawful immigration to member state	Immigration Act 1971 S25(4-6) as amended by Nationality, Immigration & Asylum Act 2002 Sec. 143 (was offence 194/11 and 194/12)
78/11	Helping asylum seeker to enter UK	Immigration Act 1971 S25A (4) as amended by Nationality, Immigration & Asylum Act 2002 Sec. 143
78/12	Assisting entry to UK in breach of deportation order	Immigration Act 1971 S25A (4) as amended by Nationality, Immigration & Asylum Act 2002 Sec. 143
78/13	Trafficking in prostitution	Nationality, Immigration & Asylum Act 2002 Sec. 145

### Assisting illegal entry, and harbouring: Legal Definition

#### IMMIGRATION ACT 1971 SEC 25(1)

"Any person knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the United Kingdom of anyone whom he knows or has reasonable cause for believing to be an illegal immigrant....."

## 78 Immigration Acts Counting Rules (page 1 of 2)

GENERAL RULE: ONE CRIME FOR EACH ILLEGAL ENTRANT, ASYLUM SEEKER ETC. ASSISTED.

*A network of people are discovered by the police to have assisted twenty illegal entrants into the country.*

*Twenty crimes (class 78).*

\* Crimes dealt with by other agencies: see also general rules section A.

*Immigration officials take action against five people who have provided assistance to the entrants. The police merely provide PNC information*

*Do not count.*

*An investigation by immigration officials into illegal entrants identifies five people who have provided assistance to the entrants. They are handed over to the police to take action.*

*Five crimes (class 78).*

## 78 Immigration Acts Classification (page 2 of 2)

78/14	Registration Card (makes/uses or attempts to use a false registration card; alters or attempts to use, a registration card; makes article designed to be used in making false registration card or altering card)	Immigration Act 1971 Sec 26A (3)(a)(b)(d)(e)(f)(g) & 5 as added by Nationality, Immigration & Asylum Act 2002 Sec. 148
78/15	Registration Card (has false registration card in possession, has article within para (f) or (g) in possession without reasonable excuse)	Immigration Act 1971 Sec 26A (3)(c)(h)& 6 as added by Nationality, Immigration & Asylum Act 2002 Sec. 148
78/16	Possession of Immigration Stamp	Immigration Act 1971 Sec 26B as added by Nationality, Immigration & Asylum Act 2002 Sec 149

## 78 Immigration Acts Counting Rules (page 2 of 2)

GENERAL RULE: ONE CRIME FOR EACH ILLEGAL ENTRANT, ASYLUM SEEKER ETC.  
ASSISTED.

SEE EXAMPLES ON PAGE 1 OF 2

## 79 Attempting to Pervert the Course of Public Justice Classification

79/1	Attempting to Pervert the Course of Public Justice (Fabrication of false evidence, cause person to be wrongly convicted, interference with witness, other than in 79/2 & 79/3 below).	) ) ) Common Law ) )
79/2	Intimidating a juror or witness or person assisting in investigation of offence.	Criminal Justice & Public Order Act 1994, Sec. 51(1).
79/3	Harming or threatening to harm a witness, juror or person assisting in investigation.	Criminal Justice & Public Order Act 1994, Sec. 51(2)
79/4	Intimidating or intending to intimidate a witness	Criminal Justice & Police Act 2001 S.39
79/5	Harming or threatening to harm a witness	Criminal Justice & Police Act 2001 S.40

### Intimidation of Witnesses, Jurors and Others: Legal Definition

CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 SEC 5(1)

"A person who does to another person -

(a) an act which intimidates, and is intended to intimidate, that other person;

(b) knowing or believing that the other person is assisting in the investigation of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence; and

(c) intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with, commits an offence."

### Harming of Witnesses, Jurors and Others: Legal Definition

CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994 SEC 5(2)

"A person who does or threatens to do to another person -

(a) an act which harms or would harm, and is intended to harm, that other person;

(b) knowing or believing that the other person, or some other person, has assisted in an investigation into an offence or has given evidence or particular evidence in proceedings for an offence, or has acted as a juror or concurred in a particular verdict in proceedings for an offence; and

(c) does or threatens to do the act because of what (within paragraph (b)) he knows or believes, commits an offence."

# 79 Attempting to Pervert the Course of Public Justice

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A person intimidates several witnesses into not testifying in a court case* One crime (class 79).

*A person tampers with evidence in order to mislead the court.* One crime (class 79).

\* **Finished Incident:** see also general rules section E.

*A key witness to a court case reports for the first time being intimidated into not testifying. The offender is bailed and then the witness reports that he has resumed the intimidation.* Two crimes (class 79).

\* If a crime of perverting the course of justice results in a witness or juror being injured, count one crime of perverting the course of justice (class 79), which is victimless, plus one crime of violence against the person.

*A witness is intentionally injured in the course of being intimidated into not testifying* One crime of perverting the course of public justice (class 79) plus one appropriate crime of violence against the person.



# 80 Absconding from Lawful Custody

## 83 Bail Offences

### Classification

80	Absconding from lawful custody	Common Law
83/2	Agreeing to indemnify sureties in criminal proceedings	Bail Act 1976 Sec 9

#### Absconding from Lawful Custody: Definition for Recorded Crime

Absconding from lawful custody is any absconding once an arrest has been made.

For the purpose of crime recording, lawful custody includes police custody and persons detained under parts 2 & 3 of the Mental Health Act 1983 (Mental Health Act 1983 Sec 137). Absconding from privatised escort and custody services should also be included for recorded crime purposes. Any crime of escaping or absconding that contravenes prison rules should not be counted.

#### Absconding by Person Released on Bail: Exclusion from Notifiable Offences

##### BAIL ACT 1976 SECTION 6

Although this crime is given a Home Office sub-classification of 83/1, it is considered to be a summary offence and is not notifiable.

#### Agreeing to Indemnify Sureties in Criminal Proceedings: Legal Definition

##### BAIL ACT 1976 SECTION 9

“(1) If a person agrees with another to indemnify that other against any liability which that other may incur as a surety to secure the surrender to custody of a person accused or convicted of or under arrest for an offence, he and that other person shall be guilty of an offence.

(2) An offence under subsection (1) above is committed whether the agreement is made before or after the person to be indemnified becomes a surety and whether or not he becomes a surety and whether the agreement contemplates compensation in money or in money's worth.....”

# 80 Absconding from Lawful Custody

## 83 Bail Offences

### Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*Three members of a group abscond at the same time from lawful custody.* One crime (class 80).

\* Crimes dealt with by Other Agencies: see also general rules section A.

*A prisoner absconds but is apprehended by prison staff. The local police provide temporary custody facilities but no other assistance in the incident.* Do not count.

\* Principal Crime: see also general rules section F & end page of chapter.

*A person commits criminal damage to a cell in absconding from police custody.* One crime of absconding (class 80).

*Having been arrested, a person absconds, assaulting a constable in the process.* One crime of absconding (class 80) and one of assault on a constable (class 104). (The victims are different: one is the police force, the other the police officer).

\* Crimes in More Than One Force: see also general rules section G.

*A surety for a person appearing before a court in one force area is indemnified in a second force area.* One crime of indemnifying surety (class 83) in the second force area.

# 81 Other Firearms Offences

## Classification (1 of 2)

81/3	Possessing etc. firearms or ammunition without firearm certificate (Group I - see class 8B classification page for definition)	Firearms Act 1968 Sec 1(1) (Group I) as amended by Criminal Justice & Public Order Act 1994, Sec. 157 Sch. 8 part III
81/4	Possessing etc. shotgun without certificate (Group II - see class 8B classification page for definition)	Firearms Act 1968 Sec 2(1) (Group II) as amended by Criminal Justice & Public Order Act 1994, Sec. 157 Sch. 8 part III
81/7	Trading in firearms without being registered as a firearms dealer (Group I)	) )Firearms Act 1968 Sec 3(1) as amended by the
81/8	Trading in firearms without being registered as a firearms dealer (Group II)	)Criminal Justice and Public Order Act 1994, Sec 157 )Sch. 8 part III )
81/9	Selling etc., firearm to person without a certificate (Group I).	) )Firearms Act 1968 Sec 3(2) as amended by the
81/10	Selling etc., firearm to person without a certificate (Group II).	)Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III. )
81/11	Repairing, testing etc. firearm for person without a certificate (Group I)	) )Firearms Act 1968 Sec. 3(3) as amended by the
81/12	Repairing, testing etc. firearm for person without a certificate (Group II)	)Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III )
81/13	Falsifying certificate etc. with view to acquisition of firearm (Group I)	) )Firearms Act 1968 Sec. 3(5) as amended by the
81/14	Falsifying certificates etc. with view to acquisition of firearm (Group II)	)Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III. )
81/15	Shortening a shot gun or other smooth bore gun (Group I).	Firearms Act 1968 Sec. 4(1) as amended by the Criminal Justice and Public Order Act 1994, Sec 157 Sch. 8 part III.
81/16	Conversion of firearms (Group I).	Firearms Act 1968 Sec. 4(3) as amended by the Criminal Justice and Public Order Act 1994, Sec 157 Sch. 8 part III.
81/17	Possessing or distributing prohibited weapons or ammunition (Group I)	Firearms Act 1968 Sec. 5(1) as amended by the Criminal Justice and Public Order Act 1994, Sec 157 Sch. 8 part III.
81/26	Carrying loaded firearm or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm in a public place etc (Group I)	) ) ) )Firearms Act 1968 Sec. 19 as amended by the
81/27	Carrying loaded firearm or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm in a public place etc (Group II)	)Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III ) ) )

