

Home Office Counting Rules 2022/3

General Rules

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Crime Recording General Rules

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Points 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.

The term 'crime' in these rules should be taken to mean a crime which is recorded (i.e. notifiable to the Home Office). It should **not** be confused with crimes which are 'recordable' on the Police National Computer.

Vision and Purpose Statements for Crime Recording

Vision: That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.

Purpose Statements: Crime is recorded by the police and others to:

- ensure that victims of crime receive the service they expect and deserve;
- prioritise effective investigation of crime in keeping with national standards and the College of Policing's Code of Ethics;
- inform the public of the scale, scope and risk of crime in their local communities;
- allow PCCs, Forces and local partners to build intelligence on crime and criminal behaviour necessary for an efficient and effective response;
- enable Government, PCCs, Forces and their partners to understand the extent of demands made on them and the associated costs of service delivery; and
- inform the development of Government policy to reduce crime and to establish whether those policies are effective.

The importance of these objectives, and in particular the need for the public and victims of crime to have confidence in the police response when they report a crime, makes it imperative that crimes are recorded consistently and accurately.

Policing Values: The College of Policing's "Code of Ethics" set out nine explicit values that are intended to ensure standards of professional behaviour for both police officers and police staff:

- | | | |
|------------------|---------------|----------------|
| • Accountability | • Integrity | • Openness |
| • Fairness | • Leadership | • Respect |
| • Honesty | • Objectivity | • Selflessness |

These values underpin all policing functions and in respect of personal conduct require all persons working for the police service to "behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing" (See Standard 9 – Conduct).

The Code explicitly states that complying with the National Crime Recording Standard (NCRS), which is central to the Home Office Counting Rules for Recorded Crime (HOCR), is an example of meeting the standards.

Link to Code of Ethics: <http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Pages/Code-of-Ethics.aspx>

National Crime Recording Standard (1 of 5)

Vision: That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.

1. Aims

- To take a victim oriented approach to crime recording and
- To promote accurate and consistent crime recording between police forces.

2. General Principles

The Standard directs a victim focused approach to crime recording. The intention is that victims are believed and benefit from statutory entitlements under the [Code of Practice for Victims of Crime \(CPVC\)](#). This seeks to ensure that those reporting crimes will be treated with empathy and their allegations will be taken seriously. Any investigation which follows is then taken forward with an open mind to establish the truth. added September 2019

- 2.1 All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident report by the police.
- 2.2 An incident will be recorded as a crime (notifiable offence) for 'victim related offences' if, on the balance of probability:
 - (a) the circumstances of the victims report 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 immediately available.
- 2.3 A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, (explained further at 3.6 ii), that a crime has occurred is usually sufficient to justify its recording.
- 2.4 For 'offences against the state' the points to prove *to evidence* the offence must clearly be made out, before a crime is recorded (see also 3.7).
- 2.5 Once recorded, a crime will remain recorded unless additional verifiable information (AVI) is found and documented which determines that no notifiable crime has occurred or crimes are transferred or cancelled i.e. where crimes are created in error, or as a duplicate of an existing crime.

General Interpretation of Principles

- 3.1 **Auditable Records - Ensuring Consistency:** The reasons for recording crime are set out in the 'Vision and Purpose Statements (prior)'. The requirement for an auditable incident record is to enable effective review of the attrition between initial reports and the subsequent recording of a notifiable crime. Transparency of decision making contributes to trust and confidence in the accuracy and consistency of recording across England and Wales. Where a report is recorded as a crime at first point of contact (e.g. by an officer on a mobile device; by phone to a control room or direct to a Crime Recording Bureau or Crime Management Unit), it is not necessary that an incident report is also created. However, where the initial report is not recorded as a crime, an auditable incident report must be registered (whether in the force incident system or some other accessible system) and those systems must be auditable.
- 3.2 **Balance of Probability Test:** When examining a report of an incident regarding offences involving identified victims, 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"*. A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording as a crime. A victim focused approach is the standard to be applied based on a presumption that the victim should be believed.

National Crime Recording Standard (2 of 5)

- 3.3 **Initial Report – Informing the Crime Recording Decision:** A complaint should be considered as made at the first point of contact in keeping with guidance at paragraph 2.3 prior. Evidence indicates that the information obtained by the police at the point of first contact (from all channels / routes) will usually be sufficient to meet the 'balance of probability' crime recording decision making process (CRDMP). Where the CRDMP establishes that a crime has been committed then recording must take place and must not routinely be delayed to facilitate deployment of resources or to enable further investigation to take place. Reports received through partnership arrangements or by specialist units must be recorded on the force crime system at the first opportunity and must not be delayed to allow for further investigation. CRDMP oversight must be independent of operational or performance line management.
- 3.4 **Timeliness of Recording:** Where the information obtained at the first point of contact satisfies the crime recording decision making process the expectation is that identified crimes will be recorded without delay. It is expected that such crimes will be recorded on the same day the report is received – and in any case recording must take place within 24 hours of the time the initial report was received. Exceptionally, in circumstances where a victim or person reasonably assumed to be acting on the victim's behalf, cannot be located to confirm that a victim related crime occurred then recording may be extended for up to 7 days. However, where the victim is not traced to confirm an initial report, (for a victim related crime); the expectation is that the CRDMP will be made on the basis of the available first contact information. All reports subject to delayed recording must contain an NCRS compliant rationale and have appropriate FCR oversight.
- 3.5 **Victim Focused Recording:** NCRS promotes a victim focused approach to crime recording. The intention is that victims are believed and able to benefit from their statutory entitlements under the Code of Practice for Victims of Crime (CPVC). This advice ensures consistency of victim focus:
- i. **No Victim - No Crime:** Where there are grounds to suspect that a 'victim related' crime i.e. a crime requiring victim confirmation 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, then subject to the exceptions identified at 3.6 (recording without victim confirmation), the matter must be recorded as a crime related incident until such time as the victim is located or comes forward to provide an account.
 - ii. **Unwilling Victims - Guidance:** Where apparent criminal activity comes to the attention of the police, and the victim confirms that a crime has taken place, but declines to support an investigation or prosecution a crime must still be recorded.
- 3.6 **Recording without Victim Confirmation:** The concept of 'no victim - no crime' is a guiding principle for 'victim related crimes' to deliver a consistent victim focus. However, there are two occasions where recording without victim confirmation is required:
- i. **Recording Without Victim Confirmation is Appropriate/Necessary :** If, having applied the principle outlined at 2.2 and 3.5 i, there is clear evidence or significant grounds to show that a victim based crime has been committed, police should consider whether it is either necessary or appropriate to record that crime even though the victim has declined to confirm or cannot be found.

National Crime Recording Standard (3 of 5)

- ii. **Parents, Carers and Professional 'Third' Party Reports:** Crimes are often reported by individuals acting on behalf of victims. These may be referred to as 'Third Party' reports and commonly such reports include the following:

- a) Persons acting in a professional capacity e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age.
- b) Parents or Carers acting as a guardian or responsible adult, reporting crime in the best interests of and/or to ensure that a child, or young person or adult at risk has appropriate access to police services.

When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes. Such recording must occur regardless of whether the victim has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed. Other 'Third Party' reports from persons acting on behalf of victims should be treated on their individual merit and in line with guidance at paragraph 2.2 and 3.6 i within the Standard.

- 3.7 **Recording Offences Against the State:** In circumstances where the police become aware of an incident where the points to prove to evidence an offence against the state are clearly made out a crime must be recorded, on the force crime recording system at the earliest opportunity, regardless of the fact that there may not be evidence to identify the offender(s); or where a suspected offender has been identified there may not be sufficient evidence to mount a successful prosecution.
- 3.8 **Drunkenness or Impairment:** 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 an 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 shows that on the balance of probability the crime happened then it must be recorded, regardless of the victim's condition – the presumption is that victim reports should be believed.
- 3.9 **Public Order Offences - Guidance on Recording:** 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 this will remain as an incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and, where notifiable offences are apparent, subject to the exception at paragraph 3.10 below, record a crime in accordance with the Home Office Counting Rules (HOCR).
- 3.10 **Section 5 of the Public Order Act 1986:** In the case of such offences where there is no specific or intended victim (other than the police officer) and where an officer warns an offender to stop the unlawful behaviour and as a consequence of the offender heeding the warning, the police take no further action, the incident need not routinely be recorded as a crime.

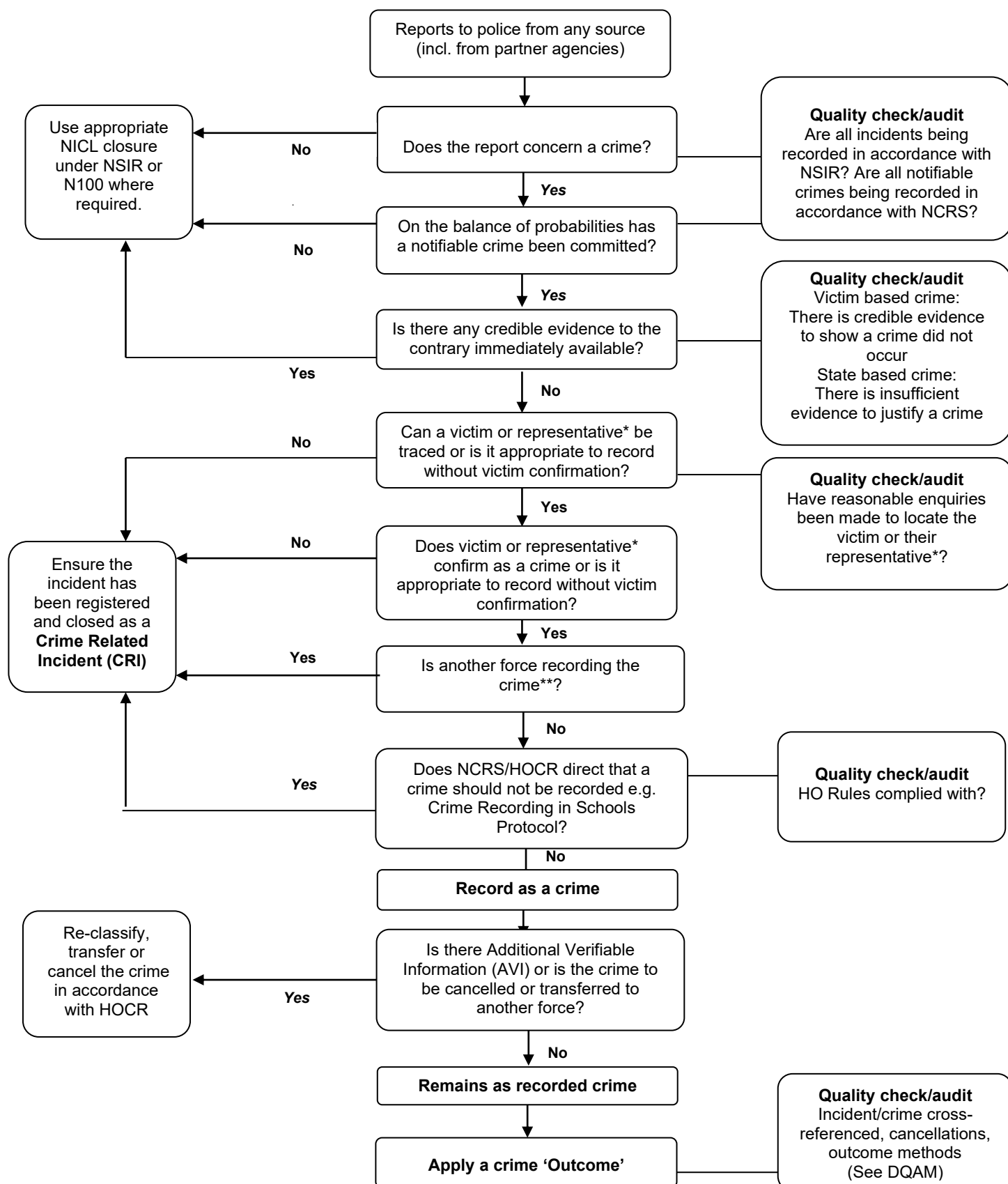
National Crime Recording Standard (4 of 5)

- 3.11 **CCTV Evidence – Recording Practice:** It is not the intention of the NCRS to record as crimes all incidents that could be construed as crimes when viewed on CCTV. CCTV reports inform operational activity but in their own right will not be construed as a 'Third Party' report (as defined at 3.6 ii). Reports from CCTV systems will be treated as matters requiring victim confirmation and the CRDMP should follow the principles set out in either paragraph 3.5 above, when concerning victim related crime, or 3.7 when involving offences against the state e.g. where, as a result of events seen on CCTV, police officers attend the scene of a disturbance but all parties have left, there is no requirement to record a crime, although an auditable incident record must exist. There may be occasions when as a result of CCTV reports the police complete further appropriate or reasonable enquiries. If that activity results in victim confirmation of crime or establishes sufficient reason to record without victim confirmation (see 3.6 above) then crimes must be recorded in line with NCRS principles.
- 3.12 **Reasonable Enquiries:** In all cases where criminal activity is apparent i.e. suspected damage to property is reported by a witness or found by police but a crime is not initially recorded in keeping with NCRS principles the police would be expected to carry out reasonable enquiries to confirm whether a crime has 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 or in the victims best interests, witnesses or via other supporting evidence. Where this cannot be confirmed, the incident report must be endorsed with the enquiries made and the reason why a crime was not recorded.
- 3.13 **Data Protection Advice:** Guidance received from The National Policing Data Protection Sub-Committee would indicate that the recording of a victim's personal details, possibly against their wishes, is 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).
- 3.14 **NCRSSG Oversight:** Definitive direction and guidance in relation to crime recording will continue to be contained within NCRS and HOCR. Examples will be included, as required, to facilitate clarification and specific interpretation of the rules. NCRS and the HOCR will be subject of ongoing and timely development, which will be managed by the National Crime Recording Strategic Steering Group (NCRSSG). Amendments will be made (and notified) on an annual basis usually for 1st April adoption. However, amendments may be made in year, if required, and will be promptly notified to forces.

National Crime Recording Standard (5 of 5)

Crime Recording Flowchart

A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a 'victim related' crime has occurred is usually sufficient to justify its recording.



* Paragraph 3.6 provides guidance on recording a crime - even though a victim has declined to confirm or cannot be found.

** Disputes over location should be resolved in accordance with the protocol (HOCR, General Rules, Annex A)

Crime Recording – Supporting Processes (1 of 2)

1. Leadership

The adoption of consistent and victim oriented crime recording will require an unequivocal statement and a clear continuing commitment from Chief Officers and local Commanders. Chief Officers must ensure on an ongoing basis that their force's position on crime recording is clearly articulated throughout the organisation, and that the Service and personal implications of such an approach are understood. Messages from Chief Officers and local commanders should include the following points as recommended by HMIC in their 2014 Thematic report – see Recommendation 11:

- A presumption that victims will be believed when reporting crime – institutionalised in practice.
- Reports of crime should be recorded as such at the earliest possible opportunity
- Decisions to record crimes must not be subject to undue operational or performance pressures, and
- Practices such as investigate to record (where the recording of crime is delayed until after the initial investigation of a complaint) are discontinued.

1.1 Force Crime Registrar (FCR)

To ensure NCRS and HOCR standards are applied with consistency locally and nationally, each force must appoint an FCR to act as final arbiter for the audit process, the interpretation of the counting rules and assigning outcomes. The expectation is that an FCR will have passed the College of Policing's national training course within 12 months of appointment and will thereafter maintain professional accreditation. The FCR will have due regard to advice on counting rules received via NCRSSG structures. The FCR must be outside operational line command for matters concerning NCRS and HOCR and answer to the Deputy Chief Constable (DCC) or an appropriate chief officer (who should not be responsible for force crime performance) designated by the Chief Constable. Formal interactions between Chief Officers and FCR must be evidenced and auditable. The FCR should also have direct access to the Chief Constable (or equivalent) where necessary. Chief Officers must ensure that the FCR has sufficient independence and authority so that high standards of adherence to NCRS and HOCR are attained and maintained. To ensure that the responsibilities of the post are effectively met a deputy or other identified person, will usually be appointed.

Key tasks:

- To understand all the routes (or channels) through which crime is reported to a force, the volumes of crime involved and the specific crime recording attrition (failure) risks associated with each route.
- The development, implementation and monitoring of crime recording and outcome policies and subsequent audit programmes, in line with the Data Quality Audit Manual, to ensure high standards of data integrity and the achievement of a consistent and accurate response to crime recording.
- Oversight and authorisation as appropriate of decisions made to delay recording or to record crime without victim confirmation.
- Oversight in respect of the transfer and cancellation of recorded crimes (C1- C5 inclusive) and the responsibility to authorise all cancelled rape crimes.
- Oversight of training resources produced and used in force to support NCRS/HOCR.
- 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 FCRs through regional and national structures with the remit to consistently maintain NCRS/HOCR standards between forces.

2 Force Systems

2.1 The Incident Recording System

Forces must seek to capture all incidents coming to their notice so as to establish an accurate and timely picture of what is happening locally. This includes command and control systems and other IT systems used in specialist units e.g. Public Protection teams. It is envisaged that all future incident and crime recording systems will be fully integrated to facilitate tracking and audit between the systems. For audit purposes, where recorded incidents appear to be crime related, they will either result in a recorded crime being created or an NCRS compliant reason for not completing a crime report must be recorded.

Crime Recording – Supporting Processes (2 of 2)

Key aspects:

- Adequate distribution of access to systems 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.
- Incidents that do not result in a recorded crime to include sufficient account to show that the force has complied with NCRS and NSIR.

2.2 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:

- An efficient and fit for purpose crime recording system.
- The crime recording system must be capable of proper audit.
- Ideally, there will 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, the HOCR and any associated audit requirement.

2.3 The Crime Recording Process

Responsibility for the recording of crime must be placed in the hands of trained officers and staff, such as is common in specialised Crime Recording/Crime Management Units, whether centrally or locally based. Where this is locally based and requires the involvement a large number of personnel across a force there must be appropriate provisions for data quality assurance oversight at critical process stages.

Key aspects:

- Adequate supervision to ensure a competent and consistent service.
- All stages of the process from initial recording to final disposal must be subject to scrutiny by trained staff.
- All decisions made must be auditable.

2.4. Data Quality Assurance

The National Crime Recording Strategic Steering Group jointly with the national policing lead will own and maintain a Data Quality Assurance Manual (DQAM). The Data Quality Assurance Working Group will be responsible for the on-going development of the DQAM on behalf of the NCRSSG. The DQAM will set out a minimum framework of audit and data quality checks consistent with that needed to allow the public to be reassured that the statistics and data made available to them can be trusted.

- 2.5 Force compliance with the NCRS and the maintenance of data quality may be subject to external review by Her Majesty's Inspectorate of Constabulary or other external bodies as part of their respective statutory powers. However, primary responsibility for the maintenance of crime data quality rests with the nominated Chief Officer with overall responsibility for the accuracy and integrity of crime recording processes within individual forces. FCRs play a key role in support of their nominated Chief Officer to ensure that adequate arrangements are in place for local data quality reviews through effective quality assurance and audit processes.

A Whether & When to Record (1 of 7)

Incident Reports

- **All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident /record by the police.**

The reasons for registering all incidents include the need to ensure forces have all the 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. by an officer on a PDA; by phone to a control room or direct to a Crime Recording Bureau or Crime Management Unit), it is not necessary that an incident report is also created. However, where the initial report is not recorded as a crime, an auditable incident report must be registered (whether in the force incident system or some other accessible or auditable means).

Reported rape incidents: All reported incidents of rape must immediately, be either recorded as a confirmed crime or as an N100 record on the force crime system in keeping with HOCR guidance.

Victim must be told when a decision is taken not to record a crime: Where a report of a crime is made to police and the individual dealing decides not to record it as such then they must make an auditable record of that decision and inform the reporting person why they will not be recording a crime.

Whether to Record

An incident will be recorded as a crime (notifiable offence) for 'victim related' offences if, on the balance of probability:

- (A) **the circumstances of the victims report amount to a crime as 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 immediately available.**

A belief by the victim (or a person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording.

For offences 'against the state' the points to prove "to evidence the offence must clearly be made out before a crime is recorded

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 detailed in HOCR. 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 may not be the case in all circumstances.

Application of the Rule

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 must be recorded.

A victim's refusal to supply details is not reason in itself for failing to record a crime (NCRS 3.5ii).

Example 1: 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.

A Whether & When to Record (2 of 7)

Recording without Victim Confirmation

- **Reports from unwilling victims:** Where apparent criminal activity comes to the attention of the police, and the victim confirms that a crime has taken place, but declines to support an investigation or prosecution a crime must still be recorded.
- **Police decide recording is appropriate / necessary:** The concept of 'No Victim No Crime' as contained within paragraph 3.5 i of the NCRS is a guiding principle. It is not the intention of NCRS that the police routinely record crimes without victim confirmation nor that any incident seen on CCTV must always be recorded. However, NCRS acknowledges there will be circumstances where the police decide recording is necessary without victim confirmation as set out in paragraphs 3.6 i and ii. To ensure consistency of decision making crimes recorded in such circumstances should be subject of appropriate FCR review.

Clarification

Where the police believe there is clear evidence or significant grounds to show that a crime against an identifiable victim has been committed, and that it is either necessary or appropriate to record that crime, (to enable effective investigation, the apprehension of offender(s) or that it is otherwise in the public interest to do so), a force must record even where the victim has declined to confirm or cannot be found taking the potential risks to, or apparent vulnerability of, the victim into consideration.

The circumstances of the crime do not need to be deemed 'exceptional' for this criterion to be applied.

Auditors will consider each case, but will not as a rule find fault if the reason for non compliance i.e. an apparent over-recording of crime is acceptable, where appropriately recorded and there is evidence of FCR review.

It is accepted that forces may make different recording decisions in such cases. Decision making in cases where victims cannot be traced or are unwilling/unable to confirm should be subject of appropriate FCR oversight.

Parent, Carer and Professional 'third party' Reports

Crimes are often reported by individuals acting on behalf of victims. These may be referred to as 'Third Party' reports and commonly such reports include the following:

- **Persons acting in a professional capacity** e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age; or
- **Parents or Carers acting as a guardian or responsible adult**, reporting crime in the best interests of and/or to ensure that a child young person or adult at risk has appropriate access to police services.

When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes.

Such recording must occur regardless of whether the victim is aware of the relevant third party's intention(s) or has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed.

Clarification

Where there are grounds to suspect that a 'victim related crime' may have taken place but no victim (or person reasonably assumed to be acting on behalf of the victim or reporting in circumstances outlined in NCRS paragraph 3.6 ii) 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.

A Whether & When to Record (3 of 7)

Offender Aged Less than 10 years

All reports of crimes made where the offender (if age known or otherwise) is under the age of 10 years must be recorded as a crime. It is a matter for Chief Officers to decide the extent to which any such report is investigated.

Mental Capacity

All reports of crime made where the offender lacks the mental capacity to form the necessary criminal intent (the 'Mens Rea') must be recorded by the police.

Crime Related Incidents

This term is used to describe a record of an incident where a report has come to police attention which, on the balance of probabilities, would amount to a notifiable crime, but a resultant crime has not been recorded. Some circumstances where this would happen are:-

1. The incident is reported by a party **other** than the alleged victim (or person reasonably assumed to be acting on behalf of the victim or a person fitting the 'Third Party' criteria) and having applied NCRS paragraph 3.6; **and either**
 - the victim, when traced, fails or decline to confirm the crime; or
 - the victim cannot be traced and the police are satisfied that recording is neither appropriate nor necessary;

or

2. The incident is being dealt with and recorded by another police force;

or

3. The NCRS or a specific rule within HOCR, or appendix thereto directs that a crime need not be recorded (e.g. DCSF Crime Recording by Police Officers Working in Schools Guidance).

Referrals: Cases involving crimes committed against vulnerable persons that are referred to the police must be recorded regardless of any decision to resolve it by the other organisation. Where following Multi-Agency Risk Assessment Conference (MARAC) procedures, police become aware of an allegation of a previously unrecorded notifiable offence they must deal with the recording of such crime in accordance with NCRS by applying the 'Third Party' criteria (see 3.6ii). The level of subsequent investigation remains a matter for the relevant force Chief Officer(s).

Reports of rape via 'Third Parties' (as specified in NCRS paragraphs 3.6i or ii) or from Sexual Assault Referral Centres (SARCs): A report of rape must be **recorded as a crime** in the following instances:

- The victim provides personal details and seeks a police investigation; or
- The victim (whether anonymous or not) provides details of the Report to be passed to the police but decides not to pursue the case; or
- The victim undergoes a forensic examination with samples submitted to the police for analysis (whether or not personal details are passed to the police); or
- The report is received from a parent, carer or professional third party and there is no reason to doubt the veracity of their report.

A report of rape received from a third party (other than specified in NCRS paragraphs 3.6i or ii) and including reports from SARCs must be recorded as a Reported Incident of Rape (**Classification N100**) in the following instances:

- The victim does not seek a police investigation but is happy for some depersonalised data to be passed to the police **for intelligence purposes**; or
- The victim wishes to remain anonymous and does not want details of the allegation passed to police (if any information at all received by police); or
- The victim undergoes a forensic examination and samples are frozen at the SARC in case the victim decides to pursue the case at a later date (forensic samples are not passed to the police).

A Whether & When to Record (4 of 7)

Recording State Based Offences

Evidence Based Recording: Offences against the State (NCRS Para 2.4) are offences where the offence is made out notwithstanding the fact that the crime in question is not directed toward a specific intended victim. Offences of this nature may be discovered by the police but may equally be brought to our attention by members of the public. Regardless of how the police are made aware of the offence the decision to record the crime will be based on the evidence available; this will include the evidence of members of the public and police officers who have witnessed criminal behaviour; as well as physical evidence such as the discovery of a Cannabis Factory in a disused premise.

There will be circumstances where there is evidence to show that an offence has been committed against the State although the identity of the offender(s) hasn't been established; the discovery of article used in connection with producing counterfeit currency will be evidence of an unlawful operation regardless of the fact that the offenders aren't known. However, there will be cases where the offence is only made out if the criminal liability of the offender can be proven. The fact that an offender is found in possession of controlled drugs won't amount to a notifiable crime if it cannot be established that the person's possession is unlawful; i.e. he/she was ignorant of the nature of the substance. A person found to be unwittingly in possession of a banknote stained with cocaine isn't criminally liable therefore a crime need not be recorded.

The **points to prove to evidence the** offence in each case must be assessed on their merit(s); this may involve an assessment of the evidence by the Crown Prosecution Service. If the role of the alleged offender is critical to establishing the offence a crime need not be recorded if the collated evidence fails to establish a bone fide case against a person. If previously recorded the offence could be considered for cancellation.

Recording public order act offences: 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 line with the NCRS. With the exception of offences contrary to Sections 4 and 4a, which are victim based, the offences covered by the Public Order Act 1986 (POA) fall within the Offences against the State category. In the majority of cases the behaviour supporting the contravention of the Act will be directly witnessed by persons who are adversely affected by the behaviour. The evidence provided by such witnesses must always be fully considered when assessing evidence for crime recording purposes. Where witnesses provide clear evidence that they were alarmed, harassed, distressed, threatened, or given cause to fear for their personal safety etc. the circumstances will normally amount to a crime being recorded; unless another essential element of the offence is missing. Alternatively where there is no direct evidence from witnesses to support a breach of the POA a crime need not be recorded unless there is other reliable and admissible evidence to prove a breach of the Act.

In public order incidents (see NCRS paragraphs 3.9 and 3.10), reasonable enquiries should be undertaken, where appropriate, 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, the record should be closed as Anti-social behaviour in accordance with the provisions of the NSIR.

Clarification

- 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.
- Where the only witness to a Section 5 Public Order Act offence is a Police Officer, due regard must be given to the stated case of R v Orum.
- In the case of offences under Section 5 of the Public Order Act 1986 where there is no specific or intended victim, other than the police officer, where an officer warns an offender to stop the unlawful behaviour and as a consequence of the offender heeding the warning, no further action is taken (other than implementing local diversionary initiatives excluding Penalty Notices for Disorder), the incident must not routinely be recorded as a crime but as an incident of Anti-social Behaviour (ASB).

A Whether & When to Record (5 of 7)

When to Record

- **A crime must be recorded as soon as possible after the person receiving the report is satisfied that it is more likely than not that a crime has been committed.**

Where the information obtained at the first point of contact satisfies the CRDMP the expectation is that identified crimes will be recorded without delay. It is expected that such crimes will be recorded on the same day the report is received – and be recorded, with a crime number, on the force crime system within 24 hours of the time the initial report was received. Exceptionally, in circumstances where a victim or person reasonably assumed to be acting on the victim's behalf, cannot be located to confirm that a victim related crime occurred then recording may be extended for up to 7 days. However, where the victim is not traced to confirm an initial report, (for a victim related crime); the expectation is that the CRDMP will be made on the basis of the available first contact information. All reports subject to delayed recording must contain an NCRS compliant rationale and have appropriate FCR oversight. Recording must not be delayed in order to carry out an investigation.

- **The timing of a recorded crime, for the home office statistical returns, will 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, will be included in the recorded crime total for October.
 - The 24 hour provision doesn't necessarily mean that the crime classification must be **confirmed** for the purpose of statistical return within 24 hours; just that a notifiable crime is recorded on the crime system.
- **Once recorded, a crime must remain recorded unless there is additional verifiable information that determines that no notifiable crime has been committed. (see section c for further details).**
- **For crime committed outside England and Wales refer to section G location of crimes (1 of 6).**

COVERT and Undercover Online (UCOL) Operations

The only exception to this requirement for recording crime is for undercover operations. Where compliance is not possible due to the complexity, or possible compromise, of the investigation, all crimes arising from the investigation should be recorded within the above timescales, immediately following the conclusion of the investigation.

For complex operations or operations that cover more than one force area, the authorising officer should liaise with their FCR to ensure all crimes are recorded correctly applying the HOCR general principles. For Regional Crime Teams a local agreement should be used to identify the responsible FCR in each case. (Updated November 2018).

Application of the Rule

Example 1: During a police operation an offender supplies cannabis to an undercover police officer on three occasions.

Three crimes of trafficking (class 92/46)

Example 2: During a police operation an offender supplies heroin and cannabis to an undercover police Officer on three occasions.

Three crimes of trafficking (class 92/31). As a Class A drug heroin is the principal crime.

Example 3: Police install covert surveillance equipment in a warehouse where employees are suspected of thefts. After a week they view the tape recording and observe John committing thefts on two days and Paul committing a theft on one day.

Two crime of theft employee must be recorded (class 41) one for each offender. All offences were reported to the police at the same time.

A Whether & When to Record (6 of 7)

Example 4: Police install covert surveillance equipment in a warehouse where employees are suspected of thefts. Each night they view the tape recording and observe John committing thefts on two separate days and Paul committing a theft on another day.

Three crimes of theft employee must be recorded (class 41). Two for John and one for Paul. Offences were recorded by police daily.

Example 5: During an undercover operation, police purchase (what the offender admits to be) stolen goods in the following circumstances:

- (i) Brian and David sell stolen goods on four separate occasions admitting that the property was stolen by them by means of domestic burglaries. Following arrest at the end of the operation they are charged with four counts of burglary for offences already recorded by Police.

The four recorded burglary offences can be assigned an outcome under Outcome Type 1. No additional offences of handling stolen goods must be recorded.

- (ii) Fiona sells stolen goods to police on six separate occasions.

Six crimes of handling stolen goods (class 54).

- (iii) Twelve different offenders sell stolen goods to police during a covert operation. Only six offenders are arrested and charged at the conclusion of the operation.

The FCR must ensure that all offences are recorded under (class 54). That is all the separate offences for each of the twelve identified suspects.

National Crime Agency (NCA)

Where the NCA is responsible for an investigation the following rules will apply:

- If NCA is investigating a previously recorded notifiable offence, HO CR must be applied in the same way as for an offence being dealt with by the force.
- Where the NCA brings a suspect into a force custody centre the NCA SPOC will notify the force FCR of the details in order to allow the correct crime recording decision to be made.

For all other NCA investigations and reporting the HO CR must be applied in all cases, however if the senior investigator believes that recording the allegation on the relevant force crime system:

- would not be in the public interest **or**
- doing so may compromise the investigation **or**
- could risk the safety of NCA operatives or other parties to the investigation.

The recording may be delayed until the conclusion of the investigation, or at a point in the investigation when the criteria for not recording, as previously described, cease to exist; at which time:

- The NCA must ensure that details of the investigation or reports are made available to the relevant FCR so that a crime recording decision can be made; and all relevant crimes are recorded in accordance with the general principles.
- The NCA will provide a SPOC for FCRs to resolve queries.

Outcomes

The case papers relevant to NCA investigations will normally be retained by the Agency. It is therefore essential that force systems capture sufficient details to provide an audit trail which enables future validation of both the recorded crime and any linked outcome.

A Whether & When to Record (7 of 7)

Crime Recording - Schools Protocol (See Annex B)

In 2004 the Association of Chief Police Officers, the Department for Education and Skills (as it then was) and the Home Office (NCRSG) developed an protocol to address crime recording by police officers working in schools in England and Wales. The protocol which was revised in 2007 presupposes that it is, in the first instance, the responsibility of school managers and staff, not police officers, to deal with and record behavioural incidents involving children and young people on a school site, even though it may be decided later that some cases amount to criminal conduct. Originally this protocol focussed on police officers working, or permanently based, in schools however it is now equally applicable to incidents in schools which officers respond to.

When requested by the school, officers will consider the nature and seriousness of an incident following the schools protocol criteria before deciding whether to officially record the matter, immediately or at a later stage, as a recordable crime. A list of serious incidents is shown at Annex B (2 of 2). In addition, a serious incident is one which in the view of the child, guardian or the child's representative any incident that has led or intended to, or is likely to or threatened to lead to serious harm or loss to any child or young person.

In order to sustain the disciplinary authority of schools, the protocol clarifies the general principles of NCRS as they apply to incidents on school premises. When police have reported to them an incident which took place on school premises during normal school hours, including those witnessed by, or reported directly to, officers working in the school, which they would normally record as a notifiable offence they will, in the first instance, invite the victim or the person acting on their behalf to report the matter to the head teacher to be dealt with under normal school discipline procedures. Such reports must be recorded as a crime related incident only, until or unless:-

- (a) they judge it to be a serious incident as defined in Annex B; or
- (b) having brought the matter to the attention of the school in line with good practice, they receive a formal request from the school to create a crime record; or
- (c) the child, parent or guardian or the child's representative asks the police to create a crime record.

To assist police responding to such incidents reference is made to the current guidance issued by the DfE, and Ofsted that can be found on their websites, on responsibilities for and dealing with behaviour in schools.

B Classification & Re-classification (1 of 1)

When to Classify

- **Classification of a recorded crime must 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 FCR) has checked the crime record to satisfy himself/herself that the procedure has been undertaken correctly.

How to Classify: Record According to the Counting Rules

- **The crime type chosen must be determined by applying the counting rules, 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 outcome).

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 or if the original classification is discovered to be in error, it may be re-classified if it is considered appropriate to do so.**

When considering re-classification the police will apply their knowledge of the law and Home Office Counting Rules to the information or evidence obtained since the original classification was made. If having regard to the new information or evidence the original classification is no longer deemed to be accurate the offence will be re-classified or dealt with under Rule C2 if appropriate. Justification for the re-classification must be recorded within the crime record in an auditable form.

- **Only an FCR or a DDM can authorise the re-classification of a recorded crime.**

Where the decision maker is a DDM the FCR must have appropriate oversight of the process.

Exceptionally only a College of Policing accredited crime registrar may authorise the re-classification of a recorded rape or homicide.

Application of the Rule

A crime is initially recorded and classified as crime type A. The FCR considers crime type B to be more appropriate.

- | | | |
|----------|-------|--|
| Example: | (i) | The FCR/DDM is validating the crime before confirmation.

The crime must be classified as crime type B. |
| Example: | (ii) | The crime has already been confirmed, but new information supporting crime type B has emerged later.

The FCR/DDM may re-classify to crime type B. |
| Example: | (iii) | As (ii), but crime type B is not notifiable.

The FCR/DDM must cancel the offence type A. |
| Example: | (iv) | Crime type B is entered in error as crime type A.

The FCR/DDM must re-classify to crime type B. |

C Removing Crime Records (1 of 3)

When to Classify

There are five criteria when crimes which are already recorded may either; be cancelled from local records or transferred to a force that it has already been established owns the crime. Removing records appropriately ensures both that locally reported crime and national crime data are accurate and promote the trust and confidence of victims and the public.

Criteria to transfer or cancel

C1: Transferred: crime committed outside the jurisdiction of the police force in which it was recorded – passed to that force.

Crimes committed within the jurisdiction of another police force area in England and Wales should be referred to the respective force – and the record may only be removed once a crime reference has been obtained from the receiving force and the victim has been advised of that new crime number.

Clarification:

It is expected that once a force has determined that a crime is made out in accordance with NCRS and records it – then any subsequent transfer to another force would ordinarily result in the immediate recording of a confirmed crime by the force accepting the transfer – unless the FCR in the receiving force is entirely satisfied that no notifiable crime has been committed in their force area.

C2: Cancelled: additional verifiable information that determines that no notifiable crime occurred becomes available.

Where following the report and recording of a crime additional verifiable information (AVI) is available that **determines** that no notifiable offence has occurred the crime may be removed.

C3: Cancelled: duplicate record or part of a crime already recorded.

Crimes which constitute a duplicate record of a crime, or part of a crime that is already recorded within a force, must be cancelled to avoid duplication of statistics.

C4: Cancelled: crime recorded in error.

Crimes which have been recorded in error or by mistake as a notifiable crime should be cancelled to ensure accuracy of statistical records.

C5: Cancelled: self defence claimed (for specific recorded assaults).

Where the recorded crime is one of assault within classification 8N (Section 47 ABH only) or classification 104 or 105A **and** evidence shows an offender has acted in self defence a crime record may be cancelled.

Responsibility for Decision Making

Decision making in relation to the use of classifications C2 – C5 inclusive should only be undertaken by individuals who are independent of the investigation of a particular crime or crimes. All such decision makers must be properly trained in respect of the application of Section C of the HOCR and the Force Crime Registrar should have appropriate and direct oversight of their decision making. C5 cancellations must be authorised by trained DDM or the FCR.

Rape and Homicide Crimes – Authorised by FCR

Decision making for all offences of rape and homicide (where C2 AVI cancellations are considered) should only be taken by a Crime Registrar who is listed on the College of Policing professional register. Where a force has no crime registrar on the register the decision maker for forces in England and Wales must be the Chief Officer responsible for crime recording who must receive advice from the Crime Registrar. (updated July 2018).

Modern Slavery Crimes

A negative Conclusive Grounds decision made in relation to a submission to the National Referral Mechanism (NRM) may be classed as AVI for the purpose of cancelling a crime recorded after 1 April 2020. (added June 2021)

C Removing Crime Records (2 of 3)

Notifying Victims and Recording Action Taken

Where a decision is taken to either transfer (C1) or cancel (C2 and C5 only) a recorded crime the decision maker must assure themselves that the victim(s) have been informed of the police decision and that there is an auditable record providing details of that notification. That notification must have been made prior to the cancellation from the statistical records.

Cancelling Reports – No Victim Based Notifiable Crime Committed

In all cases where there is additional verifiable information that determines that no victim based notifiable crime has been committed, the report must be cancelled under C2.

Where the person, who was originally shown as the 'victim' of the cancelled notifiable crime, is believed to have committed a notifiable state-based crime, an additional report must be recorded in relation to that offence.

Statistical Considerations

These criteria can be applied to crimes recorded at any time during the financial year and may include offences recorded in previous financial years.

Where a transfer / cancellation relates to a previous financial year's recorded crime, forces should re-submit an adjusted end of year Home Office return for that financial year. The current year's crime figures must not be understated by including records that were cancelled or transferred in previous years.

Application of the Rule Examples of Crime Fitting Section C Criteria:

1. 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.

C2: Cancelled: Additional Verifiable Information determines that blackmail crime was falsely reported.
2. A burglary is reported and recorded but the subsequent investigation reveals that the report was false and a fraudulent insurance claim has been made.

C2: Cancelled: Additional Verifiable Information determines that the burglary report was false – in addition one crime of fraud to be recorded by Action Fraud.
3. A theft in a dwelling is discovered to have been recorded subsequent to the burglary of which it forms part.

C3: Cancelled: Duplicate Record - the theft in a dwelling relates to a burglary crime already recorded.
4. An ABH is recorded but is discovered to have occurred during the course of a robbery which is already recorded.

C3: Cancelled: Duplicate Record - the ABH relates to a robbery crime already recorded.
5. An offender burgles a dwelling, rapes the occupant and steals her car from the driveway. All are reported together and under the Principal Crime Rule (see Section F), the rape is recorded. One of the other constituent crimes of the incident is subsequently recorded.

C3: Cancelled: Duplicate Record – the subsequent record was erroneously recorded.
6. An abandoned vehicle is found burnt out. 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.

C4: Cancelled: Recorded in Error - In these circumstances, no notifiable crime has been committed in law. It should be treated as having been crimed in error. .

C Removing Crime Records (3 of 3)

- 7: Following the submission of case papers in relation to an ABH the CPS endorse the MG3 with 'no evidence of an offence having been committed'.

C5: Cancelled: Self Defence - If the police decide the self defence criteria are met then a trained DDM or FCR may authorise the cancellation.

Example of a Crime Which Should Remain Recorded:

Example 1: A rape is reported to and recorded by the police. Following investigation, the police are unclear whether a crime actually took place.

The rape must remain recorded.

D One Crime per Victim (1 of 1)

- **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 specific crime.

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

Where there are grounds to suspect that a victim related crime has taken place the victim or a person acting on behalf of the victim must confirm the circumstances relating to that crime for a crime to be recorded. It is not necessary for the victim to provide personal details or wish police to pursue the matter, only for them to confirm the circumstances surrounding the crime.

NCRS specifies at paragraph 3.6 certain criteria in which it is appropriate to record victim based crimes without the confirmation of the victim (see also 3.6 i and 3.6 ii).

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.

Application of the Rule

Example 1: Two relatives of the householder who are staying overnight have property stolen when the house is burgled.

One crime of burglary - residential (class 28E).

- **If there is no specific, intended victim of a crime, or if the crime is 'victimless', then one crime must 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 must 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 must be counted separately.

E The Finished Incident Rule (1 of 1)

- **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).

- **An incident will 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.

Application of the Rule

Examples of the Finished Incident Rule

Example 1: '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.

Example 2: 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 (1 of 1)

- **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. (NB: 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) WILL generally take precedence over the most serious property crime. If it is not possible to do this, regard must 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 and Annex C of the General Rules contains a Principal Crime Look up Table which clarifies precedence, particularly for crime types with the same (or similar) maximum sentences.

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 must 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.

Application of the Rule

Examples of the Principal Crime Rule

Example 1: 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 19).

Exceptions to General Rule

- **Modern slavery (classification 106)**

When considering classification issues in relation to Modern Slavery it is necessary to record both Modern Slavery as well as the most serious additional victim based offence, where the circumstances involve the same victim-offender relationship. More detail can be found in the HOCR Classification 106.

- **Passport application fraud (classification NFIB 12)**

Crimes within this class should be counted in addition to any other Notifiable Offence(s) disclosed.

- **Stalking (classification 8Q)**
- **Harassment (classification 8L)**
- **Controlling and Coercive Behaviour (Classification 8U)**

Where there is a course of conduct amounting to either stalking or harassment or controlling and coercive behaviour the relevant course of conduct crime (stalking or harassment or controlling and coercive behaviour) should be recorded in addition to the most serious additional notifiable crime reported at the same time (per victim-offender relationship).

Where there is a course of conduct that involves a combination of 8Q, 8L or 8U offences between the same victim and offender then only the most serious offence needs to be recorded. (added July 2018)

G Location of Crimes (1 of 6)

The principles set out in this section will provide the basis on which the crime recording location is determined.

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

Suspect Location

- **The location of the suspect(s) at the time they committed the offence will determine the crime recording location.**

Clarification

- At the time the report is received by the police the location of the suspect(s) at the time of the offence is clearly evidenced:

The crime will be recorded as having occurred at that location.

Example of Suspect Location

Example 1: The suspect is seen by several witnesses to break the window of a car which is parked in the High Street.

The crime will be recorded by the Police Force Area (PFA) covering the High Street.

Example 2: A suspect is arrested in PFA 'A' and taken to a custody centre in PFA 'B'. When searched in the custody centre the detainee is found to be in possession of a quantity of controlled drugs. There is no evidence to suggest that the drugs came into the suspect's possession since they were detained.

PFA 'A' must record the appropriate crime of unlawful possession of controlled drugs at the location of arrest as no evidence to suggest the suspect came into the possession of the drugs following arrest.

Suspect Location Determined to be Outside England and Wales

- **A crime committed outside England and Wales must 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)**

Examples of Location Being Determined to be Outside of England and Wales

The victim who lives in PFA 'A' whilst on holiday in Spain is victim to a robbery during which their mobile phone is stolen. On returning home from holiday the offence is reported to PFA 'A'.

PFA 'A' must record an incident and should assist the victim in relation to reporting the crime to the Spanish authorities if this has not already been done. There is no requirement to record the crime as both victim and offender were outside of England & Wales when the offence was committed.

G Location of Crimes (2 of 6)

Suspect Location

- **A crime committed, where the suspect is determined to be, outside England, Wales, Scotland and Northern Ireland at the time the offence is committed must be recorded if the victim is inside England and Wales at the time the offence is committed.**

Clarification

- It is intended to only cover offences where an interaction between the suspect and victim is required at the time the offence is committed.
- This is not intended to cover offences, such as Burglary, where the victim is not required to be involved at the time.

Examples

1. The victim who lives in PFA 'A' whilst at their place of work in PFA 'B' receives a number of telephone calls, which amount to harassment, from the same suspect who is using a fixed line telephone. The location of the suspect at the time of the calls is determined to be in Spain.

PFA 'B' must record the appropriate crime of unlawful harassment based on the location of the victim at the time the course of conduct is complete.
2. The victim who lives in PFA 'A' whilst at their home receives a telephone call which amounts to an offence under Section 1 Malicious Communication Act 1988. The location of the suspect at the time of the call is determined to be in the Republic of Ireland.

PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the call.
3. The victim, a child aged 15, whilst at their home in PFA 'A' has been in communication via social media with a suspect who has incited the child to engage in sexual activity in front of the camera. The location of the suspect at the time of the contact is determined to be in the Far East.

PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the on-line contact.

Suspect Location Cannot Be Determined Or the Location of Both the Victim and Suspect Cannot Be Determined

The following crime recording location rules and examples cannot cover each and every situation that police may have reported to them. Nothing contained in these rules should prevent police from acting in the best interests of justice or providing appropriate service to victims. There is an expectation that forces will not merely reject any transfer or attempt to transfer any crime solely on the grounds that these rules allow them to do so but will also have considered collaboratively what is most appropriate in each case.

Clarification

The location of a crime will be determined from the following set of principles. The principles are listed in order of priority and it is only when a principle cannot be achieved or is unknown that the next principle will apply:

- 1st The location of the suspect at the time of the offence is clearly evidenced
- 2nd The location of the victim at the time of the offence is clearly evidenced
- 3rd For Personal crime where the victim is normally resident
For Body Corporate the relevant place of business for the crime in question

G Location of Crimes (3 of 6)

Suspect Location

For Crimes Dependent on Mobile/Internet Devices:

- 1st The location of the suspect at the time of the offence
 - 2nd The most recent confirmed residence for the suspect at or around the time of the offence
 - 3rd The force with the greatest volume of apparent usages of the device
 - 4th The usual home address of the victim – where appropriate forces can agree an alternate recording location on a case by case basis if there is a rationale to do so in order to best serve the victim or investigation. This decision must be agreed between DDMs or FCRs in both forces.
- **If the suspect is in Scotland or Northern Ireland then Police Scotland or the PSNI should be given the opportunity to record the crime by transfer. If they decline, then it will be recorded by the force covering the victim location at the time the offence is committed.**

Examples where suspect location cannot be determined

- 1: The victim who lives in PFA 'A' whilst at their place of work in PFA 'B' receive a number of telephone calls, which amount to harassment, from the same suspect who is using a mobile telephone. The location of the suspect at the time of the calls cannot be determined but it is confirmed that he resided in PFA 'C' at or around the time of the offence.

PFA 'C' must record the appropriate crime of unlawful harassment.
- 2: The victim who lives in PFA 'A' whilst at their home receives a telephone call which amounts to an offence under Section 1 Malicious Communication Act 1988. The location of the suspect at the time of the call cannot be determined, but is believed to be outside the United Kingdom.

PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the call.
- 3: The victim, a child aged 15, whilst at their home in PFA 'A' has been in communication via social media with a suspect who has incited the child to engage in sexual activity in front of the camera. It is not known where the suspect was at the time of the contact but it is believed to be outside the United Kingdom.

PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the on-line contact.

Examples where suspect location cannot be determined

- 4: The victim, a child aged 15, whilst at their home in PFA 'A' has been in communication via social media with a suspect who has incited the child to engage in sexual activity in front of the camera. The suspect has a dynamic IP address therefore unable to establish where the suspect was when connected to the internet. The most recent confirmed residence for the suspect at or around the time of the offence is in PFA 'B'.

PFA 'B' must record the appropriate crime on the basis of the most recent confirmed address of the suspect at or around the time of the offence.
- 5: A bomb threat is made against a newspaper in PFA 'A.'. The paper reports this to PFA 'A' however they have not logged the telephone number of the caller making the threat.

PFA 'A' must record the appropriate crime on the basis of the victim's location at the time the threat was received.

G Location of Crimes (4 of 6)

Examples where suspect location cannot be determined

- 6: Person X posts on social media a comment which clearly constitutes an offence such as a public order, and/or a racially motivated matter. A number of people in forces A, B, C, D, E and F report this to those forces and say they have been offended and consider themselves victims.

One crime to be recorded by each of forces A-F based on the location of the first person in each area making the report. All subsequent reports to be recorded as CRIs linked to the recorded crime.

7. It is subsequently established that the offender is in force G at the time the offence is committed.

One crime by force G based on the offenders established location. Forces A-F to transfer their crimes to force G who links all reporting persons to their crime. Once transferred the crimes can be shown as cancelled by transfer.

Example where victim location cannot be determined

The victim who lives in PFA 'A' boards a bus in PFA 'D' to return home. The bus journey travels through PFA 'B' and 'C' during the journey. On arriving home in PFA 'A' the victim realises their laptop is missing but knows it was in their possession when they boarded the bus. It is not possible to establish where or when during the journey the laptop went missing.

PFA 'A' to record (as it is the PFA where the victim is normally resident as the location of neither the suspect nor the victim at the time of the offence can be clearly evidenced).

Example where victim and suspect location cannot be determined

A blackmail demand is received by letter (e-mail, fax etc.) at a store in High Street PFA 'A' Area 'A'. The store is part of a national chain with its registered office in PFA 'B' and a regional office in PFA 'A' Area 'B'. It cannot be determined from where the letter was sent.

PFA 'A' Area 'A' must record the appropriate crime regardless of the nature of the menaces.

G Location of Crimes (5 of 6)

Victim

For crime recording purposes a victim is defined as the subject against whom the crime was committed.

- **For property crime** this will be the person who had custody/control or proprietary rights in the property at the time the crime was committed.
- **For offences against the person** the specific intended victim

Crimes in Scotland or Northern Ireland

Where a crime is reported to a force in England and Wales but was committed in either Scotland or Northern Ireland the force taking the report must record a Crime Related Incident and refer those details onto either the PSNI or Police Scotland. Both these forces have FCRs who can assist in resolving disputes or issues.

Crime location determined by investigation

If during the course of any subsequent investigation the location of the suspect(s) at the time of the crime is determined as being at a different location to that recorded consideration should be given to transferring the crime to the police force area covering the identified location.

Crimes in more than one force

- **Where a crime affects the districts of more than one police force, one crime must be recorded by the force who first became aware of the offence.**

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.

- **Where separate crimes have been committed in different police force areas, they must be recorded by the respective police forces.**
- **Where a report covers a series of crimes that have been committed in different police force areas and the suspect / victim relationship is the same, the principal crime rule must be applied to the whole series reported and one crime recorded by the force covering the most recent principal crime.**

Examples of Crimes in More Than One Force

- 1: Goods are discovered to have been stolen from a lorry on arrival in force area 'B' having travelled from force area 'A'. Force 'B' is investigating.

Force B to record.

- 2: As above, but new evidence suggests that the theft took place in force 'A'. Force 'A' is taking over the investigation.

Force 'B' to show crime as transferred.

- 3: 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.

- 4: 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).

G Location of Crimes (6 of 6)

- **Crimes committed in locations under the jurisdiction of the British Transport Police (BTP), must be recorded by them and not by the home office force in whose area the crime was committed.**

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

Crimes committed on mod property will be recorded by the home office force for that area, unless the force has agreed following a request by the Ministry of Defence Police (MDP), to cede primacy of investigation in accordance with the terms of the policing protocol between home office forces and the mod, in which case the crime will be recorded by the MDP.

Home Office circular 28/2008 refers to protocols between Home Office forces and the MOD.

- **Crimes committed in locations where a policing facility is provided by the Civil Nuclear Constabulary (CNC) must be recorded by the home force in whose area the crime was committed and not by the CNC.**

A protocol between Chief Constables and the CNC in August 2011 set out the responsibility for the investigation of crimes committed within civil nuclear sites rests with Home Office forces.

- **Crimes that cross the border between these forces and home office force jurisdiction must be treated as 'crimes in more than one force' under the rules above.**

See Annex A for NCRSSG protocol for managing reports of crime occurring in other police force areas.

Agreed procedure for dealing with crimes committed in the Air or at Sea

Where a crime is reported on an aircraft in flight and it is not clear where that offence occurred it shall be recorded as follows:

For internal UK flights: the force covering the aircraft's departure location must record the crime. Offences reported to third party forces will be made subject of a crime-related incident and referred for crime recording to the force covering the airport of departure;

For international flights arriving in the UK: classify as a crime related incident but do not record the crime.

For aircraft on international flights departing the UK: the force covering the airport of departure.

Clarification:

The crime recording location will be the airport of departure in cases where there is a stop-over(s) on route during which the victim has no access to that baggage, unless there is evidence to show the theft occurred elsewhere.

Example: A passenger flies from a UK airport (in force A area) to China but stops in Paris to change planes. The baggage is ticketed directly to the end destination and the passenger has no access to that baggage during the stop. On arrival at the end destination items have been stolen and this is reported to the Police at Force A. There is no evidence to show where the theft occurred.

One crime to be recorded by force A.

For all offences in transit reported on British registered aircraft anywhere in the world: the force covering the airport from which the aircraft last departed the UK.

Note: the above procedures also apply to crimes committed at sea – i.e. replace 'aircraft' with 'ship' and 'airport' with 'seaport'.

H Recorded Crime Outcomes (1 of 10)

Outcome Types

For home office purposes, all recorded crimes will be assigned one of the following outcome types:

Outcome Type 1

A person has been charged or summonsed for the crime (irrespective of any subsequent discontinuation or acquittal at court).

Outcome Type 1A

A person has been charged or summonsed for the crime, but following the application of the CPS charging standards and the provisions of the HOCR, the charge/summons relates to an alternate offence to that recorded (irrespective of any subsequent acquittal at court).

- All of the clarification stipulations in respect of Outcome Type 1 also apply to Outcome Type 1A.

Outcome Type 2 -

A youth offender has been cautioned by the police.

Outcome Type 2A

A youth offender has been cautioned by the police, but following the application of the CPS charging standards and the provisions of the HOCR, the caution relates to an alternate offence to that recorded.

Outcome Type 3

An adult offender has been cautioned by the police.

Outcome Type 3A

An adult offender has been cautioned by the police, but following the application of the CPS charging standards and the provisions of the HOCR, the caution relates to an alternate offence to that recorded.

H Recorded Crime Outcomes (2 of 10)

Clarification

Outcome Types 1A, 2A and 3A

Where a crime (other than Murder or Rape), is recorded in accordance with the HOCRs, there is no justification for reclassifying the crime and:

- the offender is involved as a principal or accessory to that offence rather than associated offences which would require additionally recording under NCRS

AND

- an alternative offence using the same material facts has been charged or cautioned

THEN the principal crime can be counted as Outcome Type 1A, 2A, or 3A. The FCR will have quality assurance oversight of the process.

Example 1: An allegation of a robbery of mobile phone is recorded and investigated:

- Two days later an offender is arrested in possession of the mobile phone and subsequently charged with Handling Stolen Goods (HSG). There is no evidence to indicate that the offender was either a principal, or an accessory to the original recorded Robbery.

The offence of robbery remains recorded but cannot have an Outcome type 1A assigned to it. A further offence of HSG must be recorded and an Outcome type 1 applied to it.

- An offender is then arrested for the Robbery. The CPS reviews the evidence and decides that it may be more appropriate to prosecute for theft. There is no justification for reclassifying the crime. The material facts associate the offender as a principal or accessory to the original recorded Robbery.

The robbery classification remains valid and can be counted as Outcome type 1A.

Example 2: 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 burgle.

The burglaries can all be counted as Outcome type 1A.

Where the alternate offence is consequential to the principal crime then the principal crime related offence rule must be applied.

Example: 3: A person is assaulted and during that assault their mobile phone is damaged. A crime under classification 8N is recorded. Following investigation the police consider that the suspect can be charged for the damage but not the assault. Applying the principal crime related offence rule the assault cannot be allocated outcome 1A and must be allocated an appropriate alternative outcome. An additional crime of criminal damage may be recorded and can be allocated outcome 1 if the suspect is charged.

The above provisions in respect of alternate offences may also be applied to Outcome type 8.

H Recorded Crime Outcomes (3 of 10)

Murder Offences - Alternate Offence

Where the recorded crime is for an offence of Murder the alternate offence can only be applied where the offence charged is one of the four following offences:

Manslaughter 4/1,
Infanticide 4/2,
Child Destruction 4/3 or
Causing or Allowing Death of Child or Vulnerable Person 4/7.

A DDM must ensure that all the three points below apply:

1. The Crown Prosecution Service confirms the offence of murder has been established.
2. There is evidence to show that the alternate offence(s) with which the person or persons are charged are directly related to the death of the victim.
3. The Crown Prosecution Service is satisfied that prosecution for the alternate offence(s) is in the public interest.

If all the above apply and the crime record is endorsed to that effect by a DDM, then the alternate offence can be applied to a recorded crime of murder.

Rape Offences - Alternate Offence

In the case of Rape -

- where the victim is a **child aged under 13** and the offence charged is one of the following offences under the Sexual Offences Act 2003, involving penetration of the mouth, vagina or anus with a penis:
 1. Sec 6 (1) Assault of a child by penetration.
 2. Sec 8 (1) and (2) Causing or inciting a child under 13 to engage in sexual activity.
 3. Sec 9(2) Sexual activity with a child.
 4. Sec 13 Child sex offences committed by children or young persons.
 5. Sec 25(6) Sexual activity with a child family member.

OR

- where the CPS have indicated on an MG3 that on public interest grounds to charge with an alternate sexual offence.

OR

- where a charge is brought under
 1. Sec 2 Sexual Offences Act 2003, assault by penetration.
 2. Sec 30(3) Sexual activity with a person with a mental disorder impeding choice.
 3. Sec 34(2) Inducement, threat or deception to procure sexual activity with a person with a mental disorder.

In the case of Attempted Rape -

- where the CPS have indicated on an MG3 that an alternate sexual offence should be charged.

FCR discretion

An accredited FCR (and only an FCR) may authorise the application of an alternate offence to any case of rape (or attempted rape) where that alternate offence is a sexual offence.

H Recorded Crime Outcomes (4 of 10)

Application of the Rule Examples

- 1: A 12 year old girl willingly participates in intercourse with her 15 year old boyfriend. This is correctly recorded as Rape under class 19/16. The CPS advises a charge under Section 13 of the Sexual Offences Act 2003.

The rape remains recorded and can be assigned outcome type 1A under the alternate offence (the victim is a willing participant).

- 2: A. An offence of rape of a 15 year old is recorded and investigated. The alleged offender aged 17 admits sexual intercourse but claims the victim consented. The victim denies having consented. CPS advise that there is insufficient evidence to secure a conviction for rape and prosecution for an alternate offence is not in the public interest.

There are no grounds for reclassification. The rape remains recorded and cannot have an outcome type 1 assigned to it and should be allocated the appropriate alternative outcome. (There is no justification for additionally criming an offence of causing sexual activity (class 22B) because the victim has confirmed the rape).

B. In the same circumstances if the CPS advises a charge under section 13 of the Sexual Offences Act 2003 outcome type 1A may be assigned to the recorded rape.

- 3: An offence of rape of a 15 year old is recorded and investigated. The alleged offender admits sexual intercourse but claims the victim consented. The victim denies having consented. CPS advise there is sufficient evidence to secure a conviction for rape, but on public interest grounds decide it is more appropriate to charge an alternative offence under class 22B (recorded on the MG3).

There are no grounds for reclassification. The rape remains recorded and can be counted as Outcome Type 1A by way of the alternate offence (CPS advise there is sufficient evidence to secure a conviction for rape, but on public interest grounds decide it is more appropriate to charge an alternative offence).

Outcome Type 4

The offender admits the crime by way of a pace compliant interview and asks for it to be taken into consideration by the court on form mg18.

Evidence

There must be a pace compliant interview where the suspect has made a clear and reliable admission of the offence and which is corroborated with additional verifiable auditable information connecting the suspect to the crime.

Clarification

- The offences taken into consideration **must** be similar to, but not more serious than, the offence charged.
- The offender must be appearing before a court to have the matters taken into consideration.
- Crimes can be counted under this outcome type once there is a PACE compliant admission, the TIC acceptance form (MG18) has been signed and the DDM is satisfied that there is additional information connecting the person to the crime. For TIC(s) in other Police Force Areas it is acceptable for the originating Force's DDM to state that this requirement has been met. It is not necessary for the receiving Force's DDM to perform the same task.

H Recorded Crime Outcomes (5 of 10)

Outcome Type 4 Clarification (continued)

- In exceptional circumstances crimes can also be counted under this outcome type once there is a PACE compliant admission and the offender, having previously failed or declined to sign the TIC acceptance form (MG18), whilst at court during sentencing asks for the offence(s) to be taken into consideration by the court, and the DDM is satisfied that there is additional information connecting the person to the crime. In these circumstances it is preferable for the TIC acceptance form to be signed during the proceedings; where for any reason this doesn't happen the force must prove the offence(s) were taken into consideration by the court, before assigning an outcome.
- If the offender is found to be not guilty, provided that the preceeding requirements have been complied with the outcome can remain.
- Providing the victim confirms that the offence occurred, crimes that have not previously been recorded but which are taken into consideration, must be recorded and the outcome assigned to them. If the victim cannot be traced or does not confirm the crime then it need neither be recorded nor assigned an outcome.

Application of the Rule Examples

- 1: An offender awaiting sentence on a burglary charge admits, during a PACE compliant interview, committing five other reported burglaries. On four of the offences he is able to provide police with the exact method of entry and details of the property stolen. On the fifth burglary all he can say is that he did it. He has signed an MG18 for all the offences.

The DDM is able to authorise four TIC outcomes for burglary. There is no additional evidence linking the offender to the fifth burglary.

- 2: A prolific thief is asked during a PACE compliant interview about auto crime offences last year. He states "I only stole from Renaults. I bent the door back to get in. Any in this area will be done by me". He cannot remember any further details except there was one in Station Road where the car was pink and he stole a saddle. There are 25 crimes with this method and one was from a pink Renault and a saddle was stolen. He signs the MG18 for all of the offences.

The DDM is only able to authorise one TIC outcome for the pink Renault. there is no additional evidence linking the offender to the other crimes.

- 3: A shoplifter wishes to have five street robbery offences taken into consideration. He signs the MG18.

Firstly robbery is an indictable only offence and must be referred to the cps for a decision under the directors guidance on charging. secondly, robbery is not proportionate with a shoplifting charge. no tic outcomes can be claimed at this time.

- 4: 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 need be neither recorded nor assigned an outcome.

H Recorded Crime Outcomes (6 of 10)

Outcome Type 5

The offender has died – all offences.

Clarification

Forces must ensure that the DDM involved in this decision making process is at an appropriate level for the seriousness of the offence being considered.

- The supporting documentation or case papers must contain sufficient evidence to charge had the offender not have died before proceedings could be initiated.
- The victim (where applicable) has been informed of the fact that the case will be dealt with by way of a no further action outcome.
- The date and circumstances of the death together with details of the information source must be recorded in clear and auditable form.

Outcome Type 6

A penalty notice for disorder (or other relevant notifiable offence) has been lawfully issued under s1-11 of the criminal justice and police act 2001.

The latest guidance [‘Penalty Notices for Disorder’](#) was published by the Ministry of Justice in June 2014.

Where it is later established that the PND guidance has not been followed the outcome applied to the crime report will remain unchanged unless the police revoke the PND in which case the outcome must be amended.

Outcome Type 7 (A warning for cannabis or khat possession has been issued in accordance with college of policing guidance).

Outcome Type 8 (A community resolution (with or without formal restorative justice) has been applied in accordance with college of policing guidance).

Outcome Type 9 (Prosecution not in the public interest - CPS decision).

The Crown Prosecution Service (CPS) by virtue of their powers under the Criminal Justice Act 2003 decides not to prosecute or authorise any other formal action.

Clarification

- The supporting case papers must include a copy of the MG3 certified by the Crown Prosecutor that there is sufficient evidence to charge the offender but prosecution is not in the public interest.

Outcome Type 10 (Formal action against the offender is not in the public interest - police decision).

Clarification

- Where police determine there is sufficient evidence to charge but the Director’s Guidance on Charging Requires the case is to be referred to the CPS for a charge decision, the Public Interest judgement must be made by a prosecutor and **in such cases then Outcome Type 9 applied.**

H Recorded Crime Outcomes (7 of 10)

Outcome Type 11 (Prosecution prevented – named suspect identified but is below the age of criminal responsibility).

Outcome Type 12 (Prosecution prevented – named suspect identified but is too ill (physical or mental health) to prosecute or is confirmed to have died either before the crime was reported to police or before enough evidence to charge could be obtained. added November 2020

Outcome Type 13 (Prosecution prevented – named suspect identified but victim or key witness is dead or too ill to give evidence).

Outcome Type 14 (Evidential difficulties victim based – suspect not identified – The crime is confirmed but the victim declines or is unable to support further police action to identify the offender).

Outcome Type 15 (Evidential difficulties named suspect identified).

The crime is confirmed and the victim supports police action (or the points to prove to evidence the offence in respect of state based matters have been made out) but evidential difficulties prevent further action. This includes cases where the suspect has been identified, the victim supports action, the suspect has been circulated as wanted but cannot be traced and the crime is finalised pending further action.

Clarification: State based offences

When considering state based offences the decision maker (who must be appropriate for the seriousness of the offence in question) must satisfy themselves that the points to prove the offence are made out. If the decision maker does not believe that the offence is made out consideration should be given to cancelling the crime in accordance with General Rules C. Outcome 15 should only be applied if the decision maker is satisfied that the offence is made out but the evidential standard for further action is not met.

Outcome Type 16 (Evidential difficulties victim based – named suspect identified – The victim does not support (or has withdrawn support) police action).

Clarification: Named Suspect

In Outcomes 11, 12, 13, 15 and 16, the term “Named Suspect” assumes the suspect’s true identity will have been established. For other outcomes using this term it is only necessary for police to have sufficient information to identify and apprehend the suspect”.

Outcome Type 17 (Prosecution time limit expired - Suspect identified but the time limit for prosecution has expired).

Clarification:

This outcome may only be applied to a recorded crime where either;

The recorded crime is for a matter which, when charged can **only** be dealt with at a magistrates court (summary only);

Or

Having applied CPS standards the crime that would have been charged is a matter which can **only** be dealt with at a magistrates court (summary only).

H Recorded Crime Outcomes (8 of 10)

Outcome Type 18 (Investigation complete – No suspect identified). Crime investigated as far as reasonably possible – case closed pending further investigative opportunities becoming available.

Clarification:

Where a crime is assigned Outcome Type 18 and the investigation is subsequently re-opened with the result that an offender is identified the type 18 Outcome should be re-classified to the appropriate alternative.

Outcome Type 19 (National Fraud Intelligence Bureau filed (NFIB only))

19A - A crime of fraud having been recorded has not been allocated for investigation because the assessment process at the NFIB has determined there are insufficient lines of enquiry to warrant such dissemination and has not sent the crime to be reviewed by NFIB staff.

19B – A crime of fraud and cyber having been recorded and reviewed by NFIB staff, has not been allocated for investigation because the assessment by NFIB staff, has determined there are insufficient viable lines of enquiry to warrant such dissemination.

Outcome Type 20 (Further action resulting from the crime report will be undertaken by another body or agency subject to the victim (or person acting on their behalf) being made aware of the action to be taken). It is not necessary for that further action to amount to criminal processes.

Clarification:

The force must ensure appropriate arrangements are in place with regard to meeting the requirements of the Victims Code. This will include ensuring that victims are told when another agency has primacy for investigation as well as supplying appropriate contact details for such agencies.

The objective is that the agency or body will work to ensure that safeguarding is addressed; the victim is supported and in cases where there is a named and identified person responsible that their behaviour will be managed (and where the agency holds relevant powers that a criminal investigation will be undertaken).

Outcome Type 21 (Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the named suspect, is not in the public interest – police decision).

Clarification

Before deciding that no investigation will be undertaken in relation to a notifiable offence with a named suspect, police must have due regard to the public interest test considerations set out in the Code for Crown Prosecutors Para 4.12 a-g:

https://www.cps.gov.uk/publications/code_for_crown_prosecutors/codetest.html

The views of the victim, or their representative, will always be an important consideration when taking the decision not to investigate an offence where there is a named suspect. However, there will be circumstances when it would be in the public interest to investigate an offence against the wishes of the victim. Conversely there may be exceptional circumstances where police believe that further investigation is not in the public interest, contrary to the victim's wishes. Where this is the case, the decision must be endorsed by a supervisory officer with the rationale fully documented in the crime record.