# 81 Other Firearms Offences

## Classification (2 of 2)

81/29	Trespassing with firearm or imitation firearm in a building (Group I)	) )Firearms Act 1968 Sec. 20(1) as amended by the )Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III )
81/30	Trespassing with firearm or imitation firearm in a building (Group II)	)
81/35	Possession of firearms by persons previously convicted of crime (Group I)	) )
81/36	Possession of firearms by persons previously convicted of crime (Group II)	)Firearms Act 1968 Sec. 21(4) as amended by the )Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III )
81/37	Possession of firearms by persons previously convicted of crime (Group III)	) )
81/38	Supplying firearms to person denied them under Section 21 (Group I)	) )
81/39	Supplying firearms to person denied them under Section 21 (Group II)	)Firearms Act 1968 Sec. 21(5) as amended by the )Criminal Justice and Public Order Act 1994, )Sec 157 Sch. 8 part III )
81/40	Supplying firearms to person denied them under Section 21 (Group III)	) )
81/42	Failure to transfer firearms or ammunition in person (Group I)	Firearms (Amendment) Act 1997 Sec 32 & 36(a)(i)(ii)
81/43	Failure to give notice in writing to the Chief Officer of Police of transfers involving firearms. (Group I)	Firearms (Amendment) Act 1997 Sec 33 & 36(a)(i)(ii)
81/44	Failure by certificate holder to notify in writing Chief Officer of Police of deactivation, destruction or loss of firearms or ammunition (Group I)	Firearms (Amendment) Act 1997 Sec 34 & 36(a)(i)(ii)
81/45	Failure by certificate holder to notify in writing Chief Officer of Police of events taking place outside Great Britain involving firearms and ammunition (sold or otherwise disposed of, lost etc.)(Group I)	Firearms (Amendment) Act 1997 Sec 35 & 36(a)(i)(ii)
81/69	Failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer: failure to report transaction to police (Group I)	Firearms Act 1968 Sec. 42 as amended by the Criminal Justice and Public Order Act 1994, Sec 157 Sch. 8 part III

## 90 Other Knives Offences Classification

90/1	Unlawful marketing of knives, selling or hiring	Knives Act 1997 Sec 1(1)(2)(3)(4a)(5)
90/2	Unlawful marketing of knives. Offers or exposes to sell or hire	Knives Act 1997 Sec 1(1)(2)(3)(4b)(5)
90/3	Unlawful marketing of knives- has in possession for purpose of sale or hire	Knives Act 1997 Sec 1(1)(2)(3)(4c)(5)
90/4	Publication of any written, pictorial or other material in connection with the marketing of any knife - the material suggesting/indicating knife suitable for combat	Knives Act 1997 Sec 2(1)(a)
90/5	Publication of any written, pictorial or other material in connection with the marketing of any knife - the material is otherwise likely to stimulate/encourage violent behaviour involving use of the knife as a weapon	Knives Act 1997 Sec 2(1)(b)

# 81 Other Firearms Offences

# 90 Other Knives Offences

## Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OFFENDER

*A person is reported to the police for the first time for committing a variety of Firearms Act offences.* One crime (class 81).

- \* **Supply, Marketing and Repair Offences:** count one crime for each offender or group of offenders.

*A syndicate is reported for the first time selling firearms without a certificate.* One crime (class 81).

*A company is reported for illegally publishing material about the sale of combat knives.* One crime (class 90).

- \* **Finished Incident:** see also general rules section E.

*A person is bailed for unlicensed possession of a firearm. He is subsequently reported for the same crime.* Two crimes (class 81); one for original crime, plus the one committed on bail.

## 82 Customs & Excise and Inland Revenue Offences Classification

82/2	(	VAT Offences	Value Added Tax Act 1994 Sec 72(1), (3) & (8).
	(	Car Tax Act offences	Car Tax Act 1983 Schedule 1 paras 8(1) & 8(2)
	(	Unlawful use of duty-free oil	Hydrocarbon Oil Duties Act 1979 Secs 10(5,6)
82/2	(	Misuse of rebated heavy oil	Hydrocarbon Oil Duties Act 1979 Secs 13(3,4)
	(	Misuse of rebated light oil	Hydrocarbon Oil Duties Act 1979 Secs 14(6,7)
	(	Untrue declarations etc.	Customs & Excise Management Act 1979 Sec
	(	to Customs & Excise	167(1)

### VAT Offences: Legal Definition

VALUE ADDED TAX ACT 1994 SECTION 72(1),(3) & (8)

"(1) If any person knowingly concerned in, or in taking of steps with a view to, the fraudulent evasion of VAT by him or any other person,...."

"(3) If any person -

(a) with intent to deceive produces, furnishes or sends for the purposes of this Act or otherwise makes use for those purposes of any document which is false in a material particular; or

(b) in furnishing any information for the purposes of this Act makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular....."

"(8) Where a person's conduct during any specified period must have involved the commission by him of one or more offences under the preceding provisions of this section, then, whether or not the particulars of that offence or those offences are known, ....."

### Untrue Declarations etc. to Customs & Excise: Legal Definition

CUSTOMS & EXCISE MANAGEMENT ACT 1979 SECTION 167(1)

"If any person either knowingly or recklessly:

(a) makes or signs, or causes to be made or signed, or delivers or causes to be delivered to the Commissioners [of Customs & Excise] or an officer, any declaration, notice, certificate or other document whatsoever; or

(b) makes any statement in answer to any question put to him by an officer which he is required by or under any enactment to answer,

being a document or statement produced or made for any purpose of any assigned matter, he shall be guilty of an offence ..."

## 84 Trade Descriptions Offences Classification

84/1	False trade descriptions	Trade Descriptions Act 1968 Sec 1
84/2	False or misleading indications as to price of goods and contravening regulations regarding price of goods	Consumer Protection Act 1987 Secs 20 (1-2) & 26(3)(g)
84/3	False or misleading statements as to services etc.	Trade Description Act 1968 Sec 14.
84/4	Misleading advertisements	Fair Trading Act 1973 Secs 22 & 23
84/5	Price regulation, price marking and price range notices. Restriction on disclosure of information	Prices Act 1974 Secs 2, 4 & 5 and Schedule (Sec 7) Paras 5(1) & 12(3)
84/6	Furnishing false information in response to notice, or to enforcement officer	Consumer Protection Act 1987 Secs 18(3)(b) & 32(2)
84/7	Disclosing restricted information	Consumer Protection Act 1987 Sec 38
84/8	Offences triable either way. Unauthorised use of Trade Mark etc. in relation to goods; Falsification of Register etc.	Trade Marks Act 1994 Secs. 92 & 94.
84/9	Offences triable either way. Makes for sale or hire, imports, possesses or distributes articles which infringes the copyright. Makes, imports or distributes illicit recordings	Copyright, Designs and Patents Act 1988 Sec 107 (1)a, b, d(iv) & e and Sec 198 (1)a, b & d(iii)
84/10	Triable either way offences	Copyright, Designs and Patents Act 1988 (except sections included in 84/9)

### Trade Description: Legal Definition

#### TRADE DESCRIPTIONS ACT 1968 SECTION 2

"(1) A trade description is an indication direct or indirect, and by whatever means given, of any of the following matters with respect to any goods or parts of goods, that is to say-

- (a) quantity, size or gauge;
- (b) method of manufacture, production, processing or reconditioning;
- (c) composition;
- (d) fitness for purpose, strength, performance or accuracy;
- (e) any physical characteristics not included in the preceding paragraphs;
- (f) testing by any person and results thereof;
- (g) approval by any person or conformity with a type approved by any person;
- (h) place, or date of manufacture, productions, processing or reconditioning;
- (i) person by whom manufactured, produced, processed or reconditioned;
- (j) other history, including previous ownership or use....."

### Criminal Liability for Making or Dealing with Infringing Articles, etc.: Legal Definition

#### COPYRIGHT, DESIGNS AND PATENTS ACT 1988 SECTION 107(1)a, b, d(iv) and e

"(1) A person commits an offence who, without the licence of the copyright owner-

- (a) makes for sale or hire, or
- (b) imports into the UK otherwise than for his private and domestic use, or.....
- (d) in the course of a business.....
- (iv) distributes, or
- (e) distributes otherwise than in the course of a business to such an extent as to affect prejudicially the owner of the copyright, an article which is, and which he knows or has reason to believe is, an infringing copy of a copyright work



## 85 Health and Safety at Work Offences Classification

85/1	Neglect of safety at work	Health and Safety at Work etc. Act 1974 Secs 2 to 9, 33(1)(a), 33(1)(b) and 33(3)
85/2	Contravene improvement or prohibition notice. Contravene requirement of inspector under Section 25	Health and Safety at Work etc. Act 1974 Secs 21 to 24, 33(1)(g) and 33(3) Health and Safety at Work etc. Act 1974 Secs 25, 33(1)(e) and 33(3)
85/3	Offences relating to information notices	Health and Safety at Work etc. Act 1974 Secs 27, 28, 33(1)(i), 33(1)(j) and 33(3)
85/4	False statements, false entries in records and forgery	Health and Safety at Work etc. Act 1974 Secs 33(1)(k), 33(1)(l), 33(1)(m) and 33(3)
85/5	Offences under health and safety regulations or other Acts with penalty under Section 33(3). Health and Safety at Work etc. Act 1974 Contravene order under Section 42	Health and Safety at Work etc. Act 1974 Secs 33(1)(c) and 33(3)  Health and Safety at Work etc. Act 1974 Secs 42, 33(1)(o) and 33(3)

### Offences: Legal Definition

#### HEALTH AND SAFETY AT WORK ETC. ACT 1974 SECTION 33(1)a, b, c, e, g, i & j

"(1) It is an offence for a person-

- (a) to fail to discharge a duty to which he is subject by virtue of sections 2 to 7;
- (b) to contravene section 8 or 9;
- (c) to contravene any health and safety regulations or any requirement or prohibition imposed under any such regulations (including any requirement or prohibition to which he is subject to by virtue of the terms of or any condition or restriction attached to any licence, approval, exemption or other authority issued, given or granted under the regulations);
- (e) to contravene any requirement imposed by an inspector under section 20 or 25;
- (g) to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice (including any such notice as modified on appeal);
- (i) to contravene any requirement imposed by a notice under section 27(1);
- (j) to use or disclose any information in contravention of section 27(4) or 28;

### Offences: Legal Definition (cont.)

#### HEALTH AND SAFETY AT WORK ETC. ACT 1974 SEC 33(1) k, l, m & o

- (k) to make statement which he knows to be false or recklessly to make a statement which is false where the statement is made-
  - (i) in purported compliance with a requirement to furnish any information imposed by or under any of the relevant statutory provisions; or
  - (ii) for the purpose of obtaining the issue of a document under any of the relevant statutory provisions to himself or another person;
- (l) intentionally to make a false entry in any register, book, notice or other document required by or under any of the relevant statutory provisions to be kept, served or given or, with intent to deceive, to make use of any such entry which he knows to be false;
- (m) with intent to deceive, to use a document issued or authorised to be issued under any of the relevant statutory provisions or required for any purpose thereunder or to make or have in his possession a document so closely resembling any such document as to be calculated to deceive;
- (o) to fail to comply with an order made by a court under section 42."

# 82 Customs & Excise and Inland Revenue Offences

## 84 Trade Descriptions Offences

## 85 Health and Safety at Work Offences

### Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

\* Crimes dealt with by Other Agencies: see also general rules section I.

*A person is reported for Customs offences, which are investigated by Customs officials. The police merely provide PNC information.*

*Do not count.*

*In investigating a company fraud (already recorded), the police discover several contraventions of the Health and Safety at Work Act by the company*

(i) *The police deal with them*

*One crime (class 85).*

(ii) *The police refer them to local health and safety officials.*

*Do not count.*

*Custom & Excise give the police a list of people they have prosecuted for Customs offences. The police have taken no part in the investigations.*

*Do not count.*

*A person is reported to the local trading standards officer for various trade descriptions contraventions. A police officer accompanies the officer to make an arrest.*

*One crime (class 84).*

## 86 Obscene Publications, etc. and Protected Sexual Material Classification

86/1	Possessing obscene material for gain	Obscene Publications Act 1959 Sec 2 as amended by the Obscene Publications Act 1964 Sec 1
86/2	Take or to make indecent photographs or pseudo- photographs, of children	Protection of Children Act 1978 Secs 1 & 6 as amended by the Criminal Justice & Public Order Act 1994 Sec 84
86/3	Indecent matter publicly displayed	Indecent Displays (Control) Act 1981 Secs 1 & 5
86/4	Supplying video recording of unclassified work.	Video Recordings Act 1984 Sec 9 as amended by the Criminal Justice and Public Order Act 1994 Sec 88(2)
86/5	Possess video recording of unclassified work for the purpose of supply	Video Recordings Act 1984 Sec 10 as amended by the Criminal Justice and Public Order Act 1994 Sec 88(3)
86/6	Defendant has protected material, or copy of it, in possession otherwise than while inspecting it etc.	Sexual Offences (Protected Material) Act 1997 Sec 8(1)(a)
86/7	Defendant gives, or reveals, protected material, or copy of it, to any other person	Sexual Offences (Protected Material) Act 1997 Sec 8(1)(b)
86/8	Person who has been given, or shown protected material, gives a copy or otherwise to any person other than the defendant	Sexual Offences (Protected Material) Act 1997 Sec 8(2)(a)
86/9	Person who has been given, or shown, protected material, gives a copy or otherwise to the defendant when not supposed to	Sexual Offences (Protected Material) Act 1997 Sec 8(2)(b)
86/10	Possession of an indecent or pseudo indecent photo of a child	Criminal Justice Act 1988 Sec 160 amended by Criminal Justice & Court Services Act 2000 Sec 38

### Indecent Photographs of Children: Legal Definition

#### PROTECTION OF CHILDREN ACT 1978 SECTION 1

"(1) It is an offence for a person-

- (a) to take, or permit to be taken or to make, any indecent photograph or pseudo-photograph of a child; or
- (b) to distribute or show such indecent photographs or pseudo-photographs; or
- (c) to have in his possession such indecent photographs or pseudo-photographs, with a view to their being distributed or shown by himself or others; or
- (d) to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo- photographs, or intends to do so."

### Possession & Supply of Video Recording of Unclassified Work: Legal Definition

#### VIDEO RECORDINGS ACT 1984 SECTIONS 9,10

"9(1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence unless-

- (a) the supply is, or would if it took place be, an exempted supply, or
- (b) the video work is an exempted work....."

"10(1) Where a video recording contains a video work in respect of which no classification certificate has been issued, a person who has the recording in his possession for the purposes of supplying it is guilty of an offence unless-

- (a) he has it in his possession for the purpose only of a supply which, if it took place, would be an exempted supply; or
- (b) the video work is an exempted work....."

## 86      Obscene Publications, etc. and Protected Sexual Material Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

*A group of people reported for the first time, for collectively marketing obscene publications and videos.*

*One crime (class 86).*

\*      Finished Incident: see also general rules section E.

*A photographer is reported for the first time for taking indecent photos of children. While on bail for this crime, he is then reported for taking further such photos.*

*Two crimes: one for the original crime and one for the further crime committed on bail.*

\*      Principal Crime: see also general rules section F & end page of chapter. Any violent or sexual offence takes precedence over obscene publications offences, and the number of victims rather than the number of offenders are counted.

*A person is reported for taking indecent photos and committing an act of gross indecency with a child*

*One crime of gross indecency with a child (class 74).*

## 87 Protection from Eviction Classification

87/1	Unlawful eviction of Occupier	Protection from Eviction Act 1977 Sec. 1(2)
87/2	Unlawful harassment of Occupier	Protection from Eviction Act 1977 Sec. 1(3)

### Unlawful Eviction and Harassment: Legal Definition

#### PROTECTION FROM EVICTION ACT 1977 SECTION 1(2) & 1(3)

“(2) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof, or attempts to do so, he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises.

(3) If any person with intent to cause the residential occupier of any premises-

- (a) to give up the occupation of the premises or any part thereof; or
- (b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

does acts likely to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence,.....”

## 87 Protection from Eviction Counting Rules

**GENERAL RULE:** ONE CRIME FOR EACH OCCUPIER OR GROUP OF OCCUPIERS (OF THE SAME PREMISES)

*The occupants of five flats in a block report being unlawfully evicted from their homes by their landlord. Police inquiries reveal that attempts have been made by the landlord to evict the occupants of the other three flats in the block.*

*Eight crimes (class 87).*

» **Finished Incident:** see also general rules section E.

*An attempt is made to illegally evict the occupants of a premises. The offender is cautioned, but a further attempt is then made.*

*Two crimes (class 87).*

» **Principal Crime:** see also general rules section F & end page of chapter.

*The occupier of a house suffers ABH while being illegally evicted.*

*One crime of wounding (class 8).*

## 89      Adulteration of Food Classification

89/1	General protection of the public against injurious food and drug products	Food Safety Act 1990 Secs 6(4), 13(1), 48(1) and, Regulations or Orders made under this Act
89/4	Rendering food injurious to health	Food Safety Act 1990 Sec 7
89/5	Selling food not complying with food safety requirements	Food Safety Act 1990 Sec 8
89/6	Selling food not of the nature or substance or quality demanded	Food Safety Act 1990 Sec 14
89/7	Falsely describing or presenting food	Food Safety Act 1990 Sec 15
89/8	Obstruction etc. of officers; furnishing false information	Food Safety Act 1990 Sec 33(2)

### Rendering Food Injurious to Health; Legal Definition

#### FOOD SAFETY ACT 1990 SECTION 7(1)

"Any person who renders any food injurious to health by means of any of the following operations, namely-

- (a) adding any article or substance to the food;
- (b) using any article or substance as an ingredient in the preparation of the food;
- (c) abstracting any constituent from the food; and
- (d) subjecting the food to any other process or treatment,

with intent that it shall be sold for human consumption,....."