Outcome 21 is also used operationally as an indication to Disclosure and Barring staff, that care should be taken before routinely disclosing the information. It will not, therefore, normally be appropriate in relation to 'serious' offences such as domestic abuse, hate crime, child abuse or any indictable only matter; nor to any offence, e.g dishonesty, where the nature of the offending may be relevant to future employment with children and/or vulnerable adults. If, in exceptional circumstances, use of Outcome 21 is deemed appropriate for a 'serious' or 'relevant' offence, the decision maker must be appropriate for the seriousness of the offence in question and the rationale sufficient for future DBS staff consideration.

It will usually be necessary for police to speak to the suspect and/or to their appropriate adult (parent/carer etc) to explain the implications.

The FCR must maintain oversight of all records where Outcome 21 is applied.

H Recorded Crime Outcomes (9 of 10)

Outcome Type 22

Diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action.

In respect of outcome types 1-4 and 6-10 inclusive the suspect must have been made aware that they will be recorded as being responsible for committing that crime and what the full implications of this may be.

Clarification

The suspect, or appropriate person, must be made aware in person of all Legal implications that being held responsible for the crime means.

- That a crime has been recorded and they will be held as responsible for it.
- That such material is available for disclosure and information sharing purposes where appropriate.

The [Director's Guidance on Charging](#) issued under s37A of the Police and Criminal Evidence Act 1984 (Sixth Edition: Dec 2020) must be applied to all cases.

Designated Decision Maker (DDM)

The DDM should not have been involved in any way with the original decision. Forces must ensure the DDM is at an appropriate level for the seriousness of the case.

Persons undertaking the role must be approved by an accredited Force Crime Register, and may be a police officer or civilian staff member. The DDM role may be undertaken by more than one person according to the individual needs of the force. However, they must be totally independent from the original investigation. An FCR is considered by the Home Office to be a DDM for this purpose. Amended April 2019

Principal Crime Related Offence Rule

Related Crime Definition

'Any crime within a series of crimes arising from the same incident that involves the same victim and offender(s) which by virtue of HOCR General Rule F cannot ordinarily be recorded. In addition; where, during the course of an investigation, the victim alleges a more serious historic crime against the same offender which results in the reclassification of the original recorded crime'. These less serious crimes should be regarded as related crimes.

- **Where there is only evidence to charge one of the related crimes the principal crime cannot be allocated an outcome under type 1, 2, 3, 4 or 6 and should be allocated the appropriate alternative outcome.**
- **The related crime for which there is sufficient evidence should be additionally recorded and assigned the relevant outcome.**
- **If there is evidence to charge more than one related crime the principal crime rule should be re-applied to the related crimes.**

Application of the Rule Examples

- 1: 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 police decide to charge the suspect.

The burglary cannot have an outcome under type 1 assigned to it. An extra crime of handling should be recorded and counted as type 1. The burglary must have the relevant alternative outcome assigned to it.

H Recorded Crime Outcomes (10 of 10)

Application of the Rule Examples – (continued).

- 2: 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 and is charged for it but there is insufficient evidence to charge for the other two crimes.

The GBH cannot have an outcome type 1 assigned to it. An extra crime of criminal damage must be recorded and counted as Outcome type 1. The GBH must be allocated the appropriate alternative outcome.

- 3: A person reports a GBH, minor criminal damage to their vehicle and theft from their vehicle, but is uncertain of when the damage or theft was 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 crime of GBH which cannot have an outcome type 1 assigned to it and one crime of theft (principal crime rule applies) counted as Outcome type 1 provided there is sufficient evidence to charge.

- 4: An affray involving two offenders occurs where damage is caused to a shop window and a passer-by is assaulted. The damage and the assault are both recorded (different victims). The investigation reveals sufficient evidence to charge the offenders jointly with affray but there is insufficient evidence to show which offender actually caused the damage or carried out the assault although there is evidence to show that the damage and the assault were as a direct consequence of the affray.

The damage and the assault can both be assigned with Outcome type 1.

- 5: A woman makes a clear allegation of being assaulted by being punched in the face by her partner causing injuries consistent with ABH. A crime is recorded under class 8N. During the investigation she alleges that the same partner raped her two months ago. On submission to the DDM the original crime is reclassified to an offence of Rape (class 19C). An investigation finds no evidence to support a prosecution of Rape but the partner is charged with ABH.

The offence of Rape remains recorded and cannot have an outcome type 1 assigned to it. An additional offence of ABH must be recorded and counted as Outcome type 1.

A crime committed by a group of people can be assigned an outcome when one member of the group has been dealt with for the crime under any of the outcome types 1-10. where a second or subsequent member of the group is later dealt with under a different outcome type then the force may if they so wish change the outcome type allocated to the recorded crime.

The characteristics of a group are listed in Section D.

Application of the Rule Example

The police are investigating a theft by a group of offenders. The theft has been recorded. One member of the group is apprehended and issued a community resolution.

One theft counted as Outcome Type 8 (community resolution).

A further member is later charged. *The force may reallocate the outcome to type 1*

Where a crime has been allocated an outcome, but subsequently a different outcome is applied, it must be reclassified to reflect the latest outcome. for example, if outcome 18 is applied initially (investigation complete) and subsequently an offender is identified, forces must reclassify the outcome from 18 to the appropriate alternative, and provide that detail to the home office.

I Other Investigating Authorities (1 of 4)

The majority of criminal proceedings are instituted by the police i.e. cases where the police have investigated, arrested and brought the arrested person to the custody officer (*R v Stafford Justices, 1991*) and the Crown Prosecution Service (CPS) has a statutory duty to take over such proceedings. However, criminal proceedings can also be instituted by Other Investigating Authorities where the body concerned has a particular expertise or statutory interest.

- **If the police have primacy of investigation, they must record a crime.**
- **Where a victim or their representative contacts police they may be invited, once any necessary risk assessment has been made, to report the matter to the appropriate other investigating authority and where they agree a crime need not be recorded. in accordance with the victim based approach of the NCRS if the victim or their representative declines this facility a crime must be recorded albeit the matter may be referred for investigation, either completely or primarily to one of the other investigating authorities. in all cases the requirements of the victim's code must be considered.**

Clarification

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

If a victim or their representative contacts the police they should be invited to report the matter to the appropriate authority, however, if the victim or their representative wish to make a formal allegation to the police this must be recorded.

- **In all other circumstances where the police are involved in a joint investigation with one or more of the investigating authorities, the lead body (i.e. with primacy of investigation) will be responsible for recording a crime.**

Clarification

On the rare occasions where joint investigations are deemed inappropriate, the police will be responsible for recording a crime for the specific offences where they have primacy of investigation while the Other Investigating Authority will be responsible for recording a crime in relation to specific offences for which they have primacy of investigation.

- **Where an other investigating authority presents details of an incident amounting to a crime and requests police assistance, any decision to record will be made in accordance with the guidance contained in this section.**

Clarification

If a potential incident of crime occurs that relates to an Other Investigating Authority falls outside the scope of this section (eg burglary in an HM Revenue & Customs building), the Authority will be dealt with as a victim in the normal way. A decision to record must be made in accordance with paragraph 2.2 of the NCRS.

Where an Other Investigating Authority is the victim or is acting on behalf of the victim then the crime must be recorded in accordance with NCRS. Where an Other Investigating Authority is potentially both the victim and also the investigating body any formal request to record a crime must be considered in accordance with NCRS and this section of the Counting Rules.

Where an Other Investigating Authority brings a series of crimes to police attention as part of an exchange of information agreement or on an ad hoc basis, such data must be considered in its entirety and as intelligence. As a consequence such provision does not place a requirement on police to separately record crime.

I Other Investigating Authorities (2 of 4)

Where victims report crimes to community support officers or their equivalent these must be recorded by the police (subject to the exception above in relation to an Other Investigating Authority bringing a series of crimes to police attention).

An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

- The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or
- The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or
- The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a notifiable offence for the purposes of HOCR.

The appropriate authority is as defined in The Police (Conduct) Regulations 2020.

Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

Clarification

- The term 'police staff' includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.
- Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.

I Other Investigating Authorities (3 of 4)

Examples of crimes which must be recorded by the Police

- The police are leading an investigation into a suspected murder in a prison.
- The police in partnership with the Department for Business, Innovation & Skills (BIS) are investigating a fraud and the police have lead responsibility.
- Police are investigating an allegation of assault committed in a prison which has been brought to their attention by the Governor in line with the Prison Crime Recording Protocols.
- Police attend the scene of a fire at the headquarters of the Department for Environment, Food & Rural Affairs (DEFRA) which is designated as arson.

Examples of crimes which should not be recorded by Police

- The Serious Fraud Office (SFO) has been solely responsible for the investigation and arrest of a suspect, although the police charge the suspect and submit papers to the CPS on behalf of the agency. The SFO has primacy of investigation.
- The police provide PNC information, but no other assistance, to a BIS fraud investigation. The DBERR has primacy of investigation.
- The police offer custody facilities to customs officials who have apprehended smugglers and HM Revenue & Customs has primacy of investigation.
- The police accompany customs officials in raiding a ship suspected of smuggling and HM Revenue and Customs (HMRC) has primacy of investigation.
- The Department of Work & Pensions (DWP) provides the police with the names of benefit fraud offenders for intelligence purposes. The DWP has primacy of investigation.
- The police assist DWP officials in surveillance work that leads to the apprehension of benefit fraudsters. DWP has primacy of investigation.

I Other Investigating Authorities (4 of 4)

A list of organisations has been compiled which are defined as “Other Investigating Authorities” for the purpose of the Home Office Counting Rules and issues surrounding crime recording¹:

Attorney General’s Office
 Department for Business, Innovations and Skills (BIS)
 Department for Work & Pensions (DWP)
 Department for the Environment, Food and Rural Affairs (DEFRA)
 Environment Agency (EA)
 Financial Conduct Authority (FCA)
 Gangmaster and Labour Abuse Authority (GLAA) amended April 2019
 Prudential Regulation Authority (PRA)
 Health & Safety Executive (HSE)
 HM Revenue and Customs (HMRC)
 Maritime & Coastguard Agency (MCA)
 Office of Fair Trading (OFT)
 Office of Rail Regulation (ORR)
 Serious Fraud Office (SFO)
 Trading Standards
 United Kingdom Border Force (UKBF)*
 National Offender Management Service (NOMS) – subject to the provisions of the joint tripartite Prison Recording Protocol

In addition to those authorities listed above these rules can be applied to other bodies with statutory powers to investigate and prosecute specific offences (eg local authorities) as well as agencies who do not have statutory powers to prosecute but where it is accepted practice for them to investigate and institute private prosecutions for specific offences (eg RSPCA).

FCRs should seek Home Office advice if it is unclear whether a particular agency not included in the above list meets the criteria contained in this Section.

NOMS, CPS and Chief Officers have agreed a [Referral Agreement](#) relating to offences that occur in Prisons. All referrals sent to police under this protocol are expected to be recorded as crimes irrespective of any decision to deal with them internally. Added May 2019

Application of the Rule

UK Border Force

* In the case of the UKBF this does not include crimes where the victim is a person being held in detention by them where the alleged offender is either:

- a member of UKBF staff or;
- a member of staff of a contractor organisation providing services to UKBF or
- another person being held in detention by or on behalf of UKBF.

Example 1: ‘A’ is being detained by UKBF at a detention centre pending removal from the UK. Whilst there ‘A’ reports that an iPod has been stolen from him and states that ‘B’, another detainee, is responsible. UKBF report this to Police.
One crime (class 49).

Example 2: ‘C’ is being detained by UKBF at a detention centre pending removal from the UK. Whilst there ‘C’ reports that he has been assaulted by ‘D’ a security guard employed by a contractor organisation working for UKBF. UKBF report this to Police.
One crime (class according to level of injury.)

¹ The Attorney General’s Office (AGO) led the development of the Prosecutors Convention 2009, a formal agreement between various authorities with investigative and/or prosecutorial functions. The aim of the Convention is for the parties signed up to it to work together to ensure cases are conducted in a way which best serves the overall public interest. [The Schedule to the Prosecutors Convention has been used as an initial framework for this Section until the proposed Investigators Convention has been agreed.]

J Other Issues (1 of 1)

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 2022

- **Crimes committed before 1 April 2022, which are recorded on or after that date, will be recorded according to the rules for counting and coverage that applies from 1 April 2022.**

Under this rule, a crime committed in March 2022 but not coming to the police's notice until April 2022 will be recorded in April 2022 and can therefore be reclassified if appropriate.

Crimes Recorded before 1 April 2022

- **Crimes recorded before 1 April 2022 will be counted according to the rules that applied before 1 April 2022, even if they are assigned an outcome on or after that date.**
- **the above rules also apply to any counting rules revision or amendment date.**

For example, crimes committed before 1 April 1998 which are recorded after 1 April 2022, will be recorded according to the current rules.

The Code of Practice for Victims of Crime

The Code of Practice for Victims of Crime places certain obligations on service providers (which includes the Police) to provide a minimum level of service to victims of crime.

This Code does not form part of the Home Office Counting Rules, but full details can be found at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf

Annex A National Crime Recording Steering Group Protocol for Managing Reports of Crime Occurring in Other Police Force Areas (1 of 1)

Aims: To establish a consistent approach by police forces¹ in managing reports of crimes and crime-related incidents² occurring in other police force areas whilst adhering to the aims and principles of the National Crime Recording Standard (NCRS). *NB This protocol does not seek to address any operational considerations in relation to resource deployment, preservation of evidence or dealing with offenders.*

- 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.

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 incident² report in accordance with NCRS General Principle 2.1.

- 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 incident² 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.
- A force declining to accept a transfer will create a Crime Related Incident² documenting the reasons why they are refusing. Reports will be cross-referenced between the forces.

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 from the original force 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 has 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 cases are disagreed locally they may be referred to Regional Representatives/NCR for clarification.

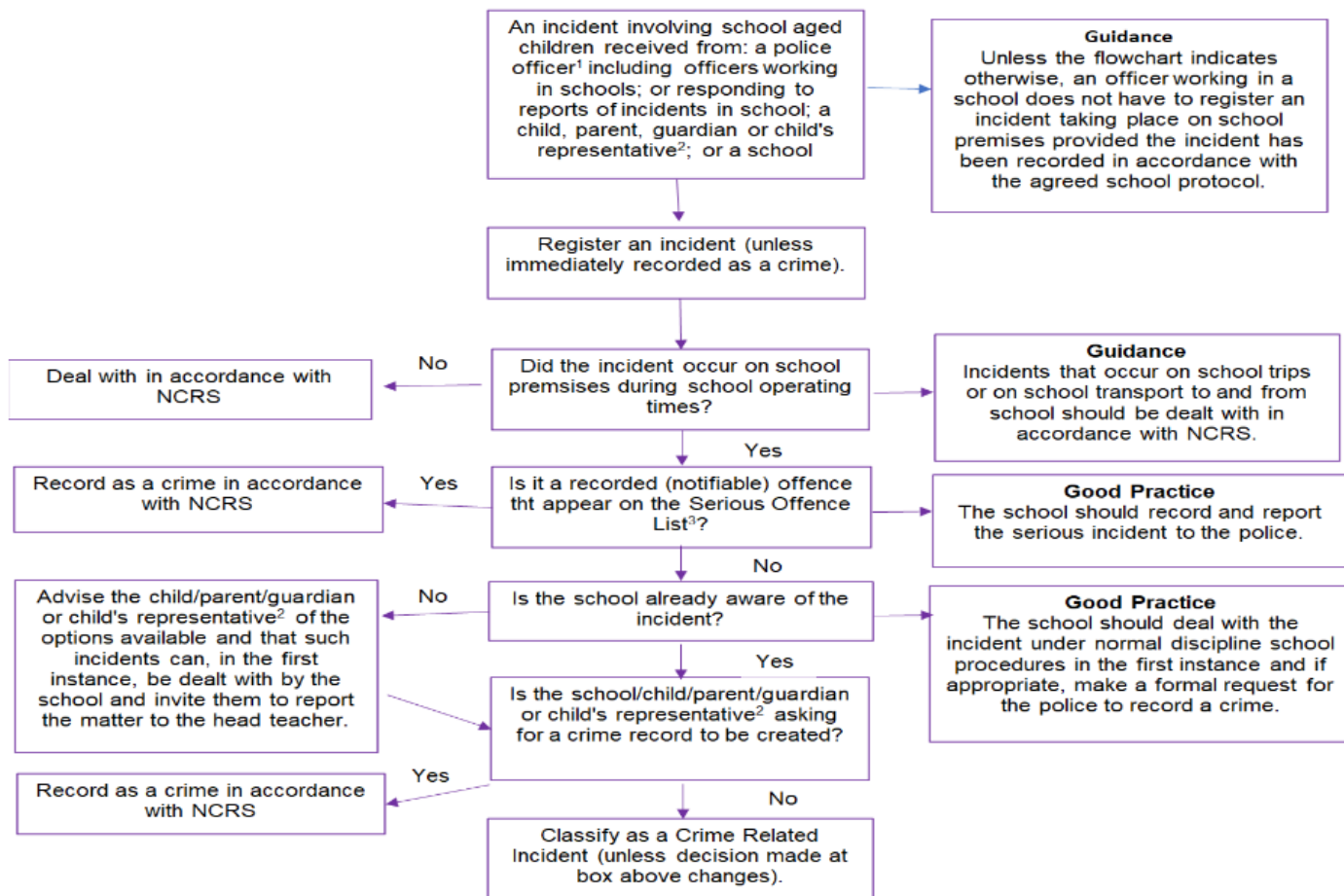
¹ References to police forces in this document should be interpreted to include the British Transport Police, the MOD Police and the Civil Nuclear Constabulary.

² Crime related incidents. This term is used to describe a record of an incident where a report has come to police attention which, on the balance of probabilities, would amount to a notifiable crime, but a resultant crime has not been recorded. The specific circumstances where this would happen are:-

- The incident is reported by a party **other** than the alleged victim (or person reasonably assumed to be acting on behalf of the victim) or a person fitting the 'Third Party' criteria) and having applied NCRS paragraph 3.6; **either**:
 - the victim, when traced, fails or decline to confirm the crime; or
 - the victim cannot be traced and the police are satisfied that recording is neither appropriate nor necessary; or
 - the incident is being dealt with and recorded by another police force; or
 - the NCRS or a specific rule within HOCR, or appendix thereto directs that a crime need not be recorded (e.g DCSF Crime Recording by Police Officers Working in Schools Guidance).

Annex B Crime Recording (Schools Protocol) (1 of 2)

Recording of incidents on school premises



¹ Police officer includes appropriate members of the extended police family e.g. Special Constables, PCSOs.

² Representative means "A person reasonably assumed to be acting on behalf of the victim".

³ A list of serious incidents (previously known as "serious arrestable offences") is defined on page 2 of 2. The list is extracted from the annex to the revised Crime Recording by Police Officers Working in Schools document jointly issued by the Department of Children, Schools and Families, the Home Office and the Association of Chief Police Officers in July 2007.

Crime Recording (Schools Protocol) (2 of 2)

Serious incidents referred to within the 'Crime Recording by Police Officers Working in Schools' guidance are defined as:

- (a) All Indictable Only offences.
- (b) All offences within HOCR classifications;
 - a. 5D (Assault with Intent to Cause Serious Harm),
 - b. 10B (Possession of Firearms),
 - c. 10C (Possession of other Weapons),
 - d. 10D (Possession of Article with Blade or Point).
 - e. 11A (Cruelty to Children),
 - f. 13 (Child Abduction),
 - g. 23 (Incest),
 - h. 36 (Kidnapping),
 - i. 70 (Sexual Activity with a Person with a Mental Disorder),
 - j. 71 (Abuse of Children through Sexual Exploitation),
 - k. 86 (Obscene Publications),
 - l. 88A (Sexual Grooming),
 - m. 92A (Trafficking in Controlled Drugs),
 - n. 92D (Possession of Controlled Drugs),
 - o. 92E (Possession of Cannabis),
 - p. 106 (Modern Slavery),
- (c) All sexual assaults.

Any other offence is serious only if its commission has led to any of the consequences set out below, or is intended to lead to any of those consequences:

- (a) serious harm to the security of the State or to public order;
- (b) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
- (c) the death of any person;
- (d) serious injury to any person;
- (e) substantial financial gain to any person; and
- (f) serious financial loss to any person.

If any other offence consists of making a threat, it is 'serious' if the consequences of carrying out the threat would be likely to lead to one of the consequences set out above at (a) to (f).

The term 'injury' includes any disease and any impairment of a person's physical or mental condition. Financial loss is 'serious' for the purpose of the section if, having regard to all the circumstances, it is serious for the person who suffers it. Whether or not a loss, actual or intended, is serious will depend partly on the victim's circumstances.

Annex C Principal Crime Look-up Table (1 of 1)

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
Assault by penetration	7/13-14, 20/03-04	Life
Grievous bodily harm with intent	5/1	Life
Sexual assault on male/female child under 13	17/16, 20/06	14 yrs
Sexual assault on male/female aged 13 or over	17/15, 20/5	10 yrs
Grievous bodily harm (s20) only	8/1	5 yrs
Criminal damage endangering life	57	Life
Arson	56	Life
Aggravated burglary	29A/31A	Life
Actual bodily harm	8/6	5 yrs
Burglary residential	28E	14 yrs
Criminal damage ⁽¹⁾ (Over £5000)	58	10 yrs
Theft from person	39	7 yrs
Theft of vehicle	48	7 yrs
Assault without injury	105A	6 months
Criminal damage (Under £5000)	149(pt)	3 months
(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22.		

Violence against the Person

Homicide

Death or Serious Injury – Unlawful Driving

Violence with injury

Violence without injury

Stalking and Harassment

Homicide

Classification Rules and Guidance

- 1 [Murder](#)
- 4/1 [Manslaughter](#)
- 4/10 [Corporate Manslaughter](#)
- 4/2 [Infanticide](#)

Homicide – Classification Rules and Guidance (1 of 1)

Classification: Diminished Responsibility Manslaughter

Homicide Act 1957 Sec 2

These crimes should not be counted separately as they will already have been counted as murder (class 1).

Coverage

Murder

Only the Common Law definition applies to recorded crime.

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

Manslaughter

Only the Common Law and Offences against the Person Act 1861 definitions apply to recorded crime.

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

Legal Definitions

Corporate Manslaughter and Homicide Act 2007 Sec 1(1)

“1 The offence

(1) An organisation to which this section applies is guilty of an offence if the way in which its activities are managed or organised -

(a) causes a person's death, and

(b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.”

Capable of Being Born Alive - Infant Life (Preservation) Act 1929

Capable of being born alive means capable of being born alive at the time the act was done. A child is capable of being alive when it has reached a state of development in the womb in which it is capable, if born then, of living and breathing through its own lungs without any connection with the mother. The Act provides a presumption that a child is capable of this after 28 weeks of pregnancy. The offence can be committed on a younger child if there is medical evidence available that the child was capable of being born alive.

Recording Practice – Manslaughter and Corporate Manslaughter

Where there is an allegation made to Police of an offence of Manslaughter under class 4/1 that could also be considered as Corporate Manslaughter (class 4/10) under this section the HOCR general principles must be applied to the Manslaughter allegation and a crime recorded if appropriate.

1 Murder (1 of 1)

1/1
(V) Murder - of persons aged 1 year or over.
Common Law.

1/1
(V) Genocide or crime against humanity.
International Criminal Court Act 2001. Sec 51 & 53.

1/2
(V) Murder - of persons under 1 year of age.
Common Law.

General Rule: One crime for each person murdered.

Examples

1: Four bodies are discovered murdered at the same address.

Four crimes (class 1).

Victims injured should be counted in addition to those murdered.

2: 'A' places a bomb in a public house. The bomb explodes killing ten people and wounding a further 15, with the remaining four people escaping unhurt.

Ten crimes (class 1) plus 19 crimes (class 2) as the uninjured are targeted victims.

3: 'A' places a bomb on a bus. It explodes, killing four people on the bus. A further ten people travelling on the bus are wounded and five pedestrians are injured when the bus explodes.

Four crimes of murder (class 1), ten crimes (class 2) and five crimes (class 5D or 8N) for the pedestrians depending on the level of injury.

4: 'A' places a bomb in a railway carriage on a train. It explodes killing five, and injuring another ten passengers in that carriage. Two passengers in that carriage escape with no injury. Five people in other carriages were also injured.

Five crimes (class 1), 12 crimes (class 2) (the uninjured passengers in that carriage are targeted victims) and five crimes (class 5D or 8N) for passengers in other carriages.

Principal Crime Examples: see also General Rules Section F and Annex C.

1: 'A' robs a bank and deliberately shoots dead a cashier.

One crime (class 1).

2: 'A' rapes 'B' and causes her death by strangulation.

One crime (class 1).

Re-classification Example: see also General Rules Section B.

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

One crime (class 1). If class 5D already recorded, the FCR or a DDM should re-classify to class 1 unless (for forces submitting manual statistical returns to the Home Office only) the wounding has been recorded in a previous financial year. In this instance the recorded class 5D should be cancelled from the previous year's figures and an additional crime (class 1) should be recorded in the current year's crime figures.

4/1 Manslaughter (1 of 1)

4/1 Manslaughter.
(V) Offences against the Person Act 1861 Sec 5.
 Common Law.

General Rule: One crime for each victim.

Examples

1: A person unintentionally kills two people in a fight.

Two crimes (class 4/1).

Victims injured should be counted in addition to those killed.

2: 'A' throws an object from a motorway bridge, causing an accident that kills two people and injures four others.

Two crimes (class 4/1), plus four crimes (class 5D or 8N).

Re-classification Example: see General Rules 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 class 8N (or any other violence against the person offence) already recorded, the FCR or a DDM should re-classify to class 4/1 unless (for forces submitting manual statistical returns to the Home Office only) the previously recorded crime has been recorded in a previous financial year. In this instance the recorded crime should be cancelled from the previous year's figures and an additional crime (class 4/1) recorded in the current year's crime figures.

4/10 Corporate Manslaughter (1 of 2)

4/10 Corporate Manslaughter
(V) Corporate Manslaughter and Corporate Homicide Act 2007 Sec 1(1).

General Rule: One crime for each victim killed.

For reports amounting to possible corporate or gross negligence manslaughter a crime related incident should be registered, and it should remain as such until either:

**An inquest concludes with a verdict of unlawful killing or ;
The CPS authorise a charge (or direct that it is not in the public interest to do so).** Amended April 2020

Examples

- 1: A builder is killed on a building site whilst employed to work there. Following an investigation by the Police and Health and Safety Executive, the CPS prefer a charge of corporate manslaughter against the Building company.

One crime (class 4/10) when the offence is made out.
- 2: An outbreak of Legionnaires disease is discovered in the air conditioning system of a central London Hotel. Six guests have returned to their countries and died abroad as a result of the outbreak. Following an investigation by the Police and the Health and Safety Executive, the CPS summons the air conditioning company for corporate manslaughter.

Six crimes (class 4/10) when the offence is made out.
- 3: A British registered ship leaves Southampton docks with American tourists on board. Shortly after departure, whilst in International waters there is an outbreak of food poisoning. Twelve guests die as a result and many others are affected. Investigation by the Police and Health and Safety Executive result in the Shipping Company being prosecuted for corporate manslaughter.

Twelve crimes (class 4/10) when the offence is made out.

If more than one organisation is charged with corporate manslaughter from the same incident: count one crime for each victim killed regardless of the number of organisations charged or summonsed.

- 4: A passenger on a train is killed in a train crash. Following an investigation by Police and the Health and Safety Executive, Police charge two separate companies with corporate manslaughter.

One crime (class 4/10) when the offence is made out.

Subsequent deaths directly related to the original incident should be recorded.

- 5: A passenger on a train is killed in a train crash. Following an investigation by Police and the Health and Safety Executive, CPS charge a company with corporate manslaughter. One of the other passengers who has serious head injuries dies after the conviction of the company from the injuries sustained in the crash, never having regained consciousness.

Two crimes (class 4/10) should be recorded.

4/10 Corporate Manslaughter (2 of 2)

Principal Crime Rule: see also General Rules Section F and Annex C.

Other homicide offences are the principal crime over corporate manslaughter. Should a charge of manslaughter and corporate manslaughter originate from the same incident, then only count the manslaughter.

Example

Two builders working on a construction site are killed in an accident. Two crimes of manslaughter are recorded with the site foreman shown as the suspect. Following a Police and Health and Safety Executive investigation the foreman is charged with two counts of manslaughter and the building firm is charged with corporate manslaughter.

The two recorded manslaughter offences can be assigned outcomes; no additional crime (class 4/10) should be recorded.

Re-classification of other recorded offences: see also General Rules Section C.

It is possible that incidents that result in proceedings for corporate manslaughter may have already been recorded as a homicide offence. If the investigation and advice from the CPS results in only a corporate responsibility (and the case is made out), and no personal responsibility, the recorded crime should be no crimed and a new crime recorded for the corporate manslaughter.

Examples

- 1: Two builders working on a construction site are killed in an accident. Two crimes of manslaughter are recorded with the site foreman shown as the suspect. Following a Police and Health and Safety Executive investigation a building firm is charged with corporate manslaughter. There is no evidence of any separate offence of manslaughter against the site foreman.

Both recorded offences can be cancelled and two new crimes (class 4/10) should be recorded and assigned outcomes.

- 2: A lorry driver falls asleep at the wheel and drives over the top of a car travelling in the opposite direction killing the two occupants. He is charged with Death by Dangerous Driving and two offences are recorded and assigned outcomes. A subsequent investigation into the company reveals that all the drivers had been directed to work excessive hours with fraudulent tachographs submitted by each driver within the firm. Each driver has been summonsed for their respective fraudulent tachograph offences. A decision is also made to charge the directors of the company with corporate manslaughter offences.

Re-classify the originally recorded Death by Dangerous Driving offences to two offences of Corporate Manslaughter (Corporate Manslaughter being the principal crime – included within the homicide definition for Counting Rules purposes).

4/2 Infanticide (1 of 1)

4/2 Infanticide.
(V) Infanticide Act 1938 Sec 1(1).

General Rule: One crime for each baby.

Examples

- 1: A mother wilfully allows her six month old baby to die in circumstances consistent with the with the legal definition of infanticide.

One crime (class 4/2).

- 2: A man deliberately shoots his pregnant girlfriend in the stomach. The baby is born dead when it would have been capable of being born alive.*

One crime (class 4/3) and one crime (class 5D).

- 3: A man deliberately shoots his pregnant girlfriend in the stomach. The baby is born alive but dies a week later.

One crime (class 4/1) and one crime (class 5D).

- 4: A man deliberately shoots his pregnant girlfriend in the stomach. One twin is born alive but dies after week and the other twin is born dead when it would have been capable of being born alive.*

One crime (class 4/1), one crime (class 4/3) and one crime (class 5D).

* Refer to 4/3 'Intentional destruction of a viable unborn child' Classification (1 of 1) for the legal definition of "capable of being born alive.

Re-classification Example: see also General Rules 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 class 5D already recorded, the FCR or a DDM should re-classify to class 4/2.

Death or Serious Injury Caused by Unlawful Driving

Classification Rules and Guidance

- 4/4** Causing Death or Serious Injury by Dangerous Driving
- 4/6** Causing Death by Careless Driving under the Influence of Drink or Drugs
- 4/8** Causing Death by Careless or Inconsiderate Driving
- 4/9** Causing Death or Serious Injury by Driving: Unlicensed, Disqualified or Uninsured Drivers
- 37/1** Causing Death by Aggravated Vehicle Taking

Death or Serious Injury Caused by Unlawful Driving

Classification Rules and Guidance (1 of 1)

Legal Definitions

Causing Death by Careless or Inconsiderate Driving

Road Traffic Act 1988 Sec 2B (As added by Road Safety Act 2006 Sec 20)

“A person, who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.”

Causing Death by Driving Unlicensed, or Uninsured Drivers

Road Traffic Act 1988 Sec 3ZB (As added by Road Safety Act 2006 Sec 21)

“A person is guilty of an offence if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under:

- (a) RTA 1988, s87 (1) (driving otherwise than in accordance with a licence)
- (b) RTA 1988, s143 (using a motor vehicle while uninsured or unsecured against third party risks).”

Causing Death or Serious Injury by Disqualified Drivers

Road Traffic Act 1988 Sec 3ZC and 3ZD (As added by Criminal Justice and Courts Act 2015 Sec 29)

“A person is guilty of an offence if he causes the death or serious injury of another person by driving a motor vehicle on a road, and whilst do so commits an offence under Sec 103 (1) (b) of this Act (driving while disqualified).”

Classification: Aggravated Vehicle Taking (AVT)

A crime of theft or unauthorised taking of a vehicle should be recorded as AVT (class 37/2) 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 (class 37/1) should be recorded.

4/4 Causing Death or Serious Injury by Dangerous Driving

4/4 (V)	Causing death by dangerous driving. Road Traffic Act 1988 Sec 1 (as added by the Road Traffic Act 1991 Sec 1 and amended by Criminal Justice Act 1993 Sec 67).	4/12 (V)	Causing serious injury by dangerous driving. Road Traffic Act 1988 (as added by Legal Aid, Sentencing and Punishment of Offenders Act 2012 Sec 143).
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4/6 Causing Death by Careless Driving under Influence of Drink or Drugs

4/6 (V)	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 Criminal Justice Act 1993 Sec 67).	4/13 (V)	Cause death by driving without due care / consideration while over prescribed limit - specified controlled drug. Road Traffic Act 1988 3A 1(b)
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4/8 Causing Death by Careless or Inconsiderate Driving

4/8 (V)	Causing death by careless or inconsiderate driving. Road Traffic Act 1988 Sec 2B (as added by Road Safety Act 2006 Sec 20).
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4/9 Causing Death or Serious Injury by Driving: Unlicensed, Disqualified or Uninsured Drivers

4/9 (V)	Causing death by driving: unlicensed, or uninsured drivers. Road Traffic Act 1988 Sec 3ZB (as added by Road Safety Act 2006 Sec 21).	4/17 (V)	Cause death by driving whilst disqualified. Road Traffic Act 1988 Sec 3ZC as added by Criminal Justice and Courts Act 2015 Sec 29.
4/18 (V)	Causing serious injury by driving whilst disqualified.. Road Traffic Act 1988 Sec 3ZD (as added by Criminal Justice and Courts Act 2015 Sec 29.		

General rule for above classifications: One crime for each victim.

A crime related incident should be registered and should remain until the investigation confirms that the offence is made out. A crime should then be recorded.

Examples

- 1: A driver causes the death of two of his passengers in a road accident by dangerous driving. Two crimes (class 4/4).
- 2: A driver causes the death of two of his passengers in a road accident by careless driving. He is found to have over the legal limit of alcohol in his blood. Two crimes (class 4/6).
- 3: A driver causes the death of two of his passengers in a road accident caused by his careless driving. He is found to have no alcohol or drugs in his blood. Two crimes (class 4/8).
- 4: A driver causes the death of three pedestrians when his motor bike has a puncture causing him to lose control. He is later found to be disqualified from driving. Three crimes (class 4/9).

37/1 Causing Death by Aggravated Vehicle Taking (1 of 1)

37/1 Causing death by aggravated vehicle taking.
(V) Theft Act 1968 Sec 12A (as added by the
 Aggravated Vehicle Taking Act 1992 Sec 2).

General Rule: One crime for each death caused.

Application of the Rule

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.

Example 1: A pedestrian is accidentally knocked down and killed by a car being driven in an act of AVT.

One crime (class 37/1), whether or not theft already recorded.

Example 2: A vehicle is already reported stolen and recorded as a theft/unauthorised taking (class 48).
 It later emerges that the theft is an AVT, and an accidental death has resulted.

One crime (class 37/1), in addition to the crime of class 48 already recorded.

Violence with Injury

Classification Rules and Guidance

2 [Attempted Murder](#)

4/3 [Intentional Destruction of a Viable Unborn Child](#)

4/7 [Cause or Allow Death or Serious Physical Harm to Child or Vulnerable Person](#)

5D [Assault with Intent to cause Serious Harm](#)

5E [Endangering Life](#)

8N [Assault with injury](#)

8P [Racially or Religiously Aggravated Assault with injury](#)

8S [Assault with Injury on a Constable](#)

8T [8T Assault with Injury on an Emergency Worker \(other than a constable\)](#)

Annex A [Assault Flowchart](#)

Assault – Classification Rules and Guidance (1 of 3)

Clarification

"Unlawfully & Maliciously"

Offences Against the Person Act 1861 Secs 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.

Use of Substance or Object to Endanger Life

Class 5E offences should be used where an item has been used/placed, and there is a clear intent to endanger life or recklessness as to whether life has or will be endangered. If victims have been injured then an offence under Homicide or Class 5D must be considered and no offences under this classification should be recorded.

Possession of Items to Endanger life

Classification 5E also relates to offences involving the possession of items to endanger life. If victims have been injured then an offence under Homicide or class 5D must be considered.

Classification: GBH (Class 5D or Class 8N)

Offences Against the Person Act 1861

Section 18 (class 5D): "... [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 8N): "... [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 5D, otherwise record under class 8N. The gravity of the injury resulting is not necessarily the determining factor. The following circumstances **may** indicate intent:

- Use of a firearm, knife or other made offensive weapons
- Other object used as a weapon but not necessarily during instant arming
- Glass/bottle smashed and used to assault
- Repeated kicks to the head
- Indication of pre planning
- Words spoken by the assailant
- Ferocity and/or length of time of any assault

When determining whether an offence under class 5D should be recorded the circumstances surrounding the offence should be examined taking into account the guidance on actions/behaviour that may indicate an intent to commit GBH. If any of these factors are present and the actions result in really serious bodily harm then record an offence under class 5D. If the elements of intent are present and the actions of the offender clearly show a deliberate attempt to inflict serious bodily harm yet the resulting injury does not constitute serious bodily harm then record an offence under class 5D.

Classification: Endangering Passengers on Public Transport

Rail	Class 5E	Air	Class 36
Ship	Class 5E	Road	No Separate classification

Assault – Classification Rules and Guidance (2 of 3)

Legal Definition: Wound or Grievous Bodily Harm (GBH)

To constitute a “wound” there must be “the breaking of the continuity of the whole of the outer skin, or the inner skin within the cheek or lip. It does not include the rupturing of internal blood vessels” (Archbold). To constitute grievous bodily harm, really serious bodily harm must be caused (R v Metharam [1961]; DPP v Smith [1961]) “grievous” means no more and no less than “really serious”, and there is no distinction between the phrases “serious bodily harm” and “really serious bodily harm”. Examples of what would usually amount to serious harm include:

- injury resulting in permanent disability or permanent loss of sensory function;
- injury which results in more than minor permanent, visible disfigurement; broken or displaced limbs or bones, including fractured skull;
- compound fractures, broken cheek bone, jaw, ribs, etc;
- injuries which cause substantial loss of blood, usually necessitating a transfusion;
- injuries resulting in lengthy treatment or incapacity;
- psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury.

These six bullet points also accord with the terms of the CPS Charging Standard as of January 2008.

Recording Practice

Wounds

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8N unless there is evidence of intent when class 5D should be recorded.

Bites

The likely outcome from most bites about the body, if the severity of the bite is such that it was likely to break the skin, is to cause a wound. The issue is whether there was an intent to cause GBH. The following should be used as guidance:

- Bite as part of a fight, reddening of the skin, bruising. Record assault with injury (Sec 47 ABH class 8N).
- Bite cutting the skin, bled but no medical intervention. Record assault with injury (Sec 47 ABH class 8N).
- Bite deeply cutting the skin, required stitching or gluing. Record assault with injury (Sec 20 GBH class 8N).
- As class 8N above but the part of the body bitten indicated intent from the outset to disfigure, cause GBH e.g. face, nose, ears, fingers. Record a GBH with intent (class 5D).

Examples

- 1: During a road rage incident the offender puts his head in through the window of a car and bites the top of the driver's head. This resulted in two distinct cuts that required gluing.

One crime (Sec 20 GBH - class 8N).

- 2: During an argument that develops into pushing and shoving an offender bites the ear of another man. The man felt the offender pulling as he bit deeper. He bites straight through his ear lobe biting a section off.

One crime (Sec 18 GBH - class 5D).

Assault – Classification Rules and Guidance (3 of 3)

Recording Practice

Minor Injuries

Common assault (code 105/1) includes common assault with no injury.

Where battery results in injury, other wounding (class 8N) 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'.

In determining if a battery has resulted in an injury, care should be taken where there is no visible injury. Each case needs to be viewed on its own merits. Shock can be regarded as an injury when accompanied by expert psychological evidence. A joint could be struck with no visible injury but the victim has had to undergo a course of treatment to get better. This would indicate some form of internal injury. Examples like this should be recorded under assault with injury (classification in accordance with the level of injury determined).

An application of force which generates a feeling of touch or a passing moment of pain should be recorded as an assault without injury (class 105A).

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

Counter Allegations of Assault

When assaults are alleged to have taken place, these should be recorded in accordance with the NCRS. Very often, however, offenders claim that they were acting in self-defence and make counter allegations of assault. Great care should be taken before routinely recording such allegations as crime. For example, when the offender in a case of GBH or ABH makes a counter allegation of assault this should only be recorded as such if on the balance of probability the offence took place (in accordance with the NCRS). The absence of any evidence such as personal injury or independent witnesses may show that the allegation is false and care should be taken before recording as a crime. Each case should be treated on its own merits. It should be noted that any decision not to record such counter allegations as a crime should be recorded for disclosure purposes.

2 Attempted Murder (1 of 2)

2
(V) Attempted murder.
Criminal Attempts Act 1981.
Common Law.

2
(V) Attempted genocide or crime against
humanity.
International Criminal Court Act 2001.
Secs 52, 53 & 55.

Classification: Attempts

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.

General Rule: One crime for each identified victim.

Examples

- 1: 'A' attempts to murder both 'B' and 'C' by attacking them with a knife.
Two crimes (class 2).

All identified victims who were targeted or injured should be counted.

- 2: Terrorists plant a bomb under a jeep containing five soldiers. The bomb explodes killing two, seriously injuring two, and one escapes unharmed.
Two crimes (class 1), plus three crimes (class 2). (The soldiers can be identified as targeted victims).
- 3: The water supply of a village is deliberately poisoned. Four people die, three are left seriously ill and the rest of the village escape unharmed.
Four crimes (class 1), plus three crimes (class 2).
- 4: Lethal gas is released in the carriage of an underground train. Four people die, 30 are injured and six escape unharmed.
Four crimes (class 1), plus 36 crimes (class 2).

If no identified or injured victims, then count one crime only.

- 5: 'A' places a bomb in a restaurant but owing to its early discovery, nobody was injured in the subsequent escape.
One crime (class 2).
- 6: Shots are fired directly at a group in circumstances that suggest that it was intended that one or more people are killed. There is no information to suggest whether there were one or more specific intended victims.
One crime (class 2).
- 7: Shots are fired at a group of people in circumstances that suggest that it was intended that one or more was killed. Initial investigation suggests that two of them were the intended victims.
Two crimes (class 2).
- 8: Shots are fired at close range into a car that is clearly occupied. No specific victim is identified. Damage is caused to the car but the occupants are uninjured.
One crime (class 2).
- 9: Shots are fired towards an individual at close range in circumstances where the intended outcome appears to have been to kill. The individual moves rapidly and escapes uninjured.
One crime (class 2).

2 Attempted Murder (2 of 2)

Finished Incident Examples: see also General Rules Section E.

- 1: The police receive a report that 'A' has attempted to murder 'B' by adding poison to food over a period of six weeks.
One crime (class 2).
- 2: 'A' attempts to murder 'B' twice and succeeds on the second occasion.
 - (i) The initial attempt was reported at the time.
One crime (class 2) and one crime (class 1).
 - (ii) The initial attempt was not reported at the time.
One homicide only.

Re-classification Example: see also General Rules Section B.

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

One crime (class 1). If class 2 already recorded, the FCR or a DDM should re-classify to class 1 unless (for forces submitting manual statistical returns to the Home Office only) attempted murder has been recorded in a previous financial year. In this instance the recorded class 2 should be cancelled from the previous year's figures and an additional crime (class 1) should be recorded in the current year's crime figures.

4/3 Intentional Destruction of a Viable Unborn Child (1 of 1)

4/3 Child Destruction.
(V) Infant Life (Preservation) Act 1929 Sec 1.

Definition – Legal: Capable of Being Born Alive - Infant Life (Preservation) Act 1929

Capable of being born alive means capable of being born alive at the time the act was done. A child is capable of being alive when it has reached a state of development in the womb in which it is capable, if born then, of living and breathing through its own lungs without any connection with the mother. The Act provides a presumption that a child is capable of this after 28 weeks of pregnancy. The offence can be committed on a younger child if there is medical evidence available that the child was capable of being born alive.

General Rule: One crime for each baby.

Examples

- 1: A mother wilfully allows her six month old baby to die in circumstances consistent with the legal definition of infanticide.
One crime (class 4/2).
- 2: A man deliberately shoots his pregnant girlfriend in the stomach. The baby is born dead when it would have been capable of being born alive.*
One crime (class 4/3) and one crime (class 5d).
- 3: A man deliberately shoots his pregnant wife in the stomach. The baby is born alive but dies a week later.
One crime (class 4/1) and one crime (class 5d).
- 4: A man deliberately shoots his pregnant girlfriend in the stomach. One twin is born alive but dies after a week and the other twin is born dead when it would have been capable of being born alive.*
One crime (class 4/1), one crime (class 4/3) and one crime (class 5d).

* Refer to 4/3 'Intentional destruction of a viable unborn child' (1 of 1) for the legal definition of "capable of being born alive".

4/7 Cause or Allow Death or Serious Physical Harm to a Child or Vulnerable Person (1 of 1)

4/7 Cause or allow the death of a child or
(V) vulnerable person.
Domestic Violence, Crime and Victims
Act 2004 Sec 5.

4/11 Cause or allow a child or vulnerable adult to suffer
(V) serious physical harm.
Domestic Violence, Crime and Victims Act 2004
Sec 5 (1) (8) as added by Domestic Violence,
Crime and Victims (Amendment) Act 2012

General Rule: One crime for each victim.

5D Assault with Intent to cause Serious Harm (1 of 2)

5/1 Wounding with intent to do grievous bodily harm.
(V) Offences against the Person Act 1861 Sec 18.

5/27 Torture.
(V) Criminal Justice Act 1988 Sec 134.

5/6 Causing bodily injury by explosion.
(V) Offences against the Person Act 1861 Sec 28.

General Rule: One crime for each victim.

Examples

- 1: Three gang members (acting together) with intent to cause serious injury, ambush, attack and wound two rival gang members.
Two crimes (class 5D) (indication of pre planning).
- 2: One person armed with a sword attacks and wounds two others.
Two crimes (class 5D) (use of weapon).
- 3: Following a dispute in a public house 'A' breaks the bottom of a bottle on the bar and strikes 'B' in the face, causing a wound below the left eye.
One crime (class 5D) (glass bottle smashed).
- 4: 'A' punches 'B' on the chin knocking him out and causing him to fall to the ground. 'A' is then observed repeatedly kicking him in the head before he is arrested. 'B' has a fractured cheek bone amongst other lesser injuries.
One crime (class 5D) (repeated kicks to head).
- 5: A woman in a nightclub appears to provoke another woman by pouring a drink over her head. She then picks up a bottle, and deliberately strikes it on the table and again deliberately strikes her with the broken bottle in the face. The victim suffered a cut to the bridge of her nose and a nose bleed.
One crime (class 5D) (intent to use broken bottle - attempt GBH).
- 6: A man shouts "I am going to scar you for life" picks up a bottle and throws it with force at the victim. The bottle hits him in the eye, luckily failing to break, causing a 'black eye' and a cut that is treated with a plaster.
One crime (class 5D) (words spoken).
- 7: 'A' stabs 'B' with a knife in the back. Fortunately 'B' moves at the last minute and the knife causes a wound requiring gluing at hospital.
One crime (class 5D) (use of weapon).
- 8: During the execution of a drug search warrant police search the husband and find a large bag of white powder in his pocket. As the officer begins to arrest and caution him, his wife slashes the officer in the face with a knife causing a cut above his eye intending to allow her husband to escape.
One crime (class 5D) (intent to prevent lawful apprehension).

Victims injured should be counted in addition to those murdered.

- 9: 'A' places a bomb in a shopping centre and gives a precise telephone warning to the police. During evacuation of the shopping centre the bomb explodes prematurely injuring five people.

Five crimes (class 5D). If the placing of the explosive (class 5E) is already recorded it should remain.

Possession of Weapons: Specific guidance on counting these crimes can be found within the appropriate class (10A-10D)

5D Assault with Intent to cause Serious Harm (2 of 2)

Finished Incident Example: 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 5D).

Re-classification Example: see also General Rules Section B.

Wounding offences can be re-classified as murder.

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

One crime (class 1). If class 5D already recorded, the FCR or a DDM should re-classify to class 1, unless the 5D has been recorded in a previous financial year. In this instance the recorded wounding should be cancelled from the previous year's figures and an additional crime (class 1) should be recorded in the current year's crime figures.

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: A wounding with intent (class 5D) occurs in the course of a burglary.
One crime (class 5D) only.
- 2: 'A' commits criminal damage in the course of causing serious bodily harm to 'B'.
One crime (class 5D) only.
- 3: 'A' places several bombs around a building. They explode killing three people, and injuring two.
Three crimes (class 1), two crimes (class 2), but none for placing the explosive (class 5E) unless already recorded.
- 4: 'A' attempts to choke 'B' with intent to kill him.
One crime (class 2).
- 5: 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 (class 5D).
- 6: After following his ex-wife home on several occasions, on the most recent occasion he armed himself with a knife and used this to assault her causing her serious bodily harm.
One crime (Class 5D) and one crime (class 8Q) principal crime rule for stalking applies.

Whether to Record Example: see also General Rules Section A.

- 1: A member of the public reports clearly seeing a person being stabbed in the street from his flat window and can describe the implement used saying the person clearly staggered and fell before walking away. The police receive no other reports, and they examine the scene.
 - (i) The examination (and further enquiries) fail to locate the victim and provide no further evidence.
One crime class 5D (the reporting person's version is sufficiently detailed and it is appropriate or necessary to record).
- 2: A member of the public reports seeing what they perceive was a person being stabbed in the street. They can provide little further detail. The police receive no other reports, and they examine the scene.
 - (i) The examination (and further enquiries) reveals no grounds to suggest any crime took place.
Register the incident and deal with in accordance with NSIR.
 - (ii) The examination reveals clear evidence or significant grounds to show that a victim based crime took place. The police have made appropriate enquiries but have been unable to locate a victim or their representative.

Record the most suitable victim based crime. (amended July 2019).

5E Endangering Life (1 of 3)

4/19 (V)	Cause serious injury by careless / inconsiderate driving. Road Traffic Act 1988 Sec 2C	6/4 (S/V)	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 Act 6.
5/2 (S/V)	Shooting at naval or revenue vessels. Customs & Excise Management Act 1979 Sec 85(2).	7/1 (S/V)	Sending unseaworthy ship to sea. Merchant Shipping Act 1995 Sec 98.
5/4 (V)	Attempting to choke etc. in order to commit indictable offence. Offences against the Person Act 1861 Sec 21.	7/2 (S/V)	Not waiting to save lives in collision. Merchant Shipping Act 1995 Sec 92(1)(3).
5/5 (V)	Using chloroform etc. to commit indictable offence. Offences against the Person Act 1861 Sec 22.	7/3 (S/V)	Endangering ship, life or limb on shipboard by breach of duty. Pilotage Act 1987 Sec 21.
5/7 (V)	Causing explosions, sending explosive substance or throwing corrosive fluids with intent to do grievous bodily harm. Offences against the Person Act 1861 Sec 29.	7/4 (S/V)	Failing to assist ships in distress or persons in danger at sea. Merchant Shipping Act 1995 Sec 93 (1)(2)(4)(5)(6)(7).
5/8 (V)	Impeding the saving of life from shipwreck. Offences against the Person Act 1861 Sec 17.	7/5 (S/V)	Taking or sending ship to sea with load line submerged. Merchant Shipping Act 1995 Sch 3 (paras 3 & 4).
5/9 (S/V)	Placing explosives in or near buildings with intent to do bodily harm. Offences against the Person Act 1861 Sec 30.	7/6 (S/V)	Contravening cargo ship construction & survey rules. Merchant Shipping Act 1964 Sec 7.
5/10 (V)	Administering poison so as to endanger life. Offences against the Person Act 1861 Secs 23 & 24.	7/7 (S/V)	Misconduct of master or crew likely to endanger ships, structures or individuals. Merchant Shipping Act 1995 Sec 58.
5/11 (S/V)	Causing danger to road-users. Road Traffic Act 1988 Sec 22a.	7/8 (S/V)	Drunkenness etc. on duty. Merchant Shipping Act 1995 Sec 117.
5/13 (S/V)	Making, possessing or controlling explosive substance with intent to endanger life Explosive Substances Act 1883 Sec 3(1)(b).	7/9 (S/V)	Contraventions of deck cargo regulations (load lines etc). Merchant Shipping Act 1995 Sch 3 (para 24).
5/14-16 (S/V)	Possession of firearm with intent to injure. Firearms Act 1968 Sec 16.	7/10 (SV)	Intentionally making false or fraudulent certificate (load lines etc). Merchant Shipping Act 1995 Sch 3 (para 27).
5/17-19 (S/V)	Use of firearm to resist arrest. Firearms Act 1968 Sec 17(1).	7/11 (S/V)	Using unsafe lighter, barge etc, likely to endanger life. Merchant Shipping Act 1995 Sec 99.
5/20 (S/V)	Use of chemical weapons. Chemical Weapons Act 1996 Sec 2.	7/12 (S/V)	Disobedience, neglect of duty, impeding navigation of ship. Merchant Shipping Act 1995 Sec 59.
5/21 (S/V)	Premises or equipment for producing chemical weapons. Chemical Weapons Act 1996 Sec 11.	7/13 (S/V)	Master, Pilot or Seaman's ability to carry out duties impaired because of drink or drugs. Railways & Transport Safety Act 2003 Secs 78-82.
5/22 (S/V)	Use . of nuclear weapons. Anti-Terrorism, Crime & Security Act 2001 Sec 47.	7/14 (S/V)	Destroying ships or fixed platforms endangering their safety. Cannot proceed without consent of Attorney General Aviation and Maritime Security Act 1990 Sec 11.
5/23 (S/V)	Weapons related acts overseas. Anti-Terrorism, Crime & Security Act 2001 Sec 50.	7/15 (S/V)	Other acts endangering or likely to endanger safe navigation. Aviation and Maritime Security Act 1990 Sec 12.
5/24 (S/V)	Use of noxious substances or things to cause harm and intimidate. Anti-Terrorism, Crime & Security Act 2001 Sec 113.	7/16 (S/V)	Inducing commission of offence relating to safety of ship, cargo or sea platform outside UK. Cannot proceed without consent of Attorney General Aviation and Maritime Security Act 1990 Sec 14(4).
5/25 (S/V)	Performs an aviation function or ancillary function when impaired by drink or drugs. Railways & Transport Safety Act 2003 Secs 92 & 95.	7/17 (S/V)	Assisting commission of offence relating to safety of ship, cargo or sea platform outside the UK Cannot proceed without consent of Attorney General Aviation and Maritime Security Act 1990 Sec 14(4).
5/26 (S/V)	Endangering safety at a aerodromes. Aviation and Maritime Security Act 1990 Sec 1.		
6/1 (S/V)	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 (S/V)	Endangering railway passengers by throwing anything at railway carriages etc. Offences against the Person Act 1861 Sec 33.		
6/3 (S/V)	Endangering railway passengers by unlawful acts, or by omission or neglect. Offences against the Person Act 1861 Sec 34.		

5E Endangering Life (2 of 3)

General Rule: One crime for each specific intended victim (where a specific intended victim can be identified or one crime for each offender or group of offenders)

Examples

- 1: 'A' places a small explosive device in the boardroom of a company just before they are due to meet, intending to cause bodily harm to all six members of the Board.
Six crimes (class 5E).
- 2: Two men are arrested following forensic tests on a cache of explosives found concealed in woodland.
One crime (class 5E).

Possession of Items to Endanger Life

If there is intent but no specific victims, then count one crime only.

- 3: 'A' places five bombs near a building with intent to do bodily harm.
One crime (class 5E).
- 4: 'A' places a bomb near a building with intent to do bodily harm.
One crime (class 5E).
- 5: 'A' removes all the warning signposting and barriers around an area of road subsidence on a busy minor road leaving an unmarked large hole in the roadway.
One crime (class 5E).

Use of Firearm to Resist Arrest: Count one crime for each offender or group of offenders

- 6: 'A' discharges a shotgun to enable him and three other armed robbers to escape from waiting police officers.
One crime (class 5E).
- 7: During an armed robbery at a bank, two robbers shoot handguns above the heads of waiting police in order to escape from the scene.
One crime (class 5E) and one crime (class 34A).
- 8: A man is stopped when driving his car to his estranged wife's address whilst in possession of a loaded air weapon which he intended to use to harm her.
One crime (class 5E).
- 9: A man is stopped when driving his car to his estranged wife's address whilst in possession of a loaded air weapon which he intended to use to threaten her.
One crime (class 10A).
- 10: A person is found in possession of a large quantity of fertilizer which was intended to be converted into an explosive substance.
One crime (class 5E).
- 11: A person is found wearing a jacket containing explosives in a busy shopping mall. He makes no attempt to explode the device.
One crime (class 5E) (clear intent to endanger life).
- 12: A person is found wearing a jacket containing explosives in a busy shopping mall. When challenged the offender attempts to detonate the explosive with intent to kill, but it fails to explode.
One crime (class 2).

5E Endangering Life (3 of 3)

Endangering a Railway Passenger

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.

Example 13: 'A' places a sleeper on a railway line and also jams points and tampers with the signals at the same time.
One crime (class 5E).

Where a crime of endangering railways passengers (class 5E) results in injuries that are not specific and intended, count the class 5E crime but not the injuries.

Example 14: 'A' places a sleeper on the line, which derails a train and injures 20 passengers.
One crime (class 5E).

Endangering Life at Sea

Where a crime of endangering life at sea (class 5E) results in injuries that are not specific and intended, count the class 5E crime but not the injuries.

Example 15: A person sends an unseaworthy ship to sea, causing injury to 20 passengers.
One crime (class 5E).

Finished Incident Examples: see also General Rules Section E.

- 1: 'A' places a sleeper on the line which fails to dislodge the train. He then tries again for another train.
One crime (class 5E).
- 2: Stones are thrown during the course of an afternoon at five different trains, run 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 5E).
 - (ii) On the five occasions.
Five crimes (class 5E).

Principal Crime: see also General Rules Section F and Annex C.

Homicide or attempted murder takes precedence over endangering life. Therefore, if a crime of endangering life involves homicide or attempted murder, count the homicide or attempted murder only.

8N Assault with Injury (1 of 3)

8/1 (V)	Malicious wounding: wounding or inflicting grievous bodily harm. Offences against the Person Act 1861 Sec 20.	8/21 (V)	Owner or person in charge allowing dog to be dangerously out of control in any place in England or Wales (whether or not a public place) injuring any person or assistance dog. Dangerous Dogs Act 1991 Sec 3(1) as amended by Anti-Social Behaviour Crime & Policing Act 2014 Sec 106
8/4 (V)	Drivers injuring persons by furious driving. Offences against the Person Act 1861 Sec 35.	8/69 (V)	Care worker ill-treat/wilfully neglect an individual. Criminal Justice and Courts Act 2015 Sec 20 (1) (2)
8/5 (V)	Assault on person preserving wreck. Offences against the Person Act 1861 Sec 37.	8/70 (V)	Care provider breach duty of care resulting in ill-treatment / neglect of individual. Criminal Justice & Courts Act 2015 Sec 21 (1) 23 (1)
8/6 (V)	Assault occasioning actual bodily harm. Offences against the Person Act 1861 Sec 47	8/77 (V)	Non-fatal strangulation and suffocation. Serious Crime Act Sec 75(A) (1) (a) (5)
8/52 (V)	Excise, infibulate, aid, abet, counsel. Female Genital Mutilation Act 2003	98/6 (V)	Ill treatment or neglect of a person lacking capacity by anyone responsible for that person's care. Mental Capacity Act 2005 Sec 4
8/68 (V)	Fail to protect girl from risk of genital mutilation. Female Genital Mutilation Act 2003 Sec 3A (1) and 5 (2) as amended by Serious Crime Act 2015 Sec 72.	99/86 (V)	Ill treatment of patients Mental Health Act 1983 Sec 127
8/2 (V)	Administering poison with intent to injure or annoy. Offences against the Person Act 1861 Sec 24		
8/20 (V)	Assault with intent to resist apprehension. Offences against the Person Act 1861 Sec 38.		

Legal Definitions

Definitions for Grievous Bodily harm, unlawfully and maliciously and wounding are provided in the Assault Classifications rules and guidance section at the start of the Violence with Injury section.

Clarification Female Genital Mutilation

Female Genital Mutilation Act 2003 Section 4

Acts of FGM committed outside the UK may still amount to a crime in law to be recorded.

Extension of sections 1 to 3 to extra-territorial acts

4 (1) Sections 1 to 3 extend to any act done outside the United Kingdom by a United Kingdom national or United Kingdom resident.

4 (2) If an offence under this Act is committed outside the United Kingdom –

(a) proceedings may be taken, and

(b) the offence may for incidental purposes be treated as having been committed, in any place in England and Wales or Northern Ireland.

Recording Practice: FGM Reports

From 31 October 2015, all regulated health and social care professionals and teachers in England and Wales have been legally required to report 'known' cases of FGM in girls under 18 to the police. All reports made under this duty must be recorded as crimes without delay or waiting for further investigation (unless there is immediately available credible evidence to show that a crime has not occurred). This applies to all cases including those where it is suspected that the FGM occurred outside of England and Wales. This is an exception to the usual crime recording requirements for offences committed elsewhere. In the event it is determined the child in question has not suffered FGM the recorded crime can be cancelled on the authority of the Force Crime Registrar. (Added July 2016)

8N Assault with Injury (2 of 3)

General Rule: One crime for each victim.

Examples:

- 1: A husband and wife get into an argument with a group of youths that result in the youths attacking them. The husband is kicked in the ankle causing it to break and the wife has her wrist broken.
Two crimes (Sec 20 GBH class 8N).
- 2: One person unexpectedly assaults a victim causing a wound under her eye. This requires stitching at hospital.
One crime (Sec 20 GBH class 8N).
- 3: Three persons are assaulted and receive minor cuts and grazes which require no treatment.
Three crimes (Sec 47 ABH class 8N).
- 4: An assault victim has a wound to the left eyebrow, a 'black eye' and a cut under the eye.
One crime (Sec 20 GBH class 8N).
- 5: The victim leaves a nightclub in a drunken state. He sees a group of people arguing and intervenes to try and calm the situation down but he is set upon by the group. The victim received a kick to the head and sustains minor bruises and grazes.
One crime (Sec 47 ABH class 8N).
- 6: A woman in a nightclub appears to provoke another woman she knows by pouring a drink over her and striking her with a bottle. The victim suffered two minor cuts to the bridge of her nose which are treated with a plaster.
One crime (Sec 47 ABH class 8N).
- 7: A woman in a nightclub appears to provoke another woman she knows by pouring a drink over her head. She then picks up a bottle, and deliberately strikes it on the table and again deliberately strikes her with the broken bottle in the face. The victim suffered bruising to the bridge of her nose and a nose bleed.
One crime (Attempted Sec 18 GBH class 5D).
- 8: 'A' is approached by 'B' who asks for cigarette, the request is refused. 'A' becomes aware that 'B' is behind him and feels what he believes to be punches to the back. 'A' falls to the ground and bystanders who come to assist 'A' notice he is bleeding. He requires hospital treatment for a shallow puncture wound as a result of being stabbed with a pointed blade.
One crime (Sec 18 GBH class 5D).

Female Genital Mutilation (FGM)

An act done outside the UK by a UK national or person permanently resident in the UK can still be treated as if it occurred in England, Wales or Northern Ireland.

Examples

- 1: 'A' and 'B' are the parents of 'C' a female child and are all UK nationals. 'A' and 'B' take 'C' to a country outside the UK to visit relatives and whilst there arrange for 'C' to undergo FGM.

One crime (class 8N – 8/52).
- 2: 'A' and 'B' are the parents of 'C' a female child and are all UK nationals. 'D' the child's aunt is a of a country outside the UK. 'D' visits 'A' and 'B' who agree that 'D' may take 'C' with her to her home country to meet relatives and whilst there that 'C' should undergo FGM.

One crime (class 8N – 8/52).

8N Assault with Injury (3 of 3)

Administering poison with intent to injure or annoy: If the intentions of the offender (e.g. in drink spiking) are sexual, record one crime of 88/5 (administering a substance with intent) under class 88C. If the intentions are unknown, record under class 8N.

- Example 1: A female's drink was spiked but the intentions of the offender, other than to annoy, are unknown.
One crime (class 8N – 8/2).
- Example 2: A rum punch at a party is spiked by an offender to cause annoyance. Six people drink the punch and become violently ill.
Six crimes (class 8N - 8/2).

Finished Incident Example: 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 8N – 8/2).

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: A householder is punched in the face causing a broken jaw during the course of a burglary.
 - (i) The assault is in order to steal.
One crime (class 34A or 34B).
 - (ii) The assault is not in order to steal.
One crime (Sec 20 GBH class 8N or Sec 18 GBH class 5D).
- 2: An incident involves an assault causing GBH without intent and criminal damage to the same victim.
One crime (Sec 20 GBH class 8N) only.
- 3: A victim of assault has a wound on the chin. The injury is such that it requires stitching at hospital.
One crime (Sec 20 GBH class 8N).

Stalking (Classification 8Q), Harassment (Classification 8L) Controlling or Coercive Behaviour (Classification 8U)

Where there is a course of conduct amounting to stalking, harassment or controlling or coercive behaviour the relevant course of conduct crime (stalking, harassment or controlling or coercive behaviour) should be recorded in addition to the most serious additional notifiable crime reported at the same time (per victim-offender relationship).

Where there is a course of conduct that involves a combination of 8Q, 8L or 8U offences between the same victim and offender then only the most serious offence needs to be recorded.

- 4: After following his ex-wife home for the fourth time he assaults her causing GBH without intent.
One crime (class 8Q) and one crime of GBH without intent (class 8N).

Whether to Record Example: see also General Rules Section A.

- 1: 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.
Classify the incident in accordance with NSIR but do not record a crime.
 - (ii) They identify a victim who shows signs of recent injury (cuts, bruises), confirms that he has been assaulted, but does not wish the matter to be taken further.
One crime (Sec 47 ABH class 8N).

8P Racially or Religiously Aggravated Assault with Injury (1 of 1)

8/59
(V) Racially or religiously aggravated wounding or grievous bodily harm. Crime & Disorder Act 1998 Sec 29(1)(a) and (2)(added by Anti-terrorism, Crime and Security Act 2001 Sec 39)

8/60
(V) Racially or religiously aggravated assault or assault occasioning actual bodily harm. Crime & Disorder Act 1998 Sec 29(1)(b) (2) (added by Anti-terrorism, Crime and Security Act 2001 Sec 39).

Counting Rule: One crime for each specific victim - refer to 8N for examples.

Legal Definitions:

Racially or Religiously Aggravated

Crime and Disorder Act 1998 Sec 28 (added by Anti- Crime and Security terrorism 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 Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH)

Crime and Disorder Act 1998 Sec 29 (added 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); or
 - (b) an offence under Section 47 of that Act (actual bodily harm) which is racially or religiously aggravated for the purposes of this Section.”

Wounding - See Assault Classification and Guidance

Recording Practice

Racially or Religiously Aggravated Assault with Injury

A crime of class 8P should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act 1998 Sec 28) exists at the time of recording.

Racially or Religiously Aggravated Wounding

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8P (Racially or religiously aggravated assault with injury) unless there is evidence of intent when class 5D should be recorded.

See class 8N for further details and examples of wounding recording practice.

8S Assault with Injury on a Constable (1 of 2)

8/1 (V)	Malicious wounding: wounding or inflicting grievous bodily harm. Offences against the Person Act 1861 Sec 20. (pt)	8/6 (V)	Assault occasioning actual bodily harm. Offences against the Person Act 1861 Sec 47 (pt)
5/1 (V)	Cause GBH with intent to resist/prevent arrest. Offences against the person Act 1861 Sec 18 (pt)	5/1 (V)	Wounding with intent to resist/prevent arrest. Offences against the person Act 1861 Sec 18 (pt)
5/1 (V)	Wounding with intent to do grievous bodily harm. Offences against the Person Act 1861 Sec 18 (pt)		

Legal Definitions

The same legal definitions and recording practices apply as for the above offences listed under 8N: Assault with Injury and 5D Assault with intent to cause serious harm. Classification 8S should be used when the circumstances are the same as for classification 8N/5D, and it is known that the victim is a police constable, or a PCSO and they were on duty and acting in the execution of their duty. Amended April 2020.

For this purpose the term “constable” refers to all warranted police officers of any rank and includes special constables.

Recording Practice: Racially or Religiously Aggravated Assault with injury on a Constable or PCSO

A crime of assault with injury on a constable or PCSO which is racially or religiously aggravated should be recorded as a crime under 8S and flagged under the relevant hate crime marker.

This does not prevent a suspect from being charged or otherwise dealt with for the aggravating offence.

General Rule: One crime for each constable, or PCSO assaulted during the course of their duty.

This includes cases where they are not officially on duty, but place themselves on duty by intervening in a situation or apprehending an offender.