# 91 Public Health Classification (1 of 4)

91/1	Public Health Offences as related to food and drugs	Food Safety Act 1990 Secs 7, 8, 14, 15 and Regulations & Orders made under Secs 6(4), 13(1), 48(1)
91/2	Hygiene offences in connection with sale etc. of food to the public	Food Safety (General Food Hygiene) Regulations 1995
91/7	Carrying on a process without authority or not complying with conditions of granted authority.	Environmental Protection Act 1990 Sec 23(1)(a)
91/8	Transfer of authorisation, failing to notify authority	Environmental Protection Act 1990 Sec 23(1)(b)
91/9	Failing to comply with or contravening any enforcement or prohibition notice.	Environmental Protection Act 1990 Sec 23 (1)(c)
91/10	Failing without reasonable excuse to provide any information required by an authority in a notice under Sec 19(2)	Environmental Protection Act 1990 Sec 23(1)(g)
91/11	Making a statement known to be materially false or misleading or recklessly making a statement which is materially false or misleading in compliance with a requirement under Part I of The Act or in order to obtain authorisation or variation of authorisation for oneself or any other person.	Environmental Protection Act 1990 Sec 23(1)(h)
91/12	Intentionally making a false entry in any record required under Sec 7	Environmental Protection Act 1990 Sec 23(1)(i)
91/13	Intentionally deceiving by forgery or using a document issued under Sec 7	Environmental Protection Act 1990 Sec 23(1)(j)
91/14	Failing to comply with an order issued under Sec 26	Environmental Protection Act 1990 Sec 23(1)(l)
91/15	Depositing, causing the deposition or permitting the deposition treating, keeping or disposing of controlled (but not special) waste in or on land without a licence	Environmental Protection Act 1990 Sec 33(8)
91/16	Depositing, causing the deposition or permitting the deposition of controlled <u>special</u> waste in or on land without a licence.	Environmental Protection Act 1990 Sec 33(9)
91/17	Handling, controlling or transferring controlled waste without taking reasonable measures. Failing to comply with the Secretary of State's requirements	Environmental Protection Act 1990 Sec 34
91/18	Licence-holder failing to comply with requirements of Waste Regulating Authority, otherwise than in relation to special waste, when suspending a licence to deal with or avert pollution or harm	Environmental Protection Act 1990 Sec 38(10)



# 91 Public Health Classification (2 of 4)

91/19	Licence-holder failing to comply with requirements of Waste Regulating Authority, in relation to special waste, when suspending a licence to deal with or avert pollution or harm	Environmental Protection Act 1990 Sec 38(11)
91/20	Making a false statement in an application concerning a licence.	Environmental Protection Act 1990 Sec 44
91/21	Contravening regulations made under sec 62 controlling special waste	Environmental Protection Act 1990 Sec. 62
91/22	Depositing waste (not controlled waste) in an area prescribed by the Secretary of State	Environmental Protection Act 1990 Sec. 63
91/25	Importing, acquiring, keeping releasing or marketing any genetically modified organisms without carrying out a risk assessment and giving prescribed notice and information to the Secretary of State	Environmental Protection Act 1990 Sec 118(1)(a)(b)
91/26	Importing or acquiring, releasing or marketing any genetically modified organisms in certain cases or circumstances or without consent. Failing to dispose of organisms quickly and safely when required.	Environmental Protection Act 1990 Sec 118(1)(c)
91/27	Failing to identify risks of importing or acquiring genetically modified organisms, importing or acquiring modified organisms despite the risks, not taking all reasonable steps to prevent risk of damage to the environment as a result of keeping modified organisms. Releasing or marketing modified organisms without regard to the risks of damage to the environment	Environmental Protection Act 1990 Sec 118(1)(d)
91/28	Failing to keep a record of a risk assessment or failing to give the Secretary of State further information	Environmental Protection Act 1990 Sec 118(1)(e)
91/29	Contravening a prohibition notice	Environmental Protection Act 1990 Sec 118(1)(f)
91/30	Obstructing an inspector where he believes imminent danger is involved	Environmental Protection Act 1990 Sec 118(1)(g)
91/31	Failing to comply with any requirement to provide relevant information	Environmental Protection Act 1990 Sec 118(1)(k)
91/32	Making a false statement	Environmental Protection Act 1990 Sec 118(1)(l)
91/33	Making a false entry in any required record	Environmental Protection Act 1990 Sec 118(1)(m)

# 91 Public Health Classification (3 of 4)

91/34	Forging, using, making or processing a document purporting to have been issued under Sec 111	Environmental Protection Act 1990 Sec 118(1)(n)
91/35	Contravening regulations made to control the import, use, supply and storage of any specified injurious substance or article	Environmental Protection Act 1990 Sec 140
91/36	Contravening regulations made to prohibit or restrict the import or export of waste	Environmental Protection Act 1990 Sec 141
91/37	Contravening conditions of a waste management licence	Environmental Protection Act 1990 Sec. 33(6)
91/38	Obstructing an inspector exercising his powers to seize, render harmless or take samples from an article or substance believed to be a cause of imminent danger to the environment or serious harm to human health	Environmental Protection Act 1990 Sec 70
91/39	Failing without reasonable excuse to provide any information required by a waste regulation authority or the Secretary of State	Environmental Protection Act 1990 Sec 71 as amended by Environment Act 1995 Sch 19 para 4(2)
91/40	Fail to comply with a notice or fail to furnish information or furnish false information	Control of Pollution Act 1974 Sec 93 as amended by Environment Act 1995 Sch 19 para 1(3)
91/41	Obstructing an authorised person in the execution of his powers under Sec 109	Environment Act 1995 Sec 110(4)(a)
91/42	Failure to comply with Regulations	The Special Waste Regulations 1996
91/43	Restrictions on disclosure of information obtained under Sec 23	Health Act 1999 Sec 24

## Prohibition on Unauthorised or Harmful Deposit, Treatment or Disposal etc. of Waste: Legal definition

### ENVIRONMENTAL PROTECTION ACT 1990 SEC 33

"(1) Subject to subsection (2) & (3) below and, in relation to Scotland, to section 54 below, a person shall not-

(a) deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence;

(b) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of-

(i) in or on any land, or

(ii) by means of any mobile plant,

except under and in accordance with a waste management licence;

(c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health....."

# 91 Public Health Classification (4 of 4)

91/44	Publishes, or causes to be published, a tobacco advertisement	Tobacco Advertising & Promotion Act 2002 Secs 2(a), 16(2)
91/45	Prints, devises or distributes in UK a tobacco advertisement	Tobacco Advertising & Promotion Act 2002 Secs 2(b), 16(2)
91/46	Any person who, from commissioning to selling a tobacco advertisement in newspaper, periodicals etc, commits an offence	Tobacco Advertising & Promotion Act 2002 Secs 3, 16(2)
91/47	It is an offence to display tobacco products if display does not comply with any requirements as may be specified in Regulations made under this section	Tobacco Advertising & Promotion Act 2002 Secs 8, 16(2)
91/48	Gives, or causes or permits, any product or coupon away to the public in the UK which promotes a tobacco product	Tobacco Advertising & Promotion Act 2002 Secs 9, 16(2)
91/49	Prohibition of any sponsorship promoting a tobacco product	Tobacco Advertising & Promotion Act 2002 Secs 10, 16(2)
91/50	Prohibition of brandsharing/brandstretching - Regulations made under this section	Tobacco Advertising & Promotion Act 2002 Secs 11, 16(2)

## 94 Town and Country Planning Classification

94/1	Non compliance with enforcement notice	Town and Country Planning Act 1990 Sec 179
94/2	Contravention of stop notice	Town and Country Planning Act 1990 Sec 187
94/3	Contravention of discontinuance of use etc. order	Town and Country Planning Act 1990 Sec 189
94/4	Procuring a certificate using false or misleading information or withholding information	Town and Country Planning Act 1990 Sec 194
94/5	Discloses information obtained while on land as to manufacturing process or trade secrets	Town and Country Planning Act 1990 Sec 196C(5)
94/6	Contravening tree preservation order	Town and Country Planning Act 1990 Sec 210(1-3)
94/7	Triable-either-way offences.	Town and Country Planning Act 1990 Secs 325 and 330
<b>Planning (Listed Buildings and Conservation Areas) Act 1990</b>		
94/8	Failure to comply with conditions of Listed Building consent	Planning (Listed Buildings and Conservation Areas) Act 1990 Sec 9
94/9	Failure to comply with Listed Building enforcement notice.	Planning (Listed Buildings and Conservation Areas) Act 1990 Sec 43
<b>Planning (Hazardous Substances) Act 1990</b>		
94/10	Contravention of hazardous substances control	Planning (Hazardous Substances) Act 1990 Sec 23

# 89      Adulteration of Food

## 91      Public Health

## 94      Town and Country Planning

### Counting Rules

GENERAL RULE:      ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

\*      Crimes dealt with by Other Agencies: see also general rules section I.

*A person is reported for food adulteration offences, and the police transfer the case to a local public health office, without any other assistance in the investigation.*

*Do not count.*

\*      Finished Incident: see also general rules section E.

*In investigating a company fraud (already recorded), the police discover several public health contraventions of the Environmental Protection Act by the company.*

(i)      *The police deal with them.*

*One crime (class 91).*

(ii)      *The police refer them to local public health officials.*

*Do not count.*

\*      Whether to record: see also general rules section A.