Examples

- 1: Three Constables are assaulted by a group of youths, causing Grievous Bodily Harm.
Three crimes (class 8S).
- 2: An off duty officer is wounded with a sharp instrument while apprehending an individual, breaking the skin.
One crime (class 8S).
- 3: A police officer is bitten while making an arrest, causing bruising.
One crime (class 8S).

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.

- 4: An officer is assaulted when arresting a suspect of a previously recorded burglary.
One crime (class 8S) in addition to the original burglary.
- 5: An officer is assaulted when apprehending a person in the process of robbing a member of the public.
One crime (class 8S) and one crime (class 34B).
- 6: An officer is assaulted when apprehending a person in the process of vandalising his squad car.
One crime (class 8S) and one crime (class 58C). (The force, rather than the constable, is considered to be the victim of the criminal damage).
- 7: An officer is assaulted when apprehending a person vandalising the officer's private car.
One crime (class 8S) only. (The constable is the victim of both crimes, and therefore the principal crime rule applies). The officer has placed themselves on duty by apprehending the person.

8S Assault with Injury on a Constable (2 of 2)

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: A constable is assaulted and robbed.
One crime (class 34B).
- 2: A person assaults a constable and inflicts GBH.
One crime (class 8S).

8T Assault with Injury on an Emergency Worker (other than a constable) (1 of 1)

8/1 (V)	Malicious wounding: wounding or inflicting grievously bodily harm. Offences against the Person Act 1861 Sec 20 (pt)	5/1 (V)	Wounding with intent to resist/prevent arrest. Offences against the person Act 1861 Sec 18 (pt)
8/6 (V)	Assault occasioning actual bodily harm. Offences against the Person Act 1861 Sec 47 (pt)	5/1 (V)	Wounding with intent to do grievous bodily harm. Offences against the Person Act 1861 Sec 18 (pt)
5/1 (V)	Cause GBH with intent to resist/prevent arrest. Offences against the person Act 1861 Sec 18 (pt)		

Legal Definitions

The same legal definitions and recording practices apply for the above offences listed under 8N: Assault with Injury and 5D Assault with intent to cause serious harm.

Classification 8T should be used when the circumstances are the same as for classification 8N/5D, and it is known that the victim is an emergency worker (as defined in the Emergency Workers Act 2018) and they were on duty and acting in the execution of their duty.

Where an assault against an emergency worker (other than a constable) meets the recording criteria for 105A then an offence should be recorded under 105A.

Recording Practice: Racially or Religiously Aggravated Assault with Injury on an Emergency worker

A crime of assault with injury on an emergency worker (other than a constable) which is racially or religiously aggravated should be recorded as a crime under 8T and flagged under the relevant hate crime marker.

This does not prevent a suspect from being charged or otherwise dealt with for the aggravating offence.

General Rule: One crime for each emergency worker assaulted during the course of their duty.

Examples

1: Three emergency workers are assaulted by a group of youths, causing Grievous Bodily Harm.
Three crimes (class 8T).

2: An emergency worker is bitten while making an arrest, causing bruising.
One crime (class 8T).

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: An emergency worker is assaulted and robbed.
One crime (class 34B).
- 2: A person assaults an emergency worker and inflicts GBH.
One crime (class 8T).

Violence without Injury

- 3A** [Conspiracy to Murder](#)
- 3B** [Threats to Kill](#)
- 11A** [Cruelty to Children/Young Persons](#)
- 13** [Child Abduction](#)
- 14** [Procuring Illegal Abortion](#)
- 36** [Kidnapping and False Imprisonment](#)
- 104** [Assault without Injury on a Constable](#)
- 105A** [Assault without Injury](#)
- 105B** [Racially or Religiously Aggravated Assault without Injury](#)
- 106** [Modern Slavery](#)

3A Conspiracy to Murder (1 of 1)

3/2 (V)	Soliciting to commit murder. Offences against the Person Act 1861 Sec4.	3/3 (S)	Concealing commission of genocide or crime against humanity. International Criminal Court Act 2001 Secs 52, 53 & 55
3/2 (V)	Conspiracy to commit murder. Criminal Law Act 1977 Sec 1.	3/4 (V)	Intentionally encouraging or assisting commission of murder. Serious Crime Act 2007 Sec 44(pt).
3/2 (S)	Conspiring, aiding, abetting, counselling, procuring or inciting commission of genocide or crime against humanity. International Criminal Court Act 2001.Secs 52, 53 & 55.	3/5 (V)	Encouraging or assisting in the commission of murder believing it will be committed. Serious Crime Act 2007 Sec 45(pt).
3/3 (S)	Assisting offender by impeding his apprehension or prosecution in a case of murder. Criminal Law Act 1967 Sec 4(1)(pt).	3/6 (V)	Encouraging or assisting in the commission of one or more offences of murder believing one or more will be committed. Serious Crime Act 2007 Sec 47(pt)

Classification: Conspiracy

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.

Legal Definition: Soliciting to Commit Murder

Offences Against the Person Act 1861 Sec 4

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

General Rule: One crime for each intended victim.

Examples

- 1: 'A' solicits 'B' to murder 'C'.
One crime (class 3A).
- 2: 'A' conspires with 'B' and 'C' to kill both 'D' and 'E'.
Two crimes (class 3A).
- 3: 'A' solicits 'B' to murder both 'C' and 'D'.
Two crimes (class 3A).
- 4: 'A' solicits 'B' to murder 'C' and separately solicits 'D' to murder 'C'.
One crime (class 3A).

**Assisting an offender by impeding his apprehension or prosecution in a case of murder:
Count one crime for each offender or group of offenders.**

- 5 'A' and 'B' know that 'C' has committed a murder and with intent to impede the arrest or prosecution of 'C', dispose of the gun used by 'C' in the murder.
One crime (class 3A).

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: 'A' solicits 'B' to murder 'C' and 'B' makes an attempt to murder 'C'.
One crime (class 2).
- 2: 'A' solicits 'B' to murder 'C' and 'B' does murder 'C'.
One crime (class 1).

3B Threats to Kill (1 of 1)

3/1 Threats to kill.
(V) Offences against the Person Act 1861 Sec 16.

Clarification: Threat to kill

- For an offence to be recorded, the offender's intent to cause the other to fear that it would be carried out must be present. A judgement needs to be made on the intent of the offender.
- Mere use of the word 'kill' is insufficient to record.
- The circumstances of the offence and victim's report need to be considered.

Legal Definition: Threat to kill

Offences Against the Person Act 1861 Sec 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 shall be guilty ...".

General Rule: One crime for each person to whom a threat is made.

Examples

1: 'A' threatens to kill 'B'.

One crime (class 3B).

2: 'A' threatens 'B' that he will kill both 'C' and 'D' (a joint threat).

One crime (class 3B).

The intended victims may be unaware of the threat.

3: 'A' wrote to 'B' (a social worker) threatening to murder his two three-year-old children.
'B' fears that the threat will be carried out.

One crime (class 3B) the victim is B.

'A' then writes to C (his ex wife and the children's mother) threatening to murder them both.
C fears the threat will be carried out.

One additional crime (class 3B) – the victim is C.

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

4: 'A' threatens to kill one or more members of the staff of a certain political organisation unless
His demands are met.

One crime (class 3B).

Finished Incident Example: 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 3B).

11A Cruelty to Children/Young Persons (1 of 1)

11/2 (V)	Neglecting to provide for apprentice or servant. Offences against the Person Act 1861 Sec 26.	109/1 (V)	Training of persons under 12 for dangerous performances. Children and Young Persons Act 1933 Sec 24.
11/3 (V)	Cruelty to and neglect of children. Children and Young Persons Act 1933 Sec 1.	109/5 (V)	Exposing child to risk of burning. Children and Young Persons Act 1933 Sec 11.
12 (V)	Abandoning child under two years. Offences against the Person Act 1861 Sec 27.	109/6 (V)	Allowing child or young person to be in a brothel. Children and Young Persons Act 1933 Sec 3.
109/1 (V)	Allowing persons under 16 to take part in performances endangering life or limb. Children and Young Persons Act 1933 Sec 23.	109/7 (V)	Neglecting to provide for safety at children's entertainment. Children and Young Persons Act 1933 Sec 12.
		109/8 (V)	Permitting child to be in verminous condition. Education Act 1996 Sec 525.

Legal Definition: Cruelty and Neglect of Children

Children and Young Persons Act 1933 Sec 1

If any person who has attained the age of 16 years and has responsibility for any child or young person under that age, wilfully assaults, ill-treats (whether physically or otherwise), neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated (whether physically or otherwise), neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (whether the suffering or injury is of a physical or a psychological nature), that person shall be guilty of an offence.

Offences Against the Person Act 1861 Sec 27

"...unlawfully abandoned a child under the age of two years, whereby the life of the said child was endangered or the health of the said child was or was likely to be permanently injured".

General Rule: One crime for each child/young person or servant/apprentice.

Example 1: An adult is reported for wilfully neglecting three children.
Three crimes (class 11a).

Example 2: A child under the age of three dies by suffocation while asleep in bed with a drunken person aged 16 or over.
One crime (class 11A).

Neglecting to provide for children's safety: One crime (No specific victim).

Finished Incident Examples: see also General Rules Section E.

- 1: A child reports for the first time having been subjected to a series of acts of wilful neglect and cruelty by the same person over several years.
One crime (class 11A).
- 2: 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 11A).

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: Through wilful acts of cruelty, a child suffers actual bodily harm.
One crime (class 11A).
- 2: Through wilful acts of cruelty, a child suffers grievous bodily harm.
One crime (class 5D)

13 Child Abduction (1 of 1)

13/1 Abduction of a child by parent.
(V) Child Abduction Act 1984 Sec 1 (as amended by the Children's Act 1989).

13/2 Abduction of child by other persons.
(V) Child Abduction Act 1984 Sec 2 (as amended by the Children's Act 1989)

Legal Definitions:

Abduction of Child by Parent etc.

Child Abduction Act 1894 Sec 1

"... a person connected with the child under the age of 16 ... 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.

Please note that if the child is NOT taken or sent out of the United Kingdom, it is not an offence under Section 1 of the above Act.

Abduction of Child by Other Persons

Child Abduction Act 1894 Sec 2

"... a person other than [the child's mother, father or others covered in Section 1], without lawful authority or reasonable excuse ... takes or detains a child under the age of 16 ...".

Recording Practice: Kidnapping and False Imprisonment

Where there is evidence that the child under 16 has been taken away unwillingly by the use of force (or fraud by another person), the common law offence of kidnapping (class 36) should be considered.

Where there is evidence that the child under 16 has been detained by force unlawfully, the common law offence of False Imprisonment (class 36) should be considered.

A parent or guardian may be guilty of false imprisonment of a child where the facts take the circumstances outside reasonable parental discipline.

The principal crime in these circumstances is one of class 36.

General Rule: One crime for each child abducted.

Example 1: Following his divorce the father of 14 year old twins arranges to take them to New Zealand to live with him. The twins wish to live with their father and helped plan the move. The mother, who has custody of them, knew nothing of this and reports them missing to police.

Two crimes (class 13).

Principal crime Example: see also General Rules Section F and Annex C.

The estranged father of the 12 year old victim grabs hold of his daughter outside school and forces her into his car. He then drives her, against her will, to a private airfield and forces her to fly out of the country with him.

One crime (class 36).

14 Procuring Illegal Abortion(1 of 1)

14/1
(S) Administering drugs or using instruments to procure abortion. Offences against the Person Act 1861 Sec 58 as amended by Abortion Act 1967.

14/2
(S) Procuring drugs etc to cause abortion. Offences against the Person Act 1861 Sec 59.

Classification – Legal: Medical Termination of Pregnancy

Abortion Act 1967 Sec 1

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

General Rule: One crime for each prospective mother.

Examples

1: 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.

2: Drugs and instruments obtained and then used to procure an abortion.
One crime (class 14)

36 Kidnapping and False Imprisonment (1 of 2)

36/1
(V) Kidnapping.
Common Law.

36/2
(V) Other acts endangering safety of aircraft.
Aviation Security Act 1982 Sec 3 6(pt)

36/2
(V) Hijacking of ships or fixed sea platform.
Aviation and Maritime Security Act 1990
(Channel Tunnel Act 1987 Sec 1(7)). Sub Secs 9 & 10.

36/2
(V) Seizing an aircraft in flight by unlawful use of force or threats by person on board the aircraft.
Aviation Security Act 1982 Sec 1

36/2
(V) Destroying, damaging or endangering safety or aircraft.
Aviation Security Act 1982 Sec 2, 6(pt)

36/3
(V) False imprisonment.
Common Law.

36/2
(V) Hijacking, destroying or damaging Channel Tunnel train or system.
Channel Tunnel (Security) Order 1994 Articles 4,5, 7,8

36/4
(V) Detaining and threatening to kill or injure a hostage.
Taking of Hostages Act 1982 Sec 1.

36/5
(V) Forced marriage offences under Anti-social Behaviour Crime and Policing Act 2014 Sec 121
(1) (3)

Legal Definitions:

Kidnapping

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.

Please note if an offence of kidnapping or false imprisonment involving a child has not been made out consideration should be given to recording an offence under child abduction (class 13).

False Imprisonment

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.

36 Kidnapping and False Imprisonment (2 of 2)

Legal Definition: Hijacking

Aviation Security Act 1982 Sec 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.

General Rule: One crime for each specific, intended victim.

Examples

- 1: A person makes demands against three others with menaces.
Three crimes (class 35).
- 2: A person locks five people in a room against their will.
Five crimes (class 36).
- 3: An offender sends a letter which amounts to a blackmail to a victim who lives in PFA 'A'.
The letter has a postmark. The offender's location cannot be determined from the postmark.

Even on the balance of probabilities it is not clear where the offence has been committed. From a victim care perspective, unless and until the offender location is identified this crime should not be transferred. One crime (class 35) should be recorded by PFA 'A'.

If no specific, intended victim, count one crime for each offender or group of offenders.

- 4: A person hijacks a plane containing 150 passengers.
One crime (class 36).
- 5: A group of passengers damage a plane, so as to endanger the safety of all on the plane.
One crime (class 36).

Re-classification Example: see General Rules Section B.

A person is kidnapped and found dead several weeks later.

The FCR or a DDM should re-classify the crime of kidnapping (if already recorded) as homicide (class 1 or 4/1).

Principal Crime Example: see also General Rules Section F & Annex C.

A woman is kidnapped and forced to withdraw money from her account.

One crime of robbery (class 34B).

Location of Crime Example: see also General Rules Section G.

A victim receives by e-mail an unwarranted demand with menaces amounting to blackmail. The matter is reported to the police. The source of the e-mail is unknown.

One crime of blackmail (class 35) where the demand was received.

104 Assault without Injury on a Constable (1 of 2)

104/25 Assaults a designated person or his assistant in the exercise of a relevant power.
 (V) Serious Organised Crime & Police Act 2005 Sec 51 (1)(4).

08/73 Assault or assault by beating of a constable.
 Criminal Justice Act 1988 Sec 39 as added by Assaults on Emergency Workers (Offences) Act 2018 Sec 1

104/31 Vagrant violently resisting a constable.
 (V) Vagrancy Act 1824 Sec 4.

104/36 Assaults a member of a joint investigation team carrying out his functions as a member of that team.
 (V) Serious Organised Crime & Police Act 2005 Sec 57(2)(4).

104/39 Assaults an officer of Revenue or Customs.
 (V) Commissioners for Revenue & Customs Act 2005 Sec 32.

105/14 Assault an NCA officer or a member of an NCA-led team acting or assisting in the exercise of an operational power
 (V) Crime and Courts Act 2013 Sch 4 P.3(1)&(2), Sch 5 P.22(1)&(2)

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.

Recording Practice: Assault on a Constable

It is appropriate to record a crime of assault on a Constable, providing the Constable is acting in execution of his/her duty. For this purpose the term “constable” refers to all warranted police officers of any rank and includes special constables and PCSOs. See above, for resisting or obstructing a Constable.

Recording Practice: Racially or Religiously Aggravated Assault without Injury on a Constable or PCSO

A crime of assault without injury on a constable or PCSO which is racially or religiously aggravated should be recorded as a crime under 104 – 08/73 and flagged under the relevant hate crime marker. This does not prevent a suspect being charged or otherwise dealt with for the aggravating offence. Added April 2020.

General Rule: One crime for each constable assaulted during the course of their duty.

Examples

- 1: Three Constables are assaulted by a group of youths, but do not receive injuries.
 Three crimes (class 104 – 08/73).
- 2: During an assault on a police officer permanent damage is caused to the officer’s uniform.
 One crime (class 104 – 08/73).

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, or the most serious offence disclosed is an offence under class 10A.

- 3: An officer is assaulted when arresting a suspect of a previously recorded burglary.
 One crime (class 104 – 08/73) in addition to the original burglary.
- 4: An officer is assaulted when apprehending a person in the process of robbing a member of the public.
 One crime (class 104 – 08/73) and one crime (class 34B).

104 Assault without Injury on a Constable (2 of 2)

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

One crime (class 104 – 08/73) and one crime (class 58C). (The force, rather than the constable, is considered to be the victim of criminal damage).

- 6: An officer is assaulted when apprehending a person vandalising the officer's car.

One crime (class 104 – 08/73) only. (The constable is the victim of both crimes, and therefore the principal crime rule applies).

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: A constable is assaulted and robbed.

One crime (class 34B).

- 2: A person assaults a constable and inflicts GBH.

One crime (class 8S)

105A Assault without Injury (1 of 2)

105/1 (V)	Common assault and battery. Criminal Justice Act 1988 Sec 39.	105/9 (V)	Resisting or wilfully obstructing a designated or accredited person in the execution of their duty. Police Reform Act 2002 Sec 46(2).
105/2 (V)	Assault on County Court officer. County Courts Act 1984 Sec 14.		
105/3 (V)	Assaulting a person assisting a constable. Police Act 1996 Sec 89(1).	105/10 (V)	Assault on a traffic officer. Traffic Management Act 2004 Sec 10(1).
105/4 (V)	Assault on prison custody officer. Criminal Justice Act 1991 Sec 90(1).	105/11 (V)	Resisting or wilfully obstructing a traffic officer in the execution of their duties. Traffic Management Act 2004 Sec 10(2).
105/4 (V)	Assault on officer in secure training centre. Criminal Justice & Public Order Act 1994 Sec 13.	105/12 (V)	Assaulting an immigration officer exercising S2 detention powers. UK Borders Act 2007 Sec 3(10)(b) & (2).
105/5 (V)	Resisting or wilfully obstructing a prisoner custody officer. Criminal Justice Act 1991 Sec 90(3).	105/13 (V)	Assaulting an immigration officer. UK Borders Act 2007 Sec 22.
105/5 (V)	Resisting or wilfully obstructing a custody officer. Criminal Justice & Public Order Act 1994 Sec 13(2).	08/73 (V)	Assault or assault by beating of an emergency (except a constable). Criminal Justice Act 1988 Sec 39 as added by Assaults on Emergency Workers (Offences) Act 2018 Sec 1.
105/6 (V)	Assault on court security officer. Courts Act 2003 Sec 57.	8/09 (V)	Obstructing, assaulting or arresting upon civil process, clergymen Offences against the Person Act 1861 Sec 36
105/7 (V)	Resisting or wilfully obstructing a court security officer. Courts Act 2003 Sec 57 (3).	68/21 (V)	Offences relating to carrying out, aiding or abetting the carrying out of a virginity test. Health Care Act 2022 Sec 136, 137 (1) (a) (b) 138 and 139
105/8 (V)	Assaulting a designated or accredited person in the execution of their duty. Police Reform Act 2002 Sec 46(1).	68/22 (V)	Offences relating to carrying out of a hymenoplasty, aiding and abetting the carrying out of a hymenoplasty Health Care Act 2022 Sec 148, 149 (1) (a) and 151

General Rule: One crime for each person assaulted, obstructed, controlled etc.

Example 1: Person working at a takeaway restaurant is assaulted and permanent damage caused to his uniform. The uniform is supplied to the employee by the company.

One crime (class 105A).

105A Assault without Injury (2 of 2)

Principal Crime Examples: see also General Rules Section F and Annex C.

- 1: A person receives minor abrasions while being robbed.
One crime (class 34B).
- 2: A person receives minor abrasions as a result of force being applied to them by another person while unsuccessfully preventing the theft of his/her car.
One crime (class 34B).

**Stalking (Classification 8Q),
Harassment (Classification 8L)
Controlling or Coercive Behaviour (Classification 8U)**

Where there is a course of conduct amounting to either stalking, harassment or controlling or coercive behaviour the relevant course of conduct crime (stalking or harassment or controlling or coercive behaviour) should be recorded in addition to the most serious additional notifiable crime reported at the same time (per victim-offender relationship).

Where there is a course of conduct that involves a combination of 8Q, 8L or 8U offences between the same victim and offender then only the most serious offence needs to be recorded. See 8U Controlling or Coercive behaviour for examples.

Re-classification: see also General Rules Section B.

A person is assaulted and apparently receives no injury. A crime of assault without injury (class 105A) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital. The FCR or a DDM should re-classify the recorded crime to class 8N – either Sec 20 GBH or Sec 47 ABH according to the level of injuries.

105B Racially or Religiously Aggravated Assault without Injury (1 of 1)

8/57 Racially or religiously aggravated common assault or beating.
(V) Crime & Disorder Act 1998 Sec 29(1)(c) and (3)
(added by Anti-terrorism, Crime and Security Act 2001 Sec 39).

General Rule: One crime for each person assaulted, obstructed etc.

Example 1: Three persons are assaulted because of their racial group but receive no visible injuries.
Three crimes (class 105B).

Legal Definitions

Racially or Religiously Aggravated

Crime and Disorder Act 1998 Sec 28 (added by Anti-terrorism, Crime and Security Act 2001 Sec 39)
See 8P (1 of 1)

Racially and Religiously Aggravated Assault without Injury

Crime and Disorder Act 1998 Sec 29 (added 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.”

Recording Practice

Minor Injuries

Common assault (code 105/1) includes common assault with no injury.

Racially or Religiously Aggravated Assault without Injury

A crime of assault without injury should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act Sec 28) exists at the time of recording.

Finished Incident Examples: see also General Rules Section E.

1: 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 assault without injury (class 105B).

2: 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 assault without injury (class 105B) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital.

An FCR or a DDM should re-classify to class 8P.

106 Modern Slavery (1 of 2)

For historic allegations committed under previous legislation, record and assign outcome as if committed today

36/06 (V)	Hold person in slavery or servitude. Modern Slavery Act 2015 Sec 1 (1) (a) & 5 (1)	36/11 (V)	Commit offence of kidnapping or false imprisonment with intention of arranging travel with view to exploitation. Modern Slavery Act 2015 Sec 4 & 5 (3)
36/07 (V)	Require person to perform forced or compulsory labour. Modern Slavery Act 2015 Sec 1 (1) (b) & 5 (1)	36/12 (S)	Do act prohibited by slavery and trafficking risk or prevention order. Modern Slavery Act 2015 Sec 30 (1) & (3)
36/08 (V)	Arrange or facilitate the travel of another person with a view to exploitation. Modern Slavery Act 2015 Sec 2 (1) & (5) (1)	36/13 (S)	Fail to comply with requirement to surrender passport under Modern Slavery Act 2015 Sec 30 (2) (a) & 30 (3)
36/10 (V)	Commit Offence other than kidnapping or false imprisonment with intention of arranging travel with view to exploitation. Modern Slavery Act 2015 Sec 4 & 5 (2)	36/14 (S)	Fail to comply with requirement to provide name and address under Modern Slavery Act 2015 Sec 30 (2) (b) & 30 (3)

The above Modern Slavery Act offences commenced on the 31 July 2015 replacing all the offence codes previously listed under this classification.

Recording Practice: National Referral Mechanism

All referrals made by the police **into** the NRM (including all cases where a Duty to Notify submission is made) must be subject of a recorded crime of MS unless it is determined that all MS criminality occurred outside England and Wales in which case an N200/04 must be recorded. In cases where a rape is also reported, having occurred outside England and Wales, in addition to the MS a reported incident of rape under N100/3 must be recorded.

For referrals the police receive **from** the NRM all those with a **positive reasonable grounds** decision applied must be subject of a recorded crime of MS. Where the referral from the NRM has either:

A reasonable grounds decision pending or,
a negative reasonable grounds decision or,
is a Duty to Notify referral (not submitted by the police) only or,
has all MS criminality entirely outside of England and Wales.

Then an N200 must be recorded unless the FCR considers it appropriate or necessary to record a crime. As provided by the HOOCR any other crime(s) disclosed must be recorded in addition to the MS by applying the relevant rules. Amended April 2019.

106 Modern Slavery (2 of 2)

General Rule: One crime for each person subjected to modern slavery

Location of Offence Examples: see General Rules Section G.

- 1: A minibus is stopped by Force A leaving a ferry port. Following questioning of three female passengers it is established that an offence under this section is being committed. The person responsible for the offence is abroad.

Three crimes (class 106) by Force A.

- 2: Police in Force B raid a brothel and establish from two girls working there that they were the Victims of an offence under this section. They had entered the country through a port in Force A and the person responsible is living abroad.

Two crimes (class 106) by Force B.

Principal Crime

Modern Slavery in all cases should be recorded in addition to the most serious additional victim based offence involving the same victim-offender relationship.

Examples

- 1: A brothel is raided in force A and three working females there report they have been subject of modern slavery arranged by persons who are abroad and also that they were all raped by a male in this country when they arrived.

6 crimes (3 class 106 and 3 rapes (classification according to ages of victims) by Force A).

- 2: A remote farm is raided by Force B and a group of 4 males are found living in a shipping container. It is established they are victims of modern slavery. 1 male provides details that he has been assaulted as part of efforts to force him to work and the injuries are consistent with a section 18 offence.

Five crimes (4 class 106 and 1 class 5D by force B).

- 3: A take away restaurant is raided by Force C and a group of 5 females is found and it established They have been subject of modern slavery. In addition 3 of them report that items of personal property have been stolen from them by the owners of the restaurant.

Five crimes Class 106 and three crimes class 39 by force C.

Stalking and Harassment

8L **Harassment**

8M **Racially or Religiously Aggravated Harassment**

8Q **Stalking**

8R **Malicious Communications**

8U **Controlling or Coercive Behaviour**

Harassment and Stalking

Classification Rules and Guidance (1 of 5)

Legal Definition: Harassment

(Protection from harassment Act 1997 Secs 1, 2 & 7 (As amended by Serious Organised Crime and Police Act 2005 Sec 125))

- “1 Prohibition of harassment
- (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.
- (1A) A person must not pursue a course of conduct –
- (a) which involves harassment of two or more persons, and
 - (b) which he knows or ought to know involves harassment of those persons, and
 - (c) by which he intends to persuade any person (whether or not one of those mentioned above) –
 - (i) not to do something that he is entitled or required to do, or
 - (ii) to do something that he is not under any obligation to do.
- (2) For the purposes of this Section, the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved 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.”

A person who pursues a course of conduct in breach of Section 1 is guilty of harassment (Sec 2).

A course of conduct must involve (Sec 7):

- (a) in the case of conduct in relation to a single person (see Sec 1(1)), “conduct on at least two occasions in relation to that person” or
- (b) in the case of conduct in relation to two or more persons (see Sec 1(1A)), “conduct on at least one occasion in relation to each of those persons”.

Coverage: Harassment

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.

However, a course of conduct where all or some of the incidents do amount to substantive notifiable offences could also amount to harassment. Where this is the case the harassment will be recorded in addition to the most serious additional victim based offence involving the same victim-offender relationship reported at the same time.

The Finished Incident Rule (General Rules, Section E) will be applied to recorded crimes of harassment 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 under class 9A are also offences of harassment. Unlike offences under the Protection from Harassment Act, they do not require a course of conduct.

Harassment and Stalking

Classification Rules and Guidance (2 of 5)

Legal Definition: Racially or Religiously Aggravated Harassment

Crime & Disorder Act Sec 31 (1) & 32 (1) (added by Anti-terrorism, Crime and Security Act 2001 Sec 39)

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."

Section 32(1) requires a course of conduct to exist.

Recording Practice: Racially or Religiously Aggravated Harassment

A crime of harassment should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act 1998 Sec 28) exists at the time of recording.

Legal Definition: Stalking

(Protection from harassment Act 1997 Sec 2A and 4A (As amended by protection of Freedoms Act 2012 Sec 111)

2A Offence of Stalking

A person is guilty of an offence if –

- (a) The person pursues a course of conduct in breach of section 1 (1) and
- (b) The course of conduct amounts to stalking.

- (1) For the purpose of subsection (1) (b) (and section 4A (1) (a) a person's course of conduct amounts to stalking of another person if -
 - (a) it amounts to harassment of that person,
 - (b) the acts or omissions involved are ones associated with stalking, and
 - (c) the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.
- (2) The following are examples of acts or omissions which, in particular circumstances are ones associated with stalking -
 - (a) following a person,
 - (b) contacting, or attempting to contact, a person by any means,
 - (c) publishing any statement or other material –
 - (i) Relating or purporting to relate to a person, or
 - (ii) Purporting to originate from a person,
 - (d) monitoring the use of a person on the internet, email or any other form of electronic communication,
 - (e) loitering in any place (whether public or private),
 - (f) interfering with any property in the possession of a person,
 - (g) watching or spying on a person.

4A (1) A person (A) whose course of conduct –

- (a) amounts to stalking, and
- (b) either –
 - (i) causes another (B) to fear, on at least two occasions, that violence will be used against B, or
 - (ii) causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities,

is guilty of an offence if A knows or ought to know that A's course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause alarm or distress.

- 4A(2) For the purpose of this section A ought to know that A's course of conduct will cause B to fear that violence will be used against B on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause B so to fear on that occasion.
- (3) For the purpose of this section A ought to know that A's course of conduct will cause B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities if a reasonable person in possession of the same information would think the course of conduct would cause B such alarm or distress.

Harassment and Stalking

Classification Rules and Guidance (3 of 5)

Coverage: Stalking

Stalking, in particular, is characterised by a person's fixation and obsession with their victim, as opposed to harassment where these factors do not feature. The use of the acronym FOUR (Fixated Obsessive Unwanted Repeated) is helpful in differentiating between these closely linked offences. Advice from the College of Policing assists in explaining the key differences – added October 2020

http://library.college.police.uk/docs/appref/Stalking_or_harassment_guidance_200519.pdf

Classification: Nuisance Telephone Calls

Offences relating to nuisance telephone calls come under the Communications Act 2003 Sec 127 and the Malicious Communications Act 1988 Sec 1. Where the victim reports suffering anxiety or distress, the 8/72 offence **must** be recorded.

Where the victim reports the calls as causing a nuisance or inconvenience only, an offence does not need recording and the incident should be classified with the appropriate Anti Social Behaviour category in accordance with NSIR.

A series of nuisance calls could, however, amount to a course of conduct; if the notifiable offence of harassment (class 8L) is made out then this **must** be recorded in these circumstances.

Legal Definition: Malicious Communications

(Malicious Communications Act 1988 Sec 1)

1(1) Any person who sends to another person –

(a) a letter, electronic communication or article of any description which conveys –

- (i) a message which is indecent or grossly offensive;
- (ii) a threat; or
- (iii) information which is false and known or believed to be false by the sender; or

(b) any article or electronic communication which is, in whole or in part, of an indecent or grossly offensive nature, is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

1(2) A person is not guilty of an offence by virtue of subsection 1(a)(ii) above if he shows -

- (a) that the threat was used to reinforce a demand made by him on reasonable grounds; and
- (b) that he believed and had reasonable grounds for believing that the use of the threat was a proper means of reinforcing the demand.

1(2A) In this section **electronic communication** includes -

- (a) any oral or other communication by means of an electronic communications network and
- (b) any communication (however sent) that is in electronic form.

Harassment and Stalking

Classification Rules and Guidance (4 of 5)

Legal Definition: Engage in Controlling/Coercive Behaviour in an Intimate / Family Relationship

Serious Crime Act 2015 Sec 76

- (1) A person (A) commits an offence if—
- (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
 - (b) at the time of the behaviour, A and B are personally connected,
 - (c) the behaviour has a serious effect on B, and
 - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if—
- (a) A is in an intimate personal relationship with B, or
 - (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- (a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
 - (b) B is under 16.
- (4) A’s behaviour has a “serious effect” on B if—
- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
 - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.

For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.

- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
- (a) they are, or have been, married to each other;
 - (b) they are, or have been, civil partners of each other;
 - (c) they are relatives;
 - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
 - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
 - (f) they are both parents of the same child;
 - (g) they have, or have had, parental responsibility for the same child

This offence came into force on 29 December 2015 and does not have retrospective effect.

Clarification: Controlling or Coercive Behaviour

The cross-government definition of domestic violence and abuse outlines controlling or coercive behaviour as follows:

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: a continuing act or a pattern of acts of assault, threats humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. (Added July 2016)

Harassment and Stalking

Classification Rules and Guidance (5 of 5)

Principal Crime

Stalking (Classification 8Q), Harassment (Classification 8L) Controlling or Coercive Behaviour (Classification 8U)

Where there is a course of conduct amounting to either stalking or harassment or controlling and coercive behaviour the relevant course of conduct crime (stalking or harassment or controlling and coercive behaviour) should be recorded in addition to the most serious additional notifiable crime reported at the same time (per victim-offender relationship).

Where there is a course of conduct that involves a combination of 8Q, 8L or 8U offences between the same victim and offender then only the most serious offence needs to be recorded.

Exception: All cases where a course of conduct is reported between a victim and their former partner (except where one or both parties is aged under 16) must be recorded as stalking unless the FCR is satisfied that the matter amounts to harassment in law only. In cases where one or both parties is aged under 16 years additional consideration should be applied during the crime recording decision making process to establish if the matter amounts to stalking rather than harassment.

Examples

- 1: A course of conduct is reported which has culminated in the victim being subject of criminal damage to their property.

Two crimes – one crime of harassment class 8L and one crime of criminal damage to a dwelling class 58A.
- 2: Later that week the victim reports further harassment and an assault amounting to ABH by the offender and no action has yet been taken by the police.

Record a crime of class 8N but not another harassment. Update the previously recorded harassment to evidence the continuing course of conduct.
- 3: A month later, after the offender has been cautioned for the harassment and other offences, the victim reports a further course of conduct and another criminal damage.

Two crimes – one crime of class 8L and one crime of class 58A.
4. A male reports he is being stalked by his former partner and that as part of this stalking on two occasions his car has been damaged.

One crime class 8Q and one crime of class 58C.
5. A female reports that her social media account has been hacked by a former partner and this is established as being part of a wider stalking occurrence.

One crime class 8Q and once crime of NFIB50 to be recorded by Action Fraud.

8L Harassment (1 of 3)

Classification 8L excludes harassment offences under 9A.

8/29 (S)	Breach of conditions of injunction against harassment. Protection from Harassment Act 1997 Sec 3.	125/68 (V)	Harassment etc. of a person in his home. Criminal Justice and Police Act 2001 Sec 42A Serious Organised Crime and Police Act 2005 Sec 126.
8/30 (V)	Putting people in fear of violence. Protection from Harassment Act 1997 Sec 4.	195/94 (V)	Harassment. Protection from Harassment Act 1997 Sec 2
8/31 (S)	Breach of a restraining order issued on conviction. Sentencing Act 2020 Sec 363 (1) (2).		

**General Rule: One crime for each specific intended victim.
(Where there is no specific intended victim count only one crime).**

Principal Crime Rule: Please note an exception to the general principal crime rule applies to 8Q.

See Harassment and Stalking Classification Rules and Guidance (5 of 5)

Examples

- 1: A man is reported to have harassed five women. (At least one related incident amounting to one course of conduct demonstrated for each).

Five crimes (class 8L 195/94).
- 2: A lady reports to police that she is aggrieved with the same suspect who keeps phoning her home address every night for the past week asking her what underwear she is wearing.

One crime (class 8L 195/94).

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

- 3: 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 8L 195/94).
- 4: 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 8L 195/94).

Whether to Record Examples: see also coverage box and General Rules Section A.

- 1: Person 'A' reports a number of instances over a period of time where person 'B' has done acts including repeatedly banging on their house door and interfering with property in their garden. Person A doesn't know Person B and is upset and concerned by their behaviour.

Record one crime (class 8L 195/94). The course of conduct rule has been met.
- 2: As above, the following day, person 'A' reports that person 'B' is trespassing in their garden and refuses to explain why when challenged. 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 against Person B.

8L Harassment (2 of 3)

Once a crime of harassment under the Protection from Harassment Act 1997 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.

- 3: A woman reports for the first time that she has been harassed by the same person on numerous occasions.
 - (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).
One crime (class 8L 195/94).
 - (ii) Further incidents of harassment occur and the police decide to take action.
No new crime record as it should be considered as further evidence to support the first crime report.

Breach of Harassment Injunction, Non Molestation or Restraining Order: One Crime for Each Offender.

All breaches of harassment injunctions/restraining or non molestation orders must be recorded as crimes in addition to any other crimes disclosed which must then be recorded in accordance with the provisions of the HOCR.

Example 1: A person enters a prohibited area identified in a harassment injunction against him/her and commits a common assault against the victim they were forbidden from contacting. The person has also been making silent phone calls to the victim over a period of days also in breach of the injunction.

Three crimes: one crime of harassment (class 8L 8/30), and one breach of harassment injunction (class 8L 8/29) and one common assault (105A-105/1).

If the condition of a harassment injunction is not to commit a notifiable crime and such a crime is committed, count the notifiable crime and the breach of the harassment injunction/restraining order.

Example 2: A person burgles a house which is a breach of their harassment injunction/restraining order.

One crime of burglary residential (class 28E 28/3) and one breach of harassment injunction (class 8L 8/29).

Location of Crime Examples: see also General Rules Section G.

- 1: A victim in force area A is being harassed over the telephone (i.e. a course of conduct is established under the Protection of Harassment Act) by someone in force area B. The victim reports it to force A.

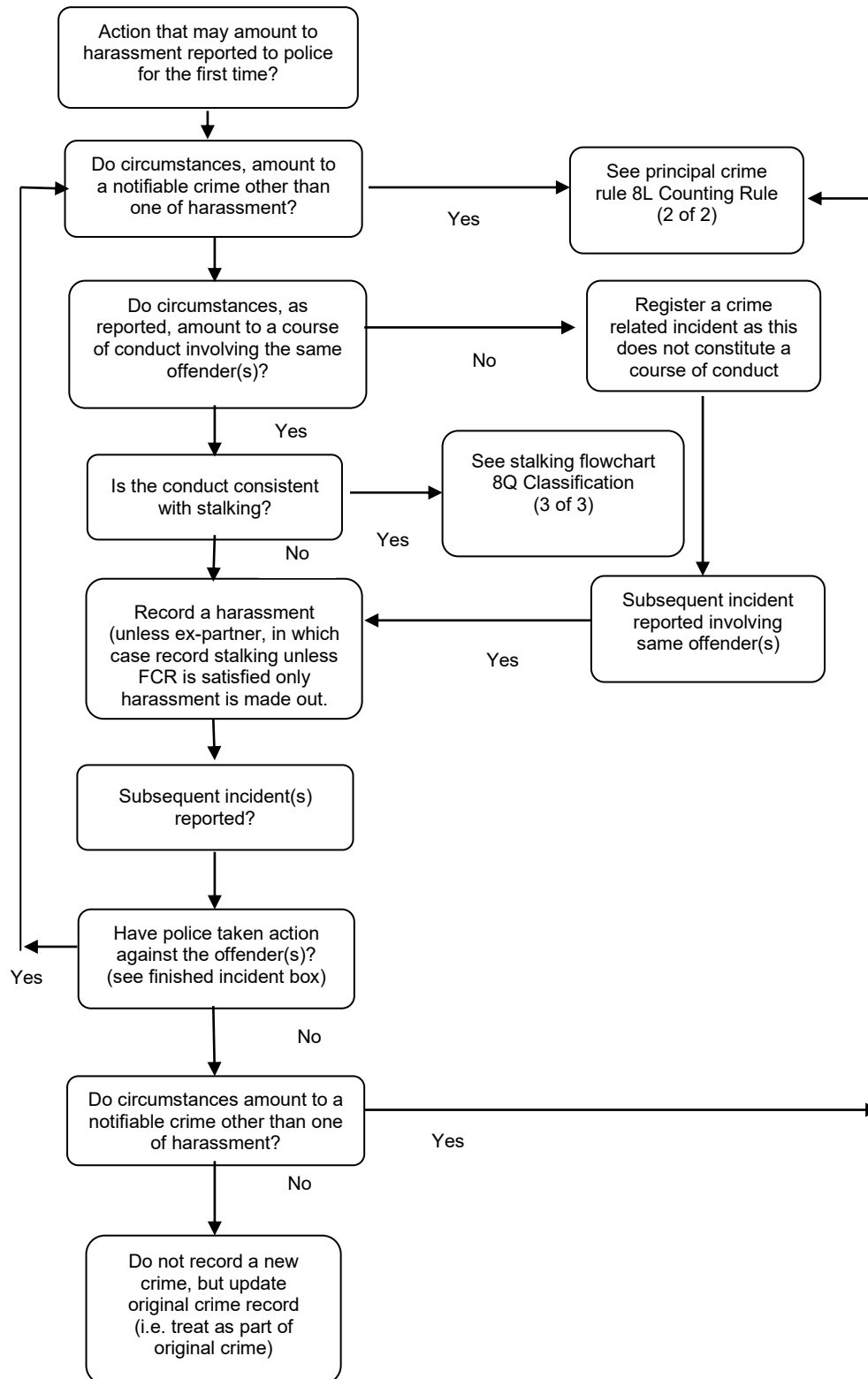
Force B to record. (One Crime 8L 195/94)

- 2: As example 1, but the offender's location is unknown.

Force A to record. (One Crime 8L 195/94)

8L Harassment (3 of 3)

Harassment: Recording Practice



8M Racially or Religiously Aggravated Harassment (1 of 1)

Classification 8M excludes offences under 9B.

8/56 (V)	Racially or religiously aggravated harassment or stalking without violence . Crime & Disorder Act 1998 Sec 32(1)(a) (4) (added by Anti-terrorism, Crime and Security Act 2001 Sec 39).	8/58 (V)	Racially or religiously aggravated harassment or stalking with fear of violence. Crime & Disorder Act 1998 Sec 32 (1b) (b) or (4) (1b) (b) or (4) added by Anti-terrorism, Crime and Security Act 2001, Sec 39).
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**General Rule: One crime for each specific intended victim.
(Where there is no specific intended victim count only one crime).**

Coverage: Harassment

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.

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

Examples

- 1: A person is racially or religiously harassed by a group of five children (involving at least two courses of conduct).

One crime (class 8M).
- 2: 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 8M).

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.

- Example: 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 8M).
 - (ii) Further incidents of harassment occur and the police decide to take action.
No further crime

8Q Stalking (1 of 3)

8/65 (V)	Stalking involving fear of violence. Protection from Harassment Act 1997 Sec 4A(1) (a) (b) (i) as inserted by the Protection of Freedoms Act 2012 Sec 111	195/12 (V)	Pursue course of conduct in breach of Sec 1 (1) which amounts to stalking Protection from Harassment Act 1997 Sec 2A (1) as inserted by Protection of Freedoms Act 2012 Sec 111.
8/66 (V)	Stalking involving serious alarm/distress. Protection from Harassment Act 1997 Sec 4A (1)(a) (b) (ii) as inserted by the Protection of Freedoms Act 2012 Sec 111	8/74 (S)	Breach of Stalking Order/Interim Stalking Order Stalking Protection Act 2019 Sec 8 (1) (2) Commencement: 20 Jan 2020

General Rule: One crime for each specific intended victim.
(Where there is no specific intended victim count only one crime).

Principal Crime Rule: Please note an exception to the general principal crime rule applies to 8Q.

See Harassment and Stalking Classification Rules and Guidance (5 of 5)

Examples

- 1: A woman's ex partner sits in his car outside her house and spys on her and her new partner on a daily basis. (At least one related incident amounting to one course of conduct demonstrated for each).

Two crimes (class 8Q).

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

- 2: A female celebrity is stalked by three men acting independently on separate occasions (all of whom has been responsible for at least two incidents, each amounting to one course of conduct).

Three crimes (class 8Q).

Breach of Stalking Order/Interim Stalking Order, Injunction or Restraining Order: One Crime for Each Offender.

All breaches of the above orders must be recorded as crimes in addition to any other crimes disclosed which must then be recorded in accordance with the provisions of the HOCR.

Location of Crime Examples: see also General Rules Section G.

- 1: A victim in force area A is being stalked over the telephone (i.e. a course of conduct is established under the Protection of Harassment Act) by someone in force area B. The victim reports it to force A.

Force B to record.

- 2: As above, but the offender's location is unknown.

Force A to record.

8Q Stalking (2 of 3)

Whether to Record Examples: see also General Rules Section A.

- 1: Person 'A' reports that person 'B' has followed her/him home on one first occasion.

Register as an 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.
- 2: 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 8Q). The course of conduct rule (see above) has been met.
- 3: Person 'A' reports on two consecutive nights person 'B' has followed A home causing fear, alarm or distress.

Record one crime (class 8Q). The course of conduct rule (see above) has been met.
- 4: As above, but next day person 'A' reports person 'B' has followed her home again. No action has yet been taken against person 'B'.

No new crime record - should be considered as further evidence to support the first crime report.

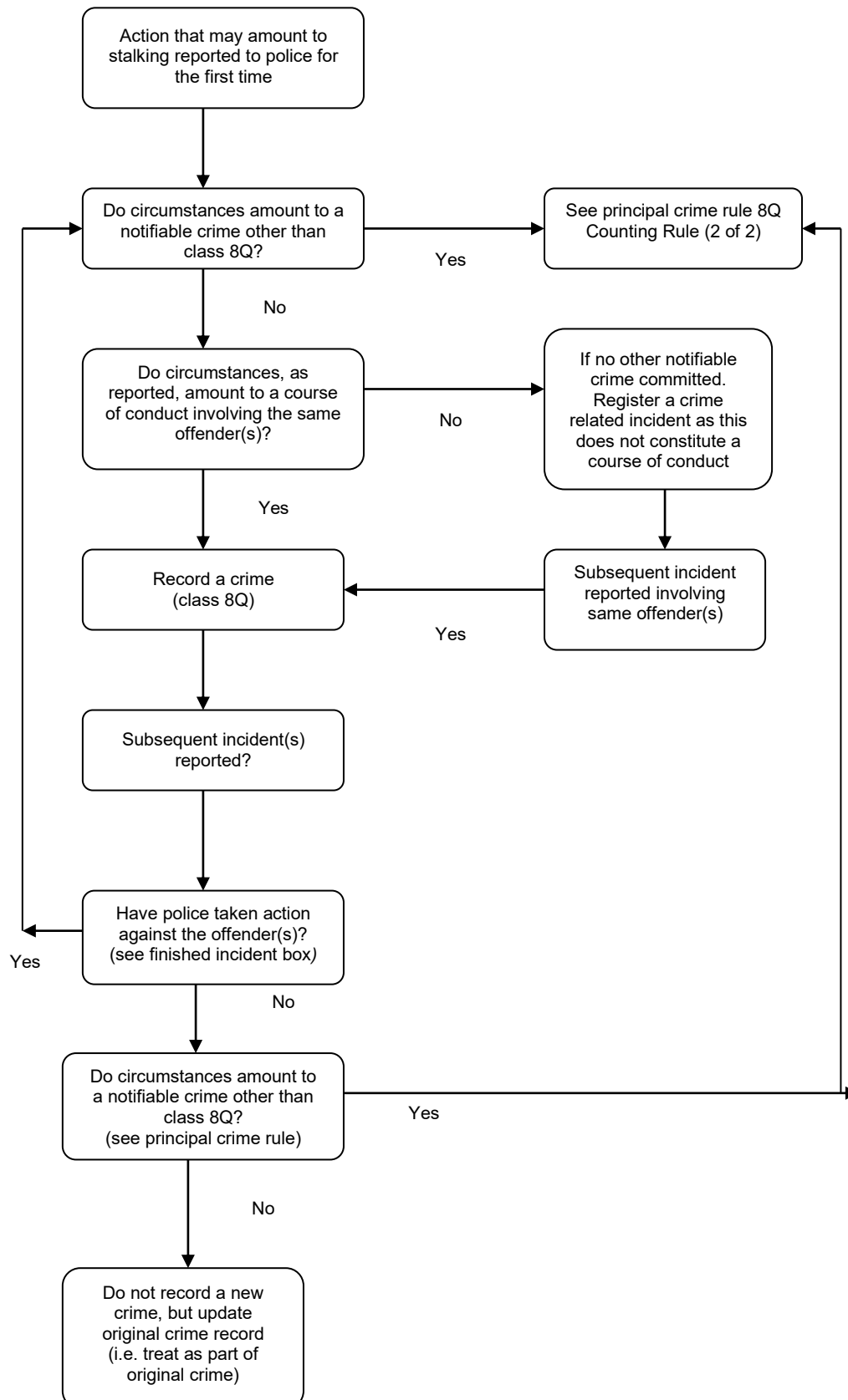
Finished Incident Example: See also General Rules Section E

Once a crime of stalking under the Protection from Harassment Act 1997 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.

- 1: A woman reports for the first time that she has been stalked by the same person on numerous occasions.
 - (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). One crime (class 8Q).
 - (ii) Further incidents of stalking occur and the police decide to take action.
No new crime record as it should be considered as further evidence to support the first crime report.

8Q Stalking (3 of 3)

Harassment Act 1997: Recording Practice



8R Malicious Communications (1 of 1)

8/71 (V)	Disclose private sexual photographs with intent to cause distress. Criminal Justice and Courts Act 2015 Sec 33 (1) (9)	8/72 (V)	Sending letters etc with intent to cause anxiety. Malicious Communications Act 1988 Sec 1 amended by Criminal Justice and Courts Act 2015 Sec 32
8/71 (V)	Disclose or threats to disclose private sexual photographs/film with intent to cause distress. Criminal Justice and Courts Act 2015 Sec 33 (1) (9) amended by Domestic Abuse Act 2021 Sec 69 Commences 29 June 2021		

Malicious Communications

Every report, where the provision of NCRS/HOCR are met and the offence amounts to a crime under 8/72, must be recorded as notifiable. In cases where a number of malicious communications are reported all at the same time and which might be considered to form a course of conduct a crime of harassment 8L or stalking 8Q must be recorded in addition to one of 8/72 under the Malicious Communications Act.

Examples

- 1: A sends B a single communication that meets the test to be determined as malicious under the act and B reports this to police.

One crime (class 8R – 8/72).
- 2: A sends B a number of such communications and B reports this to police for the first time.

One crime (class 8R – 8/72) and one crime of harassment (class 8L).
- 3: Following on from example 2 above A sends B a further communication and B reports this to police.

One further crime (Class 8R – 8/72), no further harassment is to be recorded as no action as yet has been taken by the police.

8U Controlling or Coercive Behaviour (1 of 2)

8/67 Engage in controlling/ coercive behaviour
(V) in an intimate/family relationship.
Serious Crime Act 2015 Sec 76.

The cross-government definition of domestic violence and abuse outlines controlling or coercive behaviour as follows:

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: a continuing act or a pattern of acts of assault, threats humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. (Added July 2016)

Finished Incident Examples: see also General Rules Section E.

- 1: A victim reports for the first time that they have been the victim of controlling behaviour from their partner on numerous recent occasions which has had a substantial adverse effect on their usual day to day activities.

One crime (class 8U– 8/67)

A further incident of controlling behaviour is reported by the victim against the same current partner which does not constitute another notifiable offence.

Record in line with the finished incident rule for harassment (i.e apply at the point at which the police have in some way dealt with the offender such as a charge, summons, cautions etc.

Stalking (Classification 8Q), Harassment (Classification 8L) Controlling or Coercive Behaviour (Classification 8U)

Where there is a course of conduct amounting to either stalking, harassment, or controlling or coercive behaviour the relevant course of conduct crime should be recorded in addition to the most serious additional notifiable crime reported at the same time (per victim-offender relationship).

Where there is a course of conduct that involves a combination of 8Q, 8L or 8U offences between the same victim and offender then only the most serious offence needs to be recorded.

- 2: A victim reports for the first time being assaulted by her ex-partner after he followed her home for the fourth time that week. No visible injuries were sustained.

One crime (class 8Q) and one crime (class 105A).

8U Controlling or Coercive Behaviour (2 of 2)

- 3: A victim reports that since 29 Dec 2015 her husband has repeatedly told her that she is worthless, forbidden her from seeing her family and on one occasion assaulted her causing injuries amounting to GBH.

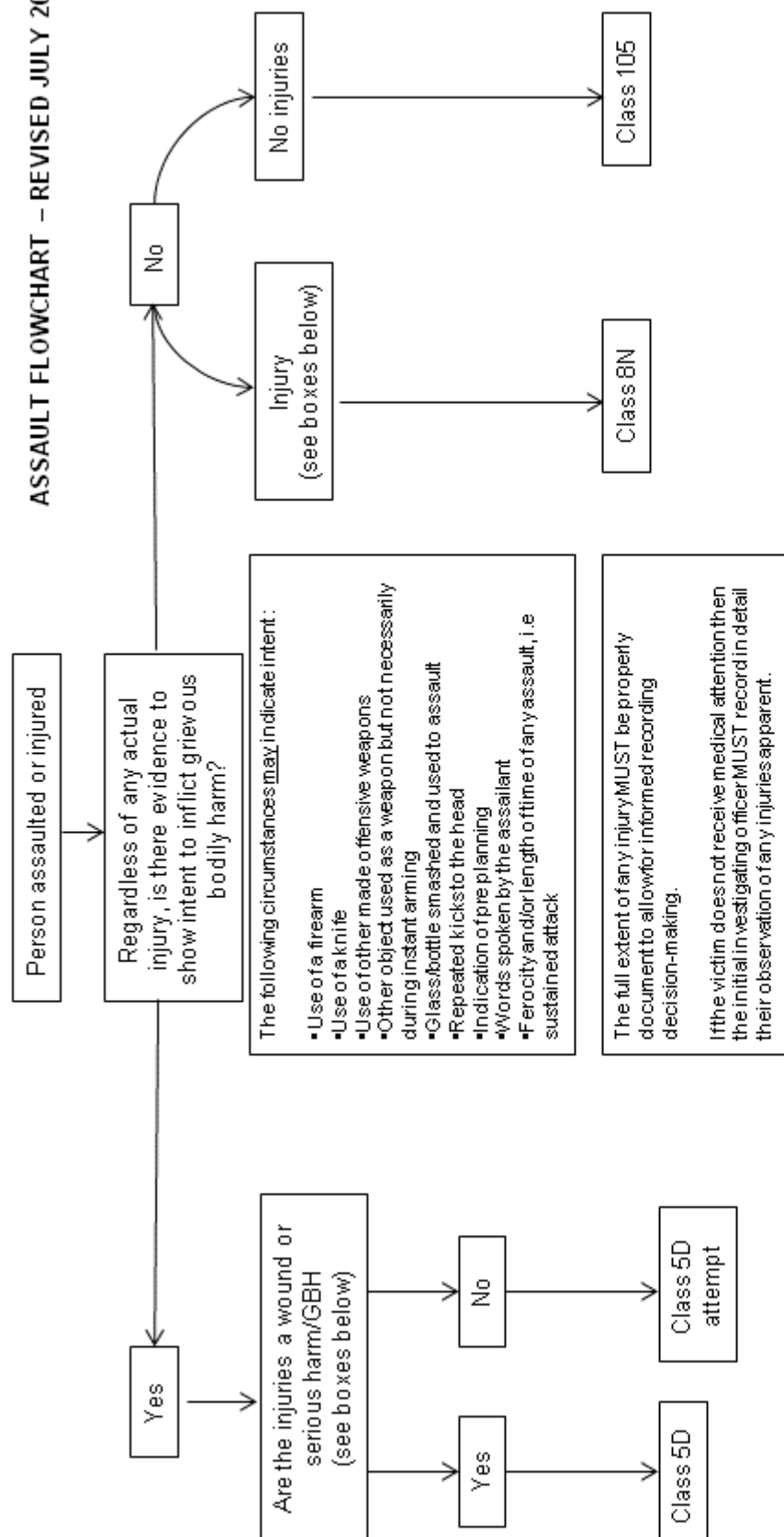
One crime (Class 8U) and one crime (class 8N 8/1 or 5D 5/1 according to the nature of the injuries).

- 4: A victim reports that her ex-husband has stalked her on several occasions since they separated and previously (but still after 29 Dec 2015) repeatedly engaged in controlling or coercive behaviour whilst they were married.

One crime (Class 8Q) – code according to seriousness. The controlling or coercive behaviour does not also need to be recorded.

- 5: A victim reports that her ex-partner has repeatedly harassed her since they separated causing her serious alarm and distress and had previously (but still after 29 Dec 2015) engaged in coercive behaviour whilst they were in an intimate relations on a number of occasions.

One crime of Stalking (Class 8Q). The harassment reported is between former partners and thus amounts to stalking unless the FCR is satisfied only harassment is made out in law and the rationale for this is recorded. The previous Controlling or Coercive behaviour does not need to be recorded.

ANNEX A**ASSAULT FLOWCHART – REVISED JULY 2012****SERIOUS HARM/GBH**

Sec 20 GBH without intent (Class 8N)
Sec 18: GBH with intent (Class 5D)

- Injury resulting in permanent disability or permanent loss of sensory function
- Injury that results in more than minor permanent, visible disfigurement, broken or displaced limbs or bones, including fractured skull
- Compound fractures, broken cheek bone, jaw ribs etc
- Injuries which cause substantial loss of blood, usually necessitating a transfusion
- Injuries resulting in lengthy treatment or incapacity
- Psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury

WOUND

Sec 20 Wound (Class 8N)
Sec 18 (Class 5D)

To constitute a wound there must be "the breaking of the continuity of the whole of the outer skin, or the inner skin within the cheek or lip. It does not include the rupturing of internal blood vessels" (Aitchbold)

OTHER INJURY

Sec 47 ABH (Class 8N)

- Grazes
- Scratches i.e. cut not breaking all layers of skin
- Bruising
- Reddening of the skin
- Swelling
- Black eye
- Simple broken nose
- Shock – appropriate expert evidence required
- Loss of broken teeth
- Broken finger or toe where there are no complications and no intent to inflict more serious harm
- Non-visible injury, causing more than a passing moment of pain or discomfort, which has an adverse impact on the victim

ASSAULT WITHOUT INJURY

Sec 39 Common Assault (Class 105)

Slap, punch or other attack that leaves no visible mark or injury and does not cause more than a passing moment of pain, e.g. a minor sting.

NB The offence of common assault can occur even if there is no physical contact.

Maximum Offence Table Violence Against the Person

Life	14 years	10 years	7 years	5 years	2 years	6 months	3 months	1 month	Fine
1	4/4,6	3/1,3	5/11	4/8, 4/12	4/9, 4/19		104/31	105/9	4/10
2	4/7, 4/13	5/10	8/5	5/2	5/25	104/25	105/2	105/11	7/5-7/6
3/2-6	5/9	4/11	8/59-60, 68	8/1-8/2	6/3	36,39			7/9
4/1-4/3, 4/4, 4/7	5/24	8/30, 8/65-8/66	13/1	8/6, 8/21	7/1-7/4	105/1			7/11
5/1	8/52, 8/58	11/3	13/2	8/29, 8/31	7/7-7/8	105/3,4,6,8			8/70
5/4-5/8	11/3	4/17	36/5	8/67, 69, 74, 77	7/10,12,13	105/12-13			105/5,7
5/13- 5/23	37/1	36/10		11/2	8/4, 8/9	105/10			109/1
5/26,27				12	8/20	109/6			109/5
6/1-6/2				14/2	8/56-57	125/68			109/7-8
6/4				36/12-14	8/71-72	195/94			195/12*
7/14 - 7/17				98/6	08/73	12 months			104/39*
14/1				68/21- 22	99/86	08/73-			105/14*
36/1-4									
36/6-8 36/11									

* 51 weeks or level 5 fine or both.

Sexual Offences

Rape

Other Sexual Offences

Rape

Classification Rules and Guidance

19C	<u>Rape of a Female aged 16 and over</u>
19D	<u>Rape of a Female Child under 16</u>
19E	<u>Rape of a Female Child under 13</u>
19F	<u>Rape of a Male aged 16 and over</u>
19G	<u>Rape of a Male Child under 16</u>
19H	<u>Rape of a Male Child under 13</u>
19J	<u>Rape of a Female – Multiple Undefined Offenders</u>
19K	<u>Rape of a Male – Multiple Undefined Offenders</u>

Rape – Classification Rules and Guidance (1 of 3)

Historic Sexual Offences

In May 2004 the Sexual Offences Act 2003 became law and repealed much of the previous legislation. Whilst it is not possible to prosecute offenders under the new legislation for offences committed before the new act became law, the Home Office require Police to record crime, for statistical purposes, under the new legislation. Where previously recorded offences under the old legislation are assigned outcomes, forces should return the outcome information as if recorded under the new legislation. For example a buggery outcome would now be shown as the relevant rape clear up.

Rape Legal Definitions – Sexual Offences Act 2003

Rape - Sec 1

1 (1) "A person 'A' commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents."

Rape of a Child Under 13 – Sec 5

"A person commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person with his penis, and (b) the other person is under 13."

Note: A willing participant is not required for this offence if the boy or girl is under 13 years of age.

Attempted Rapes

Every allegation of attempted rape should be viewed on its own merits to determine if the act is 'more than merely preparatory.'

"If there is evidence from which the necessary intent can be inferred and if there were acts that a jury could regard as more than merely preparatory, then the offence of attempted rape can be committed. It is therefore not necessary to prove that the defendant had actually reached the stage of attempting physical penetration of the vagina to achieve a successful prosecution for rape." (Attorney General's Reference 1 of 1992, PNLD ref no C258).

Examples

- 1: A man grabs hold of a woman in an alleyway and pushes her to the ground on some wasteland. He then removes her trousers and pants, undoes his trousers and exposes his erect penis. He then forces the woman's legs apart before being disturbed and departing the scene.
One crime (19C) (attempted rape).
- 2: A man grabs hold of a woman in an alleyway and pushes her to the ground. He is arrested by police before any further actions take place and admits that he intended to rape the victim.
One crime (class 19C) - the suspect has provided the intent.
- 3: A man has accosted a man and demanded oral sex. He has refused. He has then exposed his erect penis, grabbed hold of the victim's head and thrust his penis towards his mouth. The victim has moved his head preventing any penetration.
One crime (19F) (attempted rape).
- 4: A woman is engaging in some heavy petting with her boyfriend. Both are naked. He then asks for sexual intercourse. She says no but he lies on top of her and tries to push her legs apart. She clamps her legs together preventing any further contact.
One crime (19C) (attempted rape).

Rape – Classification Rules and Guidance (2 of 3)

Recording Practice; Rape and Sexual Assault Referrals

Reports of rape via ‘Third Parties’ (as specified in NCRS paragraphs 3.6i or ii) or from Sexual Assault Referral Centres (SARCs): A report of rape must be **recorded as a crime** in the following instances:

- The victim provides personal details and seeks a police investigation; or
- The victim (whether anonymous or not) provides details of the Report to be passed to the police but decides not to pursue the case; or
- The victim undergoes a forensic examination with samples submitted to the police for analysis (whether or not personal details are passed to the police); or
- The report is received from a parent, carer or professional third party and there is no reason to doubt the veracity of their report.

A report of rape received from a third party (other than specified in NCRS paragraphs 3.6i or ii) and including reports from SARCs must be recorded as a **Reported Incident of Rape (Classification N100)** in the following instances:

- The victim does not seek a police investigation but is happy for some depersonalised data to be passed to the police **for intelligence purposes**; or
- The victim wishes to remain anonymous and does not want details of the allegation passed to police (if any information at all received by police); or
- The victim undergoes a forensic examination and samples are frozen at the SARC in case the victim decides to pursue the case at a later date (forensic samples are not passed to the police).

Examples: see also General Rules Section A.

- 1: A woman attends a SARC and reports having been raped. She provides personal details and is happy for the SARC to forward all details to the police for a full investigation.
One crime (class 19C).
- 2: A man attends a SARC and provides details of his rape ordeal. He wishes to remain anonymous but is happy for the SARC to contact the police for an investigation into the offence. He later decides he does not wish to pursue the allegation.
One crime (class 19F).
- 3: A woman attends a SARC and provides details of her rape ordeal. She wishes to remain anonymous and does not seek any police investigation. She is happy for the SARC to pass some depersonalised data to the police for intelligence purposes.
Record a Reported Incident of Rape (Classification N100) but do not record a crime.
- 4: Police receive for analysis from a Prostitutes Care Association a number of samples taken during a forensic examination of one of their members following a rape allegation. There are no further details of the victim, who has consented to the samples being sent to police.
One crime (class 19C or 19F depending on the gender of the victim).

Rape – Classification Rules and Guidance (3 of 3)

Rape by Multiple Undefined Offenders (Classifications 19J and 19K).

Clarification – Undefined Offender Classification

“Undefined Offender” is only to be used in circumstances where the victim (or person representing the victim) cannot identify individual multiple offenders as being different or distinct.

There is no expectation that the victim need to be able to provide extensive descriptions for separate offenders only that there is sufficient supporting information for the recording person to be satisfied that on the balance of probability a distinct offender is identified. If the victim is able to provide a number of offenders with a rationale as to why but with no further description then the belief of the victim will usually be sufficient and the relevant number of crimes recorded.

Where a victim can provide sufficient information on some offenders but not others then the appropriate number of identified offender crimes should be recorded under classifications 19C-19H as well as a single additional 19J or 19K classification.

There is an expectation that if after the initial report further information comes to light where the number of defined offenders is increased then further crimes should be recorded as appropriate.

19C Rape of a Female aged 16 and over (1 of 3)

19/8 Rape of a female aged 16 or over.
(V) Sexual Offences Act 2003 Sec 1(pt).

19/12 Attempted rape of a female aged 16 or over.
(V) Sexual Offences Act 2003 Sec 1(pt).

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

General Rule: One crime for each person who has penetrated the victim.

Examples

- 1: A man forces a woman to have vaginal intercourse without her consent.
One crime (class 19C).
- 2: A man has anal intercourse with a drunken woman friend who states that she did not consent to this.
One crime (class 19C).
- 3: A man forces a woman to perform oral sex on him against her will.
One crime (class 19C).

In all cases the recording of rape will be on a per offender basis. One crime is to be recorded for each person who has penetrated the victim, irrespective of any considerations.

- 4: Two men at a party push a woman in to a bedroom and both then rape her.
Two crimes (class 19C).
- 5: A man at a party forces a woman into a bedroom and rapes her. Another man sees the offender leave the bedroom, enters the bedroom and rapes the same victim.
Two crimes (class 19C).
- 6: Two women are raped by a group of four men.
Eight crimes (class 19C). One crime for each offender and victim penetrated (class 19C).

Attempted Rape: One crime for each victim per offender.

- 7: A man attempts to rape three women and succeeds with a fourth.
Four crimes (class 19C) (three attempts and one substantive).

Consent

Where the issue is over consent, the NCRS victim focussed approach should be taken and a rape offence should be recorded.

- 8: A woman reports that whilst drunk at a party she believes she had vaginal/anal/oral intercourse and that there was no way that she would have consented to this. A suspect is traced and stated she consented.
One crime (class 19C).
- 9: As above, but she states that she does not want police to investigate the matter.
One crime (class 19C).
- 10: As example 8 above, following a full investigation it is later established that the victim had in fact consented.
The 'cancellation' principles can be applied to the recorded offence.

19C Rape of a Female aged 16 and Over (2 of 3)

Crimes in More Than One Force Examples: see also General Rules Section G.

- 1: A man is arrested for rape and admits raping three other women in different parts of the country. The victims have not previously reported these crimes.
Each force to record the rapes committed in their area (class 19C) on victim confirmation.
- 2: A woman reports that the same man has raped her on three separate occasions in three different force areas.
One crime (class 19C) recorded by the force area covering the most recent offence.
- 3: (i) Whilst reporting a sexual assault in Force A the victim states that the suspect raped her previously in Force B but she does not want police to investigate this. Police are satisfied that it is more likely than not that the rape took place.

One crime (class 19C) recorded in Force B.

(ii) Subsequently Force A investigates and charges the suspect for the sexual assault in their force. There are no charges in relation to the rape.
Force A can record one crime (class 20A) and assign an outcome under the Principal Crime Rule. The rape remains recorded in Force B.

Finished Incident Example: 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 19C).

Principal Crime Examples: see also General Rules Section F and Annex C. Only homicide and attempted murder should be recorded instead of rape.

- 1: A man rapes and attempts to murder a woman.
One crime (class 2).
- 2: A man rapes and intentionally commits GBH on a woman.
One crime (class 19C).
- 3: A man rapes and robs a woman.
One crime (class 19C).

Where woman believes that they have been penetrated but is unsure with what, there is a presumption that it will be with a penis unless there is clear evidence that this is not the case.

- 4: A woman makes a complaint that she has been date raped. She believes that her vagina has been penetrated but she can not provide any further details surrounding the assault.
One crime (class 19C).

Following investigation into the offence it is established that a physical object was used and there was no penile penetration.

The FCR can reclassify the recorded rape to one crime (class 20A) (assault by penetration).
- 5: A woman is accosted at a party and pushed onto a bed by a suspect. Her trousers are removed and she feels her anus being penetrated. She pushes the suspect off her and discovers that the suspect is a female.

One crime (class 20A) (assault by penetration).

19C Rape of a Female aged 16 and Over (3 of 3)

Timing of Recording Examples: see also General Rules Section A.

A rape should be recorded as soon as the reporting officer is satisfied that it is more likely than not that a crime has been committed.

- 1: A woman reports to police that she has been raped. Police investigations into the offence the next day establish from the victim that she consented and no rape was committed.
One crime (class 19C) having been recorded can then be cancelled under General Rules Section C.
- 2: A woman reports that she believes that last night at a pub her drink had been spiked with a drug and she had been raped. She can provide some details of the events of the evening leading up to when she believes that she was drugged, but is unclear about anything else afterwards. She states that she woke up at home feeling unusual and believes that she has had vaginal intercourse.
One crime (class 19C).
- 3: A woman reports in the current year that she was raped three years ago.
One crime (class 19C) (within the current year total).

Attempted Rapes and Referrals: See rape rules and guidance

19D Rape of a Female Child under 16 (1 of 1)

19/7 Rape of a female aged under 16.
(V) Sexual Offences Act 2003 Sec 1(pt).

19/11 Attempted rape of a female aged under 16.
(V) Sexual Offences Act 2003 Sec 1(pt).

General Rule: One crime for each person who has penetrated the victim.

Please see 19C for further guidance. Classification 19D applies to rape and attempted rape offences where at the time of the offence the victim was aged 13, 14 or 15 years old.

Where a rape is recorded under this section and the investigation reveals that the victim was a willing participant and therefore the offence of rape is not made out, the FCR should reclassify the recorded offence to an offence under class 22B (Sexual Activity involving a child under 16).

Example 1: A 15 year old girl reports to police that she was raped at a party by a 16 year old boy. A rape is recorded under class 19D. Following investigation it is established that the victim had willingly had sex with this boy at the party. She had reported a rape to police because her parents had found out.

The FCR should reclassify the recorded crime (class 19D) to one crime (class 22B).

19E Rape of a Female Child under 13 (1 of 1)

19/16 Rape of a female child under 13 by a male.
(V) Sexual Offences Act 2003 Sec 5(pt).

19/18 Attempted rape of a female child under 13
(V) by a male.
Sexual Offences Act 2003 Sec 5(pt).

General Rule: One crime for each person who has penetrated the victim.

Please see 19C for further guidance. Classification 19E applies to rape and attempted rape offences where at the time of the offence the victim was under 13 years of age.

Examples

- 1: A male aged 15 years has consensual intercourse with a female under the age of 13.
One crime (class 19E). The offence is complete with penetration regardless of being a willing participant.
- 2: A 12 year old girl willingly performs oral sex on her boyfriend.
One crime (class 19E). The offence is complete with penetration regardless of being a willing participant.

19F Rape of a Male aged 16 and over (1 of 3)

19/10 Rape of a male aged 16 or over.
(V) Sexual Offences Act 2003 Sec 1 (pt).

19/14 Attempted rape of a male aged 16 or over.
(V) Sexual Offences Act 2003 Sec 1 (pt).

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

General Rule: One crime for each person who has penetrated the victim.

Examples

- 1: A man forces a man to have anal intercourse without his consent.
One crime (class 19F).
- 2: A man forces a man to perform oral sex on him against his will.
One crime (class 19F).

In all cases the recording of rape will be on a per offender basis. One crime is to be recorded for each person who has penetrated the victim, irrespective of any considerations.

- 3: Two men at a party push a man in to a bedroom and both then rape him.
Two crimes (class 19F).
- 4: A man at a party is forced to have anal sex against his will by one suspect. Later on another male enters the room and forces him to perform oral sex on him.
Two crimes (class 19F).
- 5: Two men are grabbed by a group of four men who force them into a garage and take it in turns to rape both victims.
Eight crimes (class 19F). One crime for each offender and victim penetrated.

Attempted Rape: One crime for each victim per offender.

- 6: A man attempts to rape three men and succeeds with a fourth.
Four crimes (class 19F) (three attempts and one substantive).

Consent

Where the issue is over consent, the NCRS victim focussed approach should be taken and a rape offence should be recorded.

- 7: A man reports that whilst drunk at a party she believes he had anal/oral intercourse and that there was no way that he would have consented to this. A suspect is traced and stated he consented.
One crime (class 19F).
- 8: As above, but he states that he does not want police to investigate the matter.
One crime (class 19F).
- 9: As example 7 above, following a full investigation it is later established that the victim had in fact consented.
One crime (class 19F) having been recorded can then be cancelled.

19F Rape of a Male aged 16 and over (2 of 3)

Crimes in More Than One Force Examples: see also General Rules Section G.

- 1: A man is arrested for rape and admits raping three other men in different force areas. These crimes have not previously been reported to police.
Each force to record the rapes committed in their area (class 19F) on victim confirmation.
- 2: A man reports that the same male in three different force areas has raped him on three separate occasions.
One crime (class 19F) recorded by the force area covering the most recent offence.
- 3: (i) A victim who is reporting a sexual assault in Force A, confirms that the suspect had previously raped him in Force Area B but he does not wish police to investigate this. Police are satisfied it is more likely than not that the rape took place.
One crime (class 19F) recorded in Force B.

(ii) Subsequently Force A investigate and charge the suspect for the sexual assault in their force.
There are no charges in relation to the rape.

Force A can record one crime (class 17A) and assign an outcome under the Principal Crime Rule. The rape remains recorded in Force B.

Finished Incident Example: 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 19F).

Principal Crime Examples: see also General Rules Section F and Annex C.

Only homicide and attempted murder should be recorded instead of rape.

- 1: A man rapes and attempts to murder another man.
One crime (class 2).
- 2: A man rapes and intentionally commits GBH on another man.
One crime (class 19F).
- 3: A man rapes and robs another man.
One crime (class 19F).

19F Rape of a Male aged 16 and over (3 of 3)

Principle Crime Rule - Continued

Where the man believes that they have been penetrated but is unsure with what, there is a presumption that it will be with a penis unless there is clear evidence that this is not the case.

Example 1: A man makes a complaint that he has been date raped. He believes that his anus has been penetrated but he can not provide any further details surrounding the assault.
One crime (class 19F).

Following investigation into the offence it is established that a physical object was used and there was no penile penetration.
The FCR can reclassify the recorded rape to one crime (class 17A) (assault by penetration).

Example 2: A man is accosted at a party and pushed onto a bed by a suspect. His trousers are removed and he feels his anus being penetrated. He pushes the suspect off him and discovers that the suspect is a fully clothed female.
One crime (class 17A) (assault by penetration).

Timing of Recording Examples: see also General Rules Section A.

A rape should be recorded as soon as the reporting officer is satisfied that it is more likely than not that a crime has been committed.

- 1: A man reports to police that he has been raped. Police investigations into the offence the next day establish from the victim that this was consensual intercourse and no rape was committed.
One crime (class 19F) having been recorded can then be cancelled.
- 2: A man reports that he believes that last night at a pub his drink had been spiked with a drug and he had been raped. He can provide some details of the events of the evening leading up to when he believes that he was drugged, but is unclear about anything else. He woke up at his flat feeling unusual and believes that he has had anal intercourse.
One crime (class 19F).
- 3: A man reports in the current year that he was raped three years ago.
One crime (class 19F) (within the current year total).

Attempted Rapes and Referrals: See rape rules and guidance

19G Rape of a Male Child under 16 (1 of 1)

19/9 Rape of a male aged under 16.
(V) Sexual Offences Act 2003 Sec 1 (pt).

19/13 Attempted rape of a male aged under 16.
(V) Sexual Offences Act 2003 Sec 1 (pt).

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

General Rule: One crime for each person who has penetrated the victim.

Please see 19F for further guidance. Classification 19 G applies to rape and attempted rape offences where at the time of the offence the victim was aged 13, 14 or 15 years old.

Application of the Rule

Where a rape is recorded under this section and the investigation reveals that the victim was a willing participant and therefore the offence of rape is not made out, the FCR should reclassify the recorded offence to an offence under class 22B (Sexual Activity involving a child under 16).

Example 1: A 15 year old boy reports to police that he was raped at a party by a 16 year old boy. A rape is recorded under class 19G. Following investigation it is established that the victim had willingly had sex with this boy at the party. He had reported a rape to police because his parents had found out.

The FCR should reclassify the recorded crime (class 19G) to one crime (class 22B).

19H Rape of a Male Child under 13 (1 of 1)

19/17 Rape of a male child under 13 by a male.
(V) Sexual Offences Act 2003 Sec 5(pt).

19/19 Attempted rape of a male child under 13 by a male.
(V) Sexual Offences Act 2003 Sec 5(pt).

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

General Rule: One crime for each person who has penetrated the victim.

Please see 19F for further guidance. Classification 19H applies to rape and attempted rape offences where at the time of the offence the victim was under 13 years of age.

Examples

- 1: A boy under 13 years of age consents to anal intercourse from a 15 year old boy.
One crime (class 19H). The offence is complete with penetration regardless of being a willing participant.
- 2: A 12 year old boy willingly performs oral sex on a 14 year old boy.
One crime (class 19H). The offence is complete with penetration regardless of being a willing participant.

19J Rape of a Female – Multiple Undefined Offenders (1 of 2)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

19/8 (V)	Rape of a female aged 16 or over. Sexual Offences Act 2003 Sec 1(pt).	19/12 (V)	Attempted rape of a female aged 16 or over. Sexual Offences Act 2003 Sec 1(pt).
19/7 (V)	Rape of a female aged under 16. Sexual Offences Act 2003 Sec 1(pt).	19/11 (V)	Attempted rape of a female aged under 16. Sexual Offences Act 2003 Sec 1 (pt)
19/16 (V)	Rape of a female child under 13 by a male Sexual Offences Act 2003 Sec 5 (pt)	19/18 (V)	Attempted rape of a female child under 13 by a male. Sexual Offences Act 2003 Sec 5 (pt)

General Rule: One crime for all undefined offenders who have penetrated the victim.

Example 1: A man has anal intercourse with a drunken female friend who states that she did not consent to this. He also invites an undefined number of others to have sex with the victim which she also did not consent to.
One crime (class 19C) and one crime (Class 19J)

Clarification – Undefined Offender Classification

“Undefined Offender” is only to be used in circumstances where the victim (or person representing the victim) cannot identify individual multiple offenders as being different or distinct.

There is no expectation that the victim need to be able to provide extensive descriptions for separate offenders only that there is sufficient supporting information for the recording person to be satisfied that on the balance of probability a distinct offender is identified. If the victim is able to provide a number of offenders with a rationale as to why but with no further description then the belief of the victim will usually be sufficient and the relevant number of crimes recorded.

Where a victim can provide sufficient information on some offenders but not others then the appropriate number of identified offender crimes should be recorded under classifications 19C-19H as well as a single additional 19J or 19K classification.

There is an expectation that if after the initial report further information comes to light where the number of defined offenders is increased then further crimes should be recorded as appropriate.

In all cases the recording of rape will be on a per offender basis. One crime is to be recorded for each defined person who has penetrated the victim, irrespective of any considerations.

Example 1: A female patient in a secure mental health facility alleges that she has been raped by a named doctor and a named member of staff. In addition to these two defined offenders she also alleges that she has been raped by an undefined number of other staff members and patients whilst in a shower room over the last five years. She cannot recall any details due to her medication and the trauma of the offences committed against her.

Two crimes for the defined doctor and member of staff (class 19C) and one crime (19J) for the other undefined members of staff and patients.

Example 2: A 15 year old female is accosted by a large group of teenage males in a local park. The group of males pull the victim into woodland and all commit acts amounting to rape against her. After the ordeal the victim immediately attends the police station. The victim is distressed and unable to identify different and distinct offenders.

One crime class 19J.

19J Rape of a Female – Multiple Undefined Offenders (2 of 2)

Example 3: As per example two, however, the victim is video interviewed the following week where she is able to define four of the group. She is also able to say that there were more than four offenders but she cannot recall how many or any further details about those offenders.

Four crimes (class 19D). One crime for each defined offender. The already recorded 19J should remain.

Modern Slavery

Where rape has taken place in circumstances which would amount to Modern Slavery the usual recording principals for MS apply.

Example 1: A brothel is raided in force A where a female states she is being held against her will by the owner of the brothel and been forced to have sex with numerous clients without consent. She has been at the venue for four weeks and has been forced to have sex at least three times every day during that period of time. The victim is able to define five regulars but is unsure how many others are involved.

Seven crimes – one modern slavery crime (class 106), five single offender rape crimes (19C) and one undefined offender rape crime (19J)

Example 2: A female attends a police station and discloses that she has been held captive by her husband and forced to have sex with men in order to pay the bills on their house. She states that she knew it was seven separate men but cannot provide any further description.

Eight crimes – one modern slavery crime (class 106), seven single offender rape crimes (19C). The victim is clear that this is seven individual offenders. There is no evidence to the contrary.

19K Rape of a Male – Multiple Undefined Offenders (1 of 2)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

19/10 (V)	Rape of a male aged 16 or over. Sexual Offences Act 2003 Sec 1(pt).	19/14 (V)	Attempted rape of a male aged 16 or over. Sexual Offences Act 2003 Sec 1(pt).
19/9 (V)	Rape of a male aged under 16. Sexual Offences Act 2003 Sec 1(pt).	19/13 (V)	Attempted rape of a male aged under 16. Sexual Offences Act 2003 Sec 1 (pt)
19/17 (V)	Rape of a male child under 13 by a male Sexual Offences Act 2003 Sec 5 (pt)	19/19 (V)	Attempted rape of a male child under 13 by a male. Sexual Offences Act 2003 Sec 5 (pt)

General Rule: One crime for all undefined offenders who have penetrated the victim.

Example 1: A man at a house party is pushed into a room by a male acquaintance. The male forces the victim to give him oral sex. The male then invites an undefined number of others to have sex with the victim.

One crime (class 19F) and one crime (Class 19K).

Clarification – Undefined Offender Classification

“Undefined Offender” is only to be used in circumstances where the victim (or person representing the victim) cannot identify individual multiple offenders as being different or distinct.

There is no expectation that the victim need to be able to provide extensive descriptions for separate offenders only that there is sufficient supporting information for the recording person to be satisfied that on the balance of probability a distinct offender is identified. If the victim is able to provide a number of offenders with a rationale as to why but with no further description then the belief of the victim will usually be sufficient and the relevant number of crimes recorded.

Where a victim can provide sufficient information on some offenders but not others then the appropriate number of identified offender crimes should be recorded under classifications 19C-19H as well as a single additional 19J or 19K classification.

There is an expectation that if after the initial report further information comes to light where the number of defined offenders is increased then further crimes should be recorded as appropriate.

19K Rape of a Male – Multiple Undefined Offenders (2 of 2)

Application of the Rule

In all cases the recording of rape will be on a per offender basis. One crime is to be recorded for each defined person who has penetrated the victim, irrespective of any considerations.

Example 1: A male inmate of HMP after release reports to police that over the 10 years of his sentence he has been raped on numerous occasions whilst in the library of the prison. He is able to define that two specific prison guards anally raped him. He also alleges that a large number of inmates also anally raped him but the only distinct inmate he can remember is his cellmate.

Three crimes for the prison guards and cellmate (class 19F) and one Crime (19K) for the other undefined inmates.

Example 2: A 15 year old male whilst on a school trip is attacked by another school group at the same location. The group tie the male up and take turns to separately orally rape him. When the victim is released he calls the police. The victim is particularly distressed and unable to identify different and distinct offenders.

One crime class 19K.

Example 3: As per example two, however, the victim is video interviewed the following week where he is able to define four of the group. He is also able to say that there were more than four offenders but he cannot recall how many or any further details about those offenders.

Four crimes (class 19G). One crime for each defined offender. The already recorded 19K should remain.

Modern Slavery

Where rape has taken place in circumstances which would amount to Modern Slavery the usual recording principals for MS apply.

Example 1: A brothel is raided in force A where a male states he is being held against his will by the owner of the brothel and been forced to have sex with numerous clients without consent. He has been at the venue for four weeks and has been forced to have sex at least three times every day during that period of time. The victim is able to define five regulars but is unsure how many others are involved.

Seven crimes – one modern slavery crime (class 106), five single offender rape crimes (19F) and one undefined offender rape crime (19K)

Example 2: A male attends a police station and discloses that he has been held captive by a gang and forced to have oral sex with men in order to pay off a drugs debt. He states that he knew it was seven separate men but cannot provide any further description.

Eight crimes – one modern slavery crime (class 106), seven single offender rape crimes (19F). The victim is clear that this are seven individual offenders. There is no evidence to the contrary.

Other Sexual Offences

Rules and Guidance

- 17A [Sexual Assault on a Male aged 13 and over](#)
- 17B [Sexual Assault on a Male Child under 13](#)

- 20A [Sexual Assault on a Female aged 13 and over](#)
- 20B [Sexual Assault on a Female Child under 13](#)

- 21 [Sexual Activity involving a Child under 13](#)

- 22A [Causing Sexual Activity without Consent](#)

- 22B [Sexual Activity involving a Child under 16](#)

- 23 [Incest or Familial Sexual Offences](#)

- 70 [Sexual Activity etc with a Person with a Mental Disorder](#)

- 71 [Abuse of Children through Sexual Exploitation](#)

- 73 [Abuse of Position of Trust of a Sexual Nature](#)

- 88A [Sexual Grooming](#)

- 88C [Other Miscellaneous Sexual Offence](#)

- 88D [Unnatural Sexual Offences](#)

- 88E [Exposure and Voyeurism](#)

Other Sexual Offences Rules and Guidance (1 of 4)

Clarification: Sexual Assault or Causing Sexual Activity without Consent

“Sexual Assault” is the sexual touching of a person without their consent.

“Sexual Activity without consent” is where a person is compelled against their will to perform a sexual activity.

Recording Age Related Offences - Willing Participation

These offences are where the person aged 13, 14 or 15 is a willing participant to the sexual behaviour. The offences are non-gender-specific so can be committed by males and females on males and females.

Police should only record offences in the following circumstances:

- A parent or guardian reports the matter to police, or
- A person in the relationship reports the matter to police, or
- Where a multi-agency panel refers a case to police.
- For penetration offences only, where a 3rd party refers the matter to police where the points to prove to evidence the offence are made out.

Historic Sexual Offences and Sexual Offence Referrals

See Rape Rules and Guidance

Legal Definitions: Sexual Offences Act 2003

Assault by Penetration – Sec 2

“A person ‘A’ commits an offence if - (a) he intentionally penetrates the vagina or anus of another person ‘B’ with a part of his body or anything else, (b) the penetration is sexual, (c) ‘B’ does not consent to the penetration, and (d) ‘A’ does not reasonably believe that ‘B’ consents.”

Note: The offence is non-gender-specific so can be committed by males and females.

Sexual Assault – Sec 3

“A person ‘A’ commits an offence if - (a) he intentionally touches another person ‘B’, (b) the touching is sexual, (c) ‘B’ does not consent to the touching and (d) ‘A’ does not reasonably believe that ‘B’ consents.”

Note: The offence is non-gender-specific so can be committed by males and females.

Causing Sexual Activity without Consent – Sec 4

“...where ‘A’ intentionally causes another person ‘B’ to engage in an activity, the activity is sexual, ‘B’ does not consent and ‘A’ does not reasonably believe that ‘B’ consents”.

Note: The offence is non-gender-specific so can be committed by males and females.

Assault by Penetration – Sec 6

“A person commits an offence if (a) he intentionally penetrates the vagina or anus of another person with any part of his body or anything else, (b) the penetration is sexual, and (c) the other person is under 13.”

Note: Being a willing participant is not an issue with this offence. The offence is complete with penetration if the boy or girl is under 13.

Other Sexual Offences Rules and Guidance (2 of 4)

Sexual Assault – Sec 7

A person commits an offence if (a) he intentionally touches another person, (b) the touching is sexual, and the other person is under 13.

Note: Being a willing participant is not an issue with this offence. The offence is complete with sexual touching if the boy or girl is under 13 years of age. The offence is non-gender-specific so can be committed by males and females.

Causing or Inciting a Child Under 13 to Engage in Sexual Activity – Sec 8

where A “intentionally causes or incites another person B to engage in an activity, the activity is sexual, B is under 13”

Sexual Activity with a Child – Sec 9

where “a person aged 18 or over (A) intentionally touches another person (B), the touching is sexual and

- (i) B is under 16 and A does not reasonably believe that B is over 16 or over, or
- (ii) B is under 13”

Causing or Inciting a Child to Engage in Sexual Activity – Sec 10

where “a person aged 18 or over (A) intentionally causes or incites another person B to engage in an activity, the activity is sexual, and either

- (i) B is under 16 and A does not reasonably believe that B is over 16 or over, or
- (ii) B is under 13.

Child Sex Offences Committed by Children or Young Persons – Sec 13

“A person under 18 commits an offence if he does anything which would be an offence under any of sections 9 or 10 if he were aged 18.”

Note: Being a willing participant is not an issue with these offences. The offence is complete where there is sexual activity if the child is under 13 years of age.

The above offences are all non-gender-specific so can be committed by males and females.

Arranging or facilitating commission of a child sex offence – Sec 14

(1) A person commits an offence if—

(a) he intentionally arranges or facilitates something that he intends to do, intends another person to do, or believes that another person will do, in any part of the world, and

(b) doing it will involve the commission of an offence under any of sections 5 to 13.

Note: The scope of this offence was widened on 28 June 2022. See legal definition section in 71 Abuse of Sexual Exploitation for further information.

Other Sexual Offences Rules and Guidance (3 of 4)

Meeting a Child following Sexual Grooming etc Sec 15 – amended by Criminal Justice and Courts Act 2015

“A person aged 18 or over ‘A’ commits an offence if:

- (a) having met or communicated with another person ‘B’ on one or more occasions, he -
 - (i) intentionally meets ‘B’, or
 - (ii) travels with the intention of meeting ‘B’ in any part of the world, or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
- (b) at the time, he intends to do anything to or in respect of ‘B’, during or after the meeting mentioned in paragraph (a) (i) to (iii) and in any part of the world, which if done will involve the commission by ‘A’ of a relevant offence,
- (c) ‘B’ is under 16, and
- (d) ‘A’ does not reasonably believe that ‘B’ is 16 or over.”

Positions of Trust – Sec 21 (applies to secs 16-19)

“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 conditions below, or any specified by statutory instrument, is fulfilled.

- ‘A’ looks after persons under 18 detained in an institution by virtue of a court order 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 b) accommodation is provided by a voluntary organisation under Section 59(1) of that Act ...
- ‘A’ looks after persons under 18 who are accommodated and cared for in an institution which is: a) a hospital; b) an independent clinic; c) a care home, residential care home or private hospital; d) a community home, voluntary home or children’s home; e) a home provided under Section 82(5) of the Children Act 1989, or f) a residential family centre, 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, and ‘A’ is not receiving, education at that institution.
- Any condition specified in an order made by the Secretary of State is met.”

Sec 47 of the Police, Crime Sentencing and Courts Act 2022 extended the “position of trust” offences within Secs 16 –19 of the Sexual Offences Act 2003 from 28 June 2022. This now includes situations where certain activities take place in a sport or religion.

Further information is available at [Positions of trust: Police, Crime, Sentencing and Courts Act 2022 factsheet - GOV.UK \(www.gov.uk\)](#)

Other Sexual Offences Rules and Guidance (4 of 4)

Family Relationships - Sec 27

- “(1) The relation of one person (A) to another (B) is within this section if—
- (a) it is within any of subsections (2) to (4), or
 - (b) it would be within one of those subsections but for section 67 of the Adoption and Children Act 2002 (c.38)(status conferred by adoption).
- (2) The relation of A to B is within this subsection if—
- (a) one of them is the other’s **parent, grandparent, brother, sister, half-brother, half-sister, aunt or uncle**, or
 - (b) A is or has been B’s **foster parent**.
- (3) The relation of A to B is within this subsection if A and B live **or have lived in the same household**, or A is or has been **regularly involved in caring for, training, supervising or being in sole charge of B**, and—
- (a) one of them is or has been the other’s **step-parent**,
 - (b) A and B are **cousins**,
 - (c) one of them is or has been the other’s **stepbrother or stepsister**, or
 - (d) the parent or present or former foster parent of one of them is or has been the other’s foster parent.
- (4) The relation of A to B is within this subsection if—
- (a) **A and B live in the same household**, and
 - (b) **A is regularly involved in caring for, training, supervising or being in sole charge of B**.
- (5) For the purposes of this section—
- (a) “aunt” means the sister or half-sister of a person’s parent, and “uncle” has a corresponding meaning;
 - (b) “cousin” means the child of an aunt or uncle;
 - (c) a person is a child’s foster parent if—
 - (i) he is a person with whom the child has been placed under section 23(2)(a) or 59(1)(a) of the Children Act 1989 (c. 41)(fostering for local authority or voluntary organisation), or
 - (ii) he fosters the child privately, within the meaning given by section 66(1)(b) of that Act;
 - (d) a person is another’s partner (whether they are of different sexes or the same sex) if they live together as partners in an enduring family relationship;
 - (e) “step-parent” includes a parent’s partner and “stepbrother” and “stepsister” include the child of a parent’s partner.”

Mental Disorder Impeding Choice Sec 30-33

“‘A’ commits an offence [against ‘B’] if ... ‘A’ knows or can be reasonably expected to know that ‘B’ has a mental disorder and that because of it or for a reason related to it ‘B’ is likely to be unable to refuse.”
 ‘B’ is unable to refuse if –

- (a) he lacks to capacity to choose whether to agree to engaging in the activity caused or incited ..., or
- (b) he is unable to communicate such a choice to ‘A’.”

Exposure - Sec 66.

“A person commits an offence if –

- (a) he intentionally exposes his genitals, and
- (b) he intends that someone will see them and be caused alarm or distress.”

The term ‘genitals’ refers to male or female sexual organs and the offence can be committed by a male or female against a male or female.

17A Sexual Assault on a Male aged 13 and over (1 of 2)

17/13 Assault on a male by penetration.
(V) Sexual Offences Act 2003 Sec 2.

17/15 Sexual assault on a male.
(V) Sexual Offences Act 2003 Sec 3

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

General Rule: One crime for each male sexually assaulted by an offender or group of offenders.

Examples

- 1: A man sexually assaults four other men.
Four crimes (class 17A).

Assault by Penetration:

Where the man believes that he has been penetrated but is unsure with what, there is a presumption that it will be with a penis, unless there is clear evidence that this is not the case.

- 2: (i) A man makes a complaint that he has been date raped. He believes that his anus has been penetrated but he can not provide any further details of the assault.
One crime (class 19F) (rape).

(ii) Following investigation into a video recording of the offence it is established that a physical object was used and there was no penile penetration.

The FCR can reclassify the recorded rape to one crime (class 17A) (assault by penetration).

- 3: A man is accosted at a party and pushed onto a bed by a suspect. His trousers are removed and he feels his anus being penetrated. He pushes the suspect off him and discovers that the suspect is a fully clothed female.

One crime (class 17A) (assault by penetration).

Sexual Assault by More than One Offender:

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

- 4: A man is sexually assaulted by a group of three men acting together.
One crime (class 17A).

Finished Incident Example: see also General Rules Section E.

A series of sexual assaults on a man by the same offender on numerous occasions over several years is reported for the first time.

One crime (class 17A).

17A Sexual Assault on a Male aged 13 and over (2 of 2)

Principal Crime Examples: see also General Rules Section F and Annex C.

Rape is the principal crime over assault by penetration

- 1: A man's anus is digitally penetrated against his will. He is then raped by the same offender.
One crime (class 19F).

Assault by penetration (Sexual Offences Act 2003 Sec 2) is the principal crime over Grievous Bodily Harm with intent (class 5D).

- 2: During a sexual assault a man receives severe lacerations to his anus caused by a physical object being inserted.
One crime (class 17A) (assault on a male by penetration).

Sexual assault (Sexual Offences Act 2003 Sec 3) is the principal crime over assault with injury (class 8N) and assault without injury (class 105A).

- 3: A man sexually assaults a man by grabbing hold of his testicles causing bruising.
One crime (class 17A) (sexual assault).

If the assault amounts to Grievous Bodily Harm with intent (class 5D) then this should be recorded.

NOTE: This does not apply to circumstances where the injury has been caused directly by penetration. A penetration offence should be recorded.

- 4: During a sexual assault a man has been intentionally bitten on his penis requiring surgery at a hospital.
One crime (class 5D).

17B Sexual Assault on a Male Child under 13 (1 of 1)

17/14 Assault of a male child under 13 by penetration.
(V) Sexual Offences Act 2003 Sec 6.

17/16 Sexual assault on a male child under 13.
(V) Sexual Offences Act 2003 Sec 7.

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

General Rule: One crime for each male child sexually assaulted by an offender or group of offenders.

Please see 17A Counting Rules for guidance in classification under this section. Classification 17B applies to sexual assault offences where at the time of the offence the victim was under 13 years old.

Assault by Penetration Examples (Sexual Offences Act 2003 Sec 6)

- 1: A male aged 15 years during consensual heavy petting with a boy under the age of 13 digitally penetrates his anus.
One crime (class 17B). The offence is complete with penetration regardless of being a willing participant.
- 2: A 13 year old girl digitally penetrates the anus of a 12 year old boy during sexual experimentation between friends.
One crime (class 17B). The offence is complete with penetration regardless of being a willing participant.
- 3: A 14 year old boy penetrates the anus of a 12 year old boy with his penis during sexual experimentation between friends.
One crime (class 19H) (rape).

Sexual Assault Examples (Sexual Offences Act 2003 Sec 7 Offences only).

Where the offender is under 18 years of age an offence under class 21 (Sexual Activity involving a child under 13) should be recorded (Sexual Offences Act 2003 Sec 9 and 13).

- 1: A 17 year old male rubs the breast of a 12 year old girl.
One crime (class 21).

Where the offender is 18 years of age or over then an offence under class 17B should be recorded.

- 2: A 19 year old male rubs the groin area of a 12 year old boy.
One crime (class 17B).

If the age of the offender is unknown then record under class 17B.

20A Sexual Assault on a Female aged 13 or over (1 of 2)

20/3 Assault on a female by penetration.
(V) Sexual Offences Act 2003 Sec 2(pt).

20/5 Sexual assault on a female.
(V) Sexual Offences Act 2003 Sec 3(pt).

General Rule: One crime for each woman sexually assaulted by an offender or group of offenders.

Examples

- 1: A man sexually assaults two women.
Two crimes (class 20A).
- 2: Thirteen unreported crimes of sexual 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 20A) (if not already recorded). An additional six crimes only on victim confirmation.

Assault by Penetration:

Where a woman believes that she has been penetrated but is unsure with what, there is a presumption that it will be with a penis, unless there is clear evidence that this is not the case. A rape should be recorded in these circumstances.

- 3: (i) A woman makes a complaint that she has been date raped. She believes that her vagina has been penetrated but she can not provide any further details of the assault.
One crime (class 19C) (rape).

(ii) Following investigation into a phone video of the offence it is established that a physical object was used and there was no penile penetration.
The FCR can reclassify the recorded rape to an assault on a female by penetration (class 20A).
- 4: A woman is accosted at a party and pushed onto a bed by a suspect. Her trousers are removed and she feels her anus being penetrated. She pushes the suspect off her and discovers that the suspect is a fully clothed female.
One crime of assault by penetration (class 20A).

Finished Incident Example: see also General Rules Section E.

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

One crime (class 20A).

Principal Crime Examples: see also General Rules Section F and Annex C.

Rape is the principal crime over assault by penetration

- 1: A woman is digitally penetrated against her will. She is then raped by the same offender.
One crime (class 19C).

Assault by penetration (Sexual Offences Act 2003 Sec 2) is the principal crime over Grievous Bodily Harm with intent (class 5D).

- 2: During a sexual assault a woman receives severe lacerations to her anus caused by a physical object being inserted.
One crime (class 20A) (assault by penetration).

20A Sexual Assault on a Female aged 13 or over (2 of 2)

Sexual Assault (Sexual Offences Act 2003 Sec 3) is the principal crime over assault with injury (class 8N) and assault without injury (class 105A).

- 3: A man sexually assaults a woman by grabbing hold of her breasts causing bruising.
One crime (class 20A).

If the assault amounts to Grievous Bodily Harm with intent (class 5D) then this should be recorded.

Note: This does not apply to circumstances where the injury has been caused directly by penetration. A penetration offence should be recorded.

- 4: During a sexual assault a woman has been deliberately and intentionally bitten a number of times on her breasts requiring surgery.

One crime (class 5D).

- 5: A man leaves a pub and sees his ex girlfriend in the pub car park. He walks up to her and gives her a kiss on the cheek. They start talking and sit on a bench. He then puts his arm around her and when it strays to her breast she objects strongly. An argument starts and he says if I can't have you no one else can. It escalates further and he then quickly goes back to his car and takes out a Stanley knife. He approaches her and strikes her face with the knife causing a very serious wound and says "there, no one else will want you now".

One crime (class 5D).

20B Sexual Assault on a Female Child under 13 (1 of 1)

20/4 Assault of a female child under 13
(V) by penetration.
Sexual Offences Act 2003 Sec 6(pt).

20/6 Sexual assault of a female child under 13.
(V) Sexual Offences Act 2003 Sec7(pt).

General Rule: One crime for each female child sexually assaulted by an offender or group of offenders.

Please see 20A Counting Rules for guidance in classification under this section. Classification 20B applies to sexual assault offences where at the time of the offence the victim was under 13 years old.

Assault by Penetration Examples (Sexual Offences Act 2003 Sec 6)

- 1: A male aged 15 years during consensual heavy petting with a female under the age of 13 digitally penetrates her vagina.

One crime (class 20B). The offence is complete with penetration regardless of being a willing participant.
- 2: A 13 year old girl digitally penetrates the vagina of a 12 year old girl during sexual experimentation between friends.

One crime (class 20B). The offence is complete with penetration regardless of being a willing participant.
- 3: A 14 year old boy penetrates the vagina of a 12 year old girl with his penis during sexual experimentation between friends.

One crime of rape (class 19E).

Sexual Assault Examples (Sexual Offences Act 2003 Sec 7)

Where the offender is aged less than 18 years of age an offence under class 21 (Sexual Activity involving a child under 13) should be recorded (Sexual Offences Act 2003 Secs 9 and 13).

- 1: A 17 year old male rubs the breast of a 12 year old girl.

One crime (class 21).

Where the offender is 18 years of age or over then an offence under class 20B should be recorded.

- 2: A 20 year old female rubs the breasts of a 12 year old girl.

One crime (class 20B).

If the age of the offender is unknown then record under class 20B.

21 Sexual Activity involving a Child under 13 (1 of 3)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

	Causing or inciting a child under 13 to engage in sexual activity:
21/2	Female child - penetration
21/3	Female child – no penetration
21/4	Male child - penetration
21/5	Male child – no penetration
(S/V)	Sexual Offences Act 2003 Sec 8.
21/10	Engaging in sexual activity in the presence of a child under 13 by an offender over 18 years of age
(S/V)	Sexual Offences Act 2003 Sec 11.
21/11	Causing a child under 13 to watch a sexual act by an offender over 18 years of age
(S/V)	Sexual Offences Act 2003 Sec 12.
	Sexual activity with a child under 13 by an offender under 18 years of age:
21/12	Female child - penetration
21/22	Female child – no penetration
21/13	Male child - penetration
21/23	Male child – no penetration
(S/V)	Sexual Offences Act 2003 Sec 13 (pt).
	Causing or inciting a child under 13 to engage in sexual activity by an offender under 18 years of age:
21/14	Female child - penetration
21/24	Female child – no penetration
21/15	Male child - penetration
21/25	Male child – no penetration
(S/V)	Sexual Offences Act 2003 Sec 13 (pt).
21/16	Engaging in sexual activity in the presence of a child under 13 by an offender under 18 years of age
(S/V)	Sexual Offences Act 2003 Sec 13 (pt).
21/17	Causing a child under 13 to watch a sexual act by an offender under 18 years of age
(S/V)	Sexual Offences Act 2003 Sec 13 (pt).
21/26	Arrange / facilitate the rape / assault by penetration of a child under 13
(S/V)	Sexual Offences Act 2003 Sec 14, 5 & 6
21/27	Arrange / facilitate a child under 13 to engage in sexual activity - penetration
(S/V)	Sexual Offences Act 2003 Sec 8 and 14

Recording Practice: Causing or Inciting a Child Under 13 to Engage in Sexual Activity

Sexual Offences Act 2003 Sec 10

Where the offender is under 18 years of age the offence should be recorded using the appropriate code (21/14, 21/15, 21/24 or 21/25) under classification 21 (Sexual Activity involving a Child under 13).

Where the offender is over 18 years of age an offence should be recorded using the appropriate code (21/2, 21/3, 21/4 or 21/5) (s8 SOA 2003) under classification 21 (Sexual Activity involving a Child under 13).

Recording Practice: Exposure Type Offences

All exposure type offences should be recorded using the general rule of one crime for each offender or group of offenders regardless of the recorded crime sitting in a victim based class.

21 Sexual Activity involving a Child under 13 (2 of 3)

Recording Practice: Principal Crime (see also General Rules Section F & Annex C)

Although specific offence codes have been assigned to all the offences contained in the Sexual Offences Act 2003, the Principal Crime Rule determines that the following codes will not be used for crime recording purposes: 21/6, 21/7, 21/18, 21/19, 21/8, 21/9, 21/20 and 21/21.

If the sexual activity involves penetration of the victim's vagina, anus or mouth with:

(i) the offender's penis then the recorded crime is rape under classification 19E for a female or 19H for a male.

(ii) another body part or anything else (except penis) then the recorded crime is assault by penetration under Classification 20B for a female or 17B for a male.

The penetration offences within class 21 (Sexual Activity involving a Child under 13) are where the person under 13 has penetrated the suspect's vagina, anus or mouth.

Recording Practice: Sexual Assault of a Child Under 13

Sexual Offences Act 2003 Sec 7

Where the offender is under 18 years of age an offence should be recorded under Classification 21 Sexual Activity involving a Child under 13, (21/12, 21/13, 21/22 or 21/23) (Sexual Offence Act 2003 sec 13).

Where the offender is over 18 years of age an offence should be recorded under Classification 17B (Sexual Assault on a Male Child) or 20B (Sexual Assault on a Female Child).

If the age of the offender is unknown then an offence should be recorded under Classification 17B (Sexual Assault on a Male Child under 13) or 20B (Sexual Assault on a Female Child under 13).

General Rule: One crime for each victim of an offender or group of offenders.

Causing or Inciting a Child Under 13 to Engage in Sexual Activity Where the Offender is Over 18:

This offence is where the offender causes or incites another person, B, to engage in sexual activity where B is under 13 (Sexual Offences Act 2003 Sec 8) (Class 21/2 to 21/5).

Examples

- 1: A woman forces a 12 year old male to masturbate in front of her.
One crime (class 21).
- 2: A man performs oral sex on a 12 year old boy.
One crime (class 21).
- 3: A man forces two 12 year old girls to strip naked for his own sexual gratification.
Two crimes (class 21).
- 4: A man encourages a 12 year old girl to strip in front of a web cam whilst he watches her for his own sexual gratification.

One crime (class 21) Reported by the Force where the suspect is located if known or if unknown or abroad by the force where the victim is located.

21 Sexual Activity involving a Child under 13 (3 of 3)

Causing or Inciting a Child Under 13 to Engage in Sexual Activity Where the Offender is Under 18:

- 5: A 12 year old boy allows his 13 year old girlfriend to perform oral sex on him.
One crime (class 21).
- 6: A 12 year old girl allows her 13 year old boyfriend to fondle her breasts.
One crime (class 21).

Engaging in Sexual Activity in the Presence of a Child Under 13 or Causing a Child Under 13 to Watch a Sexual Act:

- 7: A babysitter makes a 10 year old boy watch a pornographic DVD whilst babysitting.
One crime (class 21).
- 8: A man in a swimming pool changing room, knowing that three ten year old boys are present, masturbates in front of them.
One crime (class 21) see recording practice: Exposure type offences class 88E.
- 9: A 17 year old male rubs the groin area of a 12 year old boy.
One crime (class 21)
- 10: A 17 year old male rubs the breast of a 12 year old girl.
One crime (class 21).

Causing or Inciting a Child Under 13 to Engage in Sexual Activity:

- 11: A 13 year old girl encourages her best friend also aged 13 years to perform oral sex on her 12 year old boyfriend.
One crime (class 21) the offenders are acting together.

Principal Crime: see also General Rules Section F & Annex C.

If the sexual activity involves penetration of the victim's vagina, anus or mouth with the offender's penis then the recorded crime is Rape under Class 19E for a female or 19H for a male.

If the sexual activity involves penetration of the victims vagina, or anus with another body part or anything else (except penis) then the recorded crime is assault by penetration under Class 20B for a female or 17B for a male.

The penetration offences within Class 21 (Sexual Activity involving a Child under 13) are where the person under 13 has penetrated the suspect's vagina, anus or mouth.

22A Causing Sexual Activity without Consent (1 of 1)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

	Causing a person to engage in sexual activity without consent:
22/2	Female person
22/3	Male person
22/4	Female person – no penetration
22/5	Male person – no penetration
(S/V)	Sexual Offences Act 2003 Sec 4.

Clarification: Sexual Assault or Causing Sexual Activity without Consent

“Sexual Assault” is the sexual touching of a person without their consent.

“Sexual Activity without consent” is where a person is compelled against their will to perform a sexual activity.

General rule: One crime for each offender or group of offenders.

Examples

- 1: A woman coerces a male to have sexual intercourse with her against his will.
One crime (class 22A).
- 2: A man forces another man to allow him to perform oral sex on him against his will.
One crime (class 22A).
- 3: A man forces another man to masturbate in front of him.
One crime (class 22A).

22B Sexual Activity involving a Child under 16 (1 of 3)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

Sexual activity with a child under 16. Sexual Offences Act 2003 Sec 9 (pt). ¹ Sexual Offences Act 2003 Sec 13 (pt). ²				
Age of offender at time of offence	Penetration		No penetration	
	Female Victim	Male Victim	Female Victim	Male Victim
18 or over ¹	22/6 (S/V)	22/7 (S/V)	22/18 (S/V)	22/19 (S/V)
Under 18 ²	22/12 (S/V)	22/13 (S/V)	22/22 (S/V)	22/23 (S/V)
Causing or inciting a child under 16 to engage in sexual activity. Sexual Offences Act 2003 Sec 10 (pt). ³ Sexual Offences Act 2003 Sec 13 (pt). ⁴				
Age of offender at time of offence	Penetration		No penetration	
	Female Victim	Male Victim	Female Victim	Male Victim
18 or over ³	22/8 (S/V)	22/9 (S/V)	22/20 (S/V)	22/21 (S/V)
Under 18 ⁴	22/14 (S/V)	22/15 (S/V)	22/24 (S/V)	22/25 (S/V)
Engaging in sexual activity in the presence of a child under 16. Sexual Offences Act 2003 Sec 11 (pt). ⁵ Sexual Offences Act 2003 Sec 13 (pt). ⁶				
Offender aged 18 or over ⁵		Offender aged Under 18 ⁶		
22/10 (S/V)		22/16 (S/V)		
Causing a child under 16 to watch a sexual act. Sexual Offences Act 2003 Sec 12 (pt). ⁷ Sexual Offences Act 2003 Sec 13 (pt). ⁸				
Offender aged 18 or over ⁷		Offender aged Under 18 ⁸		
22/11 (S/V)		22/17 (S/V)		
Arrange / facilitate sexual activity with a child / incite a child to engage - penetration Sexual Offences Act 2003 Sec 9 10, and 14				
22/26				
Arrange / facilitate a sexual offence committed by a child / young person Sexual Offences Act 2003 Sec 13, 14				
22/30				

22B Sexual Activity involving a Child under 16 (2 of 3)

Sexual Activity with a Child Under 16

These offences are where the person aged 13, 14 or 15 is a willing participant to the sexual behaviour. Where there is no consent then an offence under class 17, 19, 20, 21 or 22A should be recorded. The offence is non-gender-specific so can be committed by males and females.

Police should only record the above offences in the following circumstances:

- A parent or guardian reports the matter to police, or
- A person in the relationship reports the matter to police, or
- Where a multi-agency panel refers a case to police.
- For penetration offences only, where a third party refers the matter to police where the points to prove to evidence the offence are made out.

General Rule: One crime for each relationship.

Examples

- 1: A 15 year old girl willingly has sexual intercourse with her 17 year old boyfriend.
One crime (class 22B – 22/12).
- 2: A 15 year old girl willingly allows her 16 year old girlfriend to perform oral sex on her.
One crime (class 22B – 22/22).
- 3: The mother of a 15 year old girl reports to police that she has caught her daughter having sexual intercourse with her 17 year old boyfriend.
One crime (class 22B – 22/12).
- 4: A 14 year old reports to police that she is worried that her 15 year old boyfriend's heavy petting involving digital penetration is going too far and she thinks that he now wants to have intercourse with her.

One crime (class 22B – 22/12).
- 5: A 15 year old girl has run away with her 17 year old boyfriend. Following a lengthy missing person enquiry she is found and discovered to be six months pregnant. She refuses to assist police in any way.

One crime (class 22B – 22/12).
- 6: A 15 year old girl and boy willingly perform mutual masturbation on each other. They are caught in the act by a parent of the boy who reports the matter to police.

One crime (class 22B – 22/23). (The parents have reported the matter to police).
- 7: A 15 year old girl reports to police that she was raped at a party by a 16 year old boy. A rape is recorded under class 19D. Following investigation it is established that the victim had willingly had sex with this boy at the party. She had reported a rape to police because her parents had found out.

The FCR should reclassify the recorded class 19D to an offence of class 22B – 22/12.
- 8: A 30 year old man independently encourages two 13 year old girls via a webcam to send photos of themselves naked to him. They individually take, and send pictures showing themselves naked.

Two crimes (class 22B – 22/20) and two crimes (class 86).

22B Sexual Activity involving a Child under 16 (3 of 3)

Offender Aged 18 Years or Over Who Reasonably Believes a Person to be 16 or Over.

Where a person (A) aged 18 years or over intentionally engages in sexual activity with a child (B) aged 13 years or over but under 16 a crime should be recorded under class 22B.

If following an investigation police are satisfied that (A) reasonably believed that (B) was aged 16 or over and:

- the belief is reasonable and appropriate in all the circumstances, and
- the decision is clearly documented and in an auditable form.

Whilst (A) will not be liable to prosecution; providing it can be shown that (B) was a willing party to the sexual activity an offence under class 22B is still made out.

Example 1: A 15 year old girl attends a party and shows everyone her social networking site page which clearly states she is 17 years old. During the party she tells an 18 year old male that she will drive him home after he has slept with her. During consensual sexual intercourse the girl's father discovers them in the act when he comes to take her home. He reports the matter to police who record an offence under crime classification 22B (22/06).

The subsequent investigation determines that the male reasonably believed that the girl was aged 16 or over. The details of the investigation are fully documented. The offence can be reclassified to class 22A 22/03 as the offence is committed by the girl when she instigates the sexual activity. This is providing that it can be shown that the male would not have consented to the act had he known her true age.

Finished Incident: See also General Rules Section E.

Example 1: Following her mother's complaint, a 15 year old girl admits to police that she has been having sexual intercourse with her boyfriend most weeks for the last year.

One crime (class 22B – 22/12 report by parent of the girl).

Example 2: Following her mother's complaint, a 15 year old girl admits to police that she has been having sexual intercourse with her boyfriend for the last two weeks. She also admits that she has had sexual intercourse with two other boys in the last six months.

Three crimes (class 22B – 22/12 report by parent of the girl).

Application of the Rule

Engaging in Sexual Activity in the Presence of a Child Under 16 or Causing a Child Under 16 to Watch a Sexual Act: Count one crime for each victim.

Example 1: A babysitter who is under 18 makes a 14 year old boy watch a pornographic DVD whilst babysitting.

One crime (class 22B – 22/17).

Exposure type offences: All exposure type offences should be recorded using the general rule of one crime for each offender or group of offenders regardless of the recorded crime sitting in a victim based class.

Example 2: A man in a swimming pool changing room, knowing that three 13 year old boys are present, masturbates in front of them.

One crime (class 22B 22/10). See class 88E Exposure type offences recording practice.

23 Incest or Familial Sexual Offences (1 of 3)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

Sexual activity with a child family member. Sexual Offences Act 2003 Sec 25.				
Age of offender at time of offence	Victim aged 13-17		Victim Under 13	
	Female	Male	Female	Male
18 or over - Penetration	23/4 (S/V)	23/5 (S/V)	23/14 (S/V)	23/15 (S/V)
18 or over - no penetration	23/22 (S/V)	23/23 (S/V)	23/24 (S/V)	23/25 (S/V)
Under 18 – penetration	23/32 (S/V)	23/33 (S/V)	23/30 (S/V)	23/31 (S/V)
Under 18 - no penetration	23/6 (S/V)	23/7 (S/V)	23/16 (S/V)	23/17 (S/V)

Inciting a child family member to engage in sexual activity. Sexual Offences Act 2003 Sec 26.				
Age of offender at time of offence	Victim aged 13-17		Victim Under 13	
	Female	Male	Female	Male
18 or over - penetration	23/8 (S/V)	23/9 (S/V)	23/18 (S/V)	23/19 (S/V)
18 or over - no penetration	23/26 (S/V)	23/27 (S/V)	23/28 (S/V)	23/29 (S/V)
Under 18 - penetration	23/36 (S/V)	23/37 (S/V)	23/34 (S/V)	23/35 (S/V)
Under 18 - no penetration	23/10 (S/V)	23/11 (S/V)	23/20 (S/V)	23/21 (S/V)

Sex with an adult relative. Sexual Offences Act 2003 Sec 64. ¹ Sexual Offences Act 2003 Sec 65. ²	
Penetration (Offender aged 16 or over relative aged 18 or over) ¹	Consenting to Penetration (Offender aged 16 or over relative aged 18 or over) ²
23/12 (S/V)	23/13 (S/V)

23 Incest or Familial Sexual Offences (2 of 3)

Recording Practice: Principal Crime (See also General Rules Section F and Annex C).

Although specific offence codes have been assigned to all the offences contained in the Sexual Offences Act 2003, the Principal Crime Rule determines that the following codes will not be used for crime recording purposes: 23/14, 23/15, 23/30 and 23/31.

Crimes under class 23 should only be recorded where both parties are willing participants to the acts taking part unless a crime under class 17, 19, 20, or 21 is made out in which case these should be recorded.

If the sexual activity involves penetration of a victim under 13 years old vagina, anus or mouth with:

- (i) the offenders penis then the recorded crime is rape under class 19E for a female or 19H for a male.**
- (ii) another body part or anything else (except penis) then the recorded crime is assault by penetration under class 20B for a female or 17B for a male.**

Sex with an Adult Relative.

These offences are where the offender is aged 16 years or over and the relative is 18 years or over and is a willing participant to the sexual behaviour. Where there is no consent then an offence under class 17, 19, 20 or 22A should be recorded.

Note: The offence is non-gender-specific so can be committed by males and females.

Sexual Activity with a Child Family Member.

These offences are where the family member is under 18 years old and is a willing participant to the sexual behaviour. Where there is no consent then an offence under class 17, 19, 20, or 21 should be recorded. The offence is non-gender-specific so can be committed by males and females.

General Rule: One crime for each relationship between offenders.

Examples

- 1: A 17 year old girl has regularly had sex with her father at their home and an uncle at his house.
Two crimes (class 23 – 23/4).
- 2: A 12 year old girl has sexual intercourse with her 16 year old brother.
One crime (class 19E).

If a woman or girl/man or boy has incestuous sexual intercourse with more than one of her/his male/female relatives at the same time, count separate crimes.

- 3: Three brothers over 18 years old have sex with their sister aged 16.
Three crimes (class 23 -23/4).
- 4: Three sisters over 13 (but under 18) years old have sex with their brother aged 14 at his instigation.
Three crimes (class 23 – 23/32).
- 5: A girl aged 18 years old has three in a bed sex with her father and uncle.
Two crimes (class 23 – 23/13).

23 Incest or Familial Sexual Offences (3 of 3)

A crime of inciting a girl under 16 to have incestuous sexual intercourse (class 23) should not be counted separately where the substantive crime is committed and the person inciting is present when the offence is committed. The offenders are acting together.

Examples

- 1: A father incites his son to have sexual intercourse with his sister aged 15 years. They then both willingly have sexual intercourse in private in a bedroom.
Two crimes (class 23 – 23/8 and 23/32) One of incitement and one of familial sex.
- 2: A father incites his son to have sexual intercourse with his sister aged 15 years. They then both willingly have sexual intercourse in front of him.
One crime (class 23 – 23/8) Acting together.
- 3: A father incites his son to have sexual intercourse with his sister aged 15 years old. Just before the act is about to take place the girl says no and no act takes place.
One crime (class 23 – 23/8).

Finished Incident Example: 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 – offence according to age of daughter as victim).

Principal Crime Examples: see General Rules Section F and Annex C.

If the sexual activity involves penetration of a victim under 13 years old vagina, anus or mouth with

(i) the offenders penis then the recorded crime is rape under Class 19E for a female or 19H for a male.

(ii) another body part or anything else (except penis) then the recorded crime is assault by penetration under class 20B for a female or 17B for a male.

Crimes under class 23 should only be recorded where both parties are willing participants to the acts taking part. If there is no consent, then a crime under class 17, 19, 20, or 21 should be recorded.

Example 1: A father forces his 16 year old daughter to have sexual intercourse with him.

One crime (class 19C) (rape).

Familial Child Sex Offences (Sec 25 and 26 SOA 2003) will be the principal crime over assault with injury (class 8N) and assault without injury (class 105A). If the assault amounts to Grievous Bodily Harm with Intent (Wounding class 5D) then this should be recorded.

Example 2: Police are called to the family home after the father has punched his 14 year old son in the head causing a bruised cheek. During the initial investigation it was apparent that he was punched because he had refused to masturbate his father. It was established that he had regularly masturbated his father over the last few weeks.

One crime (class 23 – 23/23).

70 Sexual Activity etc with a Person with a Mental Disorder (1 of 2)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

Sexual activity with a person with a mental disorder impeding choice:

- 70/1 Male person
- 70/2 Female person
- 70/3 Male person – no penetration
- 70/4 Female person – no penetration
- (V) Sexual Offences Act 2003 Sec 30.

Causing or inciting a person with a mental disorder impeding choice to engage in sexual activity:

- 70/5 Male person
- 70/6 Female person
- 70/7 Male person – no penetration
- 70/8 Female person – no penetration
- (V) Sexual Offences Act 2003 Sec 31.
- 70/9 Engaging in sexual activity in the presence of a person with a mental disorder impeding choice.
- (V) Sexual Offences Act 2003 Sec 32.
- 70/10 Causing a person with a mental disorder impeding choice to watch a sexual act.
- (V) Sexual Offences Act 2003 Sec 33.

Inducement, threat or deception to procure sexual activity with a person with a mental disorder:

- 70/11 Penetration
- 70/12 No penetration
- (V) Sexual Offences Act 2003 Sec 34.

Causing a person with a mental disorder to engage in sexual activity by inducement, threat or deception:

- 70/13 Penetration
- 70/14 No penetration
- (V) Sexual Offences Act 2003 Sec 35.
- 70/15 Engaging in sexual activity in the presence, procured by inducement, threat or deception or a person with mental disorder.
- (V) Sexual Offences Act 2003 Sec 36.
- 70/16 Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception.
- (V) Sexual Offences Act 2003 Sec 37.
- Care workers: Sexual activity with a person with a mental disorder:
- 70/17 Male person
- 70/18 Female person
- 70/19 Male person - no penetration
- 70/20 Female person - no penetration
- (V) Sexual Offences Act 2003 Sec 38.
- Care workers: Causing or inciting sexual activity (person with a mental disorder):
- 70/21 Penetration
- 70/22 No penetration
- (V) Sexual Offences Act 2003 Sec 39.
- 70/23 Care workers: Sexual activity in the presence of a person with a mental disorder.
- (V) Sexual Offences Act 2003 Sec 40.
- 70/24 Care workers: Causing a person with a mental disorder or learning disability to watch a sexual act.
- (V) Sexual Offences Act 2003 Sec 41.

70 Sexual Activity etc with a Person with a Mental Disorder (2 of 2)

General Rule: One crime for each victim.

Examples

- 1: A man has sexual activity with three women with mental disorders impeding choice.
Three crimes (class 70).

A crime of causing or inciting a person with a mental disorder (impeding choice) to engage in sexual activity should not be counted separately where a third party commits the substantive sexual activity and the person inciting is present. The offenders are acting together.

- 2: A care worker invites her boyfriend to the victim's room and encourages him to have sexual activity with the victim in front of her. Both are aware that the victim has a mental disorder impeding choice.
One crime (class 70). Acting together.
- 3: A care worker invites her boyfriend to the victim's room having encouraged him to have sexual activity with the victim. Sexual activity takes place. The inciter is not present. Both are aware that the victim has a mental disorder impeding choice.
Two crimes (class 70). One of incitement and one of sexual activity.

Finished Incident Example: see General Rules Section E.

A care worker has had sexual activity several times with a person under his care, who has a mental disorder impeding choice. All occurrences are reported to the police at the same time.

One crime (class 70).

Principal Crime Example: see General Rules Section F and Annex C.

A person has sexual activity with a woman with a mental disorder (impeding choice) and steals from her person.

One crime (class 70).

71 Abuse of Children through Sexual Exploitation

(1 of 1)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

71/1 Arranging or facilitating the commission of
(S/V) a child sex offence – **sexual assault**.
Sexual Offences Act 2003 Sec 7, 14.

71/1 Arrange / facilitate sexual activity with a child – no
(S/V) penetration -
Sexual Offences Act 2003 Sec 8, 9, 10 & 14

71/1 Arrange / facilitate sexual activity in the presence of
(S/V) a child / cause a child to watch a sexual act.
Sexual Offences Act 2003 Sec 11, 12, 14

Paying for sexual service of a child:

71/2 Female child under 13
71/3 Male child under 13
71/4 Female child under 16 – no penetration
71/5 Male child under 16 – no penetration
71/14 Female child under 16
71/15 Male child under 16
71/6 Female child under 18
71/7 Male child under 18
(V) Sexual Offences Act 2003 Sec 47.

Cause or inciting the sexual exploitation of a child:

71/8 Child 13-17
71/11 Child under 13
(V) Sexual Offences Act 2003 Sec 48.

Controlling a child subject to sexual exploitation:

71/9 Child 13-17
71/12 Child under 13
(S/V) Sexual Offences Act 2003 Sec 49.

Arranging or facilitating the sexual exploitation of a child:

71/10 Child 13-17
71/13 Child under 13
(S/V) Sexual Offences Act 2003 Sec 50.

71/16 **Possess a paedophile manual.**
(S) Serious Crime Act 2015 Sec 69.

General Rule: One crime for each child.

Example 1: A person pays for sexual services of two children.

Two crimes (class 71).

Definition Legal: Arranging or facilitating commission of a child sex offence

Sec 46 of the Police Crime and Courts Sentencing Act 2022 (commenced 28 June 2022) expands section 14 of the Sexual Offences Act 2003 to include offences against children under the age of 13. Section 14 of the Sexual Offences Act 2003 relates to arranging or facilitating the commission of a child sex offence, and the criminal offence covered by section 14 of the Sexual Offences Act 2003 is the arranging or facilitating of the activity. This means that even where no activity takes place, an offence has still been committed when such activity has been arranged or facilitated by an offender. Section 14 can be applied regardless of whether the child exists or not, for example if an individual targets a fictitious child who is an undercover police officer pursuing online child sex offenders.

Previously, section 14 only included sections 9 to 13 of the 2003 Act (rape and other offences against children under 16) within its remit. Through the Act, sections 5 to 8 (rape and other offences against children under 13) now come under the scope of section 14.

Finished Incident Example: see also General Rules Section E.

If a person controls the activities of a child prostitute or child involved in pornography on more than one occasion, one crime should be counted for each group of incidents separately reported to the police.

A man is found to be controlling the activities of a child prostitute over several months and this is reported to the police for the first time.

One crime (class 71).

73 Abuse of Position of Trust of a Sexual Nature (1 of 2)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

Abuse of position of trust: sexual activity with a child. Sexual Offences Act 2003 Sec 16.				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/7 (V)	73/8 (V)	73/13 (V)	73/14 (V)
Under 18	n/a	n/a	n/a	n/a

Abuse of position of trust: causing or inciting a child to engage in sexual activity. Sexual Offences Act 2003 Sec 17.				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/9 (V)	73/10 (V)	73/15 (V)	73/16 (V)
Under 18	n/a	n/a	n/a	n/a

Abuse of position of trust: sexual activity in presence of a child. Sexual Offences Act 2003 Sec 18.				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/11 (V)	73/11 (V)	73/17 (V)	73/17 (V)
Under 18	n/a	n/a	n/a	n/a

Abuse of position of trust: causing a child to watch a sexual activity. Sexual Offences Act 2003 Sec 19.				
Age of offender at time of offence	Child aged 13-17		Child Under 13	
	Female	Male	Female	Male
18 or over	73/12 (V)	73/12 (V)	73/18 (V)	73/18 (V)
Under 18	n/a	n/a	n/a	n/a

73 Abuse of Position of Trust of a Sexual Nature (2 of 2)

Definition Legal: Positions of Trust

Sec 47 of the Police, Crime Sentencing and Courts Act 2022 extended the “position of trust” offences within sec 16 –19 of the Sexual Offences Act 2003 from 28 June 2022. This now includes situations where certain activities take place in a sport or religion.

Further information is available at [Positions of trust: Police, Crime, Sentencing and Courts Act 2022 factsheet - GOV.UK \(www.gov.uk\)](#)

Recording Practice: Abuse of Position of Trust – Age of Victim

Because of the Principal Crime Rule offences should only be recorded under this section where the victim is aged 16 or 17 years of old. Where the victim is younger than this, the appropriate offence under the age related sections should be recorded instead.

These offences are where the person aged 16 or 17 is a willing participant to the sexual behaviour. Where there is no consent then an offence under class 17, 19, 20 or 22A should be recorded.

Note: The offence is non-gender-specific so can be committed by males and females.

General Rule: One crime for each child.

Examples

- 1: A teacher has sexual activity with two female pupils aged 17 in his class.
Two crimes (73/7).

A crime of abuse of position of trust by causing or inciting a child to engage in sexual activity should not be counted separately where a third party commits the substantive sexual activity and the person inciting is present. The offenders are acting together.

2. A teacher allows one of her male 16 year old pupils to have sexual intercourse with her.
One crime (class 73/8).
- 3: A teacher actively encourages another teacher to have intercourse with a 17 year old female student at school and sex takes place in front of her.

One crime (class 73/7). Offenders are acting together.
- 4: A teacher actively encourages another teacher to have intercourse with a 17 year old male student away from school. Sex takes place in private away from school.

Two crimes - One of incitement (class 73/10) and one of abuse of trust (class 73/8).

Finished Incident Example: see General Rules Section E.

A warder in a young persons' institution has had sexual activity several times with a female aged 16 detained in that institution. All occurrences are reported to the police at the same time.

One crime (class 73/7).

Principal Crime Example: see General Rules Section F and Annex C.

A nurse has sexual activity with a male patient aged 16 and steals money from the patient's locker.

One crime (class 73/8).

All Counting Rules enquiries should be directed to the Force Crime Registrar

88A Sexual Grooming (1 of 1)

88/1 (V)	Meeting a female child following sexual grooming etc (Offender is aged 18 or over and victim is under 16). Sexual Offences Act 2003 Sec 15.	88/2 (V)	Meeting a male child following sexual grooming etc. (Offender is 18 or over and victim is under 16). Sexual Offences Act 2003 Sec 15.
71/17 (V)	Engage in sexual communication with a child. Sexual Offences Act 2003 Sec 15A (1) and (3) as amended by Serious Crime Act 2015 Sec 67.		

General Rule: One crime for each child.

Examples

- 1: A 60 year old male posted photographs of his teenage son on internet chat rooms and posed as his son. Following frequent internet chats with two 13 year old girls he encouraged them to travel to a London Station to meet him for sex.

Two crimes (class 88/1- 88A).
- 2: A sports coach arranges for his 14 year old star pupil to meet up for a winter training week in Spain with him. He is arrested at Heathrow in possession of condoms and lubricants which he admits were for a sexual use on his star pupil.

One crime (class 88/1 – 88A).

Principal Crime Example: see General Rules Section F and Annex C.

If a person has sexual activity with a child following grooming, record the substantive sexual offence only.

A 40 year old male posted photographs of his teenage son on internet chat rooms and posed as his son. Following frequent internet chats with two 13 year old girls he encouraged them to travel to a London Station to meet him for sex. He has sexual intercourse with one of them and is arrested meeting the other girl.

One crime (class 22/12 - 22B) and one crime (class 88/1 - 88A).

88C Other Miscellaneous Sexual Offences (1 of 1)

88/5 Administering a substance with intent.
(V) Sexual Offences Act 2003 Sec 61.

88/7 Trespass with intent to commit a sexual (V)
offence.
Sexual Offences Act 2003 Sec 63.

88/6 Committing an offence with intent to
(V) commit a sexual offence.
Sexual Offences Act 2003 Sec 62.

General Rule: One crime for each specific intended victim.

Examples

- 1: A victim's drink has been spiked with intent to engage in sexual activity to which the victim does not consent.
One crime, class 88/5 (88C).
- 2: Police become aware during the course of a rape investigation that the suspect has also spiked the drinks of three other victims with intent to rape them.
Three crimes, class 88/5 (88C) on victim confirmation, in addition to the recorded rape 19C.
- 3: A person enters a tent on a campsite as a trespasser with intent to sexually assault the female camper when she returns.
One crime, class 88/7 (88C).

Administering Poison with Intent to Injure or Annoy:

If the intentions of the offender (e.g. in drink spiking) are sexual, record one crime of 88/5 (administering a substance with intent) under class 88C. If the intentions are unknown, record under class 8N (poisoning).

- 4: A female's drink was spiked but the intentions of the offender, other than to annoy, are unknown.
One crime, class 8/2 (8N).

Committing an Offence with Intent to Commit a Sexual Offence:

This offence should only be recorded where the substantive sexual offence has not been committed. Where it has been committed; the relevant sexual offence should be recorded.

- 5: A man steals a quantity of condoms and lubricating jelly from a chemist shop with intent on raping a woman who is sunbathing in the garden of a neighbouring premises.
One crime, class 88/6 (88C) and one crime (class 46) shoplifting.

88D Unnatural Sexual Offences (1 of 1)

88/3 Intercourse with an animal by a male.
(S/V) Sexual Offences Act 2003 Sec 69 (1)(3).

88/11 Sexual penetration of a corpse.
(S) Sexual Offences Act 2003 Sec 70.

88/4 Intercourse with an animal by a female.
(S/V) Sexual Offences Act 2003 Sec 69(2)(3).

General Rule: One crime for each offender or group of offenders.

Examples

- 1: Two men are seen by a farm worker engaged in sexual intercourse with a number of different farm animals.
One crime, class 88/3 (88D). The offenders are acting together.

Where these state-based offences are committed with another victim-based notifiable offence, count the other offence in addition to an offence under class 88D.

- 2: Two offenders enter a funeral director's premises as trespassers and steal money. Forensic evidence shows that whilst in the premises both offenders have sexually penetrated a corpse.
One crime, class 30/1 (30A) and one crime, class 88/11 (88D). The offenders are acting together.

88E Exposure and Voyeurism (1 of 2)

88/9 Exposure.
(V) Sexual Offences Act 2003 Sec 66.

88/12 Additional Voyeurism Offences (upskirting)
(V) Sexual Offences Act 2003 Sec 67A.

88/10 Voyeurism
(V) Sexual Offences Act 2003 Sec 67

88/13 Offences relating to using equipment to film or observe
(V) another while breastfeeding.
Sexual Offences Act 2003 Sec 67A (2A) (2B) (4)

Recording Practice: Exposure type offences

All exposure type offences should be recorded using the general rule of one crime for each offender or group of offenders regardless of the recorded crime sitting in a victim based class.

General Rule: One crime for each offender or group of offenders.

Examples

- 1: A man exposes his person to three women. All are reported at the same time.
One crime, class 88/9 (88E).
- 2: A group of five people expose themselves at the same time.
One crime, class 88/9 (88E). The offenders are acting together.
- 3: A man is caught by police peering through a crack in a curtain, for his own gratification, observing a couple having sex in a motel room.
One crime, class 88/10 (88E).

Exposure Type Offences

All classes of crime where exposure type offences occur should be recorded using the general rule of one crime for each offender or group of offenders regardless of the class sitting in a victim based class

- 4: A man in a swimming pool changing room, knowing that three ten year old boys are present, masturbates in front of them.
One crime, class 21/10 (21).
- 5: A man in a swimming pool changing room, knowing that three 13 year old boys are present, masturbates in front of them.
One crime, class 22/10 (22B).
- 6: A man exposes himself to a nanny and her two ten year old charges and then masturbates in front of them.
One crime, Class 21/10 (21).

Finished Incident Example: see also General Rules Section E.

A man 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 88/9 (88E).

88E Exposure and Voyeurism (2 of 2)

Principal Crime Examples: see General Rules Section F and Annex C.

Any threat or attempt to combine the exposure with a sexual assault should be recorded as a sexual assault. If the person exposed to is under 16 then an offence under class 21 or class 22B should be considered.

- 1: A man exposes himself to a woman, and tries to sexually assault her.
One crime, class 20/5 (20A).

Where in exposure the offender is masturbating in a public place and two or more people could have witnessed the offence, an offence under Class 66 (66/21 - committing an act outraging public decency) should be recorded.

- 2: A group of ladies are sitting in a park when their attention is drawn to a male who jumps out from a bush shouting at them. He is masturbating his exposed erect penis. One crime, class 66/21.