*A supermarket receives an anonymous phone call claiming to have poisoned some items of food there. A search reveals no evidence of this.*

*Register a crime related incident report but do not record the crime.*

*As above, but the search reveals a harmless substance placed in the food (with the balance of probabilities that this substance is to give the impression that it is poison).*

*One crime of hoaxes involving noxious substances (class 66).*

## 95 Disclosure, Obstruction, False or Misleading Statements etc Classification

95/1	Person discloses any information in contravention of direction made under Section 18	Anti-terrorism, Crime & Security Act 2001 Sec 18(6)
95/2	Obstruction of an officer in the exercise of a power conferred by a warrant etc	Anti-terrorism, Crime & Security Act 2001 Sec 52
95/3	Knowingly makes false or misleading statements for purpose of obtaining or opposing the variation or withdrawal of authorisation for the purposes of Section 47 and 50	Anti-terrorism, Crime & Security Act 2001 Sec 54
95/4	Occupier fails to comply with any duty or direction imposed on him by or under Part 7; person knowingly or recklessly makes a statement which is false or misleading	Anti-terrorism, Crime & Security Act 2001 Sec 67
95/5	Failure to comply with prohibition imposed by order; engages in an activity knowing or intending that it will enable or facilitate the commission by another person of an offence under para 2 sch 3	Anti-terrorism, Crime & Security Act 2001 Sch 3 paras 2, 3, 7
95/6	Offences of prejudicing an investigation - disclosures likely to prejudice investigation; Falsifies, conceals, destroys or otherwise disposes of etc. documents relevant to investigation	Proceeds of Crime Act 2002 Sec. 342
95/7	If in purported compliance with requirement imposed under a disclosure order, makes or recklessly makes a false or misleading statement	Proceeds of Crime Act 2002 Sec. 359(3)(4)
95/8	Disclosure, Obstruction, False or misleading statements etc.	Financial Services & Markets Act 2000 S.346; 351; 352; 397; 398; Sch.4 p6; sch.13 p11
95/9	Disclosure, Obstruction, False or misleading statements, alters, suppresses or destroys documents	The Enterprise Act 2002 S.106; 107; 114; 170; 196(2)(3)(6); 240; Sch 25
95/10	Falsifies, conceals, destroys, or otherwise disposes of etc. documents he knows or suspects are relevant to investigation by Serious Fraud Office or OFT into offence S. 183	The Enterprise Act 2002 Sec. 196(4)(5)
95/11	Disclosure of information	Tax Credits Act 2002 Sec. 59 & Sch 5
95/12	Financial institution fails to comply with the requirement imposed under customer information order	Proceeds of Crime Act 2002 Sec. 366(3)(4)
95/13	Makes false statements to authorised officer	Tobacco Advertising & Promotions Act 2002 Secs 15(2), 16(2)
125/62	Summary Regulations made under Part 8	Anti-terrorism, Crime & Security Act 2001 Sec.77(2)(d)(3)(b)

## 95 Disclosure, Obstruction, False or Misleading Statements etc Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

# 99 Other Indictable or Triable Either Way Offences Classification (1 of 14)

99/1	Incitement to sedition etc.	Aliens Restriction (Amendment) Act 1919 Sec 3(1)
99/4	Keeping disorderly houses	Disorderly Houses Act 1751 except in so far as it relates to betting and gaming
99/5	Bribery, Treating and undue influence	Representation of the People Act 1983 Secs 113-115
99/6	Impersonation.	Representation of the People Act 1983 Sec 60
99/23	Fraudulent evasion of duty etc.	Customs & Excise Management Act 1979, Secs 50(2)(3), 68(2) & 170(1)(2)
99/24	Prohibitions for the protection of revenue	Betting and Gaming Duties Act 1981
99/28	Offences under Parts I, II & III	Insurance Companies Act, 1982 Sec 14, 71(2) & 81
99/29	Assist offender (Offences triable on indictment only)	Criminal Law Act, 1967 Sec 4(1) in part, (see classification 3(3))
99/30	Assisting offender (offence triable-either-way)	Criminal Law Act, 1967 Sec 4(1) in part
99/32	Unauthorised disclosure of information about a prisoner	Criminal Law Act 1967, Sec 4(1) in part; Criminal Justice & Public Order Act 1994 Sec 14
99/34	Failure to possess a licence or to obey conditions of licence	Activity Centres (Young Persons) Act 1995 Sec 2(1)(a) (against regulations made under the above Section)
99/35	Make a statement to the licensing authority (or someone acting on their behalf) which is false in a material particular	Activity Centres (Young Persons) Act 1995 Sec 2(1)(b) (against regulations made under the above Section)
99/36	Offences relating to chemical weapons	Chemical Weapons Act 1996 (except Secs 2 & 11)
99/37	Offences relating to the Disability Discrimination Act 1995 and Regulations made under it	Disability Discrimination Act 1995 (TEW & Indictable offences)
99/38	Conspiring in the UK to commit offences overseas	Criminal Justice (Terrorism & Conspiracy) Act 1998 Sec 5
99/39	Disqualified person knowingly applies etc. for work in a regulated position.	) ) )Criminal Justice and Court Services Act 2000 Sec 33(1)
99/40	Person knowingly offers a disqualified person work in a regulated position.	)
99/41	Giving false or misleading information.	Nuclear Safeguards Act 2000 Sec 7
99/42	Offences under Secs 3, 4, 5, 8 & 9.	Nuclear Safeguards Act 2000 Sec 3, 4, 5, 8 & 9



## 99 Other Indictable or Triable Either Way Offences Classification (2 of 14)

99/43	Drunkenness in aircraft.	Air Navigation Order 2000 Articles 65, 122 & Sch.12(B)
99/44	TEW offences - Except Article 65	Air Navigation Order 2000 Article 122(6) & Sch. 12(B)
99/45	Regulations made under these sections - Health and Safety	Merchant Shipping (additional safety measures for bulk carriers) Regs 1999 (SI 1644/99)
99/46	Disclosure of information for enforcing warrants	Access to Justice Act 1999 Sec 94
99/47	Restriction on disclosure	Nuclear Safeguards Act 2000 Sec 6
99/48	Carrying out or causing to permit to be carried out, any operation likely to damage part of an area of special scientific interest subject to notification by Nature Conservancy Council	Wildlife & Countryside Act 1981 S.28P as added by Countryside & Rights of Way Act 2000 Sch.9
99/49	Falsely pretending , with intent to deceive, to be a wildlife inspector.	Wildlife & Countryside Act 1981 S.19ZA(8) as added by Countryside & Rights of Way Act 2000 Sch.12
99/50	Contravenes or fails to comply with Direction, or makes a disclosure in contravention of a Direction, made in the interests of national security etc.	Transport Act 2000 S.38(11)
99/51	Provides particulars, or recklessly provides particulars, which he knows are false in a material particular.	Transport Act 2000S. 82(3)(6)
99/52	Contravenes or fails to comply with a Direction, given in times of severe international tension, great national emergency or actual or imminent hostilities.	Transport Act 2000 S.93(7)
99/53	Knowingly gives false information or false statement, in connection with this part of the Act.	Transport Act 2000 S.101
99/54	Prohibition on disclosure of information gained under this Part of the Act..	Transport Act 2000 S.102 Sch.9(5)
99/55	TEW - Regulations made under S.247	Transport Act 2000 S.247(6)(7)(9)
99/56	Unlawful interception of a postal public or private telecommunication scheme	Regulation of Investigatory Powers Act 2000 S.1(1)(2)(7)
99/57	Fail to give effect to an interception warrant	Regulation of Investigatory Powers Act 2000 S.11(4)(7)
99/58	Unlawful disclosure of details of interception warrant	Regulation of Investigatory Powers Act 2000 S.19(4)
99/59	Fail to disclose key to protected information	Regulation of Investigatory Powers Act 2000 S.53
99/60	Disclose details of Sec. 49 notice	Regulation of Investigatory Powers Act 2000 S.54

# 99 Other Indictable or Triable Either Way Offences Classification (3 of 14)

99/61	Triable either way offences	Political Parties, Elections and Referendums Act 2000
99/62	Triable either way offences Offences made under these regulations	BSE Regulations BSE Monitoring (England) regulations 2001
99/63	Using unlicensed security operative	Private Security Industry Act 2001 S.5(1)(4)
99/64	Using unlicensed wheel clampers operative	Private Security Industry Act 2001 S.6(1)(4)
99/65	Right to use approved status	Private Security Industry Act 2001 S.16(2)(a)(b)(c)
99/66	Imposition of requirements for approval	Private Security Industry Act 2001 S.17(2)(3)(a)(b),4
99/67	Triable either way offences	Foot & Mouth Disease Regulations
99/68	Leaves UK when prohibited to do so by Travel Restriction Order	Criminal Justice & Police Act 2001 S.36(1)
99/69	Failure to return after a suspension – Travel Restriction Order	Criminal Justice & Police Act 2001 S.36(2)
99/70	Triable either way – except article 65	Air Navigation (Overseas Territories) Order 2001
99/71	Modification etc of messages Interception and disclosure of messages	Telecommunications Act 1984 S.44 Telecommunications Act 1984 S.45
99/72	TEW - Regulations made under Part 8	Anti-terrorism, Crime and Security Act 2001 S.77(2)(d)(3)(a)
99/73	Regulations may create a criminal offence	Aviation Security Act S.20A(3)(c)(4)(a) as added by Anti-terrorism, Crime and Security Act 2001 S.85
99/74	Fails to comply with requirement of a detention direction etc	Aviation Security Act S.20B(7)(8) as added by Anti-terrorism, Crime and Security Act 2001 S.86
99/75	Placing in a woman a human embryo which has been created otherwise than by fertilisation	Human Reproductive Cloning Act 2001 Sec. 1
99/76	All other TEW offences except those under classification 95/08	Financial Services and Markets Act 2000
99/77	Re-programming mobile telephones etc.	Mobile Telephones (Re-programming) Act 2000 Sec. 1
99/78	Possession or supply anything for re-programming purposes	Mobile Telephones (Re-programming) Act 2000 Sec. 2
820/09	Obstructing a person exercising any power conferred on him (enforcement of licensing scheme)	Transport Act 2000 Sec. 190