Maximum Offence Table: Sexual Offences

Sexual Offences – Maximum Offence Table						
Life	14 years	10 years	7 years	5 years	3 years	2 years
17/13-14	17/16	17/15	70/23-24	21/12-17	71/16	23/12, 13
19/7-14	20/6	20/5	71/6, 7	21/22-25		71/17
19/16-19	21/3, 5-9	21/10-11		22/12-17		88/3-4, 9-12
20/3-4	21/18-21, 27	22/4, 5, 10, 11		22/22-25		88/13
21/2, 4	22/6-9	70/9-10		22/30		
21/26	22-18-21, 22/26	70/15-16		23-6-7		
22/2-3	23/4-5	70/19, 20, 22		23/10-11		
70/1, 2,5,6	23/8-9			23-16-17, 20, 21, 32-37		
70/11, 13	23/22-29			73/7-18		
71/2-3	70/3, 4, 7, 8					
	70/12, 14					
	70/17-18, 21					
	71/1, 4, 5					
	71/8-15					

Robbery

34A [Robbery of Business Property](#)

34B [Robbery of Personal Property](#)

34A Robbery of Business Property (1 of 2)

34/1(pt) Robbery.
(V) Theft Act 1968 Sec 8(pt).

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

Definition - Legal: Robbery

Theft Act 1968 Sec 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.”

Definition - Recorded Crime: Robbery of Business Property

Any 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 (2 of 2)

General Rule: One crime for each business whose property is robbed.

Example 1: 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.

Example 1: 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 robbery, count the homicides in addition to the robbery.

Example 1: A group of offenders kill two people and wound a third person during a bank robbery.

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

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

Example 1: 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 chases after the robbers and suffers ABH in the street outside.

One crime of robbery (class 34A), & one crime of assault with injury Sec 47 ABH - class 8N).

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

Example 1: 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 (class 34A) and four crimes of robbery of personal property (class 34B).

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

Example 1: 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 a crime of robbery has been counted.

34B Robbery of Personal Property (1 of 4)

34/1(pt) Robbery.
(V) Theft Act 1968 Sec 8(pt).

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

Clarification - Recorded Crime: Robbery or Theft from the Person

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.

Where property is stolen from the physical possession of the victim and some degree of force is directed to the property but not to the victim (e.g. a bag is taken cleanly from the shoulder of a victim or a phone is taken cleanly from the hand) the allegation should be classified as theft from the person and not a robbery.

Definition - Legal: Robbery

Theft Act 1968 Sec 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."

Definition - Recorded Crime: Robbery of Personal Property

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 (2 of 4)

General Rule: One crime for each person robbed.

Example 1: Two women are simultaneously threatened and robbed of their handbags.

Two crimes (class 34B).

Example 2: Victim waiting at a set of traffic lights on a pedal cycle is punched in the face and the offender then rides away on the cycle. The cycle is abandoned, a few days later recovered and handed back to the victim.

One crime (class 34B).

Application of the Rule

If a person reports having been robbed by more than one person, count separately only if the offenders were acting independently.

Example 1: A person is mugged by a group of three.

One crime (class 34B).

Robbery or Theft from the Person: see box on class 34B Classification page 1 of 1.

A victim is 'asked' to turn out his/her pockets in order to steal from him/her.

One crime of robbery [Nobody consents to such action unless they have been put in fear at the time of the offence. Where the actions of the suspect alone cause the victim to fear he/she may be subjected to force and in doing so, give up his/her property, a robbery has occurred.]

Example 1: A victim is walking down the street and the suspect grabs his/her shoulder bag.

(i) The grab is insufficient to pull the victim off-balance.

One crime of theft from the person (class 39).

(ii) The grab pulls the victim off balance but force is not applied directly to the victim.

One crime of robbery (class 34B).

(iii) The grab causes the victim to be knocked over, swung around or injured in any way.

One crime of robbery (class 34B).

Example 2: Suspects approach the victim and ask for the time. While victim takes her phone out of her handbag to check this, suspects grab the phone and run off.
One crime of theft from the person (class 39).

Example 3: Suspect sits next to victim on a bus. Victim has phone in her hand. Suspect grabs the phone from the victim's hand who after tussling with the suspect manages to keep hold of phone, suspect runs off the bus.

The tussle between the victim and suspect changes what could have been a Theft from Person to an Attempted Robbery.

Example 4: A man has his pocket picked.

(i) He feels it but cannot prevent it.

One crime of theft from the person (class 39).

34B Robbery of Personal Property (3 of 4)

Robbery or Theft from the Person: see box on class 34B classification page 1 of 1 (Continued)

- (ii) He feels it and his wallet or mobile phone is stolen only after a tussle.
One crime of robbery (class 34B).
- (iii) A man becomes aware that the suspect is attempting to pick his pocket. The victim tries to stop the suspect and is assaulted during the tussle but manages to keep hold of his property. The suspect abandons his attempt and flees.

The assault by the suspect when victim tries to prevent the crime changes the offence of Theft to Assault with Intent to Rob.
- (iv) He is barged with intent to steal his wallet or mobile phone.
One crime of attempted robbery (class 34B).

Example 5: A woman has her handbag or mobile phone wrenched from her grasp.

One crime of robbery (class 34B).

Example 6: 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 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.

Example 1: 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).

Example 2: A person enters a house as a trespasser while the victim is present. He uses a weapon to threaten the victim to keep quiet so he can continue with the burglary.

One crime of robbery (class 34B).

Example 3: A person enters a house as a trespasser while the victim is present. He uses a weapon in order to steal items from the house and items from the three victims present.

Three crimes of robbery (class 34B).

Example 4: A person enters a house as a trespasser while the victim is present. The victim is tied up and threatened with violence whilst the burglary continues.

One crime of robbery (class 34B).

Example 5: A person enters a house as a trespasser and confronts the male and female occupiers. They are both threatened with violence and as a result of this threat hand over their watches before the suspect leaves.

Two crimes of robbery (class 34B).

Example 6: A person enters a house as a trespasser and confronts five occupants – the male and female householders, their son and two friends of their son who are staying the night. They are all threatened with force and as a result items of property belonging to the householders are stolen, the son hands over his mobile phone and one of the two friends hands over his laptop which he had brought with him on the visit. Whilst threatened the other friend does not lose any of his personal property.

Five crimes of robbery (class 34B).

34B Robbery of Personal Property (4 of 4)

Robbery or Theft of a Motor Vehicle:

If the circumstances of the taking of a motor vehicle amount to a robbery then the crime should be classified as a robbery.

Example 1: The victim is forced out of his car at knife point. The offender then drives off and abandons the car two streets away.

One crime of robbery (class 34).

Whether to Record: see also General Rules Section A.

Example 1: 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.

Classify as a crime related incident but do not record the crime.

Example 2: As above, but further investigation locates the victim who confirms the robbery.

One crime of robbery (class 34B).

Finished Incident: see also General Rules Section E.

Example 1: A schoolboy robs two classmates, under threat of violence, over a four month period twice a week. It is reported to the police for the first time.

Two crimes of robbery (class 34B).

Principal Crime: see also General Rules Section F & Annex C.

Example 1: One person is robbed and killed.

One homicide crime (class 1 or 4/1).

Example 2: One person is seriously injured and robbed.

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

Example 3: An offence of GBH occurs in the course of a burglary, but not in order to steal.

One crime (class 5D or 8N). **NB:** If the GBH is committed in order to steal, it is a robbery.

Example 4: A person enters a house as a trespasser armed with a knife and confronts the male and female occupiers. They are both threatened with violence and as a result hand over their watches before the suspect leaves.

Two crimes of robbery (class 34B).

Example 5: An armed gang force the front door of a property used as a massage parlour. They threaten the receptionist with a firearm and as a result she hands over the business money from the safe. They then confront two working girls and threaten them with the firearm demanding their credit cards, watches and mobile phones. These are handed over and the suspects leave.

One crime of robbery of business property (class 34A) and two crimes of personal robbery (class 34B).

Maximum Sentence - Robbery
Life
34/1
34/2

Burglary

Classification Rules and Guidance

Burglary – Residential

Burglary – Business and Community

Burglary – Classification Rules and Guidance (1 of 3)

The following rules and guidance should be applied to Burglary.

Classification: Residential

The classification of residential burglary includes all buildings or parts of buildings that are within the boundary of, or form a part of, a dwelling and includes the dwelling itself, vacant dwellings, sheds, garages, outhouses, summer houses and any other structure that meets the definition of a building. It also includes other premises used for residential purposes such as houseboats, residential care homes and hostels. Where an outbuilding **within such a boundary but not forming part of the dwelling building**, such as a garage or workshop is used solely for business purposes this should be recorded as burglary – business and community. Where both a dwelling house and an outbuilding used for business purposes (**belonging to the same victim**) are subject of a burglary at the same time, then only the residential burglary is to be recorded.

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

All buildings which are not on a plot of land where a residential building stands and which are not used for Business and Community use will be classified with the Residential groups.

Classification: Business and Community

The classification of business and community burglary includes all buildings or parts of buildings that are used **solely and exclusively for business purposes** or are otherwise entirely outside the classification of residential burglary such as a place of worship. Where an outbuilding is **within the boundary of a dwelling, but not forming part of the dwelling building**, such as a garage or workshop and is used solely for business purposes this should be recorded as burglary – business and community. Where both a dwelling house and an outbuilding used for business purposes (**belonging to the same victim**) are subject of a burglary at the same time then only the residential burglary is to be recorded.

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

Definition – Legal: Burglary

Theft Act 1968 Sec 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 of doing unlawful damage to the building or anything therein.”

Definition - Legal: Burglary in a Caravan, Houseboat etc

Theft Act 1968 Sec 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 – Classification Rules and Guidance (2 of 3)

The following rules and guidance should be applied to Burglary.

Classification - Recorded Crime: Burglary in a Hotel

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 postal address**) should be recorded as a burglary (or aggravated burglary) - residential.

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 guest's permanent address) should be recorded as a burglary (or aggravated burglary) – business and community.

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 – business and community; and burglary of living quarters inhabited by the proprietor, manager or employees (**so that the hotel is their permanent postal address**) should be recorded as burglary residential.

Recording Practice: Burglary

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

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.

If a person enters a building as a trespasser and commits or attempts to commit grievous bodily harm, this constitutes burglary under Section 9 of the Theft Act 1968, but should be recorded as GBH. Trespass with intent to commit a sexual offence should be recorded under Other Miscellaneous Sexual Offences (class 88C).

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.

Clarification – Recording Burglaries in Farms

Any burglary to the farmhouse or other dwellings used by the farmer or staff as their place of residence will be recorded as Burglary – Residential. If at the same time outbuildings such as barns are also burgled no additional report is required. If the burglary is only to an outbuilding on the farm the crime to be recorded will be in accordance with the use to which it is put.

Definition – General: Distraction Burglary

Is any crime where a falsehood, trick or distraction is used on an occupant to gain, or try to gain, access to the premises to commit burglary. It includes cases where the offender first enters premises and subsequently uses distraction burglary methods in order to remain on the premises and/or gain access to other parts of the premises in order to commit burglary.

Definition – Legal: Aggravated Burglary (Theft Act 1968 Sec 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.

Burglary – Classification Rules and Guidance (3 of 3)

The following rules and guidance should be applied to Burglary.

Break-ins to Various Types of Premises: Classification					
STATUS OF HABITATION					
Premises	In Use By Owner For Habitation Only	Rented To Occupier On Long-Stay Basis for habitation only	Rented To Occupier On Short-Stay Basis	Vacant But Habitable	Vacant But Not Habitable
House, self-contained flat, houseboat**	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)
Room in hostel, nursing home, children's home, hall of residence etc	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (Class 28E)	Burglary residential (class 28E)
Room in a hotel holiday home, chalet etc *	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary business and community (class 30C)	Burglary business and community (class 30C)	Burglary business and community (class 30C)
Caravan, holiday cruising boat etc	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary business and community (class 30C)	Other theft (class 49)	Other theft (class 49)

* For distinction between short-stay and long-stay hotel rooms, see box in burglary – classification rules and guidance page 2 of 3.

** Houseboats used as a main home by the owner but which may be left vacant for longer periods of time are to be recorded as Burglary – Residential (class 28E).

Burglary – Residential

- 28E** [Burglary- Residential](#)
- 28F** [Attempted Burglary – Residential](#)
- 28G** [Distraction Burglary – Residential](#)
- 28H** [Attempted Distraction Burglary – Residential](#)
- 29A** [Aggravated Burglary – Residential](#)

28E Burglary – Residential (1 of 6)

28/3 Burglary
(V) Theft Act 1968 Sec 9 (pt)

Crimes of attempted burglary (28F), distraction burglary (28G), attempted distraction burglary (28H) or aggravated burglary (29A) should not be recorded under Classification 28E.

General Rule: One crime for each household burgled.

Example 1: A person burgles five houses in a street.

Five crimes of burglary – residential (class 28E).

Example 2: A person caught burgling a house has cannabis in his possession.

One crime of burglary – residential (class 28E) and one crime possession of cannabis (class 92E).

Example 3: A person reports having the front door to his house kicked in, keys to his car taken, and his car driven away. The car is found a few days later.

One crime of burglary – residential (class 28E).

Definition of 'household' for Crime Recording Purposes

The term 'household' traditionally refers to a family who live together in the same house. For crime recording purposes it also refers to circumstances where a group of people co-habit in the same house as a 'non-family household'. They have joint responsibility for meeting the household costs (rent, utilities etc) and have common access to the house as a whole; although, as within a 'family' setting, there may be explicit / implicit access restrictions to some parts e.g. bedrooms occupied by individual group members that may or may not be protected by a lock, that may or may not be normally used.

Where separate rooms, lockable or not, within a house are let out to residents on an individual basis, whether sharing communal facilities or not, the same rule for halls of residence applies. Generally in these circumstances each resident is individually financially liable for the agreed costs. They are not living in common as a 'non family household'.

Clarification

Where a group of people (such as, but not limited to, students) agree to jointly rent a property and share responsibility for household costs, and where the landlord cannot impose any other tenant on the group, they will be deemed a household for this purpose.

While a single crime report is all that is required it must name each individual victim.

28E Burglary – Residential (2 of 6)

Application of the Rule

If a household is victim to more than one burglar, count crimes separately only if each burglar is acting independently.

Example 1: A house inhabited by one person is burgled by a group of five people.

One crime of burglary – residential (class 28E).

Example 2: Four people sharing a house who live together as a household (as defined at 28E Counting Rules 1 of 6) are burgled by a group of five people.

One crime of burglary – residential (class 28E).

A guest staying in a household is treated as part of the household.

Example 1: Two relatives of the householder who are staying overnight have property stolen when the house is burgled.

One crime of burglary – residential (class 28E).

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.

Example 1: 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).

Example 2: A person enters a house as a trespasser while the victim is present. He uses a weapon to threaten the victim to keep quiet so he can continue with the burglary.
One crime of robbery (class 34B).

Example 3: A person enters a house as a trespasser while the victim is present. He uses a weapon in order to steal items from the house and items from the three victims present.

Three crimes of robbery (class 34B).

Example 4: A person enters a house as a trespasser while the victim is present. The victim is tied up and threatened with violence whilst the burglary continues.

One crime of robbery (class 34B).

Example 5: A person enters a house as a trespasser and confronts the male and female occupiers. They are both threatened with violence and as a result of this threat hand over their watches before the suspect leaves.

Two crimes of robbery (class 34B).

Example 6: A person enters a house as a trespasser and confronts five occupants – the male and female householders, their son and two friends of their son who are staying the night. They are all threatened with force and as a result items of property belonging to the householders are stolen, the son hands over his mobile phone and one of the two friends hands over his laptop which he had brought with him on the visit. Whilst threatened the other friend does not lose any of his personal property.

Five crimes of robbery (class 34B).

28E Burglary – Residential (3 of 6)

Burglary in a Caravan, Houseboat etc: see also box in Burglary Classification Rules and Guidance page 3 of 3.

Example 1: A person enters a caravan by trespass. The caravan is parked on a drive and is not in use by the owner or another person and is not used to rent to others. A tablet is stolen by the person from the caravan.

One crime of other theft (class 49).

Example 2: The caravan described above is towed by its owners to a caravan park for a week's 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 – residential (class 28E).

Example 3: A fully furnished houseboat moored on the Thames is entered by a trespasser for the purpose of stealing. The owner, who uses the houseboat as their only UK residence, lives in Spain for six months of the year and is currently in Spain.

One crime of burglary – residential (class 28E).

Example 4: 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 for business purposes only.

One crime of burglary – residential (class 28E) unless the caravan used for business purposes is not owned by the same person (s). If this is the case an additional crime of burglary – business and community (class 30C) requires recording.

Example 5: A house, used as a holiday home or a weekend second home, is entered by a trespasser during the owner's absence and electrical goods are stolen from it. The house has not been occupied or visited for six weeks by the owner.

One crime of burglary – residential (class 28E).

Example 6: A flat is entered by a trespasser and property stolen from it. The flat is used by the owner as a holiday home and at the time of the burglary was occupied for a week's holiday by a family who rented it via a holiday company.

One crime of burglary – residential (class 28E).

Burglary to a building that is not within the boundary of or forms part of a dwelling and is not used for a business or community purpose.

Example 1: A garage is burgled which is used to store excess household items and is situated away from the boundary of the owner's dwelling.

One crime of burglary – residential (class 28E).

28E Burglary – Residential (4 of 6)

Application of the Rule

Shared Accommodation: Not defined as a ‘household’ - Where separate flats/ rooms are burgled within a house which are let out to residents on an individual basis, whether sharing communal facilities or not, a crime of residential burglary should be recorded for each victim. The same rule applies for halls of residence.

Example 1: A residential property rented jointly by two tenants is burgled.

One crime of burglary – residential (class 28E).

Example 2: A person enters a block of flats as a trespasser with intent to steal.

(i) Entry to common hallway only.

One crime of burglary – residential (class 28E).

(ii) Entry via hallway, then three flats burgled.

Three crimes of burglary – residential (class 28E).

Residential care homes, children’s homes, halls of residence, hostels etc. should be classified as burglary – residential and NOT burglary – business and community (irrespective of the length of time the person has been resident at the premises).

Exception: Where both residents room(s) and rooms which are used to service the business, e.g. an administration office are burgled, count both the burglary – residential and burglary – business and community.

Example 3: Entrance to a communal hallway is gained by forced entry and a pedal cycle is stolen. The offender is clearly trespassing and committed theft.

One crime of burglary – residential (class 28E).

Example 4: Five students reside in a shared flat and live together as a household (as defined in 28E Counting Rules 1 of 6). A person gains entry to the flat and steals property belonging to 3 of the students.

One crime of burglary – residential (class 28E).

Example 5: A pedal cycle is stolen from a communal hallway. Access to the building and the hallway is shared. There is no sign of forced entry and it is unclear how the offender gained entry to the hallway. On the balance of probabilities, the offender is more likely to be a trespasser than a resident.

One crime of burglary – residential (class 28E).

28E Burglary – Residential (5 of 6)

Example 6: A person enters a university hall of residence in term time with intent to steal.

- (i) Entry to common hallway area only.

One crime of burglary – residential (class 28E).

- (ii) Entry via common lounge area, then three study-bedrooms burgled.

Three crimes of burglary – residential (class 28E).

- (iii) One of the three study-bedrooms is vacant.

Three crimes of burglary – residential (class 28E).

- (iv) Property belonging to four students is stolen from three rooms and the communal lounge.

Four crimes of burglary – residential (class 28E).

Example 7: A communal cycle storage shed, within the boundary of a shared house is burgled and bicycles belonging to three residents are stolen.

One crime of burglary – residential (class 28E).

Example 8: A residential care home is burgled. The manager's office door is forced and cash stolen from within. The suspect then enters three residents rooms and steal jewellery.

One crime of burglary – business and community (class 30C) and three crimes of burglary – residential (class 28E).

Finished Incident: see also General Rules Section E.

Example 1: A burglar admits to police that he has entered the same house on four separate occasions to burgle it.

- (i) Each burglary separately reported by the victim.

Four crimes of burglary – residential (class 28E).

- (ii) Only the first one reported.

One crime of burglary – residential (class 28E).

- (iii) None of the burglaries reported but the victim confirms the crime.

One crime of burglary – residential (class 28E).

28E Burglary – Residential (6 of 6)

Principal Crime: see also General Rules Section F and Annex C. Generally, the most serious violent crime (apart from assault without injury and assault on a constable) takes precedence over burglary. For aggravated burglaries only assault amounting to GBH (Section 20 and above) will generally take precedence.

Example 1: An offence amounting to GBH with intent occurs in the course of a burglary, but not in order to steal.

One crime (class 5D). (If the GBH is committed in order to steal, it is a robbery).

Example 2: An offence of ABH occurs in the course of a burglary, but not in order to steal.

One crime of assault with injury Sec 47 ABH – class 8N. (See comment above).

Example 3: A person reports having his house burgled and car stolen from the drive.

One crime of burglary – residential (class 28E).

Whether to Record: see also General Rules Section A.

Example 1: A person (not acting on behalf of the victim) reports a gang of youths trying to enter a house, while the owners are away.

(i) Police attend the scene and can find no signs of attempted entry.

Register an incident and deal with in accordance with NSIR .

(ii) Police attend and find the house in question insecure, having been subject to an untidy search.

One crime of burglary – residential (class 28E). On the balance of probabilities a burglary has occurred.

28F Attempted Burglary – Residential (1 of 2)

28/3 Burglary
(V) Theft Act 1968 Sec 9(pt)

Crimes of burglary (28E), distraction burglary (28G), attempted distraction burglary (28H) or aggravated burglary (29A) should not be recorded under Classification 28F.

General Rule: One crime for each household where burglary attempted.

Example 1: The owner of a house returns home from work to find damage to his front door. The frame has splintered by the locks and the hinges are bent from repeated kicking. The door held and no entry was gained.

One crime of attempted burglary – residential (class 28F).

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 criminal damage.

Example 1: 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 – residential (class 28F).

Example 2: A ground floor window has been broken. It could have been used to enter the house. The house is in an isolated location and it is considered burglary the more likely intent than mere vandalism.

One crime of attempted burglary – residential (class 28F).

Example 3: Tools from a shed (not connected to the main house) are taken and used in an unsuccessful attempt to enter and burgle the house. The tools are left behind

One crime of burglary – residential (class 28F).

Shared Accommodation: Not defined as a 'household' - Where attempts are made to burgle separate flats/ rooms within a house which are let out to residents on an individual basis, whether sharing communal facilities or not a crime of attempted residential burglary should be recorded for each victim. The same rule applies for halls of residence.

Example 1: A burglar has entered the common stairwell of a block of three flats. The front door of the top floor flat has been damaged with a crowbar in the door jamb by the lock. Similar damage is apparent to the middle floor flat. Entry to both was unsuccessful. The occupiers of the ground floor flat disturbed the burglar smashing the window next to the front door of their flat. The burglar fled and all households confirmed the damage to their property.

Three crimes of attempted burglary – residential (class 28F).

28F Attempted Burglary – Residential (2 of 2)

Rooms in hostels, nursing homes, children's homes, halls of residence, 'long-stay' hotels etc: For a definition of a 'long-stay' hotel, see box on Burglary – classification rules and guidance page 2 of 3.

Example1: A suspect kicks in the front door of halls of residence that has been divided into twelve separate bed-sits. There is evidence of attempts to force the doors of two bed-sits. A third bed-sit has had its front door opened and property has been stolen from it.

Two crimes of attempted burglary – residential (class 28F) and one crime of burglary – residential (class 28E).

Example 2: A burglar enters the insecure door of a homeless hostel. Once inside he attempts to force the doors on two of the residents rooms with intent to steal from within. The night manager disturbs the burglar. Before leaving the scene the burglar enters the office and takes a petty cash tin before running away.

Two crimes of attempted burglary – residential (class 28F) and one crime of burglary – business and community (class 30C)

28G Distraction Burglary – Residential (1 of 1)

28/3 Burglary
(V) Theft Act 1968 Sec 9(pt)

Crimes of burglary (28E), attempted burglary (28F) attempted distraction burglary (28H) or aggravated burglary (29A) should not be recorded under Classification 28G.

General Rule: One crime for each household burgled.

Example 1: A bogus gas board official has gained entry to an elderly person's flat by pretending to read the meter. Once inside the suspect has stolen a pension book and cash before leaving.

One crime of distraction burglary – residential (class 28G).

Example 2: A door to door salesman has been invited into the front room to sell his goods. After a short while he asks for a glass of water. As soon as the householder leaves the room he quickly enters the dining room and steals some cash that was visible on the sideboard. He then returns to his seat, drinks the water that was provided by the householder on their return and leaves the house.

One crime of distraction burglary – residential (class 28G).

How to Classify: Distraction Burglary - Residential or Attempted Distraction Burglary - Residential

Where suspects enter dwellings by distraction but are unable to commit theft a distraction burglary - residential (class 28G) should be recorded.

Example 1: A bogus gas board official has gained entry to an elderly person's flat by pretending to read the meter. Once inside the householder has suspected something was wrong and escorted the suspect out before anything could happen.

One crime of distraction burglary – residential (class 28G).

Example 2: A bogus electricity official has gained entry to a house. He asks if he could use the toilet. On his way upstairs the householder sees him attempting to steal a wallet from a jacket on the banister and cries out. The suspect then runs from the property empty handed.

One crime of distraction burglary – residential (class 28G).

28H Attempted Distraction Burglary – Residential (1 of 1)

28/3 Burglary.
(V) Theft Act 1968 Sec 9(pt).

Crimes of burglary (28E), attempted burglary (28F) distraction burglary (28G) or aggravated burglary (29A) should not be recorded under Classification 28H.

General Rule: One crime for each household where burglary attempted.

Example 1: A bogus utility official knocks on the door of a house and asks the householder if they can read the meter. The householder asks to see their identity. A piece of paper is produced. When further questions are asked the suspect runs away.

One crime of attempted distraction burglary – residential (class 28H).

29A Aggravated Burglary – Residential (1 of 1)

29 Aggravated burglary
(V) Theft Act 1968 Sec 10(pt)

General Rule: One crime for each household burgled.

Example 1: A person burgles five houses in a street. He has a weapon on him but does not use it.

Five crimes of aggravated burglary – residential (class 29A).

Application of the Rule

If a household is victim to more than one burglar, count crimes separately only if each burglar is acting independently.

Example 1: A house inhabited by one person is burgled by a group of five people possessing (but not using) offensive weapons.

One crime of aggravated burglary – residential (class 29A).

Example 2: Four people sharing a house (a family or house-mates) are victims of aggravated burglary by a group of five people.

One crime of aggravated burglary – residential (class 29A).

Other counting rules and examples given for burglary - residential (class 28E) can be applied to aggravated burglary as well.

Principal Crime: see also General Rules Section F and Annex C. Assaults amounting to section 20 or above during an aggravated burglary will generally take precedence.

Example 1: A burglar wounds a house occupant with the weapon he has brought on the burglary.
One crime of assault (class 5D or 8N according to circumstances).

Example 2: Criminal damage occurs in the course of an aggravated burglary.
One crime of aggravated burglary (class 29A or 31A).

Example 3: Three members of the same household are wounded in the course of an aggravated burglary.
Three crimes of assault (class 5D or 8N according to circumstances)(same victims).

Example 4: Two people staying with friends are wounded in the course of an aggravated burglary.
Two crimes of assault (class 5D or 8N according to circumstances) and one crime of aggravated burglary – residential (class 29A).

Example 5: A person enters a house as a trespasser armed with a knife and confronts the male and female occupiers. They are both threatened with violence and as a result hand over their watches before the suspect leaves.

Two crimes of robbery (class 34B).

Burglary – Business and Community

30C **[Burglary – Business and Community](#)**

30D **[Attempted Burglary – Business and Community](#)**

31A **[Aggravated Burglary – Business and Community](#)**

30C Burglary – Business and Community (1 of 3)

30/2 Burglary.
(V) Theft Act 1968 Sec 9 (pt).

Crimes of Attempted Burglary - Business (30D) should not be recorded under Classification 30C.

General Rule: One crime for each building burgled.

- Example 1: A person burgles five units on an industrial estate.
Five crimes of burglary – business and community (class 30C).
- Example 2: A person burgles a pub while the owner is asleep in the adjoining living quarters.
One crime of burglary – business and community (class 30C).
- Example 3: A person burgles the living quarters of a pub but not the adjoining pub itself which are not entered.
One crime of burglary – residential (class 28E).
- Example 4: A person burgles four sheds belonging to four separate owners situated on a shared allotment.
Four crimes of burglary – business and community (class 30C).

Application of the Rule

If a building is burgled more than once, count crimes separately only for each burglar acting independently.

- Example 1: A warehouse is burgled by a group of five people.
One crime of burglary – business and community (class 30C).

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.

- Example 2: A commercial property rented jointly by two tenants is burgled. The tenants use different parts of the property.
One crime of burglary – business and community (class 30C).
- Example 3: A person burgles an office block.
- (i) Entry to reception area only.
One crime of burglary – business and community (class 30C).
 - (ii) Entry via hallway, then lockable offices belonging to three different companies are burgled.
Three crimes of burglary – business and community (class 30C).
 - (iii) Entry direct to above offices.
Three crimes of burglary – business and community (class 30C).
 - (iv) Offices of one of the companies are vacant.
Three crimes of burglary – business and community(class 30C).

30C Burglary – Business and Community (2 of 3)

Application of the Rule (continued)

Residential care homes, children's homes, halls of residence, hostels etc. should be classified as burglary – residential and NOT burglary – business and community (irrespective of the length of time the person has been resident at the premises).

Exception: Where both residents room(s) and rooms which are used to service the business, e.g. an administration office are burgled, count both the burglary – residential and burglary – business and community.

Example 4: A residential care home is entered by a trespasser. The lock to the manager's office is forced and cash stolen from within. The suspect then goes on to enter three residents' rooms and steal jewellery and cash from within.

One crime of burglary – business and community (class 30C) and three crimes of burglary – residential (class 28E).

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.

Example 1: Three of a company's buildings on the same factory site are burgled by a group of four people.

One crime of burglary – business and community (class 30C).

Example 2: Four huts on a building site are burgled.

One crime of burglary – business and community (class 30C).

Example 3: 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 – business and community (class 30C).

(ii) Three chalets are rented out at the time on a long-stay basis, and three are vacant but fit for habitation.

Three crimes of burglary – residential (class 28E) and one crime burglary – business and community (class 30C).

'Short-stay' Hotels: 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 guest's permanent address) should be recorded as a burglary (or aggravated burglary) – business and community.

Example 1: A person enters a hotel with intent to steal.

(i) Entry to common area only.

One crime of burglary – business and community (class 30C).

(ii) Entry via common area, then three bedrooms burgled.

One crime – burglary business and community (class 30C).

30C Burglary – Business and Community (3 of 3)

Example 2: 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) Entry to common area only.
One crime of burglary – business and community (class 30C).
- (ii) Entry via common area, then three study-bedrooms burgled.
One crime of burglary – business and community (class 30C).

Whether to Record: see also General Rules Section A.

Example 1: A person reports a gang of youths trying to enter a warehouse, while it is closed for the night.

- (i) Police attend the scene and can find no signs of attempted entry.
Register an incident and deal with in accordance with NSIR.
- (ii) Police attend and find the warehouse in question insecure, having been subject to an untidy search.
One crime of burglary – business and community (class 30C). On the balance of probabilities a burglary has occurred.

Principal Crime: see also General Rules Section F and Annex C.

Example 1: A company reports having a warehouse burgled and several of its vans stolen both from inside and outside the warehouse.

One crime of burglary – business and community (class 30C). (The victim of the burglary and the vehicle theft, which applies to the outside vans, is the company).

30D Attempted Burglary – Business and Community (1 of 1)

30/2 Burglary
(V) Theft Act 1968 Sec 9 (pt).

Crimes of burglary - business and community (30C) or aggravated burglary business and community (31A) should not be recorded under Classification 30D.

General rule: One crime for each building where burglary attempted.

Example 1: A crowbar has been used to attempt to force the steel shutters on a shop door. The suspect has fled when the alarm was activated.

One crime of attempted burglary- business and community (class 30D).

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 criminal damage.

Example 1: 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 – business and community (class 30D).

Example 2: 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 – business and community (class 30D).

Whether to Record: see also General Rules Section A

Example 1: A person reports a gang of youths trying to enter a church, while it is closed for the night.

- (i) Register a crime related incident report but do not record the crime.
- (ii) As above, but on their return the church warden confirms that an attempt to enter has been made.

One crime of attempted burglary – business and community (class 30D)

31A Aggravated Burglary – Business and Community (1 of 1)

31 Aggravated burglary
(V) Theft Act 1968 Sec 10(pt).

General Rule: One crime for each building burgled.

Example 1: 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 of aggravated burglary – business and community (class 31A).

Application of the Rule

If a building is burgled more than once, count crimes separately only for each burglar acting independently.

Example 1: 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 – business and community (class 31A) and one of burglary – business and community (class 30C).

Other counting rules and examples given for burglary (class 30C) can be applied to aggravated burglary as well.

Principal Crime: see also General Rules Section F and Annex C.

Example 1: A burglar wounds a security guard with the weapon he has brought on the burglary.

One crime of assault (class 5D or 8N according to circumstances) and one crime of aggravated burglary – business and community (class 31A).
Assumes the security guard is not the owner of the business.

Example 2: The owner of a shop is wounded in the course of an aggravated burglary.

One crime of assault (class 5D or 8N according to the circumstances).

Example 3: Criminal damage occurs in the course of an aggravated burglary.

One crime of aggravated burglary (class 29A or 31A).

Example 4: An armed gang force the front door of a property used as a massage parlour. They threaten the receptionist with a firearm and as a result she hands over the business money from the safe. They then confront two working girls and threaten them with the firearm demanding their credit cards, watches and mobile phones. These are handed over and the suspects leave.

One crime of robbery of business property (class 34A) and two crimes of personal robbery (class 34B).

Maximum Sentence Table Burglary

Maximum Sentence - Burglary		
Life	14 years	10 years
29	28/2	30/2
31	28/3	

Vehicle Offences

37/2 **[Aggravated Vehicle Taking](#)**

45 **[Theft from a Motor Vehicle](#)**

48 **[Theft or Unauthorised Taking of a Motor Vehicle](#)**

126 **[Interfering with a Motor Vehicle](#)**

37/2 Aggravated Vehicle Taking (1 of 1)

37/2 Aggravated vehicle taking.
(V) Theft Act 1968 Sec 12A(pt).

131/3 Aggravated vehicle-taking (driving
(V) /being carried) offences causing damage
to vehicle and/or other property under £5000
Theft Act 1968 Sec 12A

Classification: Aggravated Vehicle Taking (AVT)

A crime of theft or unauthorised taking of a vehicle should be recorded as AVT 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.

General Rule: One crime for each vehicle owner.

Example 1: Two young men seen taking a car (confirmed by the victim) and driving dangerously until they crash the car and flee the scene.

One crime of aggravated vehicle taking (class 37/2).

Application of the Rule

Vehicles under common ownership should be counted as one crime if stolen by the same group of offenders for AVT.

Example 1: Two mini-cabs belonging to the same company are stolen by a group of offenders and used for AVT.

One crime (class 37/2).

45 Theft from a Motor Vehicle (1 of 2)

45/10 Theft from a motor vehicle.
(V) Theft Act 1968 Sec 1(pt).

All thefts of letters or packages from delivery vehicles are to be recorded under classification 42 (theft of mail) and not as a theft from a motor vehicle.

Definition - Legal: Theft

Theft Act 1968 Sec 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.

General rule: One crime for each vehicle owner.

- Example 1: A person steals radios from three separately owned cars in a street.
Three crimes (class 45).
- Example 2: A person siphons petrol from four adjacent, separately owned cars in a street.
Four crimes (class 45).
- Example 3: 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).
- Example 4: A car is stationary at traffic lights and items are taken via an open window.
One crime (class 45).
- Example 5: Three privately owned motor vehicles parked in a secure compound attached to a garage awaiting repair. Overnight each of the cars has a wing mirror stolen from it. The garage makes good the repairs at their expense.
- On the basis that the garage proprietor has custody care and control of the vehicles in their possession, they are the victim in these circumstances.
- One crime (class .45).

Application of the Rule

The number of owners of the goods stolen from a vehicle is not relevant for crime recording purposes.

- Example 1: 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 compound should be counted as one crime per separately owned vehicle (rather than one crime in total). The practical application of this is whether the owner of the secure compound will make good any damage/losses incurred by each individual owner of the vehicles. If they will not do this then each individual vehicle owner bears the loss/damage and so there will be a number of separate crime records.

- Example 2: A group of offenders enter a secure car park and steal articles from six separately owned cars. The owners of the cars are responsible for the loss.
Six crimes (class 45).

45 Theft from a Motor Vehicle (2 of 2)

Whether to record: see also General Rules Section A.

Example 1: CCTV picks up someone apparently stealing items from a parked car, but the number plate is not clear.

- (i) Neither the victim nor persons acting on their behalf come forward to report it.

Classify as 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 motor vehicle (class 45).

Example 2: 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 and on the balance of probability a crime has occurred.

One crime of theft from a vehicle (class 45).

- (ii) After recording the crime, additional verifiable information comes to light, e.g. relevant CCTV footage or the victim phones later and confirms she has found it at home, which determines a crime has not occurred.

Cancel the theft – Section C HOCC.

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. [NB 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 motor vehicle (class 45) - (which is the Principal Crime over unauthorised taking).

Thefts of personal property from public transport where the public have access should be classified as other theft (class 49) rather than theft from a vehicle (class 45). Thefts from public transport from areas to which the public do not have access i.e. drivers cabs, locked luggage compartments etc, should be classified as theft from vehicles (class 45).

Example 1: A man leaves a wallet on a bus. It is not found later and on balance of probabilities is considered to have been stolen.
One crime (class 49).

Principal Crime: see General Rules Section F and Annex F. If people are injured during a theft, and in order to commit the theft, then one crime of robbery should be counted.

Example 1: A group wounds a car owner while stealing (and in order to steal) personal valuables from his car.
One crime of robbery (class 34B).

Example 2: A group steals from a car and sprays graffiti on it.
One crime of theft from a motor vehicle (class 45).

48 Theft or Unauthorised Taking of a Motor Vehicle (1 of 3)

48/1 Theft of a motor vehicle.
(V) Theft Act 1968 Sec 1(pt).

130/1 Unauthorised taking of a motor vehicle
(V) (does not include 'driving or being carried knowing motor vehicle has been taken ...').
Theft Act 1968 Sec 12 (pt) as amended by Criminal Justice Act 1998 Sec 37.

Definition - Legal: Motor Vehicle

A "motor vehicle" is a mechanically propelled vehicle made intended or adapted for use on roads.

It should also satisfy the test as to whether or not a reasonable person would say that one of the vehicle's uses would be some general use on the road.

Definition - Legal: taking motor vehicle or other conveyance without authority

Theft Act 1968 Sec 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."

NB: Only the unauthorised taking of a motor vehicle is notifiable. Driving or being carried is not notifiable.

Definition - Legal: Theft

Theft Act 1968 Sec 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.

48 Theft or Unauthorised Taking of a Motor Vehicle (2 of 3)

General Rule: One crime for each vehicle owner.

Example 1: A vehicle is reported stolen and is later found abandoned.

One crime (class 48).

Example 2: Three taxis belonging to the same company are reported stolen by a group acting together.

One crime (class 48).

Example 3: 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.

Example 1: A house is burgled and a car stolen from the garage in the garden.

One crime of burglary- residential (class 28E).

Company car used by householder should be treated as property of householder.

Example 1: An offender caught stealing a motor vehicle has heroin in his possession.

One crime of theft of a vehicle (class 48) and one crime of possession (class 92D).

If the circumstances of the taking of the vehicle amount to a robbery then the crime should be classified as a robbery.

Example 1: The victim is forced out of his car at knife point. The offender then drives off and abandons the vehicle two streets away.

One crime of robbery (class 34).

Defaulted Payments on a Vehicle

Example 1: A person who lives in force A visits a car sales showroom in force B and buys/rents/leases a vehicle on a credit/finance agreement. The finance company is based in force C. The person then defaults on the finance payments. The finance company attempts to enforce the payments and/or recover/repossess the vehicle by civil means but is unsuccessful. The finance company reports this to NaVCIS who carry out further enquiries and then refer the matter to Force A as the last known address of the suspect. (Added April 2018)

Force A to record

48 Theft or Unauthorised Taking of a Motor Vehicle (3 of 3)

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 flowchart on class 126 - Classification (2 of 2).

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.

Example 1: 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 (class 48).

- (ii) The theft not reported before the vehicle is found.

One crime of theft (class 48) (Whilst this is **not** the principal crime over arson, in these circumstances class 48 should be recorded)

- (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).

Example 2: 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.

Example 1: 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 the force covering theft location.

Example 2: A vehicle is taken without authority in one police force area and discovered being driven in another police force area.

One crime of theft or unauthorised taking (class 48) recorded by the force covering theft location.

126 Interfering with a Motor Vehicle (1 of 4)

126 Interference with a motor vehicle.
(V) Criminal Attempts Act 1981 Sec 9.

825/06 Tampering with motor vehicles.
(V) Road Traffic Act 1988 Sec 25.

Definition - Legal: Interference with a Motor Vehicle

Criminal Attempts Act 1981 Sec 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).

Definition - Legal: Tampering with Motor vehicles

Road Traffic Act 1988 Sec 25

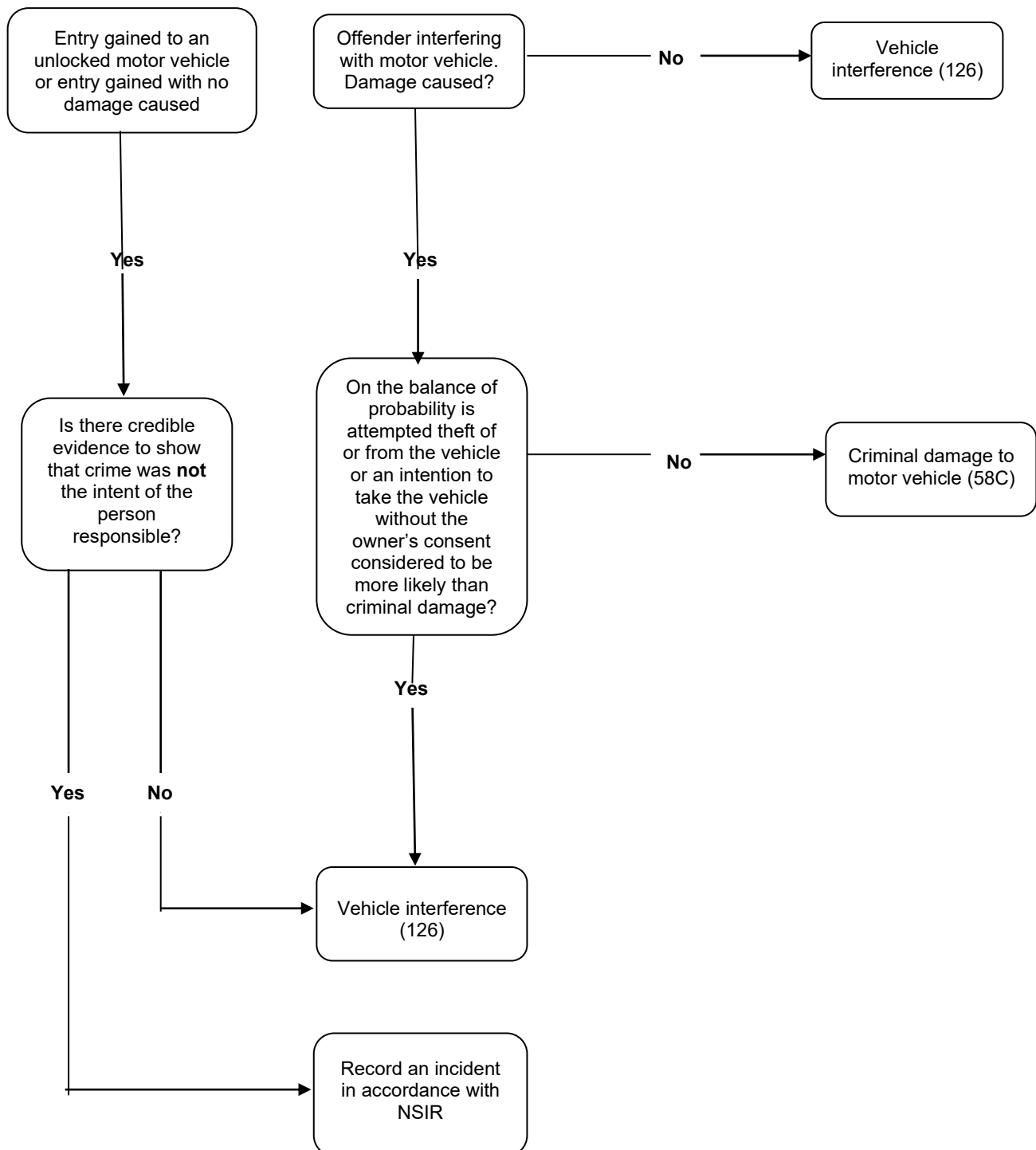
"If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person

- (a) gets on to the vehicle, or
- (b) tampers with the brake or other part of its mechanism,

without lawful authority or reasonable cause ...".

126 Interfering with a Motor Vehicle (2 of 4)

Motor Vehicle Crime: Classification for Recorded Crime



126 Interfering with a Motor Vehicle (3 of 4)

General Rule: One crime for each vehicle owner.

- Example 1: A car door lock has been super glued but no apparent intent to enter the vehicle.
One crime of criminal damage (class 58C) - credible information to show criminal damage.
- Example 2: A car door has been bent out at the top with no entry gained.

One crime of vehicle interference (class 126) – balance of probabilities theft considered the more likely offence.
- Example 3: A car has a broken side window. There is shopping and a laptop computer visible on the back seat.

One crime of vehicle interference (class 126) – balance of probabilities theft considered the more likely offence. For whatever reason the theft was not complete.
- Example 4: A car has its front windscreen smashed. There are no grounds for believing this was an attempt to get into the vehicle as the windscreen has been made of toughened glass and none of the side windows had been broken.

One crime of criminal damage to motor vehicle (class 58C).
- Example 5: Five cars parked next to each other in a station car park have all had side windows smashed. Four of them have had property stolen from the glove boxes. There is no indication of an entry into the fifth vehicle or any property on display.

Four crimes of theft from motor vehicles (class 45) and one crime of vehicle interference (class 126).
- Example 6: A car has had all its windows smashed and the bonnet dented. Property is displayed on the back seat. There are no grounds to suggest the vehicle has been entered.

One crime of criminal damage (class 58C). On balance of probabilities criminal damage and not theft was the intent of the offender.
- Example 7: A 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 vehicle interference (class 126) – balance of probabilities theft considered the more likely offence.

126 Interfering with a Motor Vehicle (4 of 4)

Example 8: A 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 of the vehicle.

One crime vehicle interference (class 126).

Example 9: A 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). False number plates are found by the car and the front number plate has been partially removed.

One crime vehicle interference (class 126).

Example 10: 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 airline between the lorry and the trailer. No damage occurred and the airline can be easily replaced.

One crime of tampering (825/90 counted under class 126).

Maximum Offence Table Vehicle Offences

Maximum sentence - Vehicle Offences						
	7 years	2 years	6 months	3 months	Fine	
	45/10	37/2	130/01	126	825/06	
	48/1		131/03			

Theft

Theft from the Person

Bicycle Theft

Shoplifting

Other theft

Theft from the Person

39 Theft from the Person

39 Theft from the Person (1 of 3)

39 Theft from the person of another.
(V) Theft Act 1968 Sec 1(pt).

Clarification - Recorded Crime: Robbery or Theft from the Person

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.

Where property is stolen from the physical possession of the victim and some degree of force is directed to the property but not to the victim (e.g. a bag is taken cleanly from the shoulder of a victim or a phone is taken cleanly from the hand) the allegation should be classified as theft from the person and not a robbery.

Clarification - Recorded Crime: Theft from the Person or Other Theft

A theft without the use or threat of force should be recorded as a theft from the person if one of the following circumstances applies at the time of the theft:

- (i) The goods stolen were being worn by the victim; or
- (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.

Definition - Legal: Theft

Theft Act 1968 Sec 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.

39 Theft from the Person (2 of 3)

General Rule: One crime for each person (from whom a theft has been made).

Example 1: Ten people on a crowded train report having their pockets picked.
None report any force being used.

Ten crimes (class 39).

Application of the Rule

Items stolen from a person, but belonging to others, should not be counted additionally.

Example 1: A bag is snatched from a woman's shoulder and it contains items that belong to her and two friends.
One crime of theft from the person (class 39).

Robbery or Theft from the Person: See note on class 39 (1 of 3).

A victim is 'asked' to turn out his/her pockets in order to steal from him/her.
One crime of robbery [Nobody consents to such action unless they have been put in fear at the time of the offence. Where the actions of the suspect alone cause the victim to fear he/she may be subjected to force and in doing so, give up his/her property, a robbery has occurred.]

Example 1: A victim is walking down the street and the suspect grabs his/her shoulder bag.

- (i) The grab is insufficient to pull the victim off-balance.

One crime of theft from the person (class 39).

- (ii) The grab pulls the victim off balance but force is not applied directly to the victim.

One crime of robbery (class 34B).

- (iii) The grab causes the victim to be knocked over, swung around or injured in any way.

One crime of robbery (class 34B).

Example 2: Suspects approach the victim and ask for the time. While victim takes her phone out of her handbag to check this, suspects grab the phone and run off.

One crime of theft from the person (class 39).

Example 3: Suspect sits next to victim on a bus. Victim has phone in her hand. Suspect tries to grab phone, after a tussle victim keeps hold of it, and suspect runs off bus.

One crime of attempted robbery (class 34B).

Example 4: 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 is stolen only after a tussle.

One crime of robbery (class 34B).

39 Theft from the Person (3 of 3)

Application of the Rule (continued)

- (iii) He manages to keep hold of his wallet after a tussle.
One crime of assault with intent to rob (class 34B).
- (iv) He is barged with intent to steal his wallet.
One crime of attempted robbery (class 34B).

Theft from the Person or Other Theft: see note on class 39 (1 of 3).

- Example 1: Five people have possessions stolen from the changing room of a swimming pool while they are swimming.
Five crimes of other theft (class 49).
- Example 2: A purse is stolen from a shopping trolley:
- (i) While being pushed around a supermarket.
One crime of theft from the person (class 39).
 - (ii) When left momentarily.
One crime of other theft (class 49).

Whether to Record: see also General Rules Section A.

- Example 1: CCTV picks up an apparent pick-pocketing, but neither the victim nor persons acting on their behalf come forward to report it. No other information is available.
Classify as a crime related incident but do not record the crime.
- Example 2: As above, but further investigation locates the victim who confirms the loss of valuables around the same time and location. On the balance of probabilities the officer decides that a crime has occurred.
One crime of theft from the person (class 39).
- Example 3: A man reports having a wallet stolen from his possession. He was not aware of it actually being taken.
- (i) During the initial reporting of the circumstances with the police, he realises that it is more likely, on the balance of probabilities, that he has lost the wallet.
Register the incident and deal with in accordance with NSIR.
 - (ii) As above, but after providing details he still thinks that it is more likely to have been stolen. On the balance of probabilities the officer decides that a crime has occurred.
One crime of theft from the person (class 39).
 - (iii) The wallet is later handed in, with its contents intact and the additional verifiable information determined that it was lost and no notifiable crime occurred.
C2 - Cancel the theft (if it has already been recorded).

Bicycle Theft

44 Theft or Unauthorised Taking of a Pedal Cycle

44 Theft or Unauthorised Taking of a Pedal Cycle (1 of 1)

44
(V) Theft of a pedal cycle.
Theft Act 1968 Sec 1(pt).

137/18
(V) Take or ride a pedal cycle without
consent etc.
Theft Act 1968 Sec 12(5) or By-law.

Definition - Legal: Taking or Riding a Pedal Cycle without Authority

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 ...".

Definition - Legal: Theft

Theft Act 1968 Sec 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.

General Rule: One crime for each pedal cycle owner.

Example 1: 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).

Example 2: a pedal cycle is taken without consent and later returned.

One crime of taking without consent (class 44).

Application of the Rule

Entry into a building as a trespasser to steal a pedal cycle is a burglary.

Example 1: A college bike shed (not adjoining a main building) is broken into and three cycles are stolen.

One crime of burglary business and community (class 30C).

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.

Shoplifting

46 [Shoplifting](#)

46 Shoplifting (1 of 3)

46 Theft from shops and stalls.
(V) Theft Act 1968 Sec 1(pt).

Clarification - Recorded Crime: Shop Unit

For the purpose of recording crime, the following should be regarded as shop units:

- a) Individual shops
- b) Individual market stalls
- c) Department stores
- d) Separate branches of a chain

The following should not be counted as shop units:

- e) Departments within a department store
- f) Franchises within a store

Clarification: Theft from a Shop

Theft of any property within a shop, whether or not it is for sale, should be recorded as theft from a shop (class 46).

Definition - Legal: Theft

Theft Act 1968 Sec 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.

46 Shoplifting (2 of 3)

General Rule: One crime for each shop unit.

Example 1: A large shop grants exclusive franchises for individual perfume counters and an offender steals from five of these counters.

One crime (one shop unit) - (class 46).

Example 2: An offender admits to stealing videos from three branches of the same store - the stores confirm the thefts.

Three crimes (class 46).

Application of the Rule

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.

Example 1: 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.

Theft from the non-public areas of a shop or from tills.

Example 1: A person is caught stealing from the staff room of a large store.

One crime of burglary (class 30C).

Example 2: 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 30C).

Example 3: A person takes money from an open till to which members of the public have ready access.

One crime of theft from shop (class 46).

Finished Incident: see also General Rules Section E.

Example 1: 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).

46 Shoplifting (3 of 3)

Principal Crime: see General Rules Section F and Annex C.

If any force is used during a theft, and in order to commit the theft, then one crime of robbery should be counted. The individual circumstances of each incident should be considered to decide when an appropriation has taken place.

Example 1: A shoplifter pushes a shop assistant (causing minor bruising) while placing an item into their jacket from the display in a shop and then runs from the premises without paying.

One crime of robbery (class 34A).

Example 2: A shoplifter places articles into their bag in an aisle and notices the store detective watching them, as the store detective approaches them the shoplifter strikes them and leaves the store without paying.

One crime of robbery (class 34A).

Example 3: A shoplifter has taken articles from a display in the store and hidden them in a bag. The store detective is informed and waits at the exit. The shoplifter goes beyond the tills and when the store detective approaches, punches him in the face causing a black eye and runs out of the shop.

One crime of assault Sec 47 ABH – (class 8N) and one crime of shoplifting (class 46).

Example 4: 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 fraud recorded by Action Fraud.

Example 5: A person approaches a shop till and requests change of a £20 note. They then keep changing their mind and ask for different denominations of change until the staff member becomes confused and hands over too much money.

One crime of fraud NFIB3G recorded by Action Fraud.

Other Theft

- 35** [Blackmail](#)
- 40** [Theft in a Dwelling other than from an Automatic Machine or Meter](#)
- 41** [Theft by an Employee](#)
- 42** [Theft of Mail](#)
- 43** [Dishonest use of Electricity](#)
- 47** [Theft from an Automatic Machine or Meter](#)
- 49** [Other Theft](#)
- 49A** [Theft – Making Off Without Payment](#)

35 Blackmail (1 of 1)

35 Blackmail.
(V) Theft Act 1968 Sec 21.

Definition - Legal: Blackmail

Theft Act 1968 Sec 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 ...".

General Rule: One crime for each specific, intended victim.

Example 1: A person makes demands against three others with menaces.
Three crimes (class 35).

Example 2: An offender sends a letter which amounts to a blackmail to a victim who lives in PFA 'A'. The letter has a postmark. The offender's location cannot be determined from the postmark.

Even on the balance of probabilities it is not clear where the offence has been committed. From a victim care perspective, unless and until the offender location is identified this crime should not be transferred. One crime (class 35) should be recorded by PFA 'A'.

Location of Crimes: see also General Rules Section G.

Example 1: A victim receives by e-mail an unwarranted demand with menaces amounting to blackmail. The matter is reported to the police. The source of the e-mail is unknown.

One crime of blackmail (class 35) where the demand was received.

Principal Crime Example: see also General Rules Section F and Annex C

Where a threat or an unwarranted demand with menaces is connected to anything obtained as a result of hacking, or involves an unwarranted demand made with the threat of computer hacking Class NFIB52E is the principal crime over an offence of Blackmail class 35 unless the victim has complied with the demands made or suffered other direct losses.

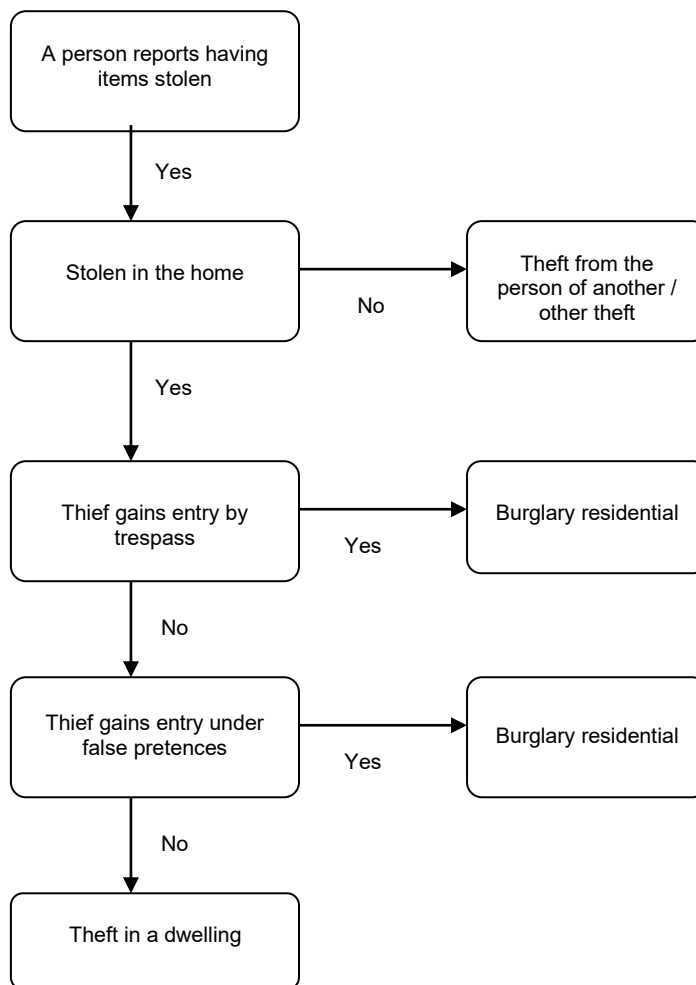
A person reports receiving an e mail with several explicit sexual photographs attached. The e mail states that there are a lot more photographs available that have been copied from his personal computer and that these will be released onto the World Wide Web if £50,000 is not paid immediately to the suspect's bank account. The attached photographs show the file directory of the recipient's home computer from where they were copied. The victim makes no attempt to pay.

One crime Computer Hacking (extortion) (class NFIB52E).

40 Theft in a Dwelling other than from an Automatic Machine or Meter (1 of 2)

40
(V)
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 (2 of 2)

General Rule: One crime for each owner of property stolen.

Example 1: A house is occupied jointly by four tenants one of whom steals possessions from bedrooms of the other three.

Three crimes (class 40).

Application of the Rule

If a person is victim to more than one thief, count separately for each thief acting independently.

Example 1: 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).

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.

Finished Incident: see also General Rules Section E.

Example 1: '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 Annex C.

Example 1: A person reports that a fellow guest at a party has taken his house keys left in a bag and has used them to burgle his house.

One crime of burglary – residential (class 28E).

41 Theft by an Employee (1 of 1)

41 Theft by an employee.
(V) Theft Act 1968 Sec 1(pt).

Clarification - Recorded crime: Theft by an Employee

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.

Definition – Legal: Theft

Theft Act 1968 Sec 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.

General Rule: One crime for each employee or group of employees.

Example 1: A group of employees are caught stealing from their employer and reported to the police.

One crime (class 41).

Example 2: A group of employees steal from their employer on three occasions. The thefts are reported on each occasion they occur.

Three crimes (class 41).

Application of the Rule

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.

Example 1: A cleaner 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).

Finished Incident: see also General Rules Section E.

Example 1: 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).

42 Theft of Mail (1 of 1)

42 Theft of mailbag or postal packet.
(V) Theft Act 1968 Sec 1(pt).

Clarification - Recorded Crime: Theft of Mail

This section should be used for all thefts of letters or parcels which are in the process of being delivered by way of a business; that is from the time they leave the originator to the time they reach the recipient address. With the end of the Post Office monopoly, it now includes all carriers such as DHL, UPS and Fed Ex.

Parcels and packages for this purpose are those that are delivered through the Royal Mail postal service or could be but the sender has opted to use an alternative carrier service. This includes all carriers such as, but not limited to, DHL, UPS, Hermes, DPD etc. All thefts of such letters or packages from the delivery vehicle are to be recorded under this classification and not as a theft from a vehicle.

Definition - Legal: Theft

Theft Act 1968 Sec 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.

General Rule: One crime for each incident of theft of mail bags or postal packets.

- Example 1: Postal packets in transit are stolen from a Post Office van by a non-employee of the Post Office.
One crime (class 42).
- Example 2: Postal packets in transit are stolen from a DHL van by a non-employee of DHL.
One crime (class 42).
- Example 3: 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.
- Example 4: UPS have delivered a parcel for the manager of a service station. The cashier has signed for it and left it on the counter. A customer, paying for petrol has stolen it from the counter.
One crime (class 49 other theft). The parcel has been delivered. It is not in the process of being delivered.

Application of the Rule

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).

- Example 1: Postal packets in transit are stolen by a Post Office employee.
One crime of theft by an employee (class 41).

If there is evidence of an employee of a postal operator interfering with the mail then an offence under class (99/81) interfering with the mail: postal operators (Postal Services Act 2000 sec 83) should be considered.

If the circumstances of the taking amount to a robbery then the crime should be recorded as a robbery (class 34A).

- Example 1: A motorcycle courier is pushed from his motor bike and threatened with a knife whilst the parcels in the pannier are stolen.
One crime of robbery (class 34A).

43 Dishonest use of Electricity (1 of 1)

43 Abstracting electricity.
(V) Theft Act 1968 Sec 13.

Classification: Misuse of Telephone Equipment

Crimes under the Telecommunications Act 1984 and 1997 should be recorded in class 99 - NOT in class 43.

Definition - Legal: Abstracting of Electricity

Theft Act 1968 sec 13

"A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity ...".

General Rule: One crime for each offender or group of offenders.

Example 1: 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).

Example 2: A family on a caravan site reported to the police for abstracting of electricity from a street lamp.

One crime (class 43).

If a person has abstracted electricity from more than one electricity company, count separate crimes for each company.

Example 1: 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).

Principal Crime: see also General Rules Section F and Annex C.

Example 1: An offender steals money from an electricity meter and then by-passes 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).

Crimes Dealt with by Other Agencies: see also General Rules Section I.

Example 1: 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.

Ten crimes of dishonest use of electricity (class 43).

47 Theft from an Automatic Machine or Meter (1 of 3)

47 Theft from automatic machine or
(V) meter.
Theft Act 1968 Sec 1(pt).

Recording Practice: Devices found on ATM machines or handheld chip and pin machines

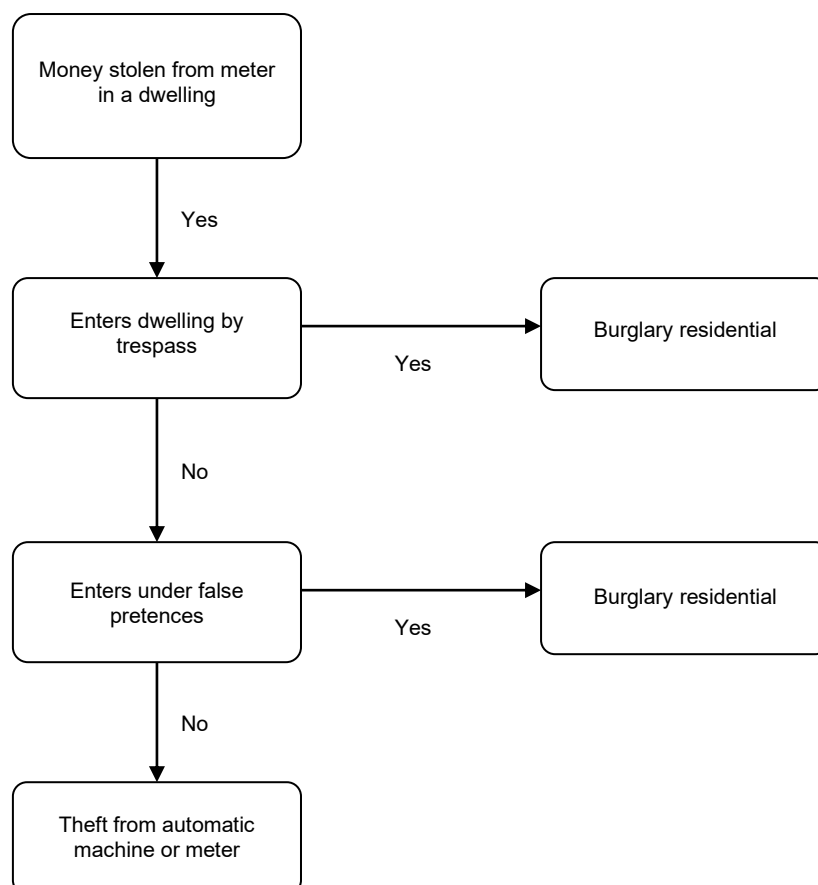
Placing of devices on cash machines or chip and pin machines in order to obtain card details should be recorded as making or supplying article for use in fraud (class 33A).

Recording Practice: Theft from an Automatic Machine or Meter

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.

Theft from an Automatic Machine or Meter: Classification for Recorded Crime



47 Theft from an Automatic Machine or Meter (2 of 3)

General Rule: One crime for each owner of contents stolen.

Examples

- 1: A meter is broken into by someone residing in, or lawfully admitted to, the premises.
One crime (class 47).
- 2: A gas and electricity meter in the same house are broken into by a resident (the gas and electricity are supplied by different companies).
Two crimes (class 47).
- 3: 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 recorded by the police, plus one crime of fraud by false representation recorded by Action Fraud. There is one account defrauded.
- 4: 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 recorded by the police plus one crime of fraud recorded by Action Fraud. There is one account defrauded.
- 5: Cardholder reports to Force A that a fraudulent transaction has occurred at an ATM in Force B. Cardholder is still in possession of his/her card. ('Cloned Card'). Force A advises the account holder to report the matter to his/her Financial Institution (who will deal with the matter) and the person agrees to do so.
It is not necessary to record a crime related incident.

Finished Incident: see General Rules Section E.

- Example 1: 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).
- Example 2: A group of offenders admit to breaking into six parking meters in two local authority areas over a period of a couple of weeks. One local authority had already reported the crimes on its meters. (The meter contents assumed to be the ownership of each local authority).
One crime in addition to the one crime already recorded.

47 Theft from an Automatic Machine or Meter (3 of 3)

Principal Crime: See General Rules Section F and Annex C

Example 1: 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).

If on the schedule of usage there is evidence of false representation and usage from ATM machines then one crime of Fraud by False Representation should be recorded by Action Fraud.

Example 1: A schedule of usage reported by the bank shows a number of ATM withdrawals and fraud by false representation offences committed on this account throughout the different force areas. The fraud is reported to Force C.

One crime of fraud by false representation should be recorded by Action Fraud.

49 Other Theft (1 of 4)

49/10 Theft if not classified elsewhere.
(V) Theft Act 1968 Sec 1(pt).

49/11 Removal of articles from
(V) places open to the public.
Theft Act 1968 Sec 11.

45/11 Theft from vehicle other than a motor
(V) vehicle.
Theft Act 1968 Sec 1 (pt).

49/12 Theft of conveyance other than a motor
(V) or pedal cycle.
Theft Act 1968 Sec 1(pt).

130/2 Unauthorised taking of conveyance
(V) other than a motor vehicle or pedal cycle.
(does not include being found with a
conveyance that has already been stolen).
Theft Act 1968 Sec12(pt) as amended
by Criminal Justice Act 1988 Sec 37.

Definition - Legal: Conveyance

Theft Act 1968 Sec 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; ...".

Definition - Legal: Motor vehicle

A "motor vehicle" is a mechanically propelled vehicle made intended or adapted for use on roads.

It should also satisfy the test as to whether or not a reasonable person would say that one of the vehicle's uses would be some general use on the road.

49 Other Theft (2 of 4)

General Rule: One crime for each owner of goods stolen.

Examples

- 1: 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).

- 2: Milk money left outside five houses is stolen.

Five crimes (class 49).

- 3: A group of people go into back gardens, going over fences, stealing ladders, etc.

One crime (class 49/10) for each garden stolen from (assuming the householder is the owner of the goods stolen).

- 4: A person, or group of persons, steals from outside a stockyard on several occasions at intervals of a few days. All crimes reported at the same time.

One crime (class 49).

- 5: Mrs 'X' selects two dresses in a department store. One is twice the price of the other. She goes to the fitting room to try them on. In the fitting room she swaps the pricing labels over, leaves the cheap dress behind and approaches the till and attempts to pay the cheap price for the expensive dress. The sales staff realise what she has done and Police are called.

One crime (class NFIB3G) recorded by Action Fraud.

- 6: Two sailing boats (not used as residences) on a harbour mooring are entered and navigation equipment is stolen from both (separate owners).

Two crimes (class 49).

- 7: A company accidentally pays BACS payments for expenses twice on the same day to an employee. He notices the error but decides to spend the money and not tell his employer. The employer reports the matter to Police when they discover the double payment and the employee has failed to repay the money when requested to do so.

One crime (class 49).

- 8: A company accidentally makes a credit payment to the wrong bank account, they are unable to reverse the payment or contact the beneficiary account holder. The company report the matter to Police.

Register the incident and deal with in accordance with NSIR.

ii) As above, but the company subsequently contact the beneficiary account holder who refuses to return the money.

One crime (class 49).

49 Other Theft (3 of 4)

Theft from the structure of non owner occupied property: Where property is stolen from the structure of a non owner occupied property, i.e. lead from the roof or outside copper piping, the resident(s) should be considered as the victim for the purposes of this section. If the property is vacant, then the landlord is the victim.

Example 1: Lead is stripped from the roof of ten council houses in one street over night. Six of the properties have tenants residing in them and four are vacant.

Seven crimes (class 49). The victims are the six tenants and the council for the remaining four vacant properties.

Offences of theft from an aircraft committed in England and Wales should be recorded as class 49/10 - General Rule J applies.

Conveyance includes boats.

Example 1: A motor boat is stolen from a harbour mooring.
One crime (class 49).

Thefts of Plastic Cards or Cheques Resulting in Fraudulent Use

In all cases Police to record the theft of the item (s) and Action Fraud to record any subsequent fraudulent use.

Example 1: A stolen benefit cheque issued by the DSS is cashed at a post office.

One crime (class 49) recorded by Police and one crime of fraud recorded by Action Fraud.

Example 2: A stolen credit card is used to obtain goods from five separate shops.

One crime (class 49) recorded by Police and one crime of fraud recorded by Action Fraud.

49 Other Theft (4 of 4)

Finished Incident: see also General Rules Section E.

Example 1: A hospital porter admits stealing from 20 patients' lockers on different occasions. Crimes reported to the police for the first time.

Twenty crimes (class 49).

Example 2: 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 care and control of another person's possessions should be considered as the owner of those possessions for the purpose of crime recording.

Example 1: In a hospital, items are stolen from a patient's locker belonging to the patient and a friend.

One crime (class 49).

Thefts of personal property from public transport where the public have access, should be classified as other theft (class 49) rather than theft from a vehicle (class 45). Thefts from public transport from areas to which the public do not have access i.e. drivers cabs, locked luggage compartments etc, should be classified as theft from vehicles (class 45).

Example 1: A man leaves a wallet on a bus. It is not found later and on balance of probabilities is considered to have been stolen.

One crime (class 49).

49A Theft – Making Off Without Payment (1 of 3)

53/25 Making off without payment.
(V) Theft Act 1978 Sec 3.

Definition - Legal: Making off without payment

Theft Act 1978 Sec 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."

Recording Practice: Making off without Payment (MOWP)

Where a victim or their representative reports a making off without payment from a garage forecourt, the incident will be recorded in accordance with the basic principle of NCRS. Recording should not be delayed to allow the matter to be fully investigated nor should it be treated as purely a civil matter. The fact that a making off occurred will usually be sufficient to require the recording of a crime unless there is credible evidence to show the act was an innocent mistake. Where a suspect returns and pays prior to any police interaction this is sufficient AVI to support the removal (cancellation) of the crime and no further information is required. However, the fact a person pays up only because of police interaction will not necessarily and by itself constitute AVI to determine that it was a mistake.

Clarification:

1. A garage reports a driver has obtained fuel at the pump and driven off without making any attempt to pay. There is no credible evidence available at the time of the report to show that this was a mistake.

One crime class 49A

1A Before the Police take any action the garage reports the driver, realising their error, has returned and paid.

The previously recorded crime may be removed (cancelled) under the provisions of Section C HOCR – there is no requirement to obtain statements of other formal confirmation from either the garage or the driver.

2. The Police send a letter to the registered keeper of the vehicle. Following this the garage reports the debt has been paid.

This does not by itself constitute AVI to cancel the previously recorded crime.

3. The Police visit the registered keeper. The address and details of the keeper are known to the Police for other matters. The keeper claims it was a mistake and says they will pay.

This does not by itself constitute AVI to cancel the previously recorded crime.

3A The garage then reports that the same keeper has in fact returned and paid.

This does not by itself constitute AVI to cancel the previously recorded crime.

4. The Police visit the registered keeper, who has no previous history of dishonesty. The registered keeper confirms that they were the driver at the time of the incident and explain that this was a genuine mistake on their part. They return to the garage and pay for the fuel. From enquiries made the officers are completely satisfied that a genuine error has occurred and provide a clear and justified rationale which amounts to AVI. When contacted the original complainant (or representative) confirms that they are satisfied that a genuine error was made.

The FCR may consider all these facts and acting as final arbiter may then cancel the previously recorded crime. For this offence the suspect has to 'make off' otherwise a Fraud by False Representation offence should be recorded by Action Fraud.

49A Theft – Making Off Without Payment (2 of 3)

General Rule: One crime for each making off

Examples

- 1: A garage reports that a car has filled up with petrol and driven off without paying for the petrol.

One crime (class 49A).

- i) No credible evidence is immediately available to show that this was an innocent mistake.

One crime (class 49A).

- ii) On contacting the car owner police discover that, realising their mistake, they have already returned to pay after realising their mistake.

This is sufficient AVI to cancel the offence.

- iii) On contacting the car owner they now return to the forecourt to pay for their petrol.

This does not constitute sufficient AVI by itself to cancel the offence.

- 2: A fuel retailer reports that a car has filled up with fuel and driven off without paying for the fuel.

- (i) No further details are available

One crime (class 49A).

- (ii) Enquiries reveal that registration plates on the car have been covered or tampered with to avoid identification or are 'false plates' from another vehicle.

One crime for Theft (class 49) – on the balance of probabilities the intent to steal was present before fuel was drawn.

- (i) Before driving off, the customer enters the shop and declares they have forgotten their wallet and have no means to pay. Their details are obtained, with a proviso that they must return and pay within a set time period.

No crime should be recorded at this time.

- (a) Enquiries reveal that the data given is false.

One crime (class NFIB3G) recorded by Action Fraud.

- (b) No payment is made within the agreed time limit.

This remains a civil debt unless information is received to show that information given is false or there is intelligence to suggest repeat offending or other information to suggest that on the balance of probabilities they had no intention to pay, as the 'dishonesty' element required for fraud is not met.

- 3: Father enters a restaurant with his family, and orders a meal without any intention or means to pay for that meal. He states that he has no means of paying when the bill is presented.

One crime (class 49 – 49/10).

49A Theft – Making Off Without Payment (3 of 3)

Principal Crime Example: See also General Rules Section F and Annex C.

A garage reports that a man drove up and filled his car with petrol. He then had a cup of coffee in the shop and went up to the cashier to pay for the coffee. The cashier asked him if he wished to pay for the petrol now as well. He replied that he had not filled up with petrol. The cashier indicated his car at the pump and again was told that no petrol had been taken for the car. He paid for the coffee and drove off. When the assistant looked at the CCTV it was clear that £35 of petrol had been placed in the vehicle.

One crime (class NFIB3G) recorded by Action Fraud. This should be recorded as a false representation and not making off without payment.

Maximum Offence Table: Theft

Maximum sentence - Theft						
14 years	7 years	5 years	2 years	6 months	3 months	Fine
35	39-44	43	53/25	130/02	126	137/18
	45/11	49/11				
	46-47					
	49/10					
	49/12					

Arson and Criminal Damage

Classification Rules and Guidance

Arson

Criminal Damage

Arson and Criminal Damage

Classification Rules and Guidance (1 of 3)

Definition - Legal: Causing Explosions - with Intent to Endanger Life or Property

Explosive Substances Act 1883 Secs 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, ...".

Clarification - Endangering Life

'Endangering life' does not require an attempt to kill, and there is no requirement for any actual injury. It is sufficient that life was endangered. If there was an attempt to kill then an offence under attempted murder (class 2) should be considered.

The offence also covers damage to your own property.

Definition - Legal: Destroying or Damaging Property

Criminal Damage Act 1971 Sec 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."

Clarification: Non-permanent Criminal Damage

If the damage is easily rectified and non-permanent, i.e. it can be cleaned off or removed at no cost and with little effort, record an incident and deal with in accordance with NSIR but do not record a crime.

For examples see class 58A

Arson and Criminal Damage Classification Rules and Guidance (2 of 3)

Definition - Legal: Racially or Religiously Aggravated

Crime & Disorder Act 1998 Sec 28 (added 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."

Definition - Legal: Racially or Religiously Aggravated Criminal Damage

Crime and Disorder Act 1998 Sec 30 (added 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 ...".

Recording Practice: Racially or Religiously Aggravated Criminal Damage

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**.

Clarification - Jointly Owned Property

Any damage caused to jointly owned property by one of the joint owners should be recorded as a crime. For examples see class 58D Counting Rules page

Coverage - Legal: Miscellaneous Criminal Damage

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.

Arson and Criminal Damage

Classification Rules and Guidance (3 of 3)

Classification: Residential Criminal Damage

The classification of residential criminal damage includes all buildings or parts of buildings that are within the boundary of, or form a part of, a dwelling and includes the dwelling itself, vacant dwellings, sheds, garages, outhouses, summer houses and any other structure that meets the definition of a building. It also includes other premises used for residential purposes such as houseboats, residential care homes and hostels. Where an outbuilding **within such a boundary but not forming part of the residential building**, such as a garage or workshop is used solely for business purposes this should be recorded as criminal damage to a building – business and community. Where both a residential house and an outbuilding used for business purposes (**belonging to the same victim**) are subject of criminal damage at the same time, then only the residential criminal damage is to be recorded.

All buildings which are not on a plot of land where a residential building stands and which are not used for Business and Community use will be classified with the Residential groups

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

All buildings which are not on a plot of land where a residential building stands and which are not used for Business and Community use will be classified with the Residential groups.

Classification: Criminal Damage to a Building Business and Community

The classification of criminal damage to a building business and community includes all buildings or parts of buildings that are used **solely and exclusively for business purposes** or are otherwise entirely outside the classification of residential criminal damage such as a place of worship. Where an outbuilding is **within the boundary of a residence, but not forming part of the residential building**, such as a garage or workshop and is used solely for business purposes this should be recorded as criminal damage to a building – business and community. Where both a residential house and an outbuilding are used for business purposes (**belonging to the same victim**) are subject of criminal damage at the same time then only the residential criminal damage should be recorded.

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

Arson

56A [Arson Endangering Life](#)

56B [Arson not Endangering Life](#)

56A Arson Endangering Life (1 of 1)

56/1 Arson endangering life.
(V) Criminal Damage Act 1971 Sec 1(pt).

General Rule: One crime for each specific, intended owner of property damaged where life endangered.

Examples:

1. Vandals set light to a ground floor flat. The smoke and fire affect the two flats above and the fire brigade have to rescue six people living in these flats;

(i) Only the ground floor flat is damaged.

One crime (class 56A).

(ii) All of the flats are damaged by fire.

One crime (class 56A).
2. A youth sends a lit rocket firework through a letter box of a house. The sparks from the launch set fire to the hall and stair carpets. The rocket explodes on a bed in the back bedroom setting fire to the bedding. The couple asleep in the bed wake up and leave the house in a state of shock.

One crime (class 56A).

Application of the Rule

Where a residence is involved, the householder will be treated as the owner.

- Example 1: A property developer sets fire to a block of three flats, intending all the flats are damaged by fire so that the residents will be re-housed by the council into his new development which he has struggled to sell. The occupant of the top flat has to be rescued from the flat. All the flats are damaged.

Three crimes (class 56A).

Principal Crime: see also General Rules Section F & Annex C.

- Example 1: Two people die in a fire deliberately set.

Two crimes of homicide.
- Example 2: An offender deliberately sets light to a house intending to kill the woman occupant. She is rescued by the fire brigade with minor burns.

One crime of attempted murder (class 2).

56B Arson not Endangering Life (1 of 2)

56/2 Arson not endangering life
(V) Criminal Damage Act 1971 Sec 1(pt).

General Rule: One crime for each specific, intended owner of property damaged.

Examples:

1. Five fires are set around one building.
One crime (class 56B).
2. A fire set in one building spreads to an adjacent one (under different ownership).
One crime (class 56B).
3. 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 56B).

Application of the Rule

Vehicles should be counted separately, if separately owned.

Example 1: Three cars parked in a street are individually set on fire.

- (i) All three have different owners.
Three crimes (class 56B).
- (ii) All three have the same registered owner.
One crime (class 56B)

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.

Example 1: 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 (class 48) (Whilst this is **not** the principal crime over arson, in these circumstances class 48 should be recorded).
- (ii) The owner did not report the theft before the vehicle was found.
One crime of theft (class 48) (Whilst this is **not** the principal crime over arson, in these circumstances class 48 should be recorded) .
- (iii) As (i) or (ii) but there is evidence that the arson was committed by someone unconnected with the theft.
One crime of theft (class 48) and one crime of arson (class 56B).

56B Arson not Endangering Life (2 of 2)

Principal Crime: see also General Rules Section F & Annex C.

Example 1: Two people die in a fire deliberately set.

Two crimes of homicide.

Example 2: An offender burgles a property and sets fire to it before leaving.

One crime of arson not endangering life (class 56B).

Recording Practice: Arson Not Endangering Life

HOCR is victim based. However, strict application of this rule and the general rule for this section “**One crime for each specific, intended owner of property damaged**” can create a perverse situation in arson cases where the intended victim can not be found, but other victims of the offence can. Where other victims are found, then one crime should be recorded under class 56B.

Examples:

1. A car has been abandoned in a car park by its owner, after stripping out the interior, removing the engine and number plates. Local youths set fire to this car which spreads to two cars parked next to it. All three cars are destroyed and police are unable to locate the owner of the abandoned car following extensive enquiries. Police have full details of the other two owners.

One crime of arson not endangering life (class 56B).

2. Youths set fire to a fence at the bottom of a derelict house. The fire spreads and destroys the fence of the two neighbouring inhabited properties. Despite extensive enquiries the owner of the property where the original seat of fire can not be found.

One crime of arson not endangering life (class 56B).

3. An offender sees an ideal opportunity to get back at his neighbours by setting fire to an abandoned car. His neighbour's cars are parked both sides of the abandoned car and he knows that the fire will spread to both of them. All three cars are destroyed and police are unable to trace the owner of the abandoned car.

Two crimes of arson not endangering life (class 56B).

Criminal Damage

- 58A** [Criminal Damage - Residential](#)
- 58B** [Criminal Damage to a Building –
Business and Community](#)
- 58C** [Criminal Damage to a Vehicle](#)
- 58D** [Other Criminal Damage](#)
- 58J** [Racially or Religiously Aggravated Criminal
Damage](#)

58A Criminal Damage Residential (1 of 3)

57(pt)
(V) Criminal damage to a residence endangering life.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act 1971 Sec 1(2).

149(pt)
(V) Other criminal damage to a residence.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act 1971 Sec 1(1).

58(pt)
(V) Other criminal damage to a residence
Criminal Damage Act 1971 Sec 1(1).
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).

General Rule: One crime for each household whose residence is damaged.

Examples:

1. 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).
2. A group of offenders damage five houses on their way home from a party.

Five crimes (class 58A).
3. Vandals damage three flats in a block.

Three crimes (class 58A).
4. A man enters the flat of his ex-girlfriend as a trespasser, taking with him a spray can with the intention of spraying graffiti on the bedroom walls. He is apprehended prior to causing the damage but fully admits his intention to cause damage.

One crime (class 28E).
5. A man enters the flat of his ex-girlfriend as a trespasser. He places graffiti on the bedroom walls using items found inside the premises. He is apprehended on leaving the building and admits to causing the damage.

One crime (class 58A).
6. Sprayed graffiti is left all over a shed in the back of a residential property.

One crime (Class 58A)

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 the balance of probabilities, attempted burglary is considered to be the more likely offence than the criminal damage.

Example 1: The lock to a front door has been damaged. Attempted burglary is considered more likely than criminal damage.

One crime of attempted burglary residential (class 28F).

Example 2: 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 residential (class 28F).

58A Criminal Damage Residential (2 of 3)

Application of the Rule

If the residence is damaged by more than one person, count separately for each offender acting independently.

Example 1: 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).

Non-permanent damage: If the damage is easily rectified and non-permanent, i.e. it can be cleaned off or removed at no cost and with little effort, record an incident and deal with in accordance with NSIR but do not record a crime.

Example 1: A person throws an egg at a house window. There is no damage and the window is easily cleaned with water and a cloth.

Register an incident and deal with in accordance with NSIR.

Example 2: Eggs are thrown at a house and by the time they are discovered they have soaked into the brickwork and need to be jet-washed off.

One crime (class 58A). This is not easily rectified.

Criminal Damage to Non Owner Occupied Property:

A tenant of a home owned by a Registered Social Landlord (RSL) or a private landlord reports criminal damage to the fabric of his/her home:

Examples:

1. Police investigate the incident at the time of reporting and establish that there is verifiable information to show that this is a false report in order to get free repairs to accidental damage.

Register the incident and deal with in accordance with NSIR (recognising that in addition this may also be dealt with as a crime).

2. Police investigate the incident at the time of reporting and consider that this is a genuine report of crime.

One crime (class 58A).

3. Police do not have sufficient resources to investigate the incident.

One crime (class 58A).

4. Having recorded a crime, police are informed by the RSL, Local Authority or landlord that their investigation has found additional verifiable information to show that no crime has been committed.

The recorded crime (class 58A) can be cancelled under Section C of General Rules.

5. Overnight vandals have ripped the wheels and lids of the wheelie bins belonging to five council properties.

Five crimes (class 58D). The household is the victim.

58A Criminal Damage Residential (3 of 3)

Principal Crime: see also General Rules Section F & Annex C.

Examples:

1. 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 assault with intent to cause serious harm (class 5D).
2. Criminal damage occurs in the course of an aggravated burglary in a residence.

One crime of aggravated burglary residential (class 29A).
3. An offender enters the premises of ex-girlfriend, commits common assault and damages girlfriend's property to the value of £20. Offender also causes serious damage to the fabric of the building to a value in excess of £5000, which is council property.

One crime (class 58A) as the maximum penalty for this offence where value is over £5000 is 10 years on indictment. Although the council owns the building the girlfriend is the householder.
4. An offender enters the premises of ex-girlfriend, commits common assault and damages girlfriend's property to the value of £20.

One crime (class 105A).

58B Criminal Damage to a Building – Business and Community (1 of 2)

57(pt)
(V) Criminal damage to a building – business and community endangering life.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act 1971 Sec 1(2).

149(pt)
(V) Other criminal damage to a building business and community.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act 1971 Sec 1(1).

58(pt)
(V) Other criminal damage to a building business and community.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act Sec 1 (1).

General Rule: One crime for each owner of property damaged.

Example 1: A person damages five units on an industrial estate.

Five crimes (class 58B).

Example 2: Five of a party of hotel guests acting together are reported to the police for vandalising their hotel rooms.

One crime (class 58B).

Application of the Rule

If a building is damaged more than once, count crimes separately only for each offender acting independently.

Example 1: A warehouse is damaged by a group of five people.

One crime (class 58B).

Example 2: 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.

Example 1: 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 business and community (class 30C).

Example 1: A person vandalises the office units of three separate companies in the same block.

Three crimes (class 58B).

Example 2: A group of offenders daub slogans on the windows of five branches of the same chain.

Five crimes (class 58B).

58B Criminal Damage to a Building – Business and Community (2 of 2)

Whether to record: see also General Rules Section A.

Example 1: An anonymous caller reports persons spraying graffiti on the wall of a non-domestic building.

- (i) Follow up enquiries by the police fail to locate the owner and the police find no grounds to suggest recently sprayed graffiti.

Register the incident and deal with in accordance with NSIR.

- (ii) The police find recently sprayed racist or religious graffiti, with no one present at the scene but subsequent enquiries fail to locate the owner of the building.

One crime under the most appropriate classification to be recorded.

- (iii) The owner of the building confirms the damage, but does not want the matter taken further.

One crime of criminal damage (class 58B).

Finished Incident: see also General Rules Section E.

Example 1: An offender admits to the police that he has damaged the same warehouse on four separate occasions.

- (i) Each incident separately reported.

Four crimes (class 58B).

- (ii) Only the first one previously reported.

Two crimes (class 58B).

- (iii) None of the incidents previously reported.

One crime (class 58B).

Principal Crime: see also General Rules Section F & Annex C.

Example 1: Criminal damage occurs in the course of an aggravated burglary in a building that is used for business or community purposes.

One crime of aggravated burglary business and community (class 31A).

58C Criminal Damage to a Vehicle (1 of 1)

57(pt)
(V) 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).

149(pt)
(V) Other criminal damage to a vehicle.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act 1971 Sec 1(1).

58(pt)
(V) Other criminal damage to a vehicle.
Explosive Substances Act 1883 Sec 2(pt).
Explosive Substances Act 1883 Sec 3(pt).
Criminal Damage Act 1971 Sec 1(1).

General Rule: One crime for each owner of vehicle damaged.

1. Two motor vehicles owned by separate persons were damaged by each party on a tit for tat basis. Two crimes (class 58C).
2. Three cars belonging to the same car company are damaged on the forecourt of the car showroom. One crime (class 58C).
3. Three separately owned cars parked in a street are damaged. Three crimes (class 58C).
4. 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).
5. A car has its front windscreen smashed. There are no grounds for believing this was an attempt to get into the vehicle as the windscreen has been made of toughened glass and none of the side windows had been broken. One crime of criminal damage (class 58C).

Application of the Rule (see also vehicle interference rules regarding damage to doors.)

Example 1: A liquid is thrown at a car whilst parked in a driveway.

- (i) The liquid is easily washed off.
Register an incident and deal with in accordance with NSIR (as per the rules for non-permanent damage – Classification Rules and Guidance (1 of 2)).
- (ii) The liquid stains the car and the stain needs to be removed and there is cost incurred.
One crime of criminal damage to a vehicle (class 58C).

Example 2: The owner of a motor vehicle finds graffiti on the boot of his car. He is able to remove this after five minutes with T cut and a cloth that he had in his garage.
One crime of criminal damage to a vehicle (class 58C). This is not little effort.

Secure Compounds

Damage to several vehicles in a secure compound should be counted as one crime per separately owned vehicle if the compound owner does not make good the damage/losses incurred.

Example 1: Offenders break into a secure compound and smash the wing mirrors on six privately owned vehicles parked there. The owner of the compound refuses to pay for the damage.
Six crimes of criminal damage to a vehicle (class 58C).

Principal Crime: see also General Rules Section F & Annex C.

Example 1: A company reports having a warehouse burgled and several of its vans damaged.

- (i) The vans were in the warehouse.
One crime of burglary - business and community (class 30C).
- (ii) The vans were parked outside.
One crime of burglary – business and community (class 30C).

58D Other Criminal Damage (1 of 1)

57(pt) (V)	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.	149(pt) (V)	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).
58(pt) (V)	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).		

General Rule: One crime for each owner of property damaged.

Examples:

1. A person damages three statues, belonging to the same corporation, in a city centre.
One crime (class 58D).
2. A person pours paint into a post box.
One crime (class 58D).
3. A woman reports to police that her husband has damaged their jointly owned television during a domestic argument.
One crime (class 58D)
4. A man temporarily estranged from his partner returns to their home and damages property owned by his partner, as well as some property owned by a third party staying in the home.
Two crimes (class 58D).
5. A company report to police that overnight vandals have painted graffiti on four of their interactive kiosks.
One crime (class 58D) unless there is evidence that the crimes were committed separately by different offenders.

Whether to Record: see also General Rules Section A.

Example 1: An anonymous caller reports a bus shelter being vandalised.

- (i) The police find the shelter recently damaged and report it to the bus company who have already examined it and believe it to have been accidentally caused.
Register the incident and deal with in accordance with NSIR.
- (ii) The police find no grounds to suggest recent damage.
Register the incident and deal with in accordance with NSIR.
- (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).

58J Racially or Religiously Aggravated Criminal Damage (1 of 1)

58/4 Racially or religiously aggravated criminal damage.
(V) Crime & Disorder Act 1998 Sec 30(1) (2)
added by Anti-terrorism, Crime & Security Act 2001 Sec 39

General Rule: One crime for each household/property owner whose residence is damaged.

Example 1: Vandals inflict racially or religiously aggravated damage to three flats in a block.
Three crimes (class 58J).

Application of the Rule: Residential

If the residence is damaged by more than one person, count separately for each offender acting independently.

Example 1: 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 58J).

Criminal damage to a residence should be classified as burglary residential if, on the balance of probabilities, attempted burglary is considered the more likely offence than the criminal damage.

Application of the Rule: Other Buildings

If a building is damaged more than once, count crimes separately only for each offender acting independently.

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 business and community (class 30C).

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.

Finished Incident: see also General Rules Section E.

Example 1: An offender admits to the police that he has inflicted racially or religiously aggravated damage on the same warehouse on four separate occasions.

- | | |
|--|--|
| (i) Each incident separately reported.
Four crimes (class 58J). | (ii) Only first one previously reported.
Two crimes (class 58J) |
| (iii) No incidents previously reported.
One crime (class 58J) | |

Whether to Record: see also General Rules Section A.

Example 1: An anonymous caller reports recently sprayed racist or religious graffiti on the wall on a non-domestic building.

- (i) Follow up enquiries by the police fail to locate the owner and the police find no grounds to suggest recently sprayed graffiti.
Register the incident and deal with in accordance with NSIR.
- (ii) The police find recently sprayed graffiti but subsequent enquiries fail to locate the owner of the building.
One crime under the most appropriate classification to be recorded. Amended July 2019.
- (iii) The owner of the building confirms the damage, but does not want the matter taken further.
One crime of criminal damage (class 58J).

Maximum Offence Table: Arson and Criminal Damage

Maximum Sentence - Arson and Criminal Damage				
	Life	14 years	6 months	
	56/1	58/4	149	
	56/2			
	57*			
	58*			
* Maximum sentence varies depending on which Act is used				

Drug Offences

Trafficking in Controlled Drugs

Possession of Drugs

Trafficking in Controlled Drugs

92A [Trafficking in Controlled Drugs](#)

92A Trafficking in Controlled Drugs (1 of 5)

77/50 (S)	Manufacturing a scheduled substance. Criminal Justice (International Co-operation) Act 1990 Sec 12.	92/16 (S)	Concerned in the fraudulent evasion of a prohibition on the importation of a controlled drug – khat Customs and Excise Management Act 1979 Sec 170 (2) (3), (4) and sch 1.
77/51 (S)	Supplying a scheduled substance to another person. Criminal Justice (International Co-operation) Act 1990 Sec 12.	92/2, 6-8 (S)	Unlawful exportation of a drug controlled under the Misuse of Drugs Act 1971. Customs and Excise Management Act 1979 Secs 68(pt), 170(pt).
77/52 (S)	Failure to comply with regulations made by the Secretary of State as regards documentation, record keeping, labeling etc. Criminal Justice (International Co-operation) Act 1990 Sec 13.	92/10-15, 19,20-23 25,27-29, 93/55, 57-60, 62 (S)	Production or being concerned in production of a controlled drug (see table below for detail of individual offence classification). Misuse of Drugs Act 1971 Sec 4 (2).
77/53-55, 59, 65 (S)	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 77/65 – subject to temporary drug order Criminal Justice (International Co-operation) Act 1990 Sec 19.	92/30-35, 39-43, 45,47-49, 93/61, 63-66,68 (S)	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).
77/56-58, 60, 66 (S)	Carrying or concealing on a ship a controlled drug intended for trafficking: 77/56 – class A drug 77/57 - class B drug 77/58 - class C drug 77/60 - class unspecified 77/66 - khat Criminal Justice (International Co-operation) Act 1990 Sec 19.	92/37 (S)	Import a drug subject of a temporary class order with intent to evade a prohibition/restriction. Customs and Excise Act 1979 Sec 170 (1) (b) & (3) & (4) Sch 1 para 1 as added by Police Reform and Social Responsibility Act 2011 Sch 17 para 21.
77/61 (S)	Operator failing to comply with requirements imposed by Article 3 of Community Regulation (EC) No 273/2004. Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008 Reg 7.	92/38 (S)	Export a drug subject of a temporary class order with intent to evade a prohibition/restriction. Customs and Excise Act 1979 Sec 170 (1) (b) & (3) & (4) Sch 1 para 1 as added by Police Reform and Social Responsibility Act 2011 Sch 17 para 21.
77/62 (S)	Operator who fails to comply with requirements imposed by regulation 6 - EXPORTS Controlled Drugs (Drug Precursors) Community External Trade) Regulations 2008 Reg 6(5).	92/70-75, 79-83, 85,87-89, 93/73, 75-78 80 (S)	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).
77/63 (S)	Operator who fails to comply with requirements imposed by regulation 7- IMPORTS. Controlled Drugs (Drug Precursors) Community External Trade) Regulations 2008 Reg 6(5).	92/90, 91-93 (S)	Incite another to supply a class A , B or C or unspecified controlled drug. Misuse of Drugs Act 1971 Sec 19.
77/64 (S)	Operator who fails to comply with requirements imposed by Article 6 or 7 of Council Regulation (EC) No 111/2005 - licensing and registration of operators. Controlled Drugs (Drug Precursors) Community External Trade) Regulations 2008 Reg 8	Temporary Class Drug Order	
92/1, 3-5 17 (S)	Unlawful importation of a drug controlled under the Misuse of Drugs Act 1971: 92/1 - unknown class of drug 92/3 - class A drug 92/4 - class B drug 92/5 - class C drug 92/17 - khat Customs and Excise Management Act 1979 Secs 50(pt), 170(pt).	93/85 (S)	Produce or being concerned in the production of a drug subject of a temporary class drug order. Misuse of Drugs Act 1971 Sec 2 (A) & 25 (2B) as added by Police Reform and Social Responsibility Act 2011 Sch 17.
		93/86 (S)	Supply or being concerned in the supply of a drug subject of a temporary class drug order. Misuse of Drugs Act 1971 Sec 2 (A) & 25 (2B) as added by Police Reform and Social Responsibility Act 2011 Sch 17.
		93/88 (S)	Possess with intent to supply a drug subject of a temporary class drug order. Misuse of Drugs Act 1971 Sec 2 (A) 5 (3) & 25 (2B) as added by Police Reform and Social Responsibility Act 2011 Sch 17.
		93/89 (S)	Obstructing a PC in exercise of a Sec 23A (6) power to detain or search a person, vehicle or vessel regarding a drug the subject of a temporary class drug order. Misuse of Drugs Act 1971 Sec 23 A (6) & 25 (3A) as added by Police Reform and Social Responsibility Act 2011.

92A Trafficking in Controlled Drugs (2 of 5)

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	
A	Main Code	92A	92A	92D 92E	92A	92C	92A	92A	92A	
	Cocaine	92/10 (S)	92/30 (S)	92/50 (S)	92/70 (S)	93/10 (S)	77/53 (S)	77/56 (S)	92/3 (S)	92/6 (S)
	Heroin	92/11 (S)	92/31 (S)	92/51 (S)	92/71 (S)	93/11(S)				
	LSD	92/12 (S)	92/32 (S)	92/52 (S)	92/72 (S)	93/12 (S)				
	MDMA	92/13 (S)	92/33 (S)	92/53 (S)	92/73 (S)	93/13 (S)				
	Crack	92/14 (S)	92/34 (S)	92/54 (S)	92/74 (S)	93/14 (S)				
	Methadone	92/15 (S)	92/35 (S)	92/55 (S)	92/75 (S)	93/15 (S)				
	Other	92/19 (S)	92/39 (S)	92/59 (S)	92/79 (S)	93/19 (S)				
	Crystal Meths	93/55 (S)	93/61 (S)	93/67 (S)	93/73 (S)	93/79 (S)				
B	Amphet-Amine	92/20 (S)	92/40 (S)	92/60 (S)	92/80 (S)	93/20 (S)	77/54 (S)	77/57 (S)	92/4 (S)	92/7 (S)
	Other****	92/25 (S)	92/45 (S)	92/65 (S)	92/85 (S)	93/25 (S)				
	Cannabis	92/21 (S)	92/41 (S)	92/61 (S)	92/81 (S)	93/21 (S)				
	Synthetic cannabinoid receptor agonists	92/22 (S)	92/42 (S)	92/62 (S)	92/82 (S)	93/22 (S)				
	Ketamine	93/60 (S)	93/66 (S)	93/72 (S)	93/78 (S)	93/84 (S)				
	Mephedrone including cathinone derivatives** *	92/23 (S)	92/43 (S)	92/63 (S)	92/83 (S)	93/23 (S)				
C	Anabolic Steroids	92/27 (S)	92/47 (S)	92/67* (S)	92/87 (S)	93/27 (S)	77/55 (S)	77/58 (S)	92/5 (S)	92/8 (S)
	Piperazines (including BZP)	93/57 (S)	93/64 (S)	93/70 (S)	93/76 (S)	93/82 (S)				
	Other	92/28 (S)	92/48 (S)	92/68 (S)	92/88 (S)	93/28 (S)				
	Khat	93/62 (S)	93/68 (S)	93/74 (S)	93/80 (S)	93/90 (S)	77/66 (S)	77/60 (S)	92/17	92/18
Unspecified		92/29 (S)	92/49 (S)	92/69 (S)	92/89 (S)	93/29 (S)	77/59 (S)		92/1 (S)	92/2 (S)

* It is only legal to possess, or import/export anabolic steroids if they are intended for self administration and are in the form of a medicinal product. **For permitting premises to be used read in conjunction with the legal definition under 92C other drug offences.

*** Includes naphyrone **** GHB, GBL and 1,4-BD reclassified to Class B from 13 April 2022 – record offences under ‘Other Class B’ codes.

92A Trafficking in Controlled Drugs (3 of 5)

Crime Recording Codes for GHB, GBL and 1,4 Butanediol (1,4-BD) before 13 April 2022

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	92D 92E	92A	92C	92A	92A	92A	
C	GHB	93/59 (S)	93/65 (S)	93/71 (S)	93/77 (S)	93/83 (S)	77/55	77/58	92/5	92/8
	Gamma-butyrolactone and 1,4-butanediol	93/58 (S)	93/63 (S)	93/69 (S)	93/75 (S)	93/81(S)				

. **For permitting premises to be used read in conjunction with the legal definition under 92C other drug offences

Please note that from 13 April 2022, GHB, GBL and 1,4-BD will be reclassified to class B drugs. After this date please record under the class B other codes in the table in Trafficking in Controlled Drugs (2 of 5).

Money Laundering

Money laundering that relates to drug trafficking should be coded under class 38 codes 38/1-8. There is no longer specific codes for money laundering that is linked to drug trafficking.

Legal: Controlled Drugs

Misuse of Drugs Act 1971 Sch 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.

Legal: Scheduled Substances

Criminal Justice (International Co-operation) Act 1990 Sch 2

Scheduled substances are listed in Schedule 2 of this Act as substances useful for manufacturing controlled drugs.

Definition - Legal: Drug trafficking

Drug Trafficking Act 1994 Sec 1

Section 1 of this Act defines drug trafficking offences by listing all the offences that are included in HO class 92A.

Definition - Legal: Manufacture or Supply of a Scheduled Substance

Criminal Justice (International co-operation) Act 1990 Sec 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."

Definition - Legal: Ships used for illicit Traffic

Criminal Justice (International Co-operation) act 1990 Sec 19

"(1) This Section applies to a British ship, a ship registered in a State ... party to the Vienna Convention and Ships not registered in any country or territory."

92A Trafficking in Controlled Drugs (4 of 5)

General Rule: One crime for each offender or group of offenders.

Example 1: Three men caught manufacturing a controlled drug together.

One crime (class 92A).

Example 2: One person detained in possession of various class A, B and C controlled drugs with intent to supply.

One crime (class 92A).

Example 3: A police operation results in the apprehension of three separate groups of drug pushers.

Three crimes (class 92A).

Example 4: A person is reported by a neighbour to possess various controlled drugs and for producing cannabis plants, all for personal use and police enquiries confirm this.

One crime of production of cannabis (class 92A).

Example 5: An offender is caught producing cannabis in a hydroponics system. In addition he has used illegally abstracted electricity to supply the hydroponics system.

One crime of production of cannabis (class 92A) and one crime of dishonest use of electricity (class 43).

Example 6: Police execute a search warrant on a house that turns out to be unoccupied. It is evident that cannabis production is being carried out on the premises. Enquiries to establish the occupiers of the premises have confirmed false details have been used to gain the tenancy of the house hence there are no identified suspects.

One crime of production of cannabis plant (class 92A).

Example 7: During a covert police operation, an offender supplies drugs to an undercover police officer on three separate occasions.

Three crimes of trafficking (class 92A). The general principle is one crime per offender or group of offenders per incident of supply.

Example 8: A gang are caught trafficking drugs and are found to have committed money laundering offences linked to drug trafficking.

One crime of trafficking (class 92A) and one crime of money laundering (class 38).

92A Trafficking in Controlled Drugs (5 of 5)

Application of the Rule

As drug trafficking is a victimless crime, it should be counted in addition to crimes with a victim.

Example 1: A person supplies drugs to a user and commits ABH on him for not paying.

One crime of assault with injury (class 8N – dependent on injuries), one crime of trafficking (class 92A) and one crime of possession (class 92D or 92E) by the user. (The possession is assumed, and is counted additionally).

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. physically witnessed in surveillance operations), should be counted.

Example 1: 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).

Example 2: An offender caught supplying a controlled drug. A search of his home yields facilities for producing the controlled drug.

One crime of trafficking (class 92A).

Example 3: During a police operation an offender is supplying drugs on three separate occasions.

Three crimes of trafficking (class 92A).

Possession of Drugs

92C [Other Drug Offences](#)

92D [Possession of Controlled Drugs
\(excluding Cannabis\)](#)

92E [Possession of Controlled Drugs \(Cannabis\)](#)

92C Other Drug Offences (1 of 3)

93/10-15, 19-23, 25,27-29 79, 81-84 90 (S)	Permitting premises to be used for unlawful purposes (see class 92A classification page for offence detail). Misuse of Drugs Act 1971 Sec 8.	93/44 (S)	Possess a psychoactive substance with intent to supply. Psychoactive Substances Act 2016 Sec 7.
93/30 (S)	Obstructing powers of search etc. or concealing drugs etc. Misuse of Drugs Act 1971 Sec 23(4).	93/45 (S)	Import a psychoactive substance. Psychoactive Substances Act 2016 Sec 8 (1).
93/40 (S)	(i) Offences relating to opium. Misuse of Drugs Act 1971 Sec 9.	93/46 (S)	Export a psychoactive substance. Psychoactive Substances Act 2016 Sec 8 (2).
93/40	(iii) Contravention of directions relating to safe custody of controlled drugs. Misuse of Drugs Act 1971 Sec 11(2).	93/47 (S)	Possess a psychoactive substance in a custodial institution. Psychoactive Substances Act 2016 Sec 9 (1).
93/40 (S)	(vi) Doctors or pharmacists providing false information about the prescriptions, supply etc. of drugs. Misuse of Drugs Act 1971 Sec 17(4).	93/48 (S)	Fail to comply with a prohibition / premises order re psychoactive substances. Psychoactive Substances Act 2016 Sec 26 (1).
93/40 (S)	(vii) Offences against Misuse of Drugs Regulations etc. Misuse of Drugs Act 1971 Sec 18.	93/87 (S)	Permit the use of premises for the supply or production of a drug subject of a temporary class drug order. Misuse of Drugs Act 1971 Sec 2 (A)8 (b) & 25 (2B) as added by Police Reform and Social Responsibility Act 2011 Sch 17.
93/40 (S)	(viii) Assisting in or inducing commission of drug offence outside United Kingdom. Misuse of Drugs Act 1971 Sec 20.	193/11 (S)	Failure to comply with notice requiring information relating to prescribing, supply etc. of drugs. Misuse of Drugs Act 1971 Sec 17(3)
93/40 (S)	Contravention of directions prohibiting prescribing, possessing, supply etc. of controlled drugs by practitioners or pharmacists: (iv) Class A, B drugs (v) Class C drugs Misuse of Drugs Act 1971 Sec 12(6),13(3).	193/46 (S)	Supply etc. of articles for administering or preparing controlled drugs. Misuse of Drugs Act 1971 Sec 9A.
93/41 (S)	Produce a psychoactive substance. Psychoactive Substances Act 2016 Sec 4 (1).		
93/42 (S)	Supply a psychoactive substance. Psychoactive Substances Act 2016 Sec 5 (1).		
93/43 (S)	Offer to supply a psychoactive substance. Psychoactive Substances Act 2016 Sec 5 (2).		

92C Other Drug Offences (2 of 3)

Definition - Legal: Occupiers of Premises to be Punishable for Permitting Certain Activities to Take Place There

Misuse of Drugs Act 1971 Sec 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."

Definition - Legal: Offence of Supply of Intoxicating Substance

Intoxicating Substances (Supply) Act 1985 Sec 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 (3 of 3)

General Rule: One crime for each offender or group of offenders.

Application of the Rule

Example 1: A property owner is found to have permitted five of his premises to have been used for drug trafficking.

One crime (class 92C).

Example 2: 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).

Example 3: A person is reported to have supplied materials to a group specifically for the preparation of controlled drugs.

One crime (class 92C).

Finished Incident: see also General Rules Section E.

Example 1: 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).

Principal Crime: see also General Rules Section F and Annex C.

All class 92C crimes, except offences 93/30, 193/11 and 193/46, take precedence over possession (class 92D and 92E).

Example 1: 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 (class 92C). (Permitting premises to be used).

92D Possession of Controlled Drugs (excluding Cannabis) (1 of 4)

Please Note: Offences of possession of cannabis should be recorded under classification 92e.

92/50-55 Having possession of a controlled drug
59-60,62,63 (see table below for detail of individual offence
65,67*-69 classifications).
93/67, *Misuse of Drugs Act 1971 Sec 5(2).*
69-72,74
(S)

Reclassification of GHB, GBL and 1, 4 Butanediol

Please Note: GHB, GBL and 1,4 Butanediol have been reclassified to class B from Class C drugs with effect from 13 April 2022. The new crime recording codes for these drugs can be found in the tables in 92D Possession of Controlled Drugs (excluding Cannabis) (2 of 4) or 92A Trafficking in Controlled Drugs (2 of 5). The old codes for these drugs prior to 13 April 2022 can be found in the table at 92A Trafficking in Controlled Drugs (3 of 5).

92D Possession of Controlled Drugs (excluding Cannabis) (2 of 4)

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	
A	Main Code	92A	92A	92D 92E	92A	92C	92A	92A	92A	92A
	Cocaine	92/10 (S)	92/30 (S)	92/50 (S)	92/70 (S)	93/10 (S)	77/53 (S)	77/56 (S)	92/3 (S)	92/6 (S)
	Heroin	92/11 (S)	92/31 (S)	92/51 (S)	92/71 (S)	93/11(S)				
	LSD	92/12 (S)	92/32 (S)	92/52 (S)	92/72 (S)	93/12 (S)				
	MDMA	92/13 (S)	92/33 (S)	92/53 (S)	92/73 (S)	93/13 (S)				
	Crack	92/14 (S)	92/34 (S)	92/54 (S)	92/74 (S)	93/14 (S)				
	Methadone	92/15 (S)	92/35 (S)	92/55 (S)	92/75 (S)	93/15 (S)				
	Other	92/19 (S)	92/39 (S)	92/59 (S)	92/79 (S)	93/19 (S)				
	Crystal Meths	93/55 (S)	93/61 (S)	93/67 (S)	93/73 (S)	93/79 (S)				
B	Amphet-amine	92/20 (S)	92/40 (S)	92/60 (S)	92/80 (S)	93/20 (S)	77/54 (S)	77/57 (S)	92/4 (S)	92/7 (S)
	Other****	92/25 (S)	92/45 (S)	92/65 (S)	92/85 (S)	93/25 (S)				
	Cannabis	92/21 (S)	92/41 (S)	92/61 (S)	92/81 (S)	93/21 (S)				
	Synthetic cannabinoid receptor agonists	92/22 (S)	92/42 (S)	92/62 (S)	92/82 (S)	93/22 (S)				
	Ketamine	93/60 (S)	93/66 (S)	93/72 (S)	93/78 (S)	93/84 (S)				
	Mephedrone including cathinone derivatives** *	92/23 (S)	92/43 (S)	92/63 (S)	92/83 (S)	93/23 (S)				
C	Anabolic Steroids	92/27 (S)	92/47 (S)	92/67* (S)	92/87 (S)	93/27 (S)	77/55 (S)	77/58 (S)	92/5 (S)	92/8 (S)
	Piperazines (including BZP)	93/57 (S)	93/64 (S)	93/70 (S)	93/76 (S)	93/82 (S)				
	Other	92/28 (S)	92/48 (S)	92/68 (S)	92/88 (S)	93/28 (S)				
	Khat	93/62 (S)	93/68 (S)	93/74 (S)	93/80 (S)	93/90 (S)	77/66 (S)		92/17	92/18
Unspecified		92/29 (S)	92/49 (S)	92/69 (S)	92/89 (S)	93/29 (S)	77/59 (S)	77/60 (S)	92/1 (S)	92/2 (S)

* It is only legal to possess, or import/export anabolic steroids if they are intended for self administration and are in the form of a medicinal product. **For permitting premises to be used read in conjunction with the legal definition under 92C other drug offences.

*** Includes naphyrone **** GHB, GBL and 1,4-BD reclassified to Class B from 13 April 2022 – record offences under ‘Other Class B’ codes.

92D Possession of Controlled Drugs (excluding Cannabis) (3 of 4)

General Rule: One crime for each offender.

- Example 1: A group of four youths picked up by the police, and each found to be in possession of a controlled drug (not cannabis).
Four crimes (class 92D).
- Example 2: A person is searched by the police and found to be in possession of various class A, B and C drugs (including cannabis). There is no evidence of intent to supply.
One crime of possession (class 92D). (Do not count an additional offence of possession of cannabis).
- Example 3: A quantity of drugs are found in the street and handed in to the police. There are no indications as to where they came from or how they got there.
Register an incident in accordance with NSIR but do not record crime.
- Example 4: A quantity of drugs are seen to be thrown out of a passing vehicle into a hedge. A passer-by witnesses this and retrieves the drugs, handing them into the police. The details of the vehicle are unknown. The quantity of the drugs are found to be cocaine and in sufficient quantity to suggest that if found on a person then an offences of possession with intent to supply would be made out.
Register an incident in accordance with NSIR but do not record a crime.
- Example 5: Drugs are found in premises during a search. The drugs cannot be attributed to any of the occupants.
Register an incident in accordance with NSIR but do not record a crime.
- Example 6: Drugs are found in a vehicle during a search. The drugs cannot be attributed to any of the occupants.
Register an incident in accordance with NSIR but do not record a crime.

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).

- Example 1: A person is reported in possession of a class B drug (not cannabis), some time after being cautioned for the same crime.
One crime of possession (class 92D) in addition to the original one.
- Example 2: A person admits buying controlled drugs (not cannabis) many times for his own personal use, but this is the first time the police have been aware of it.
One crime (class 92D).

92D Possession of Controlled Drugs (excluding Cannabis) (4 of 4)

Finished Incident: (Continued)

Example 3: 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 92D) 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.

Example 4: A person is apprehended for assaulting someone in the street, and found to be in possession of a controlled drug (not cannabis).

Record two crimes. One of either assault with intent to cause serious harm (class 5D) or assault with injury (class 8N) depending on the level of injury and intent of the offender **and** one of possession (class 92D).

Example 5: 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.

Field Testing Drugs Possession Only

Where persons are arrested in possession of what police believe to be controlled drugs the drug type should be confirmed by either laboratory testing or by using one of the Home Office approved field testing methods.

However, in the event that the police decide that taking into account the full circumstances laboratory analysis or field testing is not justified then the crime to be recorded will be possession of the controlled drug based on the admission of the suspect.

Example 1: A person is arrested in possession of what police believe to be ecstasy; the offender admits that substance is ecstasy. The police decide that laboratory analysis to determine the precise nature of the drug is not justified.

One crime of possession of controlled drugs (class 92/53).

Example 2: A person is arrested in possession of what police believe to be cannabis and the offender admits it to be cannabis. The police decide that field testing or laboratory analysis to determine the exact nature of the drug is not justified.

One crime of possession of controlled drugs (class 92/61).

92E Possession of Controlled Drugs (Cannabis) (1 of 2)

Please note: Offences of possession of controlled drugs other than cannabis should be recorded under classification 92d

92/61 Having possession of cannabis.
(S) Misuse of Drugs Act 1971 Sec 5(2).

92E Possession of Controlled Drugs (Cannabis) (2 of 2)

General Rule: One crime for each offender.

Example 1: A group of four youths picked up by the police, and each found to be in possession of cannabis.

Four crimes of possession (class 92E).

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).

Example 1: A person is reported in possession of cannabis some time after being cautioned for the same crime.

One crime of possession (class 92E) in addition to the original one.

Example 2: A person is caught in possession of cannabis. He then admits buying cannabis many times for his own personal use, but this is the first time the police have been aware of it.

One crime of possession (class 92E).

Example 3: A person is apprehended for a burglary, and is found to be in possession of cannabis.

(i) The cannabis 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 possession (class 92E) in addition to the burglary.

(ii) The cannabis is established as being one of the items stolen in the burglary.

One crime of burglary only.

Example 4: A person is apprehended for assaulting someone in the street, and found to be in possession of cannabis. The victim sustained a black eye.

Two crimes. One of assault with injury (class 8N) and one of possession (class 92E).

Principal Crime:

Where persons are found in possession of various drugs of different classes then only record the most serious class of drug found.

Where persons are found in possession of more than one type of class B drug including cannabis, then the cannabis possession under class 92E will be the principal crime.

Example 1: A person is stopped and found to be in possession of cannabis and amphetamines.

One crime of possession (class 92E).

Example 2: A person is stopped and found to be in possession of cocaine and cannabis.

One crime of possession (class 92D).

Maximum Offence Table: Drug Offences

Maximum Sentence - Drug Offences								
Life	19 years	15 years	14 years	7 years	5 years	2 years	6 months	Fine
77/53, 56, 59, 60	93/19	93/15	77/50-51	92/50-55, 59	77/55, 58	77/52	193/46	193/11
92/1-3, 6			77/54, 57, 65, 66	92/69	92/60-63,65	77/61-64		
92/10-15, 19			92/4-5, 7, 8	93/67		92/67-68		
92/29-35, 39			92/16-18, 20-23, 25, 27, 28, 37, 38	93/41-46		93/30, 69-72,74, 89		
92/49			92/40-43, 45, 47, 48			93/47-48		
92/70-75, 79			92/80-83, 85, 87, 88					
92/89, 90			92/91-92					
93/55, 61, 73			93/10-14					
92/93			93/20-23, 25, 27-29,					
			93/57-59, 60,62 63-66,68					
			93/75-79,80 81-88, 90					
93/40 - Depends on class of drug and Act, the maximum ranges from 2 to 14 years								

Public Order Offences

- 9A** [Public Fear, Alarm or Distress](#)
- 9B** [Racially or Religiously Aggravated Public Fear, Alarm or Distress](#)
- 62A** [Violent Disorder](#)
- 66** [Other Offences against the State or Public Order](#)

9A Public Fear, Alarm or Distress (1 of 3)

Classification 9A excludes harassment offences under 8L.

125/9
(V) Causing intentional harassment,
alarm or distress.
Public Order Act 1986 Sec 4A.

125/11
(V) Fear or provocation of violence.
Public Order Act 1986 Sec 4.

125/12
(S) Harassment, alarm or distress.
Public Order Act 1986 Sec 5.

Clarification: Harassment, Alarm or Distress

Public Order Act 1986 Sec 5

Where an identified victim **other than a police officer** confirms that they have been subject to harassment, alarm or distress (Sec 5), and there is no credible evidence to the contrary, a crime will be recorded. Where police officers find offenders committing this offence and they issue a warning and the behaviour stops and no further action is taken by the officers and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

Where officers in response to such behaviour implement a local diversionary scheme (e.g. 'red' and 'yellow' card initiative) but no further action is taken and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

Definition – Legal: Harassment, Alarm or Distress

Public Order Act 1986 Sec 4

"A person is guilty of an offence if he:

(a) uses towards another person threatening, abusive or insulting words or behaviour, or

(b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,

with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

Public Order Act 1986 Sec 4A

"A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he:

(a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or

(b) displays any writing, sign or other visible representation which is threatening, abusive or insulting,

thereby causing that or another person, harassment, alarm or distress."

Public Order Act 1986 Sec 5

"A person is guilty of an offence if he:

(a) uses threatening or abusive words or behaviour, or disorderly behaviour, or

(b) displays any writing, sign or other visible representation which is threatening or abusive,

within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby."

9A Public Fear, Alarm or Distress (2 of 3)

Classification 9A excludes harassment offences under 8L.

General Rule: One crime for each specific intended victim.

(Where there is no specific intended victim, count only one crime).

Example 1: An elderly person has a group of youths outside her house swearing and shouting. She goes out and asks the youths to move away, but she receives abuse which distresses her and the police are called.

One crime (class 9A).

Application of the Rule

A Police Officer has the right to question anyone when investigating an incident, however that person has no duty to respond and no offence is committed if they fail to do so, indeed the caution before questioning about an offence reminds them that they do not have to say anything. Case law, including DPP v Orum and Southard v DPP should be considered. Some language, whilst unpleasant often forms part of day-to-day speech and the use of swear words or offensive gestures, without any aggravating factors does not constitute a notifiable offence, particularly when the only parties present are members of the Police Force.

Example 1: A report of a disturbance is made via CCTV, which is over upon arrival. Whilst making reasonable enquiries, the investigating officer approaches a bystander, who swears at the officer. The officer advises the person about his language and is again sworn at. The officer is annoyed and/or irritated by the person's behaviour.

This is not a crime, unless accompanied by aggravating factors as the mere use of swear words towards the officer does not constitute a notifiable offence.

Example 2: A report of a disturbance is made via CCTV, which is over upon arrival. Whilst making reasonable enquiries, the investigating officer approaches one of several bystanders, who swears at the officer. The officer advises the person about his language and is again sworn at and there is evidence that other persons present were harassed, alarmed or distressed by the disorderly behaviour or it is **likely** that persons present would be, having regard to the time, place and circumstances of the incident.

An offence under class 9A may be a consideration. Any aggravating factors or how it was determined that the **likelihood** of harassment, alarm or distress being caused and the description or details of such persons should be recorded in auditable form.

Example 3: An officer is conducting a lawful search of a person on the street and whilst doing so, is verbally abused by the detainee, but there are no aggravating factors and no other offences revealed.

This is not a notifiable crime, unless accompanied by aggravating factors as the mere use of swear words does not constitute a notifiable offence.

Example 4: An officer is conducting a lawful search of a person on the street and whilst trying to do so, is verbally abused by an associate of the detainee, to the extent where he feels threatened by the language and conduct of the associate and is impeded in the search.

An offence under class 9A may be considered, if the conduct was such that an offence of 'Obstructing a Constable' (non-notifiable) is not the most appropriate offence.

9A Public Fear, Alarm or Distress (3 of 3)

Whether to record: see also General Rules Section A and coverage box on class 8L classification page.

Example 1: Man urinating in a public place. Although apparent that this is what he is doing, he is off a main thoroughfare, his penis is not visible and there are no aggravating factors, irrespective of the fact that passing members of the public may see him if they look in his direction.

This does not constitute an offence under the Public Order Act and should be dealt with in accordance with other relevant legislation.

Principal Crime: see also General Rules Section F

Where an offender is in the possession of an offensive weapon or an article with a blade or point and uses that weapon to make threats then an offence under 10C or 10D should be recorded provided the weapon has not been used in the commission of another notifiable offence.

Example 1: A man confronts youths outside his house swearing and shouting. He asks the youths to move along, but they pull out knuckle dusters and threaten him. The man runs back inside his house and calls the police.

One crime (class 10C).

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress (1 of 2)

Classification 8M excludes offences under 9B.

8/55 (V)	(Racially or religiously aggravated (intentional harassment, alarm or distress. Crime & Disorder Act 1998 Sec 31(1)(b) and (4) as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39).	125/82 (S)	(Racially or religiously aggravated (harassment, alarm or distress. Crime & Disorder Act 1998 Sec31(1)(c) (4) (added to by Anti-terrorism, Crime and Disorder Act 2001 Sec 39).
66/91 (V)	(Racially or religiously aggravated fear or (provocation of violence Crime & Disorder Act 1998 Sec 31(1)(a) (4) (added by Anti-terrorism, Crime and Disorder Act 2001 Sec 39).		

Definition – Legal: Harassment, Alarm or Distress

Public Order Act 1986 Sec 4, 4A and 5.

See box on class 9A classification page.

Definition – Legal: Racially or Religiously Aggravated Harassment

Crime and Disorder Act Secs 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."

Section 31(1) does not require a course of conduct to exist.

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress (2 of 2)

Definition – Legal: Racially or religiously aggravated

Crime & Disorder Act 1998 Sec 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.”

Classification 8M excludes offences under 9B.

General Rule: One crime for each specific intended victim.

(where there is no specific intended victim, count only one crime).

62A Violent Disorder (1 of 3)

This offence classification includes the following old classifications:

- 62** **Treason**
- 63** **Treason felony**
- 64** **Riot**
- 65** **Violent Disorder**

62 (S)	Treason. Treason Acts 1351-1814.	64/1 (S)	Riot. Public Order Act 1986 Sec 1.
62 (S)	Attempting to injure or alarm the sovereign. Treason Act 1842 Sec 2.	65 (S)	Violent disorder. Public Order Act 1986 Sec 2.
63 (S)	Treason felony. Treason Felony Act 1848.		

Definition - Legal: Treason

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.”

Definition - Legal: Treason Felony

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 obedience of Her Majesty ... and such compassings, imaginations, inventions, devices or intentions by any overt act or deed, ... ”.

Legislation: Other Treason

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, Section 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.

62A Violent Disorder (2 of 3)

Definition - Legal: Riot

Public Order Act 1986 Sec 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 ...".

Definition - Legal: Violent disorder

Public Order Act 1986 Sec 2

- (1) "Where three 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 three 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 ...".

62A Violent Disorder (3 of 3)

General Rules:

**Treason /
Treason Felony** **One crime for each offender.**

**Riot /
Violent disorder** **One crime for each incident of riot or violent disorder.**

Examples

- 1: Fifteen people act in a riotous manner on one occasion.
 One crime of violent disorder (class 62A).
- 2: Six people act in a riotous manner on one occasion.
 One crime of violent disorder (class 62A).
- 3: Two people act in a riotous manner on one occasion.
 One crime of affray (class 66).
- 4: A group of over 12 people act in a riotous manner on three separate occasions.
 Three crimes of violent disorder (class 62A).

Application of the Rule: Riot and Violent Disorder

Injuries in a Riot or Violent Disorder: Where crimes of violence against the person are connected with either a riot or violent disorder, count them in addition to the crime of riot or violent disorder.

- Example 1: Two people suffer intentional GBH, and 10 others ABH, in the course of a riot.
 One crime of violent disorder (class 62A), two crimes of wounding (class 5D), and 10 crimes of assault with injury (class 8N).
- Example 2: Five people suffer intentional GBH, and three ABH, in the course of a violent disorder.
 One crime of violent disorder (class 62A), five crimes of wounding (class 5D), and three crimes of assault with injury (class 8N).

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 or public order (1 of 8)

66/1 (S)	Affray. Public Order Act 1986 Sec 3.
66/2 (S)	Contempt of Court. Common Law.
66/3 (S)	Placing or dispatching articles to cause a bomb hoax. Criminal Law Act 1977 Sec 51.
66/4 (S)	Communicating false information alleging presence of bomb. Criminal Law Act 1977 Sec 51.
66/5 (S)	Admitting football spectators to unlicensed premises. Football Spectators Act 1989 Sec 9.
66/6 (S)	Threats of attack on United Nations workers. United Nations Personnel Act 1997 Secs 2, 3.
66/7 (S)	Triable-either-way offences. Terrorist Asset-Freezing etc. Act 2010 Secs 11-14 or 18 & 32 (1).
66/11 (S)	Prohibition of disclosures – national security. Anti-terrorism, Crime and Security Act 2001 Sec 79(3).
66/12 (S)	Prohibition of disclosures – uranium enrichment technology. Anti-terrorism, Crime and Security Act 2001 Sec 80(3).
66/13 (S)	Failure to disclose knowledge gained in the course of business. Terrorism Act 2000 Sec 21A (added by Anti-terrorism, Crime and Security Act 2001 Sch. 2 Part 3).
66/14 (S)	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 (S)	Hoaxes involving noxious substances or things. Anti-terrorism, Crime and Security Act 2001 Sec 114.
66/17,18 (S)	Offences relating to notification. Sexual Offences Act 2003 Sec 91.
66/21 (S)	Committing or conspiring to commit, an act outraging public decency. Common Law.

66/22 Public Nuisance.
(S) Common Law.

Acts Intended to Stir up Racial Hatred.

66/23 (S)	Use of words or behaviour or display or written material. Public Order Act 1986 Sec 18. Cannot proceed without consent of Attorney General.
66/24 (S)	Publishing or distributing written material. Public Order Act 1986 Sec 19. Cannot proceed without consent of Attorney General.
66/25 (S)	Public performance of play. Public Order Act 1986 Sec 20. Cannot proceed without consent of Attorney General.
66/26 (S)	Distributing, showing or playing a recording. Public Order Act 1986 Sec 21. Cannot proceed without consent of Attorney General.
66/27 (S)	Broadcasting or including programme in programming service. Public Order Act 1986 Sec 22. Cannot proceed without consent of Attorney General.
66/28 (S)	Possession of racially inflammatory material. Public Order Act 1986 Sec 23. Cannot proceed without consent of Attorney General.
66/29 (S)	Unauthorised use of uniforms; falsification of reports, forgery, personation, and false documents. Interfering with officers of the police or members of His Majesty's forces. Duty of giving information as to commission of offences. Official Secrets Act 1920 Sec 1, 3 & 6.
66/30 (S)	Commit act prejudicial to safety or interest of the State. Official Secrets Act 1911 Sec 1.
66/31 (S)	Knowingly harbouring spy. Official Secrets Act 1911 Sec 7.
66/32 (S)	Serving member/Former member of Security or Intelligence Services disclosing information relating to security or intelligence. Person notified as subject to security or intelligence provisions unlawfully disclosing secret. Official Secrets Act 1989 Sec 1 (1) (a) & (b).
66/33 (S)	Former or current Crown Servant/Government Contractor making damaging disclosure relating to security or intelligence. Official Secrets Act 1989 Sec 1(3).
66/34 (S)	Former or current Crown Servant/Government Contractor making damaging disclosure relating to defence matter. Official Secrets Act 1989 Sec 2(1).

66 Other offences against the State or public order (2 of 8)

66/35 Former or current Crown Servant/ Government Contractor making damaging disclosure of confidential matter from Foreign State or relating to international relations.
Official Secrets Act 1989 Sec 3(1) (a) & (b).

66/36 Former or current Crown Servant/Government Contractor disclosing information resulting in commission of offence/facilitating escape from custody/facilitating act prejudicial to safekeeping of person in custody/ impeding prevention/detection of offence, apprehension/prosecution of suspected offender etc.
Official Secrets Act 1989 Sec 4(1).

66/37 Making damaging disclosure of protected information or disclosing information gained in contravention of s1 of Official Secrets Act 1911.
Official Secrets Act 1989 Sec 5(2) & (6).

66/38 Breach of a Restraining Order issued on acquittal.
Protection from Harassment Act 1997 SS 5A(2) & 5(5) & (6).

66/39 Breach of non-molestation order.
Family Law Act 1996 Sec 42A (added by Domestic Violence, Crime and Victims Act 2004 Sec 1).

66/42 Interference with contractual relationships so as to harm animal research organisation.
Serious Organised Crime & Police Act 2005 Sec 145

66/43 Intimidation of persons connected with animal research organisations.
Serious Organised Crime & Police Act 2005 Sec 146

66/44 Compelling by threatening to destroy or damage ship or sea platform or property used in navigation.
Aviation and Maritime Security Act 1990 Sec 13.

66/45 Use of words or behaviour or display of written material (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29B as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/46 Publishing or distributing written material (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29C as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/47 Public performance of a play (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29D as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/48 Distributing, showing or playing a recording (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29E as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/49 Provider of programme broadcasting or including programme in programme service (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29F(1)(2)(a) as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/50 Producer or director of programme broadcasting or including programme in programme service (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29F(1)(2)(b) as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/51 Person using offending words or behaviour broadcasting or including programme in programme service (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29F(1)(2)(c) as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/52 Possession of inflammatory material (Acts intended to stir up religious hatred/sexual hatred).
Public Order Act 1986 Sec 29G as added by Racial and Religious Hatred Act 2006.

Cannot proceed without consent of Attorney General

66/53 Publish/cause another to publish a statement intending to or recklessly encouraging terrorism.
Terrorism Act 2006 Sec 1.

66/54 Distribute/circulate a terrorist publication.
Terrorism Act 2006 Sec 2(2)(a) & 11.

66/55 Give/sell/lend/offer for sale/offer for loan a terrorist publication.
Terrorism Act 2006 Sec 2(2)(b)(c) & 11.

66/56 Provide service re reading/listening to a terrorist publication.
Terrorism Act 2006 Sec 2(2)(d) & 11.

66/57 Transmit contents of a terrorist publication.
Terrorism Act 2006 Sec 2(2)(e) & 11.

66/58 Possess terrorist publication with view to distribution/sale/loan/read/listen to/seen etc.
Terrorism Act 2006 Sec 2(2)(f) & 11.