# 99 Other Indictable or Triable Either Way Offences

## Classification (4 of 14)

99/99	Other offences (specify Offence, Act and Section (or Common Law) under which proceedings were taken)		
	Misrepresentation of systems of classification of carcasses	Agriculture Act 1967 Sec 6(8)	)
			)
	Falsification of registration returns and records of a levy scheme	Agriculture Act 1967 Sec 14(3)	)
			)
	Disclosure of information under a levy scheme	Agriculture Act 1967 Sec 24(3)	)
			)
	Means of obtaining information relating to land	Agriculture Act 1967 Sec 55(4)	)
			) 2 years
	Concerning - Eggs; capital and other grants; smallholdings, flood warning systems, animal diseases	Agriculture Act 1970 other than Secs 66-87 (part IV)	)
			)
	Contravening sales of regulated products or disclosing information.	Agricultural Marketing Act 1958 Sec 6(6) and 47(3)	)
			)
	Provisions concerning air force procedure and policy	Air Force Act 1955 and subsequent amendments incorporated therewith (as amended by Armed Forces Acts 1971 and 1996)	)
	b) triable either way		)
	Control of works affecting scheduled monuments	Ancient Monuments and Archaeological Areas Act 1979, Sec 2	Fine
	Offences against importation of animals carcasses etc.	Animal Health Act 1981 and orders made under Sec 10(1)	)
	- Except RABIES -		) 1 year
			)
	Regs to prevent the spreading of rabies disease among animals	Animal Health Act 1981 Secs 72 and 76 or 73 and 76	)
			)
	Provision for the protection of animals used for experimental or other scientific purpose	Animals (Scientific Procedures) Act 1986	)
	b) Secs 22(1), 22(2) and 24		) 2 years
			)
	Provisions concerning army procedure and policy	Army Act 1955 and subsequent amendments ) incorporated therewith, as amended by the	)
	b) triable either way	Armed Forces Acts 1966, 1971 and 1996	)
	Offences in relation to certain dangerous articles	Aviation Security Act 1982 Sec 4	5 years
	Relating to the exercise of powers.	Aviation Security Act 1982 Secs 7,11,12,13,14 & 20	2 years
	Fraudulent inducement to make a deposit.	Banking Act 1987 Sec 35	7 years
	Restrictions on fishing, etc. by British fishing boats	British Fishing Boats Act 1983 Sec 1	Fine

# 99 Other Indictable or Triable Either Way Offences Classification (5 of 14)

99/99 (continued)

Failing to comply with requirements; assaulting any officer exercising powers under Sec 2 or 3	British Fishing Boats Act 1983 Sec 4	)	Fine
Exclusive privilege of the Post Office to convey etc., letters	British Telecommunications Act 1981 Sec 66	)	
False/misleading statement	Building Act 1984 Sec 57	)	
Census official contravening provisions	Census Act 1920 Sec 8(2)	)	
Procuring on false pretence/ representation a person under 18 to go abroad to perform for profit	Children and Young Persons Act 1933 Sec 25& 26	)	2 years
Charges at airports for air navigation services, aircraft accidents, control of aircraft noise and supersonic flight, offences committed on board aircraft, piracy of the convention on the high seas, etc. b) triable either way only	Civil Aviation Act 1982 (includes Tokyo convention Act 1967) and orders and bylaws made thereunder	)	
Disclosure of information	Civil Aviation Act 1982 Sec 23 (5)	)	
Power to restrict use of land	Civil Aviation Act 1982 Sec 45	)	
Restriction of unlicensed carriage by air for reward	Civil Aviation Act 1982 Sec 64 (5)(a)&(b), 64(7)	)	
Air transport licensing	Civil Aviation Act 1982 Sec 67	)	
Regulation of provision of accommodation in aircraft	Civil Aviation Act 1982 Sec 71	)	
Refusing to furnish information or furnishing false information for the CAA and Secretary of State	Civil Aviation Act 1982 Sec 84 (4)(b)	)	
Wilfully certifies any document or article to be a true copy	Civil Aviation Act 1982 Sec 96	)	
Blasphemous libel	Common Law	)	Life
Conspiracy to outrage public decency	Common Law	)	
Conspiracy to corrupt public morals	Common Law	)	
Embracery	Common Law	)	
Obstructing coroner in the execution of his duty	Common Law	)	

# 99 Other Indictable or Triable Either Way Offences Classification (6 of 14)

99/99 (continued)

Committing an act outraging public decency	Common Law	)	
Public Nuisance	Common Law	)	
Duty to aid constables	Common Law	)	
Rescuing a prisoner in custody	Common Law	)	Life
Showing an indecent exhibition	Common Law	)	
Removing corpse from grave	Common Law	)	

Note: For Common Law Offences not listed above please use classification 99/99.

Accounting records to be kept	Companies Act 1985 Sec 223 (1)	)	2 years
Offences - b) Triable either way	Companies Acts 1948 to 1985 (Excl. Secs 70, 295, 302, 458, 490, 624 and 625 of the 1985 Act)	)	-
Exploration and exploitation of minerals under the sea	Continental Shelf Act, 1964	)	1 year
Pollution Offences	Control of Pollution Act 1974 Sec 77	)	
Wildlife Offences	Control of Trade in Endangered Species (Enforcement) Regulations 1997	)	
False returns	Corn Returns Act 1882 S.12	)	2 years
Breach of regulations by false representation and certificate	Cremation Act 1902 Sec 8(2)	)	
Harbouring escaped prisoner	Criminal Justice Act 1961 Sec 22(2)	)	
Torture	Criminal Justice Act 1988 Sec 134	)	Life
Concealment of offences	Criminal Law Act 1967 Sec 5(1)	)	2 years
Use data for unauthorised purpose; disclose data to unauthorised person etc.	Data Protection Act 1984. All sections other than 6, and Schedule 4 of para 12	)	Fine
Fraudulently obtaining credit	Debtors Act 1869 Sec 13	)	1 year
False documents and false statements	Emergency Laws (Re-enactments and Repeals) Act 1964	)	
Provide/make false information or statement	Employment Rights Act 1996 Sec 169(3)(4)	)	
Manufacture and keeping of gunpowder and other explosives b. Triable either way only (under sec 91 Explosives Act 1875 or under Sec 33 Health and Safety at Work etc. Act 1974)	Explosives Act 1875 (except sec 80, and orders in council and rules thereunder)	)	2 years

# 99 Other Indictable or Triable Either Way Offences

## Classification (7 of 14)

99/99 (continued)

Knowingly makes false statements	Fair Trading Act 1973 sec. 30(2)	)	
Disclosing information regarding any manufacturing process or trade secret	Fair Trading Act 1973 sec. 30(3)	)	
Unauthorised person acting as weights and measures officer	Fair Trading Act 1973 Sec. 30(4)	)	
Furnishing false information	Fair Trading Act 1973 Sec 46(3)	)	
Enforcement provisions relating to newspaper mergers	Fair Trading Act 1973 Sec 62	)	
Willfully alters, suppresses or destroys any document	Fair Trading Act 1973 Sec 85(6)	)	
Issues circulates or distributes an advertisement, prospectus, circular or notice	Fair Trading Act 1973 Sec 120(1) as added by Trading Schemes Act 1996 Sec 2(2)	)	
Contravenes any regulations under sub-section (2) of that section	Fair Trading Act 1973 Sec 120(2)	)	
Makes payment for the benefit of the promoter(s) or a participant in the trading scheme	Fair Trading Act 1973 Sec 120(3)	)	
Participant of trading scheme make any payment to or for benefit of the promoter(s)	Fair Trading Act 1973 Sec 120(4)	)	2 years
General restrictions on disclosure of information	Fair Trading Act 1973 Sec 133	)	
Failure to have a fire certificate	Fire Precautions Act 1971 Sec 7(1), 7(2)	)	
Contravention of any requirement of fire certificate	Fire Precautions Act 1971 Sec 7(4)	)	
Failure to notify fire authority of any structural alterations of premises or storage of flammable material or explosives	Fire Precautions Act 1971 Sec 8(2)	)	
Storing explosives or highly flammable materials without a fire certificate to cover this	Fire Precautions Act 1971 Sec 8(3)	)	
Power of fire authority to cancel a fire certificate	Fire Precautions Act 1971 Sec 8(7)	)	
Contravention of prohibition notice	Fire Precautions Act 1971 Sec 10(B)	)	
Contravening fire precaution regulations	Fire Precautions Act 1971 Sec 12(6)	)	
Restriction on disclosure of information	Fisheries Act 1981 Sec 12	)	
Contravention or order regulating access to British fisheries	Fishery Limits Act 1976	)	Fine

# 99 Other Indictable or Triable Either Way Offences

## Classification (8 of 14)

99/99 (continued)

Acknowledge bail in false name	Forgery Act 1861 Sec 34	7 years
Control of mining and other operations in storage area and protective area; general provisions as to offences under part II	Gas Act, 1965 Secs 5,21	)
		)
		) 2 years
Triable-either-way offences	Gas Act, 1986 Secs 5, 38(3), 42, 43	)
Prevention and punishment of the crime of genocide	Genocide Act, 1969 Sec 1(1)	Life
Fraud etc.	Gun Barrel Proof Act, 1868 Secs 30, 122, 141	Fine
The control of harbour development, financial assistance for the improvement of harbours/maintenance, management	Harbours Act 1964	6 months
Disclosing manufacturing process or trade secrets	Highways Act 1980 Sec 292(4)	)
		)
Building society advancing more than 15% of total advances made in previous year or not notifying change of building society rules to Chief Registrar	Housing Association Act 1985 Sec 63	)
		)
		)
Seduction of members of HM Forces from their duty or allegiance	Incitement to Disaffection Act 1934	)
		)
Knowingly or recklessly furnishes return etc. which is false	Industrial Training Act 1982 Sec 6(6)(a)	)
		)
Wilfully makes false entry in any record	Industrial Training Act 1982 Sec 6(6)(b)	)
		) 2 years
Discloses any information in contravention of subsection (2)	Industrial Training Act 1982 Sec 6(6)(c)	)
		)
Disclosure of information obtained under Iron and Steel Act	Iron and Steel Act 1982 Sec 33	)
		)
Prohibition of Broadcasting from ships or aircraft.	Marine etc. Broadcasting(Offences) Act 1967	)
		)
Medicinal products and related matters b) Triable either way	Medicines Act 1968	)
		)
Licences and certificates relating to medicinal products	Medicines Act 1968 Sec 45(1)-(6)	)
		)
Relating to dealings with medicinal products	Medicines Act 1968 Sec 67 (2) and (3)	)

# 99 Other Indictable or Triable Either Way Offences

## Classification (9 of 14)

99/99 (continued)

Offences relating to containers, packages and identification of medicinal products	Medicines Act 1968 Sec 91(1)	)	
		)	
Advertisements and representations directed to practitioners	Medicines Act 1968 Sec 96(5)	)	
		)	
Supplementary provisions as to rights of entry and related rights	Medicines Act 1968 Sec 114(3)	)	
		)	
Restrictions or disclosure of information	Medicines Act 1968 Sec 118	)	
		)	
Offences in relation to warranties and certificates of analysis	Medicines Act 1968 Sec 123	)	2 years
		)	
Ill treatment of patients	Mental Health Act 1983 Sec 127	)	
		)	
Assisting patients to absent themselves without leave, etc.	Mental Health Act 1983 Sec 128	)	
		)	
TEW offences relating to fishing vessels	Merchant Shipping Act 1995 Sec 15; 124(5)	)	
		)	
Failure of owner of ship to take all reasonable steps to secure that the ship is operated in a safe manner	Merchant Shipping Act 1995 Sec 100	)	
		)	
Failing to comply with any requirements of the direction given by the person to whom the direction is duly given under Sec 137 (shipping casualties)	Merchant Shipping Act 1995 Sec 137	)	Fine
		)	
Owner or Master of ship makes an entry in oil record book knowing it to be false or misleading	Merchant Shipping Act 1995 Sec 142(8)	)	2 years
		)	
Selling abroad wreck found in British waters	Merchant Shipping Act 1995 Sec 245	)	5 years
		)	
Regulations relating to submersible and supporting apparatus - offences created by Sec 88	Merchant Shipping Act 1995 Sch 2	)	2 years
		)	
TEW offences	Merchant Shipping Act 1995 and regulations relating to oil pollution and the carrying of dangerous or polluting goods inc. Merchant Shipping (Reporting Requirements for Ships Carrying Dangerous or Polluting Goods) Regulations 1995	)	2 years
		)	
Ship entering or remaining in a temporary exclusion zone	Merchant Shipping Act 1995 Sec 100B(6) as added by The Merchant Shipping and Maritime Security Act 1997 Sec 1	)	Fine
		)	
Contravention of Regulations made with regard to waste reception facilities at harbours	Merchant Shipping Act 1995 Sec 130D(1) as added by The Merchant Shipping and Maritime Security Act 1997 Sec 5	)	2 years



# 99 Other Indictable or Triable Either Way Offences

## Classification (10 of 14)

99/99 (continued)

Discharge of oil into United Kingdom waters	Merchant Shipping Act 1995 Sec 131 as amended by The Merchant Shipping and Maritime Security Act 1997 Sec 7	Fine
Contravention or failure to comply with a direction to move or remove a ship made under Sec 100C	Merchant Shipping Act 1995 Sec 100D as added by The Merchant Shipping and Maritime Security Act 1997 Sec 10	Fine
Failure to comply with prescribed standards in respect of ship in respect of which trans-shipment licence is in force	Merchant Shipping Act 1995 Sec 100G as added by The Merchant Shipping and Maritime Security Act 1997 Sec 11	2 years
Contravention of Regulations requiring insurance or security (IEW)	Merchant Shipping Act 1995 Sec 192A5(b) as added by The Merchant Shipping and Maritime Security Act 1997 Sec 16	) Fine
Contravention of an Order relating to protection of wrecks- implementation of international agreements	Merchant Shipping and Maritime Security Act 1997 Sec 24	
Owner contravening pilot transfer arrangements.	The Merchant Shipping (Pilot Transfer Arrangements) Regs 1999 Reg 5 (SI 17/99)	
Master contravening pilot transfer arrangements.	The Merchant Shipping (Pilot Transfer Arrangements) Regs 1999 Reg 6 (SI 17/99)	
Responsible Officer failing to supervise as instructed by the master and required by Reg 6(2)	The Merchant Shipping (Pilot Transfer Arrangements) Regs 1999 Reg 6(2) (SI 17/99)	) 2 years
Contravention of Reg 5 - Small vessels complying with Code of Practice	The Merchant Shipping (Small Workboats and Pilot Boats) Regs 1998 [SI 1609/98] R 9(1)	
Contravening the construction and survey regulations for offshore installations	Mineral Workings (Offshore Installations) Act 1971 Sec 3	
Relating to managers of offshore installations	Mineral Workings (Offshore Installations) Act 1971 Sec 5(4)	
Relating to labour laws	Mineral Workings (Offshore Installations) Act Sec 7	) 2 years
An offence to conduct or promote or assist in the conduct of a mock auction	Mock Auctions Act 1961	
Obstructing, assaulting or arresting upon civil process, clergyman performing services	Offences against the Person Act Sec 36	
Spying, wrongful communication etc.	Official Secrets Act 1911	14 years
Infringement of the Olympic Association right	Olympic Symbol etc. (Protection) Act 1995 Sec 8	Fine
Falsification by the registrar	Pharmacy Act 1954 Sec 18	1 year

# 99 Other Indictable or Triable Either Way Offences

## Classification (11 of 14)

99/99 (continued)

Piracy	Piracy Acts 1698 - 1721 & Piracy Act 1837 Sec 3	Life
Piracy with violence	Piracy Act 1837 Sec 2	Death
Refuses or neglects to furnish information giving false statement, information obtained for the Act should not be disclosed	Population (Statistics) Act 1938	2 years
Triable either way offences	Postal Services Act 2000	
Disclosure of telegrams	Post Office (Protection) Act 1884 Sec 11 (in part)	1 year
Prohibition on sending by post of certain articles	Post Office Act 1953 Sec 11	1 year
Unlawfully opening or impeding letters	Post Office Act 1953 Sec 56	6 months
Post Office servant opening or delaying postal packet	Post Office Act 1953 Sec 58	2 years
Corrupt transactions with agents	Prevention of Corruption Act 1906 Sec 1	7 years
Discharge of certain oils into sea outside territorial waters	Prevention of Oil Pollution Act 1971 Sec 1	) Fine
Discharge of certain oils from pipe-lines or as the result of exploration etc. in designated areas	Prevention of Oil Pollution Act 1971 Sec 3	
Assisting prisoners to escape	Prison Act 1952 Sec 39	5 years
Prison mutiny	Prison Security Act 1992 Sec 1	10 years
Soliciting or receiving bribe or giving or offering bribe	Public Bodies Corrupt Practices Act 1889 Sec 1 (1)(2)	2 years
Contamination of or interference with goods with intention of causing public alarm, anxiety, economic loss, etc.	Public Order Act 1986 Sec 38(1)	) 10 years
Threaten or claim to contaminate or interfere with goods with intention of causing public alarm, anxiety, economic loss, etc.	Public Order Act 1986 Sec 38(2)	
Possess certain articles with a view to contamination of or interference with goods with intention of causing public alarm, anxiety, economic loss, etc.	Public Order Act 1986 Sec 38(3)	
Road Service Licence	Public Passenger Vehicles Act 1981 Sec 65(1)(a) & (2)	
Certificate of Initial Fitness	Public Passenger Vehicles Act 1981 Sec 65(1)(b) & (2)	
Certificate of approval of type vehicle	Public Passenger Vehicles Act 1981 Sec 65(1)(c) & (2)	) 2 years

# 99 Other Indictable or Triable Either Way Offences Classification (12 of 14)

99/99 (continued)