66 Other offences against the State or public order (3 of 8)

66/59 (S)	Engaging in conduct, or assisting another, in preparation of committing an act of terrorism Terrorism Act 2006 Sec 5.	66/81 (S)	Make a statement/furnish a document/ information which is false in a material particular to obtain a Treasury licence. Terrorism (UN Measures) Order 2006 S.11(5)&13(2).
66/60 (S)	Provide instruction/training for terrorism. Terrorism Act 2006 Sec 6(1)(5).	66/82 (S)	Gives false information or documents or destroys, mutilates, etc. documents. Terrorism (UN Measures) Order 2006 S.13(2) Sch.1 Parts 4(b)(d).
66/61 (S)	Receive instruction/training for terrorism. Terrorism Act 2006 6(2)(5).	66/83 (S)	Notify false information to police in purported compliance with Sec 108, 109, 110 or reg's under Sec 111. Criminal Justice and Immigration Act 2008 Sec 113(3) & (6).
66/62 (S)	Attend any place in UK/elsewhere for instruction /training in terrorism. Terrorism Act 2006 Sec 8.	66/84 (S)	Fail to comply with prohibition/restriction contained in a violent offender order/interim order. Criminal Justice and Immigration Act 2008 Sec 113(1) & (6).
66/64 (S)	Possess radioactive material with intent to use it in commission/ preparation for terrorism. Terrorism Act 2006 Sec 9(1)(b)3.	66/85 (S)	Fail to comply with notification requirements of Sec 108(1). Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).
66/65 (S)	Use radioactive device/material in the course of/in connection with commission/purposes of terrorism. Terrorism Act 2006 Sec 10(1)(3).	66/86 (S)	Fail to comply with requirements re notification of changes under Sec 109(1) or 6(b). Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).
66/66 (S)	In course of/in connection with commission /purposes of terrorism use/damage nuclear facility to cause release/ask of release of radioactive material. Terrorism Act 2006 Sec 10(2)(3).	66/87 (S)	Fail to comply with requirements of periodic notifications under Sec 110(1). Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).
66/67 (S)	Terrorist making demand relating to devices/ materials/facilities. Terrorism Act 2006 Sec 11(1).	66/88 (S)	Fail to permit the taking of fingerprints and/or photographs as required by Sec 112(4). Criminal Justice and Immigration Act 2008 Sec 113(2)(a) & (6).
66/68 (S)	Terrorist making threat to use radioactive device/material. Terrorism Act 2006 Sec 11(2).	66/89 (S)	Making damaging disclosure of information entrusted to other State or organisation. Official Secrets Act 1989 Sec 6(2).
66/69 (S)	Make/possess radioactive device with intent with intent to use it in commission/ preparation for terrorism. Terrorism Act 2006 Sec 9(1)(a)3	66/90 (S)	Fail to comply with any regulation made under Sec 111. Criminal Justice and Immigration Act 2008 Sec 113(2)(b) & (6).
66/77 (S)	Disclose without lawful authority confidential information provided by the Treasury. Terrorism (UN Measures) Order 2006 Sec 6(5) & 13(2).	66/92 (S)	Offences in relation to notification requirements. Counter-Terrorism Act 2008 Sec 54.
66/78 (S)	Not under authority of a licence dealt with funds/economic resources belonging to/owned/held by an Article 7(2) person. Terrorism (UN Measures) Order 2006 Sec 7(3) & 13(1).	66/93 (S)	Breach of foreign travel restriction order. Counter-Terrorism Act 2008 Sch. 5 Para 15.
66/79 (S)	Make funds/economic resources/financial services available directly to/indirectly to/for the benefit of Article 7(2) person. Terrorism (UN Measures) Order 2006 Sec 8(3) & 13(1).	66/94 (S)	Failure to comply with a Serious Crime Prevention Order. Serious Crime Act 2007 Sec 25.
66/80 (S)	Participate in activity object/effect to circumvent Article 7(1)/8(1) prohibition enable/facilitate Article 7/8 offence. Terrorism (UN Measures) Order 2006 Sec 1 .	66/95 (S)	Disclosing information which can be used to gain access to protected information. Official Secrets Act 1989 Sec 8 (6).
		66/96 (S)	Contravene a measure specified in a Terrorism Prevention and Investigation Measures Order. Terrorism Prevention and Investigation Measures Act 2011 S23

66 Other offences against the State or public order (4 of 8)

66/97 (S)	Breach a forced marriage protection order. Family Law Act 1996 Sec 63A	68/5 (S)	Corrupt/improper exercise of police powers and privileges by a constable. Criminal Justice and Courts Act 2015 Sec 26 (1) & (2).
66/98 (S)	Breach of a Criminal behaviour order. Sentencing Act 2020 Sec 339 (1) (2)	68/6 (S)	Care provider fail to comply with a remedial / publicity order. Criminal Justice and Courts Act 2015 Sec 23 (7)
Record any breach of ASBO record as a breach of a CBO – code 66/98			
66/99 (S)	Causing disaffection among the police. Police Act 1996 Sec 91. Police Act 1997 Secs 43, 87.	68/7 (S)	Breach a sexual risk order / risk of sexual harm order etc or fail to comply with requirement under Sec 122 C (4) in relation to a sexual risk order. Sexual Offences Act 2003 Sec 122 H (1) and (3).
66/99 (S)	Public order offences in relation to terrorism. Terrorism Act 2000 Secs 11, 12, 15-19, 22, 39, 54 and 56-59.	68/8 (S)	Breach SHPO / interim SHPO / SOPO / interim SOPO/ Foreign travel order or fail to comply with a requirement under Sec 103 D (4) in relation to a SHPO. Sexual Offences Act 2003 Act Sec 103I.
66/99 (S)	Failure to disclose knowledge or suspicion of offences. N Ireland (Emergency Provisions) Act 1991 Sec 54A	68/8 (S)	Breach Sexual Harm Prevention Order (SHPO) Sentencing Act 2020 Sec 354 (1) (4)
66/99 (S)	Public order acts (not elsewhere specified) against Channel Tunnel. Channel Tunnel (Security) Order 1994 Articles 11,13(8),14(9),15(9),16(8), 23(1)(3),28,32(1a).	68/9 (S)	Returns to UK in contravention of a temporary exclusion order. Counter Terrorism and Security Act 2015 Sec 10 (1).
66/99 (S)	Triable-either-way offences. The Terrorism (United Nations Measures) Order 2006 SI 2657/2006 A.,7,8,10.	68/10 (S)	Fail to comply with obligation after return to the UK imposed under section 9. Counter Terrorism and Security Act 2015 Sec 10 (3)
66/99 (S)	Eliciting publishing or communicating information about members of armed forces etc. Terrorism Act 2000 Sec 58A(1)(a)&(b).	68/11 (S)	Fail to give permission for a laboratory test on a blood specimen having caused a death. Road Traffic Act 1988 Sec 3A (1) (d) and Schedule 2 to the Road Traffic Offenders Act 1988
66/99 (S)	Prohibition of quasi-military organisations. Public Order Act 1936 Sec 2.	68/12 (S)	Care provider supply/publish/make available information which was false or misleading in Material respect. Care Act 2014 Sec 92 and 93 (1)
66/99 (S)	Triable-either-way offences. The Terrorism (United Nations Measures) Order 2006 SI 2657/2006 A6,11, Sch.1 P4(b)(d).	68/13 (S)	Contempt of court by breach of sec 17 of the Criminal Procedure and Investigations Act 1996. Sec 18.
66/99 (S)	Providing false information to obtain S.17 Licence or failing to comply with condition in Licence. Terrorist Asset-Freezing etc Act 2010 Sec 17 (6) or (7) & 32 (2).	68/14 (S)	Supply specialist printing equipment knowing it will be used for criminal purposes. Specialist Printing Equipment and Materials (Offences) Act 2015 Sec 1 (1) & 1 (3) (4)
68/1 (S)	Participate in the criminal activities of an organised crime group. Serious Crime Act 2015 Sec 45 (1) & (9)	68/15 (S)	Triable-either-way offences Poisons Act 1972 Sec 3 (1) 3A (1) 3B (1)
68/2 (S)	Unauthorised act in relation to computer causing / creating risk of serious damage. The Computer Misuse Act 1990 Sec 3ZA (1) (6)	68/16 (S)	Offences relating to notification Stalking Protection Act 2019 Sec 9 (1) (3) (4) 10 (5) 11 (1) (a) (b) (2)
68/3 (S)	Unauthorised act in relation to a computer causing / creating risk of serious damage to human welfare/ national security. The Computer Misuse Act 1990 Sec 3ZA (1) (7) as amended by the Serious Crime Act 2015 Sec 41	68/17 (S)	Breach Knife Crime Prevention Order (KCPO) or Interim KCPO Offensive Weapons Act 2019 Sec 29 (1) (2)
68/4 (S)	Breach a Female Genital Mutilation protection order. Female Genital Mutilation Act 2003 Sec 5A as amended by Serious Crime Act 2015 Sec 73		

66 Other offences against the State or public order (5 of 8)

68/18 (S)	Fail to notify police with name or address or give false information (Knife Crime Prevention Order). Offensive Weapons Act 2019 Sec 25 (1) (a) (b) & (2)	68/20 (S)	Offences relating to notification requirements of Domestic Abuse Protection Order Domestic Abuse Act 2021 Sec 39 (1) & (5) Sec 41 (2) (3) 43 (1) (a) (3) (b) (2) Commencement date – TBC in 2023
68/19 (S)	Breach of Domestic Abuse Protection Order Domestic Abuse Act 2021 Sec 39(1) & (5), Commencement date – TBC in 2023	68/23 (S)	Intentionally / recklessly cause a public nuisance. Police, Crime, Sentencing and Courts Act 2022 Sec 78 (1) & (4)

Definition - Legal: Affray

Public Order Act 1986 Sec 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 two 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.”

Definition Legal – Intentionally or Recklessly Causing Public Nuisance

Police Crime Sentencing and Courts Act 2022 Sec 78

(1) A person commits an offence if—

(a) the person—

(i) does an act, or

(ii) omits to do an act that they are required to do by any enactment or rule of law,

(b) the person's act or omission—

(i) creates a risk of, or causes, serious harm to the public or a section of the public, or

(ii) obstructs the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large, and

(c) the person intends that their act or omission will have a consequence mentioned in paragraph (b) or is reckless as to whether it will have such a consequence.

(2) In subsection (1)(b)(i) “serious harm” means—

(a) death, personal injury or disease,

(b) loss of, or damage to, property, or

(c) serious distress, serious annoyance, serious inconvenience or serious loss of amenity.

66 Other offences against the State or public order (6 of 8)

Definition - Legal: Bomb Hoaxes

Criminal Law Act 1977 Sec 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 ...”.

General Rule: One crime for each specific, intended victim.

Example: 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.

Example 1: A group of people are 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 violence against the person offences but not the affray.

Example 1: Two people cause an affray in the course of which:

- (i) four people are assaulted.

Four crimes of assault (class 5D or 8N according to injuries sustained).

- (ii) no-one is assaulted.

One crime of affray (class 66).

- (iii) the two offenders sustain minor injuries, amounting to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a 'black eye' during the commission of the affray.

One crime of affray (class 66). Do not count any assault separately. The minor injuries in this case are not considered to constitute a violence against the person offence.

(Note: This applies only where the police come across the incident, or a third party reports it and there has been no separate allegation of assault. Where a 'call for service' has been received alleging an assault, the assault should be recorded, even if the other parties submit counter allegations. Counter allegations of assault should be considered in line with current guidelines for recording these.)

Breach of Criminal Behaviour, Non Molestation Order or Restraining Order: All breaches of criminal behaviour orders, harassment injunctions/restraining or non molestation orders must be recorded as crimes in addition to any other crimes disclosed which must be then be recorded in accordance with the provisions of the HOCR.

66 Other offences against the State or public order (7 of 8)

Example 1: A person enters a prohibited area identified in a Criminal Behaviour Order granted against him/her, and causes an affray whilst there.

Two crimes (class 66): one of breach of Criminal Behaviour Order (66/98) and one of affray (66/1).

If the condition of a Criminal Behaviour Order is not to commit a notifiable crime and such a crime is committed, count the notifiable crime and the breach of the Criminal Behaviour Order.

Example 1: A person burgles a house in breach of a Criminal Behaviour Order.

One crime of burglary - residential (class 28E) and one breach of a Criminal Behaviour Order. (class 66)

Bomb Hoaxes: In the case of bomb hoaxes record the crime based on the location of the offender unless this is unknown or cannot be traced.

Example 1: A person makes a hoax call that a bomb has been placed at a location in force area 'A'. The origin telephone number shows this to be a telephone kiosk located in force area 'B'.

One crime (class 66) recorded by force B location of suspect.

Example 2: A person makes a hoax call to a venue in force area 'A' that a bomb has been placed at that location. The origin telephone number is not logged or cannot be traced.

One crime (class 66) recorded by force A.

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.

Example 1: 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 an incident in accordance with NSIR 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 assault - Sec 47 ABH (class 8N).
- (iii) Several onlookers report acts threatening violence, and they confirm that they feared for their safety.
One crime of affray (class 66).

66 Other offences against the State or public order (8 of 8)

- (iv) A caller reports being subjected to actual bodily harm in a nightclub. Police identify the 'offender', who makes a counter allegation of ABH. Witnesses saw the fight, but don't know who started it.

One crime of assault - Sec 47 ABH (class 8N). The counter allegation should be considered in accordance with current guidance and, if reported by the victim, a second offence Recorded. As there has been a 'call for service' from a 'victim', recording an affray would not be appropriate.

Example 2: 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.

Record a crime under 99/99 – Threaten or claim to contaminate or interfere with goods with the intention of causing public alarm, anxiety, economic loss, etc. Public Order Act 1986 Sec 38(2).

Maximum Offence Table: Public Order Offences

Life	14 years	10 years	7 years	5 years	3 years	2 years	6 months	Fine	
62	66/30	64/1	66/3-4, 7, 11-12, 15, 23-28, 45-58	65	66/1	66/ 5, 29, 31-37, 77, 81-82, 89, 91, 95,	125/09	125/12	
63	68/2, 68/5	66/06 66/60-62	78-80	66/8, 13-14, 17-20		8/55,	125/11	68/6	
66/02, 66/21, 66/22, 66/44	68/11	68/14		66/38-43		68/12-13	125/82		
66/59, 66/64-69, 66/99*		68/23		66/83-88,90, 92-94, 96, 97, 98		68/15, 17, 18			
68/3				68/1, 68/4, 68/7-10 68/16 68/19-20					
*Maximum sentence varies depending on Act used – this represents the maximum sentence in the range.									

Possession of Weapons

- 10A [Possession of Firearms with Intent](#)
- 10B [Possession of Firearms Offences](#)
- 10C [Possession of Other Weapons](#)
- 10D [Possession of Article with Blade or Point](#)
- 81 [Other Firearms Knives and Offensive Weapon Offences](#)

10A Possession of Firearms with Intent (1 of 2)

8/3 (S)	Setting spring guns etc. with intent to inflict grievous bodily harm. Offences against the Person Act 1861 Sec 31.	8/23-25 (S)	Possessing firearm or imitation firearm with intent to cause fear of violence. Firearms Act 1968 Sec 16A.
8/13-15 (S)	Possessing firearm or imitation firearm while committing or being arrested for offence specified in Schedule 1. Firearms Act 1968 Sec 17(2).	8/54 (S)	Using someone to look after a dangerous weapon firearm. Violent Crime Reduction Act 2006 Sec 28.
8/16-18 (S)	Possessing firearm or imitation firearm with intent to commit indictable offence or resist arrest. Firearms Act 1968 Sec 18(1).		

Coverage: Firearms

Firearms Act 1968

Imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling. Shotguns as defined in Section 1(3)(a) of the Act, i.e. smooth-bore guns with a barrel not less than 24 inches in length and any barrel with a bore exceeding 2 inches diameter - not having an unapproved magazine - not being an airgun or a revolver.

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.

The specific offence codes relate to Section 1 of the Firearms Act 1968.

Group 1 – all firearms as specified in that section EXCEPT

Group 2 – Shotguns

Group 3 – Air Weapons

Coverage: Spring Guns etc.

Section 31 of the Offences against the Person Act 1861 provides for the setting, or allowing to remain, spring guns, man traps and other engines with intent to inflict grievous bodily harm.

Albeit the circumstances where this offence will be charged have substantially reduced there may be occasions when man traps and springs have been used and it will be worth considering. Normally the substantive offence under class 5D will suffice.

Definition – Legal: Using Someone to Mind a Weapon

Violent Crime Reduction Act 2006 Sec 28

(1) A person is guilty of an offence if –

- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
- (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.

In this section “dangerous weapon” means – a firearm other than an air weapon or a component part of, or accessory to, an air weapon.

Specified Crimes: Firearms (8/13-15)

The full list of offences that are specified can be found in the Firearms Act 1968 Schedule 1.

10A Possession of Firearms with Intent (2 of 2)

General Rule: Provided that the weapon has not been used during the commission of another notifiable offence: one crime for each offender or group of offenders.

Example 1: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found a loaded handgun.

One crime (class 10A) and one crime (class 8S or 104).

Application of the Rule

Possession of Weapons: One crime for each time discovered and recorded by the police.

Example 1: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found two loaded handguns.

One crime (class 10A) and one crime (class 8S or 104)

Example 2: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found a loaded handgun and a flick knife.

One crime (class 10A) and one crime (class 8S or 104)

Example 3: A man is arrested for armed robbery. Found at the time of his arrest is a loaded shotgun that was used in the robbery.

One crime (class 34).

Example 4: A man is arrested committing a section 18 assault. When searched a loaded handgun is found that was not used in the assault.

One crime (class 5D) and one crime (class 10A).

10B Possession of Firearms Offences (1 of 1)

81/3 (S)	Possessing etc. firearms or ammunition without firearm certificate. Firearms Act 1968 Sec 1(1) (as amended by Criminal Justice & Public Order Act 1994 Sec 157 Sch 8 part III).	81/35-37 (S)	Possession of firearms by persons previously convicted of crime. Firearms Act 1968 Sec 21(4) (amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).
81/4 (S)	Possessing etc shotgun without certificate. Firearms Act 1968 Sec 2(1) (as amended by Criminal Justice & Public Order Act 1994 Sec 157 Sch 8 Part III).	81/70 (S)	Possessing or distributing prohibited weapons designed for discharge of noxious substances etc. Firearms Act 1968 Sec 5(1)(b) (as amended by Criminal Justice Act 2003 Sec 288).
81/17 (S)	Possessing or distributing prohibited weapons or ammunition. Firearms Act 1968 Sec 5(1) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/71 (S)	Possessing or distributing firearm disguised as other object. Firearms Act 1968 Sec 5(1A)(a) (as amended by Criminal Justice Act 2003 Sec 288).
81/17 (S)	Purchase/acquire rifle with a chamber from which empty cartridge cases are extracted. The Firearm Act 1968 Sec 5 (1) (ag) amended by the Offensive Weapons Act 2019	81/72 (S)	Possessing or distributing other prohibited weapons. Firearms Act 1968 Sec 5(1A)(b)(c)(d)(e)(f) or (g) (as amended by Criminal Justice Act 2003 Sec 288).
81/17 (S)	Purchase / acquire any device designed or adapted so that it becomes part of a prohibited weapon. The Firearm Act 1968 Sec 5 (1) (ba) amended by the Offensive Weapons Act 2019.	81/77 (S)	Carrying a loaded or unloaded or imitation firearm or air weapon in public place. Firearms Act 1968 Sec 19 as amended by Violent Crime Reduction Act 2006.
81/26,27 (S)	Carrying loaded firearm or any other firearm (whether loaded or not) or loaded shotgun or any other firearm except imitation firearm or air weapon together with ammunition suitable for use in that firearm in a public place etc. Firearms Act 1968 Sec 19 (as amended by the Anti Social Behaviour Act 2003 Sec 37).	81/85 (S)	Manufacture weapon / device/ ammunition specified in section 5 (1) of the Firearms Act 1968. Firearms Act 1968 Sec 5 (2A) (a)
81/29,30 (S)	Trespassing with firearm or imitation firearm in a building. Firearms Act 1968 Sec 20(1) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/86 (S)	Sell / transfer prohibited weapon / ammunition. Firearms Act 1968 Sec 5 (2A) (b)
		81/87 (S)	Possess prohibited weapon / ammunition for sale / transfer. Firearms Act 1968 Sec 5 (2A) (c)
		81/88 (S)	Purchase / acquire prohibited weapon / ammunition for sale / transfer. Firearms Act 1968 Sec 5 (2A) (d)
		81/90 (S)	Possession of articles for conversion of imitation firearms. Firearms Act 1968 4A as inserted by Crime and Policing Act 2017 Sec 127

General Rule: Provided that the weapon has not been used during the commission of another notifiable offence: one crime for each offender or group of offenders.

Example 1: A youth is stopped in possession of a canister containing CS spray.
One crime (class 10B).

Application of the Rule

Example 1: A man is stopped and searched under the Drugs Act. He is found in possession of a Class 'A' drug and also a CS spray canister.
One crime (class 92D) and one crime (class 10B).

Example 2: A man commits ABH and is later arrested for it. Following a search, he is found in possession of pepper spray that was not used in the ABH.
One crime Sec 47 ABH (class 8N) and one crime (class 10B).

Example 3: A man commits ABH and is later arrested for it. Following a search, he is found in possession of pepper spray and a lock knife that were not used in the ABH.
One crime Sec 47 ABH (class 8N) and one crime (class 10B).

10C Possession of Other Weapons (1 of 3)

8/11 (S)	Possession of offensive weapon without lawful authority or reasonable excuse. Prevention of Crime Act 1953 Sec 1 (1)(as amended by Offensive Weapons Act 1996 Sec 2 (1).	8/63 (S/V)	Threaten with an offensive weapon on school/further education premises. Criminal Justice Act 1988 Sec 139 AA as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012.
8/28 (S)	Possession of other offensive weapon on school/further education premises. Criminal Justice Act 1988 Sec 139A (2) & (5) (b) (as added by Offensive Weapons Act 1996).	8/75 (S)	Have a corrosive substance in a public place Offensive Weapons Act 2019 Sec 6(1), 7 (a) Commences – 6 April 2022
197/21 (S)	Possession of an offensive weapon in a private place. Criminal Justice Act 1988 Sec 141 (1A)	8/76 (S/V)	Threaten a person with an offensive weapon / substance in a private place Offensive Weapons Act 2019 Sec 52 (1) & (6) Commences – 6 April 2022
8/53 (S)	Using someone to look after a dangerous weapon – offensive/weapon/knife/bladed weapon Violent Crime Reduction Act 2006 Sec 28.		
8/61 (S/V)	Threaten with an offensive weapon in a public place. Prevention of Crime Act 1953 Sec 1 A (1) as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012.		

Definition – Legal: Using Someone to Mind a Weapon

Violent Crime Reduction Act 2006, Sec 28

“(1) A person is guilty of an offence if –

- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
- (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.”

In this section “dangerous weapon” means –

an air weapon or a component part of, or accessory to, an air weapon; or a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c. 33) applies (specified offensive weapons, knives and bladed weapons).

Offensive Weapons Act 2019

Threatening with an Offensive Weapon etc in a Public Place

Section 50 of the Offensive Weapons Act 2019 amended the legal test for threatening with an offensive weapon (or article with blade or point) in a public place. It replaced the requirement of the threat causing immediate risk of serious physical harm to the victim, with a new test that the threat is such that a reasonable person who was exposed to this threat would think that they were at a risk of immediate physical harm.

Threatening with an Offensive Weapon etc in a Private place

It is now an offence for a person to unlawfully and intentionally threaten another person with a corrosive substance, a bladed or pointed article or an offensive weapon in a way that there is an immediate risk of serious physical harm to that person. Serious physical harm is defined as amounting to grievous bodily harm for the purposes of the Offences against the Person Act 1861. Grievous bodily harm is defined in case law as really serious harm as assessed by a jury, and a wound defined as a break in the continuity of the skin falls within the parameters of grievous bodily harm. The offence of threatening in a private place adopts a higher test in respect of serious physical harm than the offence of threatening in a public place, school, or further education premises

10C Possession of Other Weapons (2 of 3)

Section 52 of the Offensive Weapons Act 2019 sets out the definition for a private place. For bladed and pointed articles and offensive weapons this means anywhere other than a public place or school or further education premises, where it is already an offence. **For corrosive substances¹, a private place means anywhere other than a public place**, so it would be an offence under section 52 to threaten someone with a corrosive substance in a school or further educational premises for example.

For further guidance see [The Offensive Weapons Act 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/the-offensive-weapons-act-2019)

1 – A list of corrosive substances can be found in schedule 1 at [Offensive Weapons Act 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2019/1/schedule-1)

10C Possession of Other Weapons (3 of 3)

General Rule: Provided that the weapon has not been used during the commission of another notifiable offence: one crime for each offender or group of offenders irrespective of the number or types of weapon.

Example 1: A man assaults another man with a knuckle duster. A number of injuries including a fractured cheek bone are sustained by victim.

One crime (class 5D).

Example 2: Three men are stopped all wearing ninja gear and carrying kendo staffs in the street, one also has numchuckers. All are arrested for offensive weapon offences

Three crimes (class 10C).

Example 3: Three youths, all wearing ninja gear, are seen by police passing a kendo staff between them. They all admit being in possession of the kendo staff.

One crime (class 10C). Joint possession, acting as a group of offenders.

Application of the Rule

Example 1: A man commits ABH and is later arrested for it. Following a search, he is found in possession of a knuckle duster that was not used in the ABH.

One crime Sec 47 ABH (class 8N) and one crime (class 10C).

Example 2: A man is arrested for violent disorder. He is placed in handcuffs and searched before being placed in a police van. A flick knife is found in his sock. There is no evidence of this knife being used in the violent disorder.

One crime (class 62A) and one crime (class 10C).

Example 3: A man is witnessed by Police using a kendo staff during the course of a violent disorder

One crime (class 62A) as weapon used during the commission of the offence.

Principal Crime: see also General Rules Section F and Annex C.

Example 1: A man threatens a female with a flick knife in the street and slaps her (common assault).

One crime (class 10C).

Example 2: As above but causes ABH.

One crime Sec 47 ABH (class 8N).

10D Possession of Article with Blade or Point (1 of 1)

8/26 (S)	Having an article with a blade or point in a public place. Criminal Justice Act 1988 Sec 139. (as amended by the Offensive Weapons Act 1996).	8/64 (S/V)	Threaten with a blade or sharply pointed article in a public place. Criminal Justice Act 1988 Sec 139 AA as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012.
8/27 (S)	Having an article with a blade or point on school/further education premises. Criminal Justice Act 1988 S.139A (1) & (5) (a) (as amended by Offensive Weapons Act 1996).	8/76 (S/V)	Threaten a person with an article in a private place. Offensive Weapons Act 2019 Sec 52 (1) & (6) Commences – 6 April 2022
8/62 (S/V)	Threaten with a blade or sharply pointed article on school/further education premises Criminal Justice Act 1988 Sec 139 AA as inserted by Legal Aid, Sentencing and Punishment of Offenders Act 2012.		

Recording Practice: Using someone to mind an article with a blade or point.

Should this come to light, the offence should be recorded under class 10C.

General Rule: Provided that the weapon has not been used during the commission of another notifiable offence: one crime for each offender or group of offenders irrespective of the number or types of weapon.

Example 1: A person is arrested after stealing property from a shop. Upon arrest they are searched and found to have an article with a blade or point.

One crime (class 10D) and one crime (class 46).

Application of the Rule

Example 1: A man is witnessed by Police using a kendo staff during the course of a violent disorder. He is arrested and searched. During the search a lock knife that has not been used in the violent disorder, is found in his sock.

One crime (class 62A) and one crime (class 10D).

Legal – Offensive Weapons Act 2019

Section 51 of the Offensive Weapons Act 2019 amended section 139AA of the Criminal Justice Act 1988 to extend the offence of threatening with a bladed or pointed article or an offensive weapon on school premises to further education premises.

81 Other Firearms, Knives and Offensive Weapon Offences (1 of 2)

81/7, 8 (S)	Trading in firearms without being registered as a firearms dealer. Firearms Act 1968 Sec 3(1) (amended by Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/69 (S)	Failing to comply with instruction in firearm certificate upon transfer to person other than registered dealer. Firearms (Amendment) Act 1997 Sub Sec 32 (2) & 6 (a) (i) (ii).
81/9,10 (S)	Selling etc firearms to person without a certificate. Firearms Act 1968 Sec 3 (2) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/76 (S)	Sell/transfer an air weapon unlawfully. Firearms Act 1968 as added by Violent Crime Reduction Act 2006 S 3 (2).
81/11, 12 (S)	Repairing, testing etc firearm for person without a certificate. Firearms Act 1968 Sec 3 (3) (amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III)	81/78 (S)	Knowingly being concerned in activity prohibited by parts 2, 3 or 4 of the Order with intent to evade the relevant prohibition. Export Control Order 2008 A34 (5)
81/13, 14 (S)	Falsifying a certificate etc with a view to acquisition of firearm. Firearms Act 1968 Sec 3 (5) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/79 (S)	Unship/unload prohibited weapon/ammunition with intent to evade prohibition / restriction. Customs and Excise Management Act 1979 Sec 50 (2) (a) and (4)
81/15 (S)	Shortening a shot gun or other smooth bore gun. Firearms Act 1968 Sec 4 (1) as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/80 (S)	Remove prohibited weapons /ammunition from their place of importation with intent to evade prohibition / restriction. Customs and Excise Management Act 1979 Sec 50 (2) (b) (4) and 5 A (a)
81/16 (S)	Conversion of firearms. Firearms Act 1968 Sec 4 (3) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/81 (S)	Import prohibited weapons / ammunition with intent to evade prohibition / restriction. Customs and Excise Management Act 1979 Sec 50 (3) (4) and 5 A (a)
81/38-40 (S)	Supplying firearms to person denied them under Section 21. Firearms Act 1968 Sec 21 (5) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).	81/82 (S)	Export prohibited weapon / ammunition with intent to evade prohibition / restriction. Customs and Excise Management Act 1979 Sec 68 (2) (3) and (4A)
81/42 (S)	Failure to transfer firearms or ammunition in person (excluding shotguns). Firearms (Amendment) Act 1997 Sec 32 & 36 (a) (i) (ii).	81/83 (S)	Carry / remove / deposit etc prohibited Weapons / ammunition with intent to evade a prohibition / restriction. Customs and Excise Management Act 1979 Sec 170 (1) (b) and (3)
81/43 (S)	Failure to give notice in writing to the Chief Officer of Police of transfers Involving firearms (excluding shotguns). Firearms (Amendment) Act 1997 Sec 33 & 36 (a) (i) (ii)	81/84 (S)	Knowingly concerned in fraudulent evasion of prohibition restriction on prohibited weapon / ammunition. Customs and Excise Management Act 1979 Sec 170 (2) (3) and (4A) (a)
81/44 (S)	Failure by certificate holder to notify in writing the Chief Officer of Police of deactivation, destruction or loss of firearms or ammunition (excluding shotguns). Firearms (Amendment) Act 1997 Sec 34 & 36 (a) (i) (ii).	81/89 (S)	Triable Either Way Offences. Explosives Precursors Regulations 2014 Sec 4 (1), (2), 5 (1) (a-c), 5 (3-4) 6 (1) (5) (8) and 12 (13)
81/45 (S)	Failure by certificate holder to notify in writing the Chief Officer of Police of events taking place outside Great Britain involving firearms and ammunition (sold or otherwise disposed of, lost etc.) (excluding shotguns). Firearms (Amendment) Act 1997 Sec 35 & 36(a) (i) (ii)	81/91 (S)	Controls on defectively deactivated weapons. Firearms (Amendment) Act 1988 Sec 8A as inserted by Policing and Crime Act 2017 Sec 128

81 Other Firearms, Knives and Offensive Weapon Offences (2 of 2)

90/1 (S)	Unlawful marketing of knives, selling or hiring. Knives Act 1997 Sec 1(1) (2) (3) (4a)(5).	90/4 (S)	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).
90/2 (S)	Unlawful marketing of knives. Offers or exposes to sell or hire. Knives Act 1997 Sec 1(1) (2) (3) (4b) (5).	90/5 (S)	Publication of any written, pictorial or other material in connection with the marketing of any knife – the material is otherwise likely to stimulate/encourage violence behaviour involving use of the knife as a weapon. Knives Act 1997 Sec 2 (1) (b).
90/3 (S)	Unlawful marketing of knives – has in possession for purpose of sale or hire. Knives Act 1997 Sec 1(1) (2) (3) (4c) (5).		

General Rule: One crime for each offender.

Example 1: A person is reported to the police for the first time for committing a variety of Firearms Act offences.

One crime (class 81).

Application of the Rule

Supply, Marketing and Repair Offences: count one crime for each offender or group of offenders.

Example 1: A syndicate is reported for the first time selling firearms without a certificate.

One crime (class 81).

Example 2: 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.

Example 1: 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.

Maximum Offence Table: Possession of Weapons

Maximum Sentence – Possession of Weapons						
Life	10 years	7 years	5 years	4 years	2 years	51 weeks
8/13-18	8/23-25	81/3	8/03	8/11	81/89	197/21
81/79-88	8/54	81/26-27	81/04	8/26-28		
	81/17	81/29-30	81/35-37	8/53		
	81/70-72	81/77	81/7-14	8/61-64		
		81/15-16	81/38-40	8/75-76		
			81/42-45			
			81/76			
			81/78, 81/90-91			

Miscellaneous Crimes Against Society

15	<u>Concealing an Infant Death Close to Birth</u>
24	<u>Exploitation of prostitution</u>
26	<u>Bigamy</u>
27	<u>Soliciting for Prostitution</u>
33	<u>Going Equipped for Stealing etc.</u>
33A	<u>Making, Supplying or Possessing Articles for use in Fraud</u>
38	<u>Profitting from or Concealing Proceeds of Crime</u>
54	<u>Handling Stolen Goods</u>
59	<u>Threat or Possession with Intent to Commit Criminal Damage</u>
60	<u>Forgery or Use of Drug Prescription</u>
61	<u>Other Forgery</u>
61A	<u>Possession of False Documents</u>
67	<u>Perjury</u>
69	<u>Offender Management Act</u>
76	<u>Aiding Suicide</u>
79	<u>Perverting the Course of Justice</u>
80	<u>Absconding from Lawful Custody</u>
83	<u>Bail Offences</u>
86	<u>Obscene Publications etc.</u>
95	<u>Disclosure, Obstruction, False or Misleading Statements etc.</u>
96	<u>Wildlife Crime</u>
99	<u>Other Notifiable Offences</u>
802	<u>Dangerous Driving</u>
814	<u>Fraud, Forgery Associated with Driver Records</u>

15 Concealing an Infant Death Close to Birth (1 of 1)

15/00 Concealment of birth.
(S) Offences against the Person Act 1861 Sec 60.

General Rule: One crime for each child.

Example 1: Twins are stillborn and the births are concealed.

Two crimes (class 15).

24 Exploitation of Prostitution (1 of 1)

For historic allegations committed under previous legislation, record and assign outcome as if committed today.

24/17 Causing or inciting prostitution for gain.
(S/V) Sexual Offences Act 2003 Sec 52.

24/19 Keeping a brothel used for prostitution.
(S) Sexual Offences Act 1956 Sec 33A (as added by Sexual Offences Act 2003 Sec 55).

24/18 Controlling prostitution for gain.
(S/V) Sexual Offences Act 2003 Sec 53.

Offences that amount to Modern Slavery must be recorded in accordance with classification 106

General Rule: One offence for each prostitute exploited.

Example 1: A man incites three women to become prostitutes (in the expectation of gain to himself).

Three crimes (class 24).

Keeping a brothel used for prostitution: One crime for each offender or group of offenders.

Finished Incident: See also General Rules Section E. If a person controls the activities of a prostitute on more than one occasion, one crime should be counted each group of incidents separately reported to the police.

Example 1: A man is found to be controlling the activities of a prostitute over several months, and this is reported to the police for the first time.

One crime (class 24). See also classification 106 (Modern Slavery)

26 Bigamy (1 of 1)

26 Bigamy.
(S/V) Offences against the Person Act 1861 Sec 57.

Definition - Legal: Bigamy

Offences Against the Person Act 1861 Sec 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.

General Rule: One crime for each bigamous marriage.

Examples

1. ‘A’ and ‘B’ go through a form of marriage while both have legal spouses living.
One crime (class 26).
2. ‘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 for the Purpose of Prostitution (1 of 1)

167/1 Soliciting another for the purpose of obtaining their
(S) sexual services as a prostitute in a street or public place.
Sexual Offences Act 2003 Sec 51A. Added by
Policing and Crime Act 2009 Sec 19

167/2 Paying or promising to pay a person to provide
(S) sexual services, where that person is subject to exploitative conduct to induce or encourage them to provide those services.
Sexual Offences Act 2003 Sec 53A. Added by
Policing and Crime Act 2009 Sec 14.

General Rule: One crime for each offender.

33 Going Equipped for Stealing etc. (1 of 1)

33 Going equipped for stealing etc.
(S) Theft Act 1968 Sec 25.

Clarification – Recorded Crime: Going Equipped for Stealing etc.

If there is a related crime of burglary or theft then the crime of going equipped should not be recorded.

Definition - Legal: Going Equipped for Stealing etc.

Theft Act 1968 Sec 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 or theft.”

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.

General Rule: One crime for each offender or group of offenders.

Examples

- 1: 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).
- 2: A group of youths are apprehended in a car park with materials for breaking into cars.

 One crime (class 33).

Actual or attempted burglaries or thefts take precedence over crimes of going equipped

- 3: 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 of going equipped required the reported burglary takes precedence.
 - (ii) The burglary has not yet been reported.

 One crime of burglary (class 28E or 30C).

Finished Incident Example: 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).

33A Making, Supplying or Possessing Articles for use in Fraud (1 of 2)

53/44 Making or supplying articles for use in frauds
(S) Fraud Act 2006 Sec 7

53/55 Making, supplying or obtaining articles for
(S) use in (S/V) offence under sections 1 or 3.
Computer Misuse Act 1990 Sec 3A as added by
Police & Justice Act 2006

53/43 Possess/ control article(s) for use in fraud(s).
(S) Fraud Act 2006 Sec 6.

Clarification – Recorded Crime: Possession of Articles for Use in Frauds

If there is a related crime of fraud by false representation, then the crime of possession of articles for use in fraud should not be recorded.

Actual or attempted frauds by false representation take precedence over crimes of possessing articles for use in frauds.

Example 1: A man is found in possession of a cloned credit card. He admits to just having purchased goods using the cloned card.

- (i) The fraud has already been reported.
No additional crime required the reported fraud by false representation takes precedence.
- (ii) The fraud has not yet been reported.
One crime of fraud by false representation to be recorded by Action fraud.

Legal Definition: Possession etc. of Articles for Use in Frauds

Fraud Act 2006 Sec 6

"A person is guilty of an offence if he has in his possession or under his control any article for use in the course of or in connection with any fraud."

"Article" includes any program or data held in electronic form.

Legal Definition: Making or Supplying Articles for Use in Frauds

Fraud Act 2006 Sec 7

"... if he makes, adapts, supplies or offers to supply any article knowing that it is designed or adapted for use in the course of or in connection with fraud, or intending it to be used to commit, or assist in the commission of fraud".

General Rule: One crime for each offender or group of offenders.

Examples

- 1: A person, apprehended for making a cloned credit card admits to making five other cards.
One crime (class 33A).
- 2: A person is apprehended for making 10 cloned credit cards.
One crime (class 33A).
- 3: A person is apprehended for making false bank statements and admits to making hundreds.
One crime (class 33A).
- 4: A person is stopped and found to be in possession of a cloned credit card.
One crime (class 33A).

33A Making, Supplying or Possessing Articles for use in Fraud (2 of 2)

- 5: A person is stopped and found to be in possession of twelve cloned credit cards.
One crime (class 33A).
- 6: A vehicle is stopped with four persons inside with a number of cloned credit cards. They admit intending to withdraw money from ATM machines.
One crime (class 33A).
- 7: A person is stopped and found to be in possession of a device that can be placed on an ATM machine or chip and pin terminal to obtain card details. The offender is not the maker of the device and it has not been placed on the machine.
One crime (class 33A).

Making or supplying articles for use in frauds should only be used for a maker or supplier who does not use them. Where an offender makes an article used in fraud and then uses that article fraudulently count only the fraudulent use.

- 8: An offender makes five cloned credit cards and then uses each card at different venues in circumstances amounting to fraud by false representation.
Five crimes of fraud by false representation to be recorded by Action Fraud. There are five accounts defrauded.
- 9: An offender makes a false passport, driving licence and bank statement and then uses them to secure two store cards, one bank loan and a HP agreement to purchase a car at different venues in circumstances amounting to fraud by false representation.
Four crimes of fraud to be recorded by Action Fraud. There are four companies defrauded.
- 10: An offender makes an article for placing on cash machines in order to obtain card details.
One crime (class 33A).

Where devices that are used to obtain card details are found on cash machines or chip and pin terminals a crime should be recorded of making or supplying an article for use in fraud (class 33A).

- 11: Police find an electronic device used for reading electronic strips placed over an ATM machine in the High Street.
One crime (class 33A).
- 12: An offender makes an article for placing on cash machines in order to obtain card details and places it on an ATM terminal.
One crime (class 33A).

Where the banks, APACS or NFIB report information to a SPOC that a 'Common Purchase point' has been used to obtain plastic card details a crime should be recorded under class 33A.

- 13: A Financial Institution report to a Police SPOC that after an investigation into a number of fraudulent purchases abroad on various accounts, a garage within the force area, has been identified as the 'common purchase point' where it is believed the cards were cloned.
One crime (class 33A).

If an offender or group of offenders is shown to be responsible for a number of separate 'Common Purchase Points', count one crime class 33A for each separate location.

- 14: A group of offenders are shown to be responsible for obtaining card details from twelve separate retail outlets they own or are employed by and passing the details abroad for use in fraud.
Twelve crimes (class 33A).

38 Profiting from or Concealing Knowledge of the Proceeds of Crime (1 of 1)

38/1 (S)	Concealing etc. criminal property. Proceeds of Crime Act 2002 Secs 327(pt), 334(1)(pt).	38/6 (S)	Failure to disclose; another person involved in money laundering - other nominated officer in the regulated field. Proceeds of Crime Act 2002 Secs 332(pt), 334(1)(pt).
38/2 (S)	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 Secs 328(pt), 334(1)(pt).	38/7 (S)	Tipping off - knows or suspects a disclosure has been made; makes a disclosure likely to prejudice an investigation. Proceeds of Crime Act 2002. Secs 333(pt), 334(1)(pt).
38/3 (S)	Acquisition, use and possession. Proceeds of Crime Act 2002 Secs 329(pt), 334(1)(pt).	38/7 (S)	Tipping off – regulated sector – disclosure of S.21D(2) matters or that investigations into allegation of offence committed is being considered Terrorism Act 2000 Secs 21D(1), (3) & (4).
38/4 (S)	Failure to disclose; another person involved in money laundering - regulated sector. Proceeds of Crime Act 2002 Secs 330(pt), 334(1)pt.	38/8 (S)	Nominated officer; must not give consent to the doing of a prohibited act. Proceeds of Crime Act 2002 Sec 336(pt).
38/5 (S)	Failure to disclose; another person involved in money laundering - nominated officer in the regulated field. Proceeds of Crime Act 2002 Secs 331(pt), 334(1)(pt).		

General Rule: One crime for each offender or group of offenders.

Examples

- 1: A member of staff working for a government agency produced giro cheques and passed them on to nine friends and relatives. Each of the recipients of the cheques cleared them through their personal bank accounts and then transferred the funds to five other people not involved in the original conspiracy.

The nine principal persons were charged with a conspiracy to defraud and money laundering offences under the Proceeds of Crime Act 2002. Five additional persons were charged with money laundering only.

One crime of fraud by false representation recorded by Action Fraud and five crimes (class 38) recorded by the police in relation to the additional persons.

- 2: A gang are caught trafficking drugs and are found to have committed money laundering offences linked to drug trafficking.

One crime of trafficking (class 92A) and one crime of money laundering (class 38)

54 Handling Stolen Goods (1 of 1)

54/1 Receiving stolen goods.
(S) Theft Act 1968 Sec 22.

54/2 Undertaking or assisting in the retention,
(S) removal, disposal or realisation of stolen
goods or arranging to do so.
Theft Act 1968 Sec 22

Legal Definition: Handling Stolen Goods

Theft Act 1968 Sec 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."

General Rule: One crime for each offender or group of offenders.

Examples

- 1: Antique silver is stolen by a group of thieves and four shops buy the goods knowing them to be stolen. Four crimes (class 54).
- 2: A known receiver is found in possession of the proceeds of several different thefts (the thieves are unknown). One crime (class 54).
- 3: 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) - (three relationships between thief and receiver, one between receiver and receiver).
- 4: 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).
- 5: 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.
- 6: A thief steals from his employer and then sells the items to people who know them to be stolen. One crime (class 54) for each receiver, i.e. one for each thief/receiver relationship.
- 7: 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 Example: See also General Rules Section E.

On three 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'.

59 Threat or Possession with Intent to Commit Criminal Damage (1 of 1)

59/11 (S/V)	Threats to destroy or damage property. Criminal Damage Act 1971 Sec 2	59/14 (S)	Manufacture or possession of explosives under suspicious circumstances. Explosive Substances Act 1883 Sec 4(1).
59/13 (S)	Possessing anything with intent to destroy or damage property. Criminal Damage Act 1971 Sec 3	59/15 (S)	Possessing or making an explosive substance, a noxious or dangerous thing, a machine, engine or instrument with intent to commit an offence under this act. Offences Against the Person Act 1861 Sec 64

Legal Definitions:

Making or Possession of Explosive in Suspicious Circumstances

Explosive Substances Act 1883 Sec 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

Criminal Damage Act 1971 Sec 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; ...”.

Possessing Anything with Intent to Destroy or Damage Property

Criminal Damage Act 1971 Sec 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 ...”.

General Rule: One crime for each offender or group of offenders (no specific victim).

Example 1: A group of children are caught carrying cans of spray paint with intent to spray graffiti.
One crime (class 59).

60 Forgery or Use of Drug Prescription (1 of 1)

60/21 Forgery of a drug prescription or copying a false drug prescription.
(S) Forgery & Counterfeiting Act 1981 Secs 1, 2 (pt)

60/22 Using a false drug prescription or a copy of a false drug prescription.
(S) Forgery & Counterfeiting Act 1981 Secs 3, 4 (pt).

This code covers prescriptions for any drug covered in schedule 2 of the Misuse of Drugs Act 1971.

Legal Definition: Forgery and False Instruments

Forgery and Counterfeiting Act 1981

Sec 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."

Sec 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."

Sec 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."

Sec 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."

General Rule: One crime for each offender or group of offenders.

Examples

- 1: A person, apprehended for forging a prescription for class A drugs, admits five similar crimes.
One crime (class 60).

Where an offender forges a prescription and then issues, copies or uses it, only one crime should be counted. (Remember this rule applies to drug prescriptions only)

- 2: A forged prescription is used to obtain drugs controlled under the Misuse of Drugs Act 1971.
One crime (class 60).
- 3: As per example 2, but the drugs are not controlled under the Misuse of Drugs Act 1971.
One crime of other forgery (class 61).
- 4: As per example 3, but both types of drugs are involved.
One crime (class 60).

Finished Incident Example: 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).

Principal Crime Examples: See also General Rules Section F and Annex C.

Forgery of drug prescriptions is the principal crime over fraud by false representation. The victim is the health service provider not the chemist.

- 1: 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).
- 2: As above, but the pad is obtained by breaking into the surgery.
One crime of forgery (class 60) and one crime of burglary (class 30A).

61 Other Forgery (1 of 2)

61/21 (S)	Forgery or copying false instrument (other than drug prescription). Forgery & Counterfeiting Act 1981 Secs 1,2.	61/29 (S)	Melting down or breaking up metal coin without license. Coinage Act 1971 Sec 10(1).
61/21 (S)	Forgery etc of mental health document. Mental Health Act 1983 Sec 126(2).	61/30 (S)	Prohibited descriptions of unhallmarked article. Hallmarking Act 1973 Sec 1.
61/22 (S)	Using a false instrument or copy of one (other than drug prescription). Forgery & Counterfeiting Act 1981 Secs 3,4.	61/30 (S)	Unauthorised striking of sponsor's mark. Hallmarking Act 1973 Sec 3(8).
61/23 (S)	Possess false instrument or materials to make false instrument. Forgery & Counterfeiting Act 1981 Sec 5.	61/30 (S)	Supplying false information to assay office. Hallmarking Act 1973 Sec 4(4).
61/23 (S)	Possess false mental health document. Mental Health Act 1983 Sec 126(1).	61/30 (S)	Making unauthorised alterations to hallmarked article. Hallmarking Act 1973 Sec 5(1,2).
61/24 (S)	Making counterfeit coin or note. Forgery & Counterfeiting Act 1981 Sec 14.	61/30 (S)	Supplying article with unauthorised mark. Hallmarking Act 1973 Sec 7(6).
61/25 (S)	Pass etc counterfeit coin or note as genuine. Forgery & Counterfeiting Act 1981 Sec 15.	61/31 (S)	Counterfeiting etc of dies or marks. Hallmarking Act 1973 Sec 6(1).
61/26 (S)	Possess counterfeit coin or note. Forgery & Counterfeiting Act 1981 Sec 16.	61/32 (S)	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).
61/27 (S)	Possess materials or dyes to make counterfeit coin or note. Forgery & Counterfeiting Act 1981 Sec 17.	61/33 (S)	Failure to hand over a Euro note or coin believing it to be counterfeit Protection of the Euro against Counterfeiting Regulations 2001.
61/28 (S)	Reproduce British currency note or make imitation coins. Forgery & Counterfeiting Act 1981 Secs 18,19.		

Legal Coverage: Mental Health Documents

Mental Health Act 1983 Sec 126

"... Any documents purporting to be -

- (a) an application under part II of the Act (ie 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."

Legal Definition: Forgery etc

Forgery & Counterfeiting Act 1981 Sec 1-4
See class 60.

61 Other Forgery (2 of 2)

General Rule: One crime for each offender or group of offenders.

Example 1: A person, apprehended for forging a passport, admits to five similar crimes.
One crime (class 61).

Forgery (not counterfeit currency) should only be counted where the forger does not use the forged articles, unless the forgery is counterfeit then record 61/26 plus the additional offence. Where the forged item is for use in fraud then offences under class 33A should be applied. Where an offender forges a document and then issues, copies or uses it for fraud, count only the fraud by false representations.

Examples

- 1: An individual is held for forging a birth certificate but this has not been used for any other offence.
One crime (class 61).
- 2: A person is apprehended for manufacturing five forged credit cards on different accounts and Passes them onto someone else to obtain goods from twenty shops.

One crime of making or supplying articles for use in fraud (class 33A) recorded by the police, plus five crimes of cheque and credit card fraud (class NFIB5A) recorded by Action Fraud.
- 3: A person is apprehended for manufacturing five forged credit cards on different accounts and Uses them all to obtain goods from various shops.
Five crimes of cheque and credit card fraud (class NFIB5A) recorded by Action Fraud.

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.

Finished Incident Example: see also General Rules Section E.

A person on bail for issuing forged documents is caught doing so again.

One further crime (class 61).

Principal Crime Example: see also General Rules Section F and Annex C.

A storeman forges 266 requisition slips in order to steal from his employer.

One crime of forgery (class 61), providing the finished incident rule is met.

61A Possession of False Documents (1 of 2)

61/38 Possess/control identity documents with intent.
(S) Identity Documents Act 2010 Sec 4

61/40 Possess/control a false/ improperly obtained/
(S) another persons identity document
Identity Documents Act 2010 Sec 6

61/39 Making/possess/control apparatus article/material
(S) designed/adapted for making false identity
documents
Identity Documents Act 2010 Sec 5

61/41 Importation or exportation of false identity
(S) documents.
Policing and Crime Act 2009 Sec 101

Legal Definitions:

Possession of False Identity Documents etc with Improper Intention

Identity Documents Act 2010 Sec 4

This offence is possession with the intention of using the document for establishing personal information about himself; or the intention of allowing or inducing another to use it for establishing, ascertaining or verifying personal information about himself or about any other person.

Apparatus Designed or Adapted for the Making of False Identity Documents etc.

Identity Documents Act 2010 Sec 5

This offence is to have in his possession or control any apparatus, article, or material, which to his knowledge, is or has been designed or adapted for the making of false identity documents, with the intention that:

- a) He or another will make a false identity document, and
- b) that the document will be used by somebody for establishing, ascertaining or verifying personal information about a person.

Possession or Making False Identity Documents (No Intent)

Identity Documents Act 2010 Sec 6

(1) It is an offence for a person ("P"), without reasonable excuse, to have in P's possession or under P's control—

- (a) an identity document that is false,
- (b) an identity document that was improperly obtained,
- (c) an identity document that relates to someone else,
- (d) any apparatus which, to P's knowledge, is or has been specially designed or adapted for the making of false identity documents, or
- (e) any article or material which, to P's knowledge, is or has been specially designed or adapted to be used in the making of such documents.

Identity Document

- (a) an immigration document,
- (b) a United Kingdom passport (within the meaning of the Immigration Act 1971),
- (c) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation,
- (d) a document that can be used (in some or all circumstances) instead of a passport,
- (e) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981, or
- (f) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom.

61A Possession of False Documents (2 of 2)

General Rule: One crime for each offender or group of offenders.

Examples

- 1: A person is arrested in possession of a false passport, without reasonable excuse.
One crime (class 61/40).
- 2: A youth is stopped with a false driving licence obtained over the internet attempting to prove his age to enter an over 21 club.
One crime (class 61/40).
- 3: A person is stopped in possession of bank statements belonging to another person. There is no evidence of any intent to commit a crime.
This is not a crime as bank statements are not an identity document.

Principal Crime: See also General Rules Section F and Annex C.

Offences of identity theft should only be used where there is no evidence of any intent to commit fraud. Where there is evidence of intent to commit fraud then the principal crime is 33A making, supplying or possessing articles for use in fraud.

- Example 1: A person is arrested in possession of a passport in another persons name with intent to open a false bank account.
- One crime (class 33A) possession of article for use in fraud.

67 Perjury (1 of 1)

67/1 (S)	Perjury - judicial proceedings. Perjury Act 1911 Sec 1.	67/2 (S)	False declarations etc. to obtain registration. Perjury Act 1911 Sec 6.
67/1 (S)	False written statements tendered. Magistrates' Court Act 1980 Sec 106.	67/2 (S)	False statements etc. to obtain passport. Criminal Justice Act 1925 Sec 36.
67/2 (S)	False unsworn statements. Perjury Act 1911 Sec 1A.	67/2 (S)	Corruptly giving false certificate of service of summons etc. County Courts Act 1984 Sec 133.
67/2 (S)	False statements on oath not in judicial proceeding. Perjury Act 1911 Sec 2	67/2 (S)	False entry or statement in document. Mental Health Act 1983 Sec 126(4).
67/2 (S)	False statements etc. - marriage. Perjury Act 1911 Sec 3.	67/2 (S)	False information re disused tips. Mines & Quarries (Tips) Act 1969 Sec 12 (pt).
67/2 (S)	False statements etc. - births or deaths. Perjury Act 1911 Sec 4.		
67/2 (S)	False statutory statements etc. without oath. Perjury Act 1911 Sec 5	67/2 (S)	False or misleading statements re interim possession orders. Criminal Justice and Public Order Act 1994 Sec 75

Coverage - Recorded Crime: Perjury

This crime should cover all false declarations and representations made punishable by any statute.

Legal Definition: Perjury

Perjury Act 1911 Sec 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 ...".

General Rule: One crime for each offender.

Example 1: Three members of a group commit perjury in court.

Three crimes (class 67).

Finished Incident Example: 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).

69 Offender Management Act (1 of 1)

General Rule: One crime for each offender.

69/01 (S)	Assisting a prisoner to escape. Prison Act 1952 as inserted by Offender Management Act 2007 Sec 39.	69/04 (S)	Other offences relation to prison security. Prison Act 1952 as inserted by Offender Management Act 2007 Sec 40D
69/02 (S)	Conveyance etc. of List A articles into or out of prison. Prison Act 1952 as inserted by Offender Management Act 2007 Sec 40B.	69/05 (S)	Without authority possess inside a prison an item specified in Sec 40D (3B). Prison Act 1952 Sec 40D (3A).
69/03 (S)	Conveyance etc of List B articles into or out of prison. Prison Act 1952 as inserted by Offender Management Act 2007 Sec 40C(1).	69/06 (S)	Unauthorised possession in prison of knife or offensive weapon. Prison Act 1952 Sec 40CA as inserted by Serious Crime Act 2015 Sec 78.
		69/07 (S)	Throwing articles into prison. Prison Act 1952 Sec 40CB (1) and (4) as inserted by Serious Crime Act 2015 Sec 79

76 Aiding Suicide (1 of 1)

76/01 (S)	Intentionally doing an act capable of encouraging or assisting the suicide or attempted suicide of another. Suicide Act 1961 Sec 2(1).
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Abolition of 'year and a day' Rule

The Law Reform 'Year and a Day Rule' Act 1996 abolished the rules for aiding and abetting suicide. This means that a crime can be recorded even if the suicide victim dies more than a year afterwards. HO Circular 28/1996 gives more details on the law, and lists several safeguards against inappropriate application.

Criminal Liability for Complicity in Another's Suicide

Suicide Act 1961 Sec 2(1) as amended by the Coroners and Justice Act 2009

"A person does an act capable of encouraging the suicide or attempted suicide of another person, and that act was intended to encourage or assist suicide or an attempt of suicide."

General Rule: One crime for each person aided.

Examples

- 1: A person is reported for having aided three people's suicides.
Three crimes (class 76).
- 2: 'A' aids 'B's' unsuccessful attempt at suicide.
One crime (class 76).
- 3: 'A' aids 'B's' suicide, but 'B' does not die until 15 months later.
One crime (class 76).

79 Perverting the Course of Justice (1 of 2)

79/1 (S)	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.	79/8 (S)	Members of a jury engage in prohibited conduct. The Juries Act 1974 Sec 20 (C) (1) & (8) amended by Sec 73 of Criminal Justice and Courts Act 2015.
79/2 (S)	Intimidating a juror or witness or person assisting in investigation of offence. Criminal Justice and Public Order Act 1994 Sec 51(1).	79/9 (S)	Intentionally disclose jury's deliberations. The Juries Act 1974 Sec 20 (D) Sec 1 (2) as amended by Criminal Justice and Courts Act 2015 Sec 74
79/3 (S)	Harming or threatening to harm a witness, juror or person assisting in investigation. Criminal Justice & Public Order Act 1994 Sec 51(2).	79/10 (S)	Member of a jury at an inquest research the case during the inquest period. Coroners and Justice Act 2009 Sch 6 para 5A (1) & (8) as amended by Criminal Justice and Courts Act 2015 Sec 75.
79/4 (S)	Intimidating or intending to intimidate a witness. Criminal Justice and Police Act 2001 Sec 39.	79/11 (S)	Member of a jury at an inquest share research with another member of the jury during the inquest period. Coroners and Justice Act 2009 Sch 6 para 5B (1) & (3) as amended by Criminal Justice and Courts Act 2015 Sec 75
79/5 (S)	Harming or threatening to harm a witness Criminal Justice and Police Act 2001 Sec 40	79/12 (S)	Member of a jury at an inquest engage in prohibited conduct. Coroners and Justice Act 2009 Sch 6 Para 5C (1) & (6) as amended by Criminal Justice and Courts Act 2015 Sec 75
79/6 (S)	Member of a jury carry out research during the trial. The Juries Act 1974 Sec 20 (A) (1) & (8) amended by Criminal Justice and Courts Act 2015 Sec 71.	79/13 (S)	Intentionally disclose jury's deliberations at an inquest. Coroners and Justice Act 2009 Sch 6 para 5D (1) and (2) as amended by Criminal Justice and Courts Act 2015 Sch 6 para 5D (1) and (2)
79/7 (S)	Member of a jury share research with other jurors. The Juries Act 1974 Sec 20 (B) (1) & (8) amended by Criminal Justice and Courts Act 2015 Sec 72.		

Legal Definitions:

Harming of Witnesses, Jurors and Others

Criminal Justice and Public Order Act 1994 Sec 51 (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

Intimidation of Witnesses, Jurors and Others

Criminal Justice and Public Order Act 1994 Sec 51 (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."

79 Perverting the Course of Justice (2 of 2)

General Rule: One crime for each offender or group of offenders.

Examples

1: A person intimidates several witnesses into not testifying in a court case.

One crime (class 79).

2: A person tampers with evidence in order to mislead the court.

One crime (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.

3: 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.

Finished Incident Example: 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).

80 Absconding from Lawful Custody (1 of 1)

80 (S)	Absconding from lawful custody. Common Law.	80/3 (S)	Temporarily released prisoner fails to comply to recall. Prisoner (Return to Custody) Act 1995 Sec 1 (1) (3)
80/1 (S)	Participating in prison mutiny with or without failing to submit to lawful authority. Prison Security Act 1992 Sec 1 (1) & 4	83/5 (S)	Remain unlawfully at large after recall to prison (life prisoners). Crime Sentences Act 1997 Sec 32ZA
80/2 (S)	Temporarily released prisoner unlawfully at large. Prisoner (Return to Custody) Act 1995 Sec 1 (1) (3)	83/6 (S)	Remain unlawfully at large after recall to prison. Criminal Justice Act 2003 Sec 255ZA (1) (5) amended by Criminal Justice and Courts Act 2015

Definition - Recorded Crime: Absconding from Lawful Custody

For the purposes of crime recording, lawful custody includes police custody, persons detained under Part III of the Mental Health Act 1983, absconding from privatised escort and custody services and any crime of escaping or absconding that contravenes prison rules.

If someone is detained under Part II of the MHA then no crime report will be required if they become absent without leave.

If someone is detained under Part III of the MHA and they abscond from hospital or fail to return from authorised leave, then a crime report for escape lawful custody is required after the abscond/absence whether or not they have yet been found by the police. Although s37 and s41 MHA fall under Part III, they should be treated as under Part II if someone absconds under these sections. (s40 MHA).

If someone is detained under s18 or s135(2) of the MHA (retaken after being absent without leave) and then absconds again; then the Part of the Act under which they were originally detained will decide whether a crime report is required or not. Amended November 2019

General Rule: One crime for each offender or group of offenders.

Examples

1: Three members of a group abscond at the same time from lawful custody.

One crime (class 80).

2: A prisoner absconds but is apprehended by prison staff. Under the Prison Protocol the police must be informed and investigate the escape attempt.

One crime of absconding (class 80).

Principal Crime Example: See also General Rules Section F & Annex C.

1: 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).

83 Bail Offences (1 of 1)

83/2 (S)	Agreeing to indemnify sureties in criminal proceedings. Bail Act 1976 Sec 9.	83/7 (S)	Disclose information acquired in employment at contracted out secure college relating to detainee. Criminal Justice and Courts Act 2015 Sch 10 para 15 (1) & (3)
83/3 (S)	Acknowledging bail in false name. Forgery Act 1861 Sec 34	83/8 (S)	Offence of breach of pre-charge bail conditions relating to travel. Policing and Crime Act 2017 Sec 68
83/4 (S)	Disclose information acquired in employment at directly managed secure college relating to detainee. Criminal Justice and Courts Act 2015 Sch 10 para 25		

Legal Definition: Agreeing to Indemnify Sureties in Criminal Proceedings

Bail Act 1976 Sec 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 ...".

Exclusion from Notifiable Offences: Absconding by Person Released on Bail

Bail Act 1976 Sec 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.

General Rule: One crime for each offender or group of offenders.

Crimes in More Than One Force: see also General Rules Section G.

Example 1: 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.

86 Obscene Publications etc. (1 of 3)

86/1 (S)	Possessing obscene material for gain. Obscene Publications Act 1959 Sec 2 (as amended by the Obscene Publications Act 1964 Sec 1).	86/10 (S)	Possession of an indecent or pseudo-photograph of a child Criminal Justice Act 1988 Sec 160
86/2 (S)	Take/make/distribute indecent photographs or pseudo-photographs, of children. Protection of Children Act 1978 Secs 1 & 6 (as Amended by the Criminal Justice and Public Order Act 1994 Sec 84) and Sexual Offences Act 2003 Sec 45	86/11 (S)	Possession of extreme pornographic images – an act which threatens a person's life. Criminal Justice and Immigration Act 2008 Sec 63 (7) (a).
86/3 (S)	Indecent matter publicly displayed. Indecent Displays (Control) Act 1981 Sec 1 & 5.	86/12 (S)	Possession of extreme pornographic images – an act which results, or is likely to result, in serious Injury to a person's anus, breasts or genitals. Criminal Justice and Immigration Act 2008 Sec 63 (1) (7) (b).
86/4 (S)	Supplying video recording of unclassified work. Video Recordings Act 1984 Sec 9 (amended by the Criminal Justice and Public Order Act Sec 88 (2)).	86/13 (S)	Possession of extreme pornographic images – an act which involves sexual interference with a human corpse (necrophilia). Criminal Justice and Immigration Act 2008 Sec 63 (1) (7) (c)
86/5 (S)	Possess video recording of unclassified work for the purpose of supply. Video Recordings Act 1984 Sec 10 (amended by the Criminal Justice & Public Order Act 1994 Sec 88(3)).	86/14 (S)	Possession of extreme pornographic images – person performing an act of intercourse or oral sex with an animal (dead or alive). Criminal Justice and Immigration Act 2008 Sec 63 (1) (7) d
86/6 (S)	Defendant has protected material, or copy in (S) possession otherwise than while inspecting etc Sexual Offences (Protected Material) Act 1997 Sec 8 (1) (a)	86/15 (S/V)	Possessing prohibited images of children. Coroners and Criminal Justice Act 2009 Sec 62 (1) & 66 (2).
86/7 (S)	Defendant gives, or reveals, protected material, or copy, of it, to any other person. Sexual Offences (Protected material) Act 1997 Sec 8 (1) (b)	86/16 (S)	Possess an extreme pornographic image portraying rape. Criminal Justice and Immigration Act 2008 Sec 63 (1) 7 (a) (b) and 67 (2) as amended by Criminal Justice and Courts Act 2015 Sec 37.
86/8 (S)	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 82 (2) (a)	86/17 (S)	Possess an extreme pornographic image portraying assault by penetration. Criminal Justice and Immigration Act 2008 Sec 63 (1) 7 (a) (b) and 67 (2) as amended by Criminal Justice and Courts Act 2015 Sec 37
86/9 (S)	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).		

Legal Definition : Indecent Photographs of Children

Protection of Children Act 1978 Sec 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."

86 Obscene Publications etc. (2 of 3)

Legal Position: Possession & Supply of Video Recording of Unclassified Work

Video Recordings Act 1984 Secs 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 ...".

General Rule: One crime for each offender or group of offenders.

Examples

- 1: A group of people reported for the first time, for collectively marketing obscene publications and videos.
One crime (class 86).
- 2: A 13 year old boy is asked separately by two 15 year old girls he attends a sports club with to send indecent photographs. He sends the same indecent photograph to two 15 year old girls at the same time using a social media messaging application.

Two crimes of Sexual Activity involving a child under 16 (class 22B – 22/25) against the females.
One crime (class 86 – 86/2) in respect of the male who sent the image unless he was unduly forced into doing so.
- 3: Over a period of months a 15 year old girl is approached online by ten male school classmates of the same age and asked to send indecent photographs. On each occasion she sends a new self generated indecent image. Police are made aware and interrogations of the female's computer confirms ten separate images sent on ten separate occasions.

Ten crimes of Sexual Activity involving a child under 16 (class 22B 22/24) against each of the males.
One crime (class 86 – 86/2) in respect of the female who sent the image unless she was unduly forced into doing so by all ten males.
- 4: A male age 15 asks a female age 14 for an indecent image and in doing so sends the female an indecent image of himself. The female replies by sending an indecent image of herself.

Two crimes – one crime Sexual Activity involving a child under 16 (class 22B 22/24) in respect of the male and one crime (class 86-86/2) in respect of the female who sent the image unless she was unduly forced into doing so.
- 5: A 15 year old boy whilst online asks a 14 year old girl that he knows at school to send him her homework so that he can copy it to make a deadline which she does. The boy demands she sends him indecent photographs or he will tell the teacher she has helped him cheat. The girl sends the images believing that she was under duress to do so.

One crime of sexual activity involving a child under 16 (class 22B – 22/24) against the male. If the FCR is satisfied the **only** reason for sending the photographs was the undue duress then there is no requirement for a crime to be recorded for the female under class 86 (86/2.)

86 Obscene Publications etc. (3 of 3)

Finished Incident Example: 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 & Annex C. Any violent or sexual offence takes precedence over obscene publications offences, and the number of victims rather than the number of offenders are counted.

Example 1: A person is reported for taking indecent photos and sexually assaulting a child.

One crime of sexual assault on a child (class 17A, 17B, 20A, or 20B).

Example 2: A 15 year old boy whilst online asks a 14 year old girl that he knows at school to send him pictures of her breasts and she does so.

One crime of sexual activity involving a child under 16 (class 22B – 22/24) against the male.
One crime (class 86 – 86/2) in respect to the female who forwarded the images unless she was unduly forced into doing so.

95 Disclosure, Obstruction, False or Misleading Statements etc. (1 of 4)

General Rule: One crime for each offender or group of offenders.

95/1 (S)	Person discloses any information in contravention of direction made under Sec 18. Anti-terrorism, Crime and Security Act 2001 Sec 18(6).	95/14 (S)	Failure to comply with directive under Sch. 3A etc. Merchant Shipping Act 1996 Sch. 3A (as added by Maritime Safety Act 2003 Sch. 1).
95/2 (S)	Obstruction of an officer in the exercise of a power conferred by a warrant etc. Anti-terrorism, Crime and Security Act 2001 Sec 52.	95/15 (S)	Failure to comply with a direction given by Chief Inspector of Rail Accounts. Railways and Transport Safety Act 2003 Sec 10.
95/3 (S)	Knowingly makes false or misleading statements for purpose of obtaining or opposing the variation or withdrawal of authorisation for the purposes of Sec 47 and 50. Anti-terrorism, Crime and Security Act 2001 Sec 54.	95/16 (S)	Failure to give assistance/information to technical assessors. Water Industry Act 1991 Sec 86(6) (Penalty increased by Water Act 2003 Sec 57).
95/4 (S)	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 and Security Act 2001 Sec 67.	95/17 (S)	Financial institution: makes a statement which he knows to be false or misleading in purported compliance with a customer information order. Crime (International Co-operation) Act 2003 Sec 34(3)(4).
95/5 (S)	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 and Security Act 2001 Sch 3 Paras 2, 3, 7.	95/18 (S)	Financial institution: discloses types of information specified in Sec 42(3) to customers. Crime (International Co-operation) Act 2003 Sec 42 (1)(2)(3)(4).
95/6 (S)	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.	95/19 (S)	Employee of institution discloses types of information specified in Sec 42(3). Crime (International Co-operation) Act 2003 Sec 42(1)(2)(3)(5).
95/7 (S)	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).	95/21 (S)	Misleading applications for licences. Export of Objects of Cultural Interest (Control) Order 2003 Article 4.
95/8 (S)	Disclosure, Obstruction, False or Misleading statements etc. Financial Services & Markets Act 2000 Secs 346, 351, 352, 397, 398, Sch 4 part 6 & Sch.13 part 11.	95/22 (S)	Failure to comply with licence conditions. Export of Objects of Cultural Interest (Control) Order 2003 Article 5.
95/9 (S)	Disclosure, Obstruction, False or Misleading statements, alters, suppresses or destroys documents. The Enterprise Act 2002 Secs 106, 107, 114, 170, 174A, 196(2)(3)(6)240; Sch 25.	95/23 (S)	Makes false or misleading statement in purported compliance with any requirement imposed under sections 62 (disclosure notices) or 63 (production of documents). Serious Organised Crime & Police Act 2005 Sec 67(2)(5).
95/10 (S)	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 Sec 183 The Enterprise Act 2002 Sec 196(4)(5).	95/24 (S)	Disclosing information about protection arrangements. Serious Organised Crime and Police Act 2005 Sec 86.
95/11 (S)	Disclosure of information. Tax Credits Act 2002 Sec 59 & Sch. 5.	95/25 (S)	Disclosing information relating to persons assuming new identity. Serious Organised Crime and Police Act 2005 Sec 88.
95/12 (S)	Financial institution fails to comply with the requirement imposed under customer information order. Proceeds of Crime Act 2002 Sec 366(3)(4).	95/26 (S)	Failing to provide information or making false statement relating to ship or harbour area. Aviation and Maritime Security Act 1990 Sec 19.
95/13 (S)	Makes false statements to authorised officer. Tobacco Advertising & Promotions Act 2002 Secs 15(2), 16(2).	95/27 (S)	Falsification of documents. Finance Act 2003 Sch. 13 Part 531(a)(b)(6).