Operator's disc	Public Passenger Vehicles Act 1981 Sec 65(1)(d) & (2)	)	
Certificate of qualification	Public Passenger Vehicles Act 1981 Sec 65(1)(e) & (2)	)	
Document evidencing the appointment of a person as a certifying officer or public service vehicle examiner	Public Passenger Vehicles Act 1981 Sec 65 (1)(f) & (2)	)	2 years
		)	
	Rabies control Order 1974	)	
	Rabies (Importation of Dogs, Cats and other Mammals) Order 1974	)	1 year
Disclosing information	Radioactive Substances Act 1948 Sec 7(5)		2 years
Obstructing rights of entry and inspection	Radioactive Substances Act 1960 Sec 12(1)	)	
Offences in relation to public health	Radioactive Substances Act 1960 Sec 13(1)	)	5 years
Disclosing information	Radioactive Substances Act 1960 Sec 13(3)		2 years
Failure to register nursing home or mental nursing home	Registered Homes Act 1984 Sec 23(1)		Fine
Triable either way offences not in 99/5 or 99/6	Representation of the People Act 1983-2000		
Tampering with nomination papers, ballot papers etc.	Representation of the People Act 1983 Sec 65 (3)	)	2 years
Offences in connection with registration	Restrictive Trade Practices Act 1976 Sec 38	)	
Contravening the law relating to the regulation and control of fishing for salmon, trout, freshwater fish and eels, the protection and conservation of fisheries for such fish, the times of fishing for the selling such fish b. Sec 27 (instrument other than rod and line) Secs 4, 5	Salmon and Freshwater Fisheries Act 1975 (except Sec 1)		2 years
Fishing with, or possessing for fishing, prohibited instruments	Salmon and Freshwater Fisheries Act 1975 Sec 1		2 years
Relating to commercial use of fishing for and landing of sea fish	Sea Fish (Conservation) Act 1967		Fine
Publication or disclosure of information	Sea Fish Industry Act 1970 Secs 14, 42		2 years
Conspiracy to commit a listed Sexual offence	Sexual Offences (Conspiracy and Incitement) Act 1996		Life
Resisting a Sheriff in the execution of a writ	Sheriffs Act 1887 Sec 8(2)		-
Unqualified person acting as a solicitor	Solicitors Act 1974 Sec 20	)	
Recklessly make false statement	Statistics of Trade Act 1947	)	2 years
Administration of oath by person without jurisdiction	Statutory Declaration Act 1835 Sec 13		-

# 99 Other Indictable or Triable Either Way Offences

## Classification (13 of 14)

99/99 (continued)

Fraudulent use of telecommunication system	Telecommunications Act 1984 Sec 42(1) as amended by Telecommunications (Fraud) Act 1997	5 years
Possession or supply of anything for fraudulent purpose in connection with use of telecommunication system	Telecommunications Act 1984 Sec 42A as added by Telecommunications (Fraud) Act 1997	5 years
Modification etc. of messages	Telecommunications Act 1984 Sec 44	2 years
Interception and disclosure of messages etc.	Telecommunications Act 1984 Sec 45	Fine
Other triable-either-way offences	Telecommunications Act 1984 Secs. 5, 28, 29, 53(3) (4), 101	2 years
Post Office Servants disclosing, intercepting etc. telegrams etc.	Telegraph Act 1868 Sec 20	1 year
Prohibition of presentation of obscene performances of plays	Theatres Act 1968 Sec 2	3 years
Registration of sellers of goods advertised as made by blind or disabled persons	Trading Representatives (Disabled Persons) Act 1958 Sec 1	2 years
Restrictions on persons who may carry on business as promoters of trading stamp schemes	Trading Stamps Act 1964 Sec 1	Fine
Meeting for training or drilling to the use of arms or for practising military exercise movement or evolution without lawful authority	Unlawful Drilling Act 1819 Sec 1	7 years
Directory entries	Unsolicited Goods and Services Act 1971 Sec 3(2)	Fine
Treatment of venereal disease otherwise than by duly qualified persons	Venereal Diseases Act 1917 Sec 1	)
Restriction on advertisement, etc. offering to treat venereal disease	Venereal Disease Act 1917 Sec 2	) 2 years
Restriction of practice of veterinary surgery by unqualified persons	Veterinary Surgeons Act 1966 Sec 19(1)	)
Prohibition of use of practitioners' titles by unqualified persons	Veterinary Surgeons Act 1966 Sec 20	) Fine
Disclose information relating to a trade or manufacturer's secret	Weights and Measures Act 1985 Secs 64 and 79(7)	) 2 years

# 99 Other Indictable or Triable Either Way Offences Classification (14 of 14)

99/99 (continued)

Conservation of Whales- various offences	Whaling Industry (Regulation) Act 1934	)	
		)	Fine
Introduction of new species etc.	Wildlife and Countryside Act 1981 Sec 14	)	
Sending false/misleading messages likely to prejudice the efficiency of any safety of life service	Wireless Telegraphy Act, 1949 Sec 5(a)	)	
		)	2 years
Causing deliberate interference with wireless telegraphy	Wireless Telegraphy Act, 1949 Sec 13	)	
		)	

## 99 Other Indictable or Triable Either Way Offences Counting Rules

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS

\* If there are specific, intended or identifiable victims, count one crime for each victim.

\* Crimes dealt with by Other Agencies: see general rules section I.

# 139 Indecent Exposure Classification

139	Indecent exposure with intent to insult any female. Exposing the person in any street etc. or in view thereof, or in any place or public resort with intent to insult any female	Vagrancy Act 1824 Sec 4(pt)
99/99(pt)	Exposing person	Common Law
164/12(pt)	Exposing person	Town Police Clauses Act 1847 Sec 28(pt)

## Indecent Exposure: Legal Definitions

### VAGRANCY ACT 1824 SECTION 4

".....every person wilfully, openly, lewdly, and obscenely exposing his [penis], with intent to insult any female,....."

### COMMON LAW

"It is an offence ... to expose the person or engage in or simulate a sexual act."

### TOWN POLICE CLAUSES ACT 1847 SECTION 28

"Every person who in any street to the obstruction, annoyance or danger of the residents or passengers ... wilfully and indecently exposes his person." The offence is complete without the intent to insult any female, as in the Vagrancy Act above.

## Recording:

An offence of Indecent Exposure is to be recorded as a crime if a third party witnesses the exposure and reports the matter to the police.

## 139 Indecent Exposure Counting Rules

### GENERAL RULE: ONE CRIME FOR EACH OFFENDER

*A man indecently exposes his person to three women. All are reported at the same time* One crime (class 139).

*A group of five people indecently expose themselves at the same time* Five crimes (class 139).

\* **Finished Incident:** see also general rules section E.

*A man indecently exposes himself, and the police are notified. He is cautioned by the police, but he is then reported for doing it again* Two crimes (class 139).

\* **Principal Crime:** see general rules section F & end page of chapter. Any threat or attempt to combine the indecent exposure with a sexual assault should be recorded as a sexual assault.

*A man indecently exposes himself to a woman, and tries to indecently assault her.* One crime of indecent assault on a female (class 20).



## 802 Dangerous Driving Classification

802

Aiding, abetting, causing or permitting dangerous driving

Road Traffic Act 1988 Sec 2

### Dangerous driving: Legal Definition

#### ROAD TRAFFIC ACT 1988 SECTION 2

"A person who drives a mechanically propelled vehicle dangerously on a road or other public place....."

### Meaning of dangerous driving: Legal Definition

#### ROAD TRAFFIC ACT 1988 SEC 2A

"(1) For the purposes of section 1 and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)-

(a) the way he drives falls far below what would be expected of a competent and careful driver, and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of sections 1 and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

(3) In subsections (1) and (2) above "dangerous" refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused

(4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried."

## 802 Dangerous Driving Counting Rules

GENERAL RULE: ONE CRIME FOR EACH DRIVER

NOTE: INITIALLY A CRIME RELATED INCIDENT SHOULD BE REGISTERED AND IT SHOULD REMAIN AS SUCH UNTIL A DECISION IS MADE TO EITHER ISSUE A SUMMONS OR CHARGE THE OFFENDER, AT WHICH STAGE A CRIME SHOULD BE RECORDED.

*An area in a city centre is used by youths to drive dangerously. They disappear from and return to this area several times. Police set up videos to observe the same offenders commit several incidents of dangerous driving*

*One crime for each driver charged or summarised (class 802).*

- \* If injuries are intentionally caused by dangerous (or furious) driving, record two crimes - one of other wounding (class 8A) plus one of dangerous driving (class 802). If the only evidence for any dangerous driving was the intentional injuries then only count one crime of other wounding (class 8A).

*A driver, driving dangerously, intentionally aims the car at a pedestrian trying to stop him, injuring the pedestrian*

*One crime of other wounding (class 8A) plus one crime of dangerous driving (class 802).*

- \* If a vehicle being driven dangerously is known to be stolen at the time of recording, record as aggravated vehicle taking (class 37/2).

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Maximum Sentence - Other Offences										
Death	Life	14 years	10 years	7 years	5 years	3 years	2 years	1 year	3 months	Fine
62	36/1-3	35	64/1	66/3-4,11-12,15	65	33	66/5	75/2	139	78/6
	63	76	66/6	67/1-2*	66/8,13,14	66/1	68	75/12-13		84/2
	66/99*	78/10-13	78/14	78/1-3,7	79/2-3	81/69	75/31-35	75/15, 19		84/5-6
	79/1		81/17	81/3	81/4	86/1-2	75/40-61	75/21-22		91/17
	80		84/8*	81/15-16	81/7-14		78/4,5,8,9,15-16	83/2		94/1-3
			84/10	81/26-27	81/35-40		84/1	99/5		94/6
			99/1	81/29-30	81/42-45		84/3-4			94/9-10
			99/75	82/2*	86/10		84/7, 9			95/12
				95/8*	91/16, 19		85/1-5			99/35
				99/29-30	91/22		86/3-9			99/42,46
					91/25-27		87/1-2			99/48
					91/37		89/1, 4-8			99/53,55
					95/6,10		90/1-5			820/9
					99/39-40		91/1-2			
					99/78-78		91/7-15			
							91/18			
							91/20-21			
							91/28-36			
							91/38-50			
							94/4-5			
							94/7-8			
							95/7,9,11,13			
							99/6			
							99/23-24			
							99/28			
							99/32, 34			
							99/36-37			
							99/41,43-45			
							99/47,49-52			
							99/54,72,73,74,76			
							802			
99/4	Term of imprisonment not specified									
99/38	Maximum sentence varies depending on substantive crime									
*	Maximum sentence varies depending on which Act is used - this represents the maximum sentence in the range									