95 Disclosure, Obstruction, False or Misleading Statements etc. (2 of 4)

95/28 (S)	Make/recklessly make a statement or furnish document/information which is false in material particular. Trade in Goods (Control) Order 2003 SI 2765/2003 A.10.	95/44 (S)	Failure to disclose information which is known or ought to be known to be relevant to an application for licence or consent of S of S etc. – importation and storage of combustible gas. Energy Act 2008 Sec 9(4) & (5).
95/31 (S)	False statements etc. with reference to civil partnerships. Civil Partnership Act 2004 Sec 80.	95/45 (S)	Failure to comply with direction under Sec 10 – importation and storage of combustible gas. Energy Act 2008 Sec 11(1) & (2).
95/32 (S)	Obstruct, conceal or fail to produce records for records for person acting under S20(1). Make false/misleading statement in purported compliance with a S.47 requirement to produce documents. Health Act 2006 Sec 21(1)(2) & Sec 52(4)(5).	95/46 (S)	Licence holder failing to keep records or give notice or make a return or report as required by licence – storage of carbon dioxide. Energy Act 2008 Sec 23(1)(c) & (3).
95/33 (S)	Knowingly make false/misleading statement in purported compliance with Sec 198.National Health Service Act 2006 Sec 204(4)(6).	95/47 (S)	Making a statement known to be false or recklessly making statement which is false to obtain license or consent of licensing authority – storage of carbon dioxide. Energy Act 2008 Sec 23(5) & (7).
95/34 (S)	Fail to comply with a Sec 201 or Sec 202 requirement to disclose information. National Health Service Act 2006 Sec 205.	95/48 (S)	Failure to disclose information which is known or ought to be known to be relevant to an application for licence or consent of licensing authority – storage of carbon dioxide. Energy Act 2008 Sec 23(6) & (7).
95/35 (S/V)	Fail to comply with Sec 50(2)(5) or Sec 51 (2) Health Act 2006 Sec 53.	95/49 (S)	Failure to comply with a direction under Sec 24 – storage of carbon dioxide. Energy Act 2008 Sec 25.
95/36 (S/V)	Disclose information in connection with the Education Act 2005. Education Act 2005 Sec 109 & 111.	95/50 (S)	Offence of further disclosure of information – nuclear sites: decommissioning and clean-up. Energy Act 2008 Sec 59(1) & (3).
95/37 (S)	Intentionally alter/suppress/destroy document required to produce under S.235 notice. Housing Act 2004 Sec 236.	95/51 (S)	Without authority disclosing or using information. Access to Justice Act 1999 Sch 3 P.7(2) .
95/38 (S)	Without consent of Commissioner of HM Revenue & Customs made unauthorised paragraph 1 disclosure. Police, Public order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007.	95/52 (S)	Triable-either-way offences. Counter-Terrorism Act 2008 Sch 7.
95/39 (S)	Make a false statement in an application for registration of document for lasting power of attorney or re actual/impending incapacity of donor. Mental Capacity Act 2005 Sch.1, parts.2. 4(4) & Sch.4, parts 2, 4(7).	95/53 (S)	Disclosing protected information disclosed by public authority acting as an anti-fraud organisation. Serious Crime Act 2007 Sec 69.
95/40 (V)	Assault/obstruct enforcement officer acting under Sec 89/90 or fail/refuse to comply with Sec 89(4e-f) requirement. Wireless Telegraphy Act 2006 Sec 92 & 93(1).	95/54 (S)	Triable-either-way offences. Cattle Identification Regulations 2007.
95/41 (S)	Disclosing information relating to identify of persons which is specified in or can be deducted from that disclosure. UK Borders Act 2007 Sec 42.	95/55 (S)	Member of the House of Commons providing false or misleading information for allowance claims. Parliamentary Standards Act 2009 Sec 10.
95/42 (S)	Licence holder failing to keep records or give notice or make a return or report as required by licence – importation and storage of combustible gas. Energy Act 2008 Sec 9(1)(c) & (5).	95/56 (V)	Intentionally obstructing an authorised person in the exercise of powers under Part 3 of Sch 3 (seizure in cases of imminent danger of serious pollution). Control of Dangerous Substances and Preparations Regulations 2006.
95/43 (S)	Making a statement which the person knows to be false or recklessly making statement which is false to obtain licence or consent of S of S etc. – importation and storage of combustible gas. Energy Act 2008 Sec 9(3) & (5).	95/57 (S/V)	Triable-either-offences [excluding R.6(7)]. Railways (Accident Investigation and Reporting) Regulations 2005.
		95/58 (S)	Failure to assist a railway Investigation Branch Inspector when required to do so. Railways (Accident Investigation and Reporting) Regulations 2005.

95 Disclosure, Obstruction, False or Misleading Statements etc. (3 of 4)

95/60 (S)	Fail to comply with a condition of a marine licence. Marine and Coastal Access Act 2009 Sec 85 (1) (b) & (4).	95/76 (S)	Triable either way offences. Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 Sec 52B (1) and (2) 86 87 (2) (a) (b) 88 (1) (3)
95/61 (S)	Knowingly make false/misleading/reckless statement or intentionally fail to disclose information. Marine and Coastal Access Act 2009 Sec 89 (1) (a) (b) (c) & (3)	95/77 (S)	Triable either way offences. Criminal Justice (European Investigation Order) Regulations 2017 Sec 49 (3-4) 50 (2) (4) (5)
95/62 (S)	Offences in relation to enforcement officers. Marine and Coastal Access Act 2009 Sec 292 (1) (a) & (b) & (7.)	95/78 (S)	Triable either way offences Digital Economy Act Sec 41 (1) (4-6), 42 (1) (3) 50 (1) (4-6) 51 (1) (3) 58 (1) (4-6) 59 (1) (3) 66 (2) (5) (10-11), 67 (2) (5) (8) 68
95/63 (S)	Fail to comply with a notice to stop an activity causing/likely to cause environment/health/interference. Marine and Coastal Access Act 2009 Sec 103 (3) & (4)	95/79 (S)	Make a false or misleading statement in purported compliance with an unexplained Wealth Order or a disclose order. Criminal Finance Act 2017 Sec 1 (362E (1) & Sch 2 para 3 (11 (3)
95/64 (S)	Fail to comply with an emergency safety notice. Marine & Coastal Access Act 2009 Sec 105 (3) & (4)	95/80 (S)	Knowingly or recklessly furnish false information or misleading in any material particular. Common Agricultural Policy (Control and Enforcement, Cross Compliance, Scrutiny of Transactions and Appeals) Regulations 2004 Sec 16 (1) (c)
95/65 (S)	With intend to deceive/forgo or alter use/lend/allow another to use/make a document resembling a notice or exemption/accessibility/approval certificate. Equality Act 2010 Sec 188 (2) & (3).	95/81 (S)	Fishing vessel owner breaches terms of an exemption granted by the Secretary of State. Merchant Shipping (Work in Fishing Convention) Regulations 2018
95/66 (S)	Triable-either-way offences. Legal Services Act 2007.	95/82 (S)	Triable-either-way offences Ukraine (European Union Financial Sanctions) No 2 Regulations 2014 Sec 3 (1) 4 (1) 5 (1) 6 (1) 7 (1) 8 (1) 9 (5) (6) 10 (1) 12 (1)
95/67 (S)	Owner/master contravene regulating under Sec 13 (1) (a-c) Merchant Shipping (Technical Requirement for Inland Waterway Vessels) Regulation 2010.	95/84 (S)	Triable-either-way offences Merchant Shipping (Safety of Navigation) Regulations 2020
95/68 (S)	Fail to comply with a marine activity compliance notice. Marine and Coastal Access Act 2009 Sec 92 (3) (a) & (4).	95/85 (S)	Deal with or make available funds for benefit of a designated person Global Anti-Corruption Sanction Regulations 2021 SS 11-16, 22, 31(1)
95/69 (S)	Failure to comply with a marine activity remediation notice. Marine and Coastal Access 2009 Sec 92 (3) (b) & (4).	95/86 (S)	Breach of confidentiality Global Anti-Corruption Sanctions Regulations 2021 SS 9, 31(2)
95/70 (S)	Disclose or use financial resources information in contravention of regulations. Legal Aid Sentencing and Punishment of Offenders Act 2012 Sec 33 (4).	96/01 (S)	Unauthorised disclosure of information by the Commissioner/member of Commissioner's staff /agent of the Commissioner. Data Protection Act 2018 Sec 132 (3)
95/71 (S)	Wrongfully use or disclose restricted information concerning administration of justice. Crime and Courts Act 2013 28 (3) & (5)	96/02 (S)	Make false statement knowingly/recklessly in response to an information notice. Data Protection Act 2018 Sec 144
95/72 (S)	Triable-either-way offences Financial Services Act 2012 Sec 89, 90, 91 (1) (2) and 92.	96/03 (S)	Obtain/procure/retain personal data without consent of controller. Data Protection Act 2018 Sec 170 (1) (a-c)
95/73 (S)	Disclose information relating to a persons identity without prior consent of Commissioners. Plant Health (England) Order 2015 Article 45 (3) 46 (1) (a) (xvii) 47 (2)	96/04 (S)	Unlawfully sell or offer to sell personal data. Data Protection Act 2018 Sec 170 (4) (5)
95/74 (S)	Triable-either way offences Port Security Regulations 2009 Sec 30, 33, 35	96/05 (S)	Re-identify de-identified personal data without controller's consent or unlawfully process de-identified data. Data Protection Act 2018 Sec 171 (1) (5)
95/75 (S)	Disclose information obtained by virtue of section 260 or Schedule 22 National Health Service Act 2006 Para 5 and 8(1)(c) and (3) of Schedule 22 -		

95 Disclosure, Obstruction, False or Misleading Statements etc. (4 of 4)

96/06 (S)	Make employment/provision of goods/facilities/ services conditional on access to a relevant record. Data Protection Act 2018 Sec 184 (1) (2)	809/2 (S)	Making false statement or withholding material information in order to obtain the issue of a certificate of insurance. Road Traffic Act 1988 Sec 174(5).
96/07 (S)	Destroy/falsify/conceal/block/dispose of information specified in information / assessment notice. Data Protection Act 2018 Sec 148 (2) (a)	810/2 (S)	Making false statement or produces false evidence for the purposes of Regs under 66(1). Road Traffic Act 1988 Sec 174(3).
96/07 (S)	Cause/permit destruction/disposal/concealment/ blocking or falsification of information specified in information /assessment notice. Data Protection Act 2018 Sec 148 (2) (b)	810/03 (S)	Disclose any information obtained from register of vehicles held under Sec 21 of Vehicle Excise Act. End-of-Life Vehicles Regs 2003 Reg 35.
125/62 (S)	Summary Regulations made under Part 8. Anti-terrorism, Crime and Security Act 2001 Sec 77(2)(d) & 77(3)(b).	814/8 (S)	Making false statement or produces, provides, sends or otherwise makes use of a document which he knows to be false etc. Road Traffic Act 1988 Sec 174(2)
807/5 (S)	Making false statement to obtain or failure to produce revoked licence. Road Traffic Act 1988 Sec 174(1).	814/9 (S)	Wilfully, or with intent to deceive, makes a false entry in any record required to be made or kept by regulations under Sec 74 etc. Road Traffic Act 1988 Sec 174(4).
807/10 (S)	Knowingly make a false statement to obtain issue of a driver qualification card. Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 Sec 13(3)&(4).	825/18 (S)	Make false declaration with a view to securing release of a vehicle from an immobilisation device. Road Safety (Immobilisation, Removal and Disposal of vehicles) Regulations 2009 Sec 9.
		825/20 (S)	Make false declaration with a view to securing possession of a vehicle delivered into custody of a person. Road Safety (Immobilisation, Removal and Disposal of vehicles) Regulations 2009 Sec 18.

96 Wildlife Crime (1 of 1)

General Rule: One crime for each offender or group of offenders

98/63 (S)	Fail to comply with articles listed in the Schedule relating to shark fins. Sea Fishing (Prohibition on Removal of Shark Fins) Order 2007 S.4,5.	99/3 (S)	Triable-either-way offences Control of Trade in Endangered Species (Enforcement) Regulations 1997 .
98/64 (S)	Fail to comply with/prevent other person complying with a requirement imposed by a British sea-fishery officer, or assault/obstruct a British sea-fishery officer exercising powers under this order. Sea Fishing (Prohibition on Removal of Shark Fins) Order 2007 S.12.	99/17 (S)	Triable-either-way offences Control of Trade in Endangered Species Regulations 2018 Sch 1, para 1
98/88 (S)	Triable-either-way offences. Sea Fisheries Act 1968 Sec 10.	99/18 (S)	Triable-either-way offences Control of Trade in Endangered Species Regulations 2018 Sch 1, para 2
98/90 (S)	Conservation of Whales – various offences. Whaling Industry (Regulations) Act 1934. Fine.	99/19 (S)	Triable-either-way offences Trade in Animals and Related Products Regulations 2011 RR 39 & 42 (1) & (2)
98/91 (S)	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 of 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.	99/20 (S)	Offences relating to the introduction of new species. Wildlife and Countryside Act 1981 Sec 14(1) & 18 (2).
98/92 (S)	Fishing with or possessing for fishing, prohibited instruments. Salmon and Freshwater Fisheries Act 1975 Sec 1 2 years	99/21 (S)	Remove/disturb limestone on designated land. Wildlife and Countryside Act 1981 Sec 34.
98/93 (S)	Breach EU regulation 1007/2009 in relation to seal meat/oil/blubber/organs/skins. Seal Products Regulations 2010 Sec 3. Fine	99/22 (S)	Triable-either-way offences. Sea Fishing (Enforcement of Community Control Measures) Order 2000 AA 3 (1) or (2) & 4(1) or (3) or 10 (a) (b) or (c) & 10 (c).
98/94 (S)	Triable-either-way offences The Eels (England and Wales Regulations 2009	99/48 (S)	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 Secs 28P (as added by Countryside & Rights of Way Act 2000 Sch. (9).
98/95 (S)	Fish/take fish by other than licensable means in circumstances where fish / taking may or may not be authorised, or possess unlicensed instrument with Intent to fish / take fish with or without a S27A authority. Salmon and Freshwater Fisheries Act 1975 Sec 27B (1) (a) & (b) & (2) (a) & (b).	99/49 (S)	Falsely pretending, with intent to deceive, to be a wildlife inspector. Wildlife & Countryside Act 1981S.XB(4) as added by Natural Environment & Rural Communities Act 2006 Sch. 5 P.1.
98/98 (S)	Triable-either-way offences Invasive Alien Species (Enforcement and Permitting) Order 2019		
99/2 (S)	Intentionally/recklessly remove, cause or permit the removal of a hedgerow in contravention of Regulation 5 (1) or (9). Hedgerows Regulations 1997.		

99 Other Notifiable Offences (1 of 12)

General Rule: One crime for each offender or group of offenders.

Exception for immigration offences: One crime for each illegal entrant, asylum seeker etc assisted.

75/39 (S)	Cheating at gambling or enabling or assisting person to cheat. Gambling Act 2005 Sec 42.	78/15 (S)	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 (added by Nationality, Immigration and Asylum Act 2002 Sec 148).
75/60 (S)	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.	78/16 (S)	Possession of Immigration Stamp. Immigration Act 1971 Sec 26B (added by Nationality, Immigration and Asylum Act 2002 Sec 149).
75/61 (S)	False representations as to the National Lottery. National Lottery etc. Act 1993(a) Sec 16.	78/17 (S)	Being unable to produce an immigration document at a leave or asylum interview in respect of himself. Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 2(1)(9).
75/62 (S)	Wrongful disclosure of information received from HMRC relating to an identifiable person. National Lottery Act 1993 as added by National Lottery Act 2006 Secs.2, 4C.	78/18 (S)	Being unable to produce an immigration document at a leave or asylum interview in respect of a dependent child. Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 2(2)(9).
78/4 (S)	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 28).	78/22 (S)	Employing a person subject to immigration control who has attained the age of 16 Asylum and Immigration Act 1999 Sec 8 as amended by Asylum & Immigration (Treatment of Claimants) Act 2004 Sec 6.
78/5 (S)	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 91(1).	78/23 (S)	Failure to comply with a requirement to take specified action as the Secretary of State required. Asylum and Immigration (Treatment of Claimants) Act 2004 Sec 35(1)(3) &(4).
78/6 (S)	Person knowingly or recklessly discloses information obtained under 88(2). Immigration and Asylum Act 1999 Sec 93.	78/24 (S)	Employing a person knowing that they are an adult subject to immigration control who has not been granted leave to enter or remain, or whose leave to remain is invalid etc. Immigration Asylum and Nationalist Act 2006 Sec 21
78/7 (S)	Obtain benefits or advantage for himself or anyone else by making dishonest representations. Immigration and Asylum Act 1999 Sec 106(1), (2).	78/25 (S)	Wrongful disclosure of information in breach of SS.15(1), 15(2) or 17(1). Borders, Citizenship and Immigration Act 2009 Sec 15(1), (2) or 17(1) & 18.
78/8 (S)	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 158(1), (2).	78/26 (S)	Triable-either-way offences Immigration Act 2014 Sec 33A (1) (10) 33B (4) 33C
78/9 (S)	Assisting a detained person to escape. Immigration and Asylum Act 1999 Sch 11 para 4.	78/27 (S)	Fail to comply with a Labour Market Enforcement Order Immigration Act 2016 Sec 27
78/10 (S)	Assisting unlawful immigration to member state. Immigration Act 1971 Sec 25(4-6) as amended by Nationality, Immigration & Asylum Act 2002 Sec 143.	78/28 (S)	Immigration offences relating to entering the UK without proper permissions. Immigration Act 1971 Sec 24 (A1) (B1) (C1) (D1) (E1) and (F1)
78/11 (S)	Helping asylum seeker to enter UK. Immigration Act 1971 Sec 25A (4) amended by Nationality, Immigration & Asylum Act 2002 Sec 143.	78/29 (S)	Offences relating to the facilitation of the commission of a breach of UK immigration law by a non UK national. Immigration Act 1971 Sec 25(1) (6).
78/12 (S)	Assisting entry to UK in breach of deportation order. Immigration Act 1971 Sec 25B (as amended by Nationality, Immigration and Asylum Act 2002 Sec 143).	78/30 (S)	Offences relating to assisting asylum seekers entering the UK. Immigration Act 1971 Sec 25A, 25 (6)
78/14 (S)	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 and Asylum Act 2002 Sec 148).		

99 Other Notifiable Offences (2 of 12)

General Rule: One crime for each offender or group of offenders.

82/2 (S)	VAT Offences. Value Added Tax Act 1994 Sec 72(1) (3) (8).	(S)	Medicines Act 1968 Secs 58 (2) (b), 67 (2) (3-4), 91(1), 96(5), 114(3), 118 & 123.
82/2 (S)	Unlawful use of duty-free oil. Hydrocarbon Oil Duties Act 1979 Secs 10(5)(6).	84/12 (S)	Infringe a copyright to a work by communicating work to public. Copyright, Designs & Patents Act 1988 Sec 107A and 4A (added by Copyright & Related Rights Regs 2003).
82/2 (S)	Misuse of rebated heavy/light oil. Hydrocarbon Oil Duties Act 1979 Secs 13(3)(4). 14(6)(7).	84/13 (S)	Infringe a performer's making available right in the course of business/otherwise. Copyright, Designs & Patents Act 1988 Sec 198 (2A) (5A) (as added by Copyright & Related Rights Regs 2003).
82/2 (S)	Other triable way offences under Hydrocarbon Oil Duties Act 1979 Sec 20AAC (3A) (a) (b)	84/14 (S)	Knowingly/recklessly engage in commercial practice contravening regulation 3(3)(a) distorting behaviour of average consumer. Consumer Protection from Unfair Trading Regulations 2008 Sec 8(1) & 13.
82/2 (S)	Untrue declarations etc. to Customs & Excise Customs & Excise Management Act 1979 Sec 167(1).	84/15 (S)	Engage in commercial practice which is a misleading action under regulation 5. Consumer Protection from Unfair Trading Regulations 2008 Sec 9 & 13.
82/2 (S)	Fraudulent evasion of tax & stamp duty land tax. Finance Act 2003 Sec 95.	84/16 (S)	Engage in commercial practice which is a misleading omission under regulation 6. Consumer Protection from Unfair Trading Regulations 2008 Sec 10 & 13.
82/2 (S)	Fraudulent evasion of income tax. Finance Act 2000 S.144.	84/17 (S)	Engage in commercial practice which is aggressive under regulation 7. Consumer Protection from Unfair Trading Regulations 2008 Sec 11 & 13.
82/2 (S)	Fraudulent evasion or false statements in connection with plastic packaging tax. Finance Act 2021 Sec 77 (1) (3), 78 (1) (3)	84/18 (S)	Engage in commercial practice set out in any paragraphs 1 to 10, 12 to 27 and 29 to 31 of Schedule 1. Consumer Protection from Unfair Trading Regulations 2008 Sec 12 & 13.
82/3 (S)	Fraudulent evasion of duty, an offence in connection with a prohibition or restriction on the importation or exportation of any weapon or ammunition etc. Customs and Excise Management Act 1979 Sec 170.	84/19 (S)	Make false statement in providing information under paragraph 23(1)(c). Consumer Protection from Unfair Trading Regulations 2008 Sec 23(2).
82/4 (S)	Disclosing any information held in the exercise of tax or other function by authorised person. Finance Act 1989 Sec 182 & 182(A).	84/20 (S)	Falsification of Register etc. Trade Marks Act 1994 Sec 94 (1) or (2) & (3).
82/5 (S)	Triable either way offences Alcoholic Liquor Duties Act 1979 Sec 88G (1-4)	84/21 (S)	TEW offences under this regulation. Human Medicines Regulations 2012.
82/6 (S)	Relevant body fail to prevent facilitation of UK/Foreign tax evasion offence. Criminal Finances Act 2017 Sec 45 (1) 46 (1)	85/1 (S)	Neglect of safety at work. Health and Safety at Work etc. Act 1974 Secs 2 - 9, 33(1)(a), 33(1)(b) and 33(3).
84/5 (S)	Price regulation, price marking and price range notices. Restriction on disclosure of information. Prices Act 1974 Secs 2, 4 & 5 and Sch Sec 7 Paras 5(1) & 12(3).	85/1 (S)	Failure to discharge a duty imposed (on employers and others) by virtue of Sec 2, 3, 4, 6 and 7. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(a)
84/6 (S)	Furnishing false information in response to notice, or to enforcement officer. Consumer Protection Act 1987 Secs 18(3)(b) & 32(2).	85/1 (S)	Failure to discharge the duty not to interfere with or misuse things provided for health and safety, imposed by Sec 8. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(b).
84/8 (S)	Unauthorised use of Trade Mark etc. in relation to goods. Trade Marks Act 1994 Secs 92.	85/1 (S/V)	Failure to discharge the duty not to charge employees for things done to meet requirements of relevant statutory provisions imposed by Sec 9. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(b)
84/9 (S)	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) & Sec 198 (1)(a), (b) (& d iii).		
84/10 (S)	Triable either way offences. Copyright, Designs and Patents Act 1988 (except sections included in 84/9).		
84/11	Triable-either-way offences.		

All Counting Rules enquiries should be directed to the Force Crime Registrar

99 Other Notifiable Offences (3 of 12)

General Rule: One crime for each offender or group of offenders

85/1 (S)	Designer/manufacturer/supplier of fairground equipment fail to ensure revision to safety Information provided. Health and Safety at Work Act 1974 Sec 6 (1A)(d) and 33 (1) (a) and Schedule 3A	85/5 (S)	An offence under the 'existing statutory provisions' for which no other penalty is specified. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008.
85/2 (S)	Contravene improvement or prohibition notice. Health and Safety at Work etc. Act 1974 Secs 21 - 24, 33(1)(g) and 33(3).	85/6 (S/V)	Triable-either-way offences. General Product Safety Regulations 2005.
85/2 (S)	Contravening any requirement imposed by an inspector under Sec 20 or Sec 25. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(e).	85/7 (S/V)	Triable-either-way offences. Regulatory Reform (Fire Safety) Order 2005 Sec 32.
85/2 (S/V)	Preventing another person from appearing before an inspector, or from answering an inspector's question. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(f).	85/8 (S)	Contravening a requirement or prohibition by an improvement or prohibitive notice. Working Time Regulations 1998.
85/3 (S)	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).	85/9 (S)	Contravening requirements of asbestos related health and safety regulations, licences or authorisations. Health and Safety at Work Act 1974 S 33(1) (C) inserted by Control of Asbestos Regulations 2012 SS 4 (2) – 28 (2) (b).
85/3 (S)	Contravening any notice issued under Sec 27(1). Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(i).	85/10 (S)	Triable-either-way offences Nutrition and Health Claims (England) Regulations 2007 Reg 5 (1) (2) (c-i) (7) (2)
85/3 (S)	Disclosing information in breach of HSWA Sec 27(4) or 28. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(j).	85/11 (S)	Triable-either-way offences The Petroleum (Consolidation) Act 2014 as added by Sec 33 (1) (c) of the Health & Safety at Work Act 1974 Sec 4, 5, 8 (2) 9 (1) 10 (2) 12 (1) (2) (3) (4) 13, 19 (1) 20, 21 (1)
85/4 (S/V)	Offences relating to deception, false statements, false entries in records and forgery. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(k),(l) or (m) and 33 (3).	85/12 (S)	Triable-either-way offences Explosives Regulations 2014
85/5 (S)	Offences under health and safety regulations or other Acts with penalty under Sec 33(3). Health and Safety at Work etc. Act 1974 Secs 33(1)(c) and 33(3).	87/1 (V)	Unlawful eviction of Occupier. Protection from Eviction Act 1977 Sec 1(2).
85/5 (S)	Offences relating to the transport of dangerous substances by road and rail. Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004.	87/2 (V)	Unlawful harassment of Occupier. Protection from Eviction Act 1977 Sec 1(3).
85/5 (S)	Contravening requirements of health and safety regulations, licences or authorisations. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(c) and 33 (3).	87/3 (V)	Protection of occupiers against eviction and harassment. Caravan Sites Act 1968, Sec 3 as amended by Housing Act 2004 Sec 210.
85/5 (S)	Failure to comply with a court remedy order or contravene order under Sec 42. Health and Safety at Work Act 1974 as amended by Health and Safety (offences) Act 2008 Sec 33(1)(o).	89/1 (S)	General protection of the public against injurious food and drug products. Food Safety Act 1990 Secs 6(4), 13(1), 48(1) & Regulations or Orders made under this Act.
		89/4 (S)	Rendering food injurious to health. Food Safety Act 1990 Sec 7.
		89/5 (S)	Selling food not complying with food safety requirements. Food Safety Act 1990 Sec 8.
		89/6 (S)	Selling food not of the nature or substance or quality demanded. Food Safety Act 1990 Sec 14.
		89/7 (S)	Falsely describing or presenting food. Food Safety Act 1990 Sec 15.
		89/8 (S)	Obstruction etc of officers; furnishing false information. Food Safety Act 1990 Sec 33(2).
		89/9,10 (S)	Contravening or failing to comply with specified Community Provision. Genetically Modified Animal Feed (England) Regulations 2004 (S1 2334,2335/2004).

99 Other Notifiable Offences (4 of 12)

General Rule: One crime for each offender or group of offenders

89/12 (S)	Triable-either-way offences. Plastic Materials and Articles in Contact with Food (England) Regulations 2008 R 16(1) & (2)(a).	91/17 (S)	Failure to take such measures as available to secure transfer of household waste to authorised person or persons authorised for transport purposes. Environmental Protection Act 1990 Sec 34(2A) & (6).
89/13 (S)	Triable-either-way offences. Animal Feed (Hygiene, Sampling etc and Enforcement) England Regulations 2015 R 5, 24 (3), 28 (5), 29 (5) 31 (2) and 34 (1)	91/18 (S)	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).
91/1 (S)	Public Health Offences as related to food & drugs Food Safety Act 1990 Secs 7, 8, 14, 15 & Regulations & Orders made under Secs 6(4), 13(1), 48(1).	91/19 (S)	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).
91/2 (S)	Hygiene offences in connection with sale etc. of food to the public. Food Safety (General Food Hygiene) Regulations 1995.	91/20 (S)	Making a false statement in an application concerning a licence. Environmental Protection Act 1990 Sec 44.
91/7 (S)	Carrying on a process without authority or not complying with conditions of granted authority. Environmental Protection Act 1990 Sec 23(1)(a).	91/21 (S)	Contravening regulations made under Sec 62 controlling special waste. Environmental Protection Act 1990 Sec 62.
91/8 (S)	Transfer of authorisation, failing to notify authority. Environmental Protection Act 1990 Sec 23(1)(b).	91/25 (S)	Importing, acquiring, keeping releasing or making 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).
91/9 (S)	Failing to comply with or contravening any any enforcement or prohibition notice Environmental Protection Act 1990 Sec 23 (1)(c).	91/26 (S)	Importing or acquiring, releasing or marketing any any genetically modified organisms in certain cases or circumstances or without consent. Failing to dispose of organisms quickly & safely when required. Environmental Protection Act 1990 Sec 118(1)(c).
91/10 (S)	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).	91/27 (S)	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).
91/11 (S)	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).	91/28 (S)	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).
91/12 (S)	Intentionally making a false entry in any record required under Sec 7. Environmental Protection Act 1990 Sec 23 (1)(i).	91/29 (S)	Contravening a prohibition notice. Environmental Protection Act 1990 Sec 118(1)(f).
91/13 (S)	Intentionally deceiving by forgery or using a document issued under Sec 7. Environmental Protection Act 1990 Sec 23(1)(j).	91/30 (S)	Obstructing an inspector where he believes imminent danger is involved. Environmental Protection Act 1990 Sec 118 (1) (j)
91/14 (S)	Failing to comply with an order issued under Sec 26. Environmental Protection Act 1990 Sec 23 (1) (l).	91/31 (S)	Failing to comply with any requirement to provide relevant information. Environmental Protection Act 1990 Sec 118(1)(k).
91/15 (S)	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).	91/32 (S)	Making a false statement. Environmental Protection Act 1990 Sec 118(1)(l).
91/16 (S)	Depositing, causing the deposition or permitting the deposition of controlled special waste in or on land without a licence. Environmental Protection Act 1990 Sec 33(9).	91/33 (S)	Making a false entry in any required record. Environmental Protection Act 1990 Sec 118(1)(m).
		91/34 (S)	Forging, using, making or processing a document purporting to have been issued under Sec 111. Environmental Protection Act 1990 Sec 118(1)(n).

99 Other Notifiable Offences (5 of 12)

General Rule: One crime for each offender or group of offenders

91/35 (S)	Contravening regulations made to control the import, use, supply and storage of any specified injurious substance or article. Environmental Protection Act 1990 Sec 140	91/49 (S)	Prohibition of any sponsorship promoting a tobacco product. Tobacco Advertising & Promotion Act 2002 Secs 10 & 16(2)
91/36 (S)	Contravening regulations made to prohibit or restrict the import or export of waste. Environmental Protection Act 1990 Sec 141.	91/50 (S)	Prohibition of brandsharing / brandstretching Regulations made under this Section. Tobacco Advertising & Promotion Act 2002 Secs 11 & 16(2).
91/37 (S)	Contravening conditions of a waste management licence. Environmental Protection Act 1990 Sec 33 (6)	91/51 (S)	Pollution of controlled water. Water Resources Act 1991 Sec 85.
91/38 (S)	Obstructing an inspector exercising his powers to 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.	91/52 (S)	Contravention of Regulations. Environmental Protection (Controls on Dangerous Substances) Regulations 2003 (SI 3274/2003).
91/39 (S)	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 (amended by Environment Act 1995 Sch 19 Para 4(2)).	91/53 (S)	Contravention of Regulations. The Greenhouse Gas Emissions Trading Scheme Regulations 2003 (SI 3311/2003).
91/40 (S)	Fail to comply with a notice or fail to furnish information or furnish false information. Control of Pollution Act 1974 Sec 93 (amended by Environment Act 1995 Sch 19 Para1(3)).	91/54 (S)	Triable-either-way offences. Waste and Emissions Trading Act 2003 Sec 8.
91/41 (S)	Obstructing an authorised person in the execution of his powers under Sec 109 Environment Act 1995 Sec 110(4)(a).	91/55 (S/V)	Triable-either-way offences Animal By-Products (Identification) Regulations 2006RR 6-10 & 14
91/42 (S)	Failure to comply with Regulations. The Special Waste Regulations 1996.	91/56-58 (S)	Prohibition of activities without consent etc. Human Tissue Act 2004 Sec 5.
91/43 (S)	Restrictions on disclosure of information obtained under Sec 23. Health Act 1999 Sec 24.	91/59 (S)	Prohibition of commercial dealings in human material for transplantation. Human Tissue Act 2004 Sec 32 1 (a)(b)(c)(d)(e) & 4.
91/44 (S)	Publishes, or causes to be published, a tobacco advertisement. Tobacco Advertising & Promotion Act 2002 Secs 2(a) & 16(2).	91/60 (S)	Breach of licence requirement. Human Tissue Act 2004 Sec 25.
91/45 (S)	Prints, devises or distributes in UK a tobacco advertisement. Tobacco Advertising & Promotion Act 2002 Secs 2(b) & 16(2).	91/61 (S)	Possession of anatomical specimens away from licensed premises. Human Tissue Act 2004 Sec 30(1) & (7).
91/46 (S)	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).	91/62 (S)	Possession of former anatomical specimens away from licensed premises. Human tissue Act 2004 Sec 31 (1) & (6).
91/47 (S)	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).	91/63 (S)	Non-consensual analysis of DNA. Human Tissue Act 2004 Sec 45.
91/48 (S)	Gives, or causes or permits, any product or coupon away to the public in the UK which promotes which promotes a tobacco product. Tobacco Advertising & Promotion Act 2002 Secs 9 & 16(2).	91/64 (S)	Placing on the market or using nonylphenol or nonylphenol Ethoxylate. Controls on Nonylphenol and Nonylphenol Ethoxylate Regs 2004 Regs 4 & 5.
		91/65 (S)	Offences relating to the sale and supply of starting materials for use in the manufacture of relevant medicinal products. Medicines for Human Use (Manufacturing, Wholesale Dealing and Miscellaneous Amendments) Regulations 2005 R 5.
		91/66 (S)	Triable-either-way offences. Food Hygiene (England) Regulation 2006 RR 6 & 17
		91/67 (S)	Triable-either-way offences Merchant Shipping (Pollution) Act 2006 Sec 1(2)(4).
		91/68 (S)	Use / store donated material not for qualifying purpose. Human Tissue Act 2004 Sec 8(1)(3).

99 Other Notifiable Offences (6 of 12)

General Rule: One crime for each offender or group of offenders

91/70 (S/V)	Triable-either-way offences. Pollution Prevention and Control Regulations (E&W) Order 2000	91/89 (S)	Producer of portable batteries fail to register with a battery compliance scheme. Waste Batteries and Accumulators Regulations 2009 Sec 9, 89 (1) (a) (ii) & 90 (2)
91/71 (S/V)	Triable-either-way offences. Veterinary Medicines Regulations 2011. RR 4-41 or Sch 1-6 & R 43	91/90 (S)	Fail to comply with stop notice issued under Environmental Protection (England) (Microbeads) Regs 2017, Environmental Protection (Microbeads) (Wales) Regulations 2018
91/73 (S)	Breach regulations Import and Export Restrictions (Foot and Mouth Disease) (Wales) Regulations 2007 Sec 24.	94/1 (S)	Non compliance with enforcement notice. Town and Country Planning Act 1990 Sec 179.
91/76 (S/V)	Triable-either-way offences. Transfrontier Shipment of Waste Regulations 2007.	94/2 (S)	Contravention of stop notice. Town and Country Planning Act 1990 Sec 187.
91/77 (S)	Triable-either-way offence. Swine Vesicular Disease Regulations 2009.	94/3 (S)	Contravention of discontinuance of use etc order. Town and Country Planning Act 1990 Sec 189.
91/78 (S)	Restriction on the placing on the market or use of dangerous substances and preparations. Control of Dangerous Substances and Preparations Regulations 2006.	94/4 (S)	Procuring a certificate using false or misleading information or withholding information. Town and Country Planning Act 1990 Sec 194.
91/79 (S)	Service provider doing an act abroad which would be an offence if done in UK. Tobacco Advertising and Promotion Act 2002 Secs 2(4) & 16(1)(a).	94/5 (S)	Discloses information obtained while on land as to manufacturing process or trade secrets. Town and Country Planning Act 1990 Sec 196C (5)
91/80 (S)	Proprietor or editor of information society service publishing tobacco advertisement. Tobacco Advertising and Promotion Act 2002 Secs 3A(2)(a) & 16(1)(a).	94/6 (S)	Contravening tree preservation order. Town and Country Planning Act 1990 Sec 210(1-3)
91/81 (S)	Procuring inclusion of tobacco advertisement in information society service. Tobacco Advertising and Promotion Act 2002 Secs 3A(2)(b) & 16(1)(a).	94/7 (S)	Triable-either-way offences. Town and Country Planning Act 1990 Secs 325 & 330.
91/82 (S)	Triable-either-way offences. Medicines for Human Use (Clinical Trials) Reg 2004	94/8 (S)	Failure to comply with conditions of Listed Building consent. Planning (Listed Buildings and Conservation Areas) Act 1990 Sec 9
91/83 (S)	Triable-either-way offences. Animal By-Products (Enforcement) (England) Regulations 2013 RR 17-20.	94/9 (S)	Failure to comply with Listed Building enforcement notice. Planning (Listed Buildings and Conservation Areas) Act 1990 Sec 43.
91/84 (S)	Triable-either-way offences. Food Safety and Hygiene Regulations 2013	94/10 (S)	Contravention of hazardous substances control. Planning (Hazardous Substances) Act 1990 Sec 23.
91/85 (S)	Triable-either-way offences. Tobacco and Related Products Regulations 2016	94/11 (S)	Offences relating to the contravention of a temporary stop order. Town and Country Planning Act 1990 Sec 171 G (1) or (2) & (6) added by Planning and Compulsory Purchase Act 2004 Sec 52.
91/86 (S)	Triable-either-way offences Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 Sec 10, 11, 12, 15-19, 24	94/12 (S)	Enter aircraft when drunk / be drunk in aircraft. Air Navigation Order 2016 Article 242 (1) 265 (7)
91/87 (S)	Triable-either-way offences Environmental Permitting (England and Wales) Regulations 2016 Sec 38 (1) (b) 39	94/13 (S)	Act as crew of aircraft when under influence of drink/drug impairing capacity. Air Navigation Order 2016 Article 242 (2) 265 (7)
91/88 (S)	Producer of portable batteries, placed on market in UK, failed to comply with requirement to finance net costs of collection, treatment and recycling of all waste portable batteries collected in UK. Waste Batteries and Accumulators Regulations 2009 Sec 7, 89 (1) (a) (i) & 90 (2)	94/14 (S)	Intentionally interfere with performance of aircraft crew member's duty. Air Navigation Order 2016 245 (c) and 265 (7)
		94/15 (S)	Recklessly/negligently act in manner likely to endanger aircraft / person in an aircraft. Air Navigation Order 2016 Article 240 and 265 (8)

99 Other Notifiable Offences (7 of 12)

General Rule: One crime for each offender or group of offenders

94/16 (S)	Triable-either-way offences Investigatory Powers Act 2016	98/12 (S)	Offences in relation to certain dangerous articles. Aviation Security Act 1982 Sec 4.
94/17 (S)	Shine/direct laser beam towards a vehicle. Laser Misuse (Vehicles) Act 2018 Sec 1 (1)	98/13 (S)	Triable-either-way offences under these regulations Transmissible Spongiform Encephalopathies (England) Regulations 2010 RR 7, 14-17, Sch 2 para 7 (1) or Sch 2 para 8(1) & R18
94/18 (S)	Shine/direct laser beam towards an air traffic facility or a person providing air traffic services. Laser Misuse (Vehicles) Act 2018 Sec 2 (1) (a) (i) (ii)	98/14 (S)	Triable-either-way offences. Products of Animal Origins (Third Country. Imports)(England) Regulations 2003.
97/01 (S)	Causing, permitting or failing to prevent unnecessary suffering of protected animal. Animal Welfare Act 2006 Sec 4 (1) (2) 32 (1)	98/15 (S)	Indictable offences relating to Civil Partnerships schedule & recordings of civil partnerships. Civil Partnership Act 2004 Sec 31 (1)(2),33(7)(8).
97/02 (S)	Carrying out, permitting, causing to be carried out or failing to prevent prohibited procedure on a protected animal. Animal Welfare Act 2006 Sec 5 (1) (b) (2) 32 (1)	98/16 (S)	Offences relating to Registrar General's licence & recording of civil partnerships. Civil Partnership Act 2004 Sec 32(1)(a,b), 32(2),33(1)(2),33(7)(8).
97/03 (S)	Removing or causing or permitting or failing to prevent removal of dog's tail other than for medical Treatment. Animal Welfare Act 2006 Sec 6 (1) (a) (b) (2) 32 (1)	98/17 (S)	Triable-either-way offences. Ship & Port Facility (Security) Regs 2004 SI1495/2004 R,6(5)a)(b)(6),8, 12(1)(a)(2), 15.
97/04 (S)	Administration of poisons etc to a protected animal. Animal Welfare Act 2006 Sec 7 (1) (a) (b) (2) 32 (1)	98/18 (S)	Knowingly concerned in supply etc. of restricted goods with intent to evade Articles 3(1) or 4 prohibition/restriction. Trade in Goods (Control) Order 2003 SI 2765/2003 A.9(2)(4).
97/05 (S)	Offences relating to animal fights. Animal Welfare Act 2006 Sec 8 (1) (a-i) 32 (1)	98/19 (S)	Knowingly concerned in supply etc. of restricted goods with intent to evade Articles 3(2) or 4 prohibition/restriction. Trade in Goods (Control) Order 2003 SI 2765/2003 A.9(3)(4).
98/1 (S)	Possession or under control of false documents etc. with intention of causing a third party to believe that the person in possession of the documentation or another person is a licensed gangmaster. Gangmasters (Licensing) Act 2004 SS.6 & 12(2), (3) & (4).	98/20 (S)	Fail to comply with condition of licence or obligation under Article 6 or 7. Trade in Goods (Control) Order 2003 SI 2765/2003 A.11.
98/2 (S)	Triable-either-way offences. Adoption Act 1976.	98/21 (S)	Accept/obtain for self/another gift/money as inducement/reward for procuring/assisting in the grant of a title/honour. Honours (Prevention of Abuses) Act 1925 S.1.
98/3 (S)	Triable-either-way offences. Adoption & Children Act 2002.	98/22 (S)	Triable-either-way offences. Technical Assistance Control Regulations 2006 SI 1719/2006 R.3, 4(2)(3), 5(2).
98/4 (S)	Triable-either-way offences. Aviation and Maritime Security Act 1990 Sub Sec 19,21,22,23,24,31(1) & (3),36, 40(1a) & (2), 42(1) & (3a) & 48.	98/23 (S)	Fail to comply with section 18A enforcement notice. Aviation Security Act 1982 Sec 18C(1).
98/5 (S)	Triable-either-way offences. Producer Responsibility Obligations (Packaging Waste) Regulations 2007 R 40 (1)-(8) & (9).	98/24 (S)	Interfere with buildings constructed/ work executed/ anything installed on/ over land under S, 18A notice. Aviation Security Act 1982 Sec 18C(3).
98/7 (S)	Triable-either-way offences. Commissioners for Revenue & Customs Act 2005.	98/25 (S)	Triable-either-way offences. Plant Protection Products Regs 2011 and Plant Protection Products (Sustainable Use) Regs 2012.
98/8 (S)	Triable-either-way offences. Pensions Act 2005.	98/26 (V)	Person knowingly concerned in provision of technical assistance as defined in the 2005 regulations etc. Export of Goods, Transfer of Technology & Provision of Technical Assistance (Control) Order 2003 SI 2003/2764 A16(5) & (5A)
98/9 (S)	Triable-either-way offences. Education Act 2005.	98/27 (S)	Triable-either-way offences. Compensation Act 2006 Sec 7,11.
98/10 (S)	Triable either way offences under these regulations. Medicines (Traditional Herbal Medicinal Products for Human Use) Regulations 2005 Sch. 3.		
98/11 (S)	Triable-either-way offences under these regulations. Medicines (Homoeopathic Medicinal Products For Human Use) Amendment Regulations 2005 Sch 6.		

99 Other Notifiable Offences (8 of 12)

General Rule: One crime for each offender or group of offenders

98/28 (S)	Triable-either-way offences. Export of Goods, Transfer of Technology & Provision of Technical Assistance (Control) Order 2003 SI 2764/2003 A16 (2)(7)((17)(18).	98/45 (S)	British person broadcast from non-British ship/aircraft/structure/object while on high seas. Wireless Telegraph Act 2006 S.80 & 93(1).
98/29 (S)	Triable-either-way offences. Care Act 2000 S.89.	98/46 (S)	Manage/finance/operate/run a broadcasting station by which broadcasts are made contravening S.77,78,79 or 80. Wireless Telegraph Act 2006 S.81 & 93(1).
98/31 (S/V)	Prohibition of sale of medical practices. National Health Service Act 2006 S259 & Sch 21.	98/47 (S)	Facilitating broadcasting from ships or aircraft. Wireless Telegraph Act 2006 S.82 & 93(1).
98/32 (S/V)	Failure to comply with control of maximum prices for medical supplies other than health service medicines. National Health Service Act 2006 S.260 & Sch. 22.	98/48 (S)	Facilitating broadcasting from structures or objects. Wireless Telegraph Act 2006 S.83 & 93(1).
98/33 (S)	Sought to engage/offered to engage in regulated activity from which barred. Safeguarding Vulnerable Groups Act 2006 S.7.	98/49 (S)	Repair/maintain wireless apparatus knowing that broadcasts are to be made contrary to S.77,78,79 or 80. Wireless Telegraph Act 2006 S.84.
98/34 (S)	Knowing/having reason to believe an individual was barred from a regulated activity, and permitting them to engage in such activity. Safeguarding Vulnerable Groups Act 2006 S9.	98/50 (S)	Offences relating to unlawful broadcasts. Wireless Telegraph Act 2006 S.85 & 93(1).
98/35 (S)	Knowingly supply a barred individual to engage in regulated activity while acting/appearing to act for personnel supplier. Safeguarding Vulnerable Groups Act 2006 S19(2)(5).	98/51 (S)	Procure person in UK to commit a S82-85 offence abroad. Wireless Telegraph Act 2006 S.87.
98/36 (S)	Establish/install/use a wireless telegraphy station/apparatus without a S.8 licence. Wireless Telegraphy Act 2006 S.8 & 35(1)(2).	98/52 (S)	Disclose information in contravention of S.111. Wireless Telegraph Act 2006 S.111.
98/37 (S)	Possess/control wireless telegraphy station /apparatus with intent for self/another to use it to contravene S.8 and S.35(2). Wireless Telegraphy Act 2006 S.36(1)(2).	98/53 (S/V)	Bring or cause another to bring child into UK in non-compliance with condition specified in regulations made under S.12(1). Children and Adoption Act 2006 S12.
98/38 (S)	Having charge of premises knowingly cause/permit fail to prevent use of premises for unlawful broadcasting. Wireless Telegraphy Act 2006 S.37.	98/56 (S/V)	Disclose debtor information without authority. Attachment of Earnings Act 1971, inserted by S.92 Tribunals, Courts and Enforcement Act 2007 S.15B.
98/39 (S)	Facilitate unauthorised broadcasting. Wireless Telegraphy Act 2006 S.38(2)(6).	98/65 (S/V)	Triable-either-way offences Protection of Wrecks Act 1973.
98/40 (S)	Send/attempt to send false/misleading message by wireless telegraphy likely to endanger personal safety/ship/aircraft/vehicle. Wireless Telegraphy Act 2006 S.47.	98/66 (S)	Organisation convicted of corporate manslaughter/homicide fail to comply with remedial order. Corporate Manslaughter and Corporate Homicide Act 2007 Sec 9.
98/41 (S)	Use apparatus for the purpose of interfering with wireless telegraphy. Wireless Telegraphy Act 2006 S.68.	98/67 (S)	Organisation convicted of corporate manslaughter/homicide fail to comply with order to publish particulars of offences. Corporate Manslaughter and Corporate Homicide Act 2007, Sec 10.
98/42 (S)	Broadcast, etc. from a ship/aircraft while it is in /over the UK/external waters, or from a British registered ship/aircraft while it is not in/over the UK/external waters. Wireless Telegraph Act 2006 S.77 & S.93(1).	98/69 (S)	Offence committed by licence holder – storage of carbon dioxide. Energy Act 2008 Sec 23(1)(a),(b) & (d) & (3).
98/43 (S)	Broadcasting from structure/non-ship object affixed to/supported by a bed of waters. Wireless Telegraph Act 2006 S.78 & 93(1).	98/70 (S)	Prohibition on use of site in absence of approved programme – nuclear sites: decommissioning and clean-up. Energy Act 2008 Sec 47.
98/44 (S)	Ship owner/master make/procure broadcast capable of receipt in UK or cause wireless telegraphy interference in UK from non-British registered ship in prescribed area of high seas. Wireless Telegraph Act 2006 S.79 & 93(1).	98/71 (S)	Offence of failure to comply with approved programme – nuclear sites: decommissioning and clean-up. Energy Act 2008 Sec 57.
		98/72 (S)	Triable-either-way offences Ecodesign for Energy-Related Products Regulations 2010 Sec 14.

99 Other Notifiable Offences (9 of 12)

General Rule: One crime for each offender or group of offenders

98/73 (S)	Intentionally encouraging or assisting commission of an either way offence. Serious Crime Act 2007 Sec 44(pt).	98/96 (S)	Triable either way offences. The Pyrotechnic Articles (Safety) Regulations 2015.
98/74 (S)	Intentionally encouraging or assisting commission of an indictable offence [not murder]. Serious Crime Act 2007 Sec 44 (pt).	98/97 (S)	Triable-either-way offences Marriage Act 1949 Sec 75 (1-3) (a-e)
98/75	Encouraging or assisting in the commission of an either way offence believing it will be committed. Serious Crime Act 2007 Sec 45(pt).	99/1 (S)	Incitement to sedition etc. Aliens Restriction (Amendment) Act 1919 Sec 3(1).
98/76 (S)	Encouraging or assisting in the commission of an indictable offence believing it will be committed [not murder]. Serious Crime Act 2007 Sec 45(pt).	99/5 (S)	Bribery, Treating and undue influence. Representation of the People Act 1983 Secs 113-115.
98/77 (S)	Encouraging or assisting in the commission of one or more, either way, or indictable offences (other than murder) believing it/they will be committed. Serious Crime Act 2007 Sec 46(pt).	99/6 (S)	Impersonation. Representation of the People Act 1983 Sec 60.
98/78 (S)	Offences of carrying on unlicensed activities – importation and storage of combustible gas. Energy Act 2008 Sec 8.	99/7 (S)	Offences relating to offering, promising/giving bribes. Bribery Act 2010 Sec 1 (2) (a) (b) (i) (ii) (3) (11).
98/79 (S)	Offence committed by licence holder – importation and storage of combustible gas. Energy Act 2008 Sec 9(1)(a),(b) & (d) & (5).	99/8 (S)	Offences relating to requesting, agreeing to receive and accepting bribes. Bribery Act 2010 Sec 2 (2) (3) (4) or (5) & 11.
98/80 (S)	Offences of carrying on unlicensed activities - storage of carbon dioxide. Energy Act 2008 Sec 22.	99/9 (S)	Bribery of foreign public officials. Bribery Act 2010 Sec 6 & 11
98/81 (S)	Failure to comply with enforcement of Schedule 1 (ear tags). Cattle Identification Regulations 2007 RR 4 & 15 & Sch.1.	99/10 (S)	Commercial organisation – fail to prevent associate bribing another with intent to obtain / retain business / advantage. Bribery Act 2010 Sec 7 & 11.
98/82 (S)	Failure to comply with enforcement of Schedule 2 (registration of cattle). Cattle Identification Regulations 2007 RR 5 & 15 & Sch. 2.	99/12 (S)	Misconduct in a public office by act or commission. Common Law.
98/83 (S)	Failure to comply with enforcement of Sch 3 Pt. 1 (passports) Cattle Identification Regulations 2007 RR 6 & 15 & Sch. 3(pt.1).	99/13 (S)	Contravene or knowingly cause/permit the contravention of reg 12(1). Environmental Permitting (England and Wales) Regulations 2010 RR 38 (1-3) & 39 (1).
98/84 (S)	Failure to comply with enforcement of Sch 3 Pt 2 (movement using passports). Cattle Identification Regulations 2007.	99/14 (S)	Failure to comply & provide accurate information under permit conditions. Environmental Permitting (England and Wales) Regulations 2010 RR 38 (4) & 39 (3).
98/85 (S)	Failure to comply with enforcement of Sch 4 (notification of movement or death). Cattle Identification Regulations 2007 RR7 & 15 & Sch 4.	99/15 (S)	Provision of postal services in contravention of restrictions Postal Services Act 2011 Sch 4 para 9 (1) (a) or (b) & (2);Sch 7 para 15 (1) (a) or (b) & (2); Sch 8 para 12 (1) (a) or (b) & 2; Sch 8 para 13 (1) & (2).
98/86 (S)	Failure to comply with enforcement of Sch 5 (records). Cattle Identification Regulations 2007 RR 8 & 15 & Sch. 5.	99/16 (S)	Unlawful disclosure of information; providing false information. Postal Services Act 2011 S56 (7) & (8); Sch 8 para 3 (4) & (5).
98/87 (S)	Triable-either-way offences. Wine Regulations 2009.	99/23 (S)	Fraudulent evasion of duty etc. Customs & Excise Management Act 1979, Secs 50(2)(3), 68(2) & 170(1)(2).
98/89 (S)	Offences of damaging etc. protected features of MCZs. Marine and Coastal Access Act 2009, SS 139, 163, 190 & 292 (4), (5) & (7).	99/24 (S)	Prohibitions for the protection of revenue. Betting and Gaming Duties Act 1981.
		99/28 (S)	Offences under parts I, II & III. Insurance Companies Act, 1982 Sec 14, 71(2) & 81.
		99/29 (S)	Assist offender (Offences triable on indictment only). Criminal Law Act 1967 Sec 4(1)(pt)
		99/30 (S)	Assisting offender Criminal Law Act 1967 Sec 4(1)(pt).

99 Other Notifiable Offences (10 of 12)

General Rule: One crime for each offender or group of offenders

99/32 (S)	Unauthorised disclosure of information about a prisoner. Criminal Law Act 1967 Sec 4(1)(pt); Criminal Justice & Public Order Act 1994 Sec 14.	99/55 (S)	Triable-either-way offences Transport Act 2000 Sec 247(6)(7)(9).
99/34 (S)	Failure to possess a licence or obey licence conditions. Activity Centres (Young Persons) Act 1995 Sec 2(1)(a)	99/56 (S)	Unlawful interception of a postal public or private telecommunication scheme. Regulation of Investigatory Powers Act 2000 Sec 11(1)(2)(7).
99/35 (S)	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)	99/57 (S)	Fail to give effect to an interception warrant Regulation of Investigatory Powers Act 2000 Sec 11(4)(7).
99/36 (S)	Offences relating to chemical weapons. Chemical Weapons Act 1996 (except Secs 2 & 11).	99/58 (S)	Unlawful disclosure of details of interception warrant Regulation of Investigatory Powers Act 2000 Sec 19(4).
99/37 (S)	Triable-either-way and indictable offences Discrimination Act 1995 and Regulations	99/59 (S)	Fail to disclose key to protected information Regulation of Investigatory Powers Act 2000 Sec 53.
99/38 (S)	Conspiring in the UK to commit offences overseas. Criminal Justice (Terrorism & Conspiracy) Act 1998 Sec 5.	99/60 (S)	Disclose details of Sec 49 notice. Regulation of Investigatory Powers Act 2000 Sec 54.
99/39 (S)	Disqualified person knowingly applies etc for work in a regulated position. Criminal Justice & Court Services Act 2000 Sec 35	99/61 (S)	Triable-either-way offences. Political Parties, Elections & Referendums Act 2000.
99/40 (S)	Person knowingly offers a disqualified person work in a regulated position. Criminal Justice & Court Services Act 2000 Sec 35(1).	99/62 (S)	Triable-either-way offences. Offences made under these regulations. BSE Regulations BSE Monitoring (England) Regulations 2001.
99/41 (S)	Giving false or misleading information. Nuclear Safeguards Act 2000 Sec 7.	99/63 (S)	Using unlicensed security operative. Private Security Industry Act 2001.
99/42 (S)	Offences under Secs 3, 4, 5, 8 & 9. Nuclear Safeguards Act 2000 Secs 3, 4, 5, 8 & 9.	99/64 (S)	Using unlicensed wheel clampers operative. Private Security Industry Act 2001 Sec 6(1)(4) Sec 5(1)(4).
99/45 (S)	Regulations made under these sections – Health and Safety. Merchant Shipping (additional safety measures for bulk carriers) Regs 1999 (SI 1644/99).	99/65 (S)	Right to use approved status. Private Security Industry Act 2001 Sec 16(2)(a)(b)(c).
99/46 (S)	Disclosure of information for enforcing warrants. Access to Justice Act 1999 Sec 94.	99/66 (S)	Imposition of requirements for approval. Private Security Industry Act 2001 Sec 17(2)(3)(a)(b) & 4.
99/47 (S)	Restriction on disclosure. Nuclear Safeguards Act 2000 Sec 6.	99/66 (S)	Imposition of requirements for approval Private Security Industry Act 2001. Sec 17(2)(3)(a)(b) & 4.
99/50 (S)	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 Secs 38(11).	99/67 (S)	Triable-either-way offences. Foot & Mouth Disease Regulations.
99/51 (S)	Provides particulars, or recklessly provides particulars, which he knows are false in a material Particular. Transport Act 2000 Sec 82(3)(6).	99/68 (S)	Leaves UK when prohibited to do so by Travel Restriction Order. Criminal Justice & Police Act 2001 Sec 36(1).
99/52 (S)	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 Sec 93(7).	99/69 (S)	Failure to return after a suspension – Travel Restriction Order. Criminal Justice & Police Act 2001 Sec 36(2)
99/53 (S)	Knowingly gives false information or false statement, in connection with this part of the Act. Transport Act 2000 Sec 101	99/70 (S)	Triable-either-way – except article 65. Air Navigation (Overseas Territories) Order 2001.
99/54 (S)	Prohibition on disclosure of information gained under this Part of the Act. Transport Act 2000 Sec 102 Sch 9(5).	99/72 (S)	Triable-either-way - Regulations made under part 8 Anti-terrorism, Crime and Security Act 2001. Sec 77(2)(d) & (3)(a).
		99/73 (S)	Regulations may create a criminal offence. Aviation Security Act Sec 20A(3)(c) & (4)(a) (as added by Anti-terrorism, Crime and Security Act 2001 Sec 85).

99 Other Notifiable Offences (11 of 12)

General Rule: One crime for each offender or group of offenders

99/74 (S)	Fails to comply with requirement of a detention direction etc. Aviation Security Act Sec 20B(7)(8) (as added by Anti-terrorism, Crime and Security Act 2001 Sec 86).	99/91 (S)	Possession or supply of apparatus etc. for contravening Sec 125. Communications Act 2003 Sec 126.
99/75 (S)	Placing in a woman a human embryo which has been created otherwise than by fertilisation. Human Reproductive Cloning Act 2001 Sec 1.	99/92 (S)	Triable-either-way offences. Water Act 2003.
99/76 (S)	All other triable-either-way offences except those under classification 95/08. Financial Services and Markets Act 2000.	99/93 (S)	Prohibition on unauthorised introduction of water or unauthorised use of supply system. Water Industry Act 1991 Sec 66I & 66J (as added by Water Act 2003 Sch. 4)
99/77 (S)	Re-programming mobile telephones etc. Mobile Telephones (Re-programming) Act 2000 Sec 1.	99/94 (S)	Dishonestly deals in cultural object that is tainted, knowing or believing that the object is tainted. Dealing in Cultural Objects Offences Act 2003 Sec 1
99/78 (S)	Possession or supply anything for re-programming purposes. Mobile Telephones (Re-programming) Act 2000 Sec 2.	99/97 (S)	Triable either way offences. Common Agricultural Policy (Protection of Community Arrangements) Regs 1992.
99/81 (S)	Interfering with the mail: postal operators. Postal Services Act 2000 Sec 83	99/98 (S)	Acting as a gangmaster in contravention of Section 6 (prohibition of unlicensed activities). Gangmasters (Licensing) Act 2004 Sec 6 & 12(1), (3) & (4).
99/82 (S)	Triable-either-way offences. Postal Services Act 2000 except Sec 83 & 85.	811/03	Triable-either-way offences Passenger and Goods Vehicles (Recording equipment) (Tachograph Card) Regulations 2006 SI 1937/2006 S.3(1)(a)(2)(6),4(1)(a)(2)(6), 4(1)c)(2)(6) 4(1)(g)(2)(6).
99/83 (S)	Prohibition on sending certain articles by post. Postal Services Act 2000 Sec 85.	820/09	Obstructing a person exercising any power conferred on him (enforcement of licensing scheme). Transport Act 2000 Sec 190.
99/84 (S)	Triable-either-way offences. Consumer Credit Act 1974 except Sec 39.	820/11	Contravention of regulations in connection with immobilisation device. Road Traffic Act 1988 as added by Road Safety Act 2006 S.22 S.160,Sch 2Ap.2(1)(2)(4).
99/85 (S)	Engaging in activities requiring a licence. Consumer Credit Act 1974 Sec 39.	820/12	Contravention of regulations in connection with securing possession of vehicles. Road Traffic Act 1988 as added by Road Safety Act 2006 S.22 S 160 Sch 2A p4
99/87 (S)	Assisting patients to absent themselves. Mental Health Act 1983 Sec 128.	825/24	Without lawful authority immobilise a motor vehicle by the attachment to it or part of it an immobilising device. Protection of Freedom Act 2012 Sec 54 (1) (a) & 5.
99/88 (S)	All triable-either-way offences except Secs 10, 78-82, 92-95. Railway and Transport Safety Act 2003.	825/24	Without lawful authority move /restrict the movement of a motor vehicle. Protection of Freedom Act 2012 Sec 54 (1) (a) & 5.
99/89 (S)	Triable-either-way offences. Communications Act 2003 except Secs 125 & 126.		
99/90 (S)	Dishonestly obtaining electronic communication services. Communications Act 2003 Sec 125.		

99/99 Offences

The remaining 99/99 offences under this classification can be found in the notifiable offence list at <https://www.gov.uk/government/publications/counting-rules-for-recorded-crime>

Please use classification 99/99 for Common Law Offences not listed in the notifiable offence list

99 Other Notifiable Offences (12 of 12)

General Rule: One crime for each offender or group of offenders

Crimes Dealt with by Other Agencies Examples: see also General Rules Section I.

- 1: Immigration officials take action against five people who have provided assistance to the entrants. The police merely provide PNC information.
Do not count.
- 2: 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 99).
- 3: 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

Whether to Record Examples: see also General Rules Section A.

- 1: 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.

Record a crime under 99/99 - 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).
- 2: 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).

Finished Incident Examples: see also General Rules Section E.

1. 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 99).
2. 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 99).
 - (ii) The police refer them to local public health officials.

Do not count.

Principal Crime Example: see also General Rules Section F & Annex C.

- Example 1: The occupier of a house suffers ABH while being illegally evicted.

One crime of Sec 47 ABH (class 8N).

802 Dangerous Driving (1 of 1)

802 Dangerous Driving.
(S/V) Road Traffic Act 1988 Sec 2
as amended by Road Traffic Act 1991 S.2.

Legal Definitions:

Dangerous Driving

Road Traffic Act 1988 Sec 2

“A person who drives a mechanically propelled vehicle dangerously on a road or other public place ...”.

Meaning of Dangerous Driving

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.”

General Rule: One crime for each driver.

Note: A crime related incident should be registered and it should remain as such until the investigation confirms that the offence is made out at which stage a crime should be recorded.

Examples

- 1: 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 summonsed (class 802).

If injuries are intentionally caused by dangerous (or furious) driving, record two crimes - one crime (class 5D) plus one crime (class 802). If the only evidence for any dangerous driving was the intentional injuries then only count one crime (class 5D).

- 2: A driver, driving dangerously, intentionally aims the car at a pedestrian trying to stop him, injuring the pedestrian.

One crime (class 5D) plus one crime (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).

814 Fraud, Forgery etc associated with Vehicle or Driver Records (1 of 1)

814/1 (S)	Fraud, forgery etc associated with driving licence. Road Traffic Act 1988 Sec 173(1). Public Passenger Vehicles Act 1981 Sec 65(1)(a) & (2).	814/5 (S)	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).
814/2 (S)	Fraud, forgery etc associated with insurance certificate. Road Traffic Act 1988 Sec 173(1).	814/6 (S)	Fraud, forgery etc associated with test certificate. Road Traffic Act 1988 Sec 173(1).
814/3 (S)	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).	814/7 (S)	Mishandling or faking parking documents. Road Traffic Regulation Act 1984 Sec 115(1).
814/4 (S)	Fraud, forgery etc associated with work records. Passenger and Goods Vehicles (Recording equipment) (Tachograph Card) Regulations 2006 SI 1937/2006 Sec 3(1)(c)(d)(e)(2)(6) 4(d)(e)(f)(2a)(2b)(5)(6).	814/10 (S)	Forge/alter/use/lend/make document/authority to drive/card/licence/certificate with intent to deceive. Vehicle drivers (certificates of professional competence) Regulations 2007 S.13(1).

Legal Definition: Forgery of Documents etc

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, ...'

General Rule: One crime for each offender or group of offenders.

Principal Crime: see also General Rules Section F and Annex C.

This section only refers to documents used for driving offences. Where a driving licence is used as a false representation in other circumstances then an offence under classification 61A Identity Theft should be considered.

Example 1: A youth is stopped with a false driving licence obtained over the internet attempting to prove his age to enter an over 21 club.

One crime (class 61/40).

Where cars are displaying stolen, false or borrowed permits, blue badges, etc a crime should be recorded under class 814, Mishandling or faking parking documents.

Example 1: Mr 'A' loans his son his residents permit so that he can park his car in a resident's bay whilst visiting.

One crime (class 814).

Maximum Sentence – Miscellaneous Crimes Against Society

Life	14 years	10 years	7 years	5 years	3 years	2 years	1 year	6 months	Fine
78/29-30	76/01	53/44	24/17-19	38/4-8	33	15/00, 53/55	83/2, 8	125/62	61/28
79/1	78/10-13,		61/41	53/43	86/11-12, 14-17	59/15	85/6,	91/77	61/33
80	92/22, 42, 82			78/26, 78/28	91/56-63, 68	61/32, 61/40, 69/3-5, 7	95/55	95/57	78/6, 22
99/12	38/1-3	69/1-2	67/1-2*	79/2-5	98/16	75/39, 60-62,	98/2-3, 53	3 months	82/6
59/14	54/1-2	78/14	78/7	86/1, 10	4 years	78/4, 5, 8-9, 15-18, 23-25, 27 79/6-13	99/5, 61, 83	98/31	84/5-6
		80/01		91/16, 19, 22, 25-27,	69/06	80/02, 80/03, 82/4, 83/4-7			85/1 85/11
			82/2*, 82/5	91/37, 70, 74, 87		84/11-21, 85/1-5, 7+, 8, 9, 10, 12			91/17, 52, 88-89
			83/3	95/4, 6, 10, 19		86/3-9, 13, 14			94/1-3, 6, 9-10, 11
		82/3	95/8* 95/72	94/15-16		87/1-3			95/12, 14-15, 16-18, 20,
		84/8	95/31, 95/85	97/01-05		89/1, 4-12, 13			95/37, 42-45, 58, 61 62
		84/9-10	99/11 99/ 29-30, 94	98/12, 15, 29, 33-35		90/1-5			96/01-07 98/5, 23-25, 30, 63-67, 72, 78-79, 87-90, 95
		86/2		99/13, 17 39-40, 59, 63-64, 68-69, 77-79, 90-91		91/1-2, 7-15, 18, 20-21, 28-36, 38-51, 53-55, 64-67, 71-73, 75-76, 78-86, 90			99/02, 3, 10, 15, 21, 22, 35, 42, 46, 48, 53, 65-66, 88, 92-93,
		98/1, 18-19				93/69, 70			167/1-2
		98/26				94/4-5, 7-8, 12-14			195/36
		99/1, 7-9, 23, 75, 98				95/1-3, 5, 7-9, 11, 13, 21-28, 32-36, 38-41, 46-49, 50-52, 54, 56, 60, 63-71, 73-79, 81, 82, 84, 86			810/03
		59/11, 59/13				98/4, 7-11, 13-14, 17, 20-22, 27-28, 32, 36-52, 56, 69-71, 80-86, 91-92, 96, 98			820/9
		60/21-22 61/21-27 61/31, 61/38-39				99/3, 6, 14, 16, 18, 19, 20, 24, 28, 31-34, 36-37, 41, 43-45, 47, 49-52, 54, 56-58, 60, 62, 70, 72-74, 76, 80-82, 84-85, 87, 89, 96-97			825/24
		59/11 59/13 60/21, 22				802, 807/5, 10			
						809/2, 810/2, 811/3			
						814/1-10			
						820/11-12, 825/18, 20			

99/38 Maximum sentence varies depending on substantive crime. *Maximum sentence varies depending on Act used – this represents the maximum sentence in the range. + A fine can be given with or instead of the maximum sentence of two years.

Fraud (1 of 6)

Historic Fraud Offences

In January 2007 the Fraud Act 2006 became law and repealed much of the previous fraud legislation. Whilst it is not possible to prosecute offenders under the new legislation for offences committed before the new act became law, the Home Office require the National Fraud Intelligence Bureau via Action Fraud to record fraud for statistical purposes, under the new legislation.

Action Fraud

Action Fraud is the name of the contact centre that records NFIB fraud and some cyber-enabled and cyber-dependent crimes such as Computer Misuse Act offences like hacking (Cyber Crime). Action Fraud does this through its' contact centre and on-line reporting tool. The NFIB codes used in this section are used by Action Fraud to enable them to record specific fraud/cyber crime types reported to them that are then passed to the NFIB. These codes are also used to count fraud/cyber types passed to the NFIB in bulk data transfers from other data providers working in partnership with the NFIB, such as those in the banking and credit industry. All confirmed fraud/cyber crimes held within the NFIB database will use the NFIB codes.

Action Fraud can only record NFIB fraud and cyber crimes. Where other notifiable offences are apparent the victim will be referred to the police. Likewise, non-NFIB recorded frauds and cyber enabled offences remain the responsibility of the police to record (i.e Other Fraud and Forgery or blackmail offences committed through social media/chatrooms etc).

The National Fraud Intelligence Bureau (NFIB)

The Home Office will obtain levels for NFIB Recorded Fraud and Cyber offences from the NFIB. This will consist of:

- 1 The national total level of NFIB recorded fraud/cyber crime. (i.e it will not broken down by Police Force area).
- 2 The demand on police by Force area, and
- 3 The result on that demand (i.e Outcomes).

The 'demand on police' is

- Offences that meet the call for service criteria (See Fraud page 1 of 7) and
- Offences passed to the Force by the NFIB for law enforcement.

General Principles

With the exception of crimes meeting the 'call for service criteria' (see below) it is anticipated that the majority of NFIB crimes will be recorded at the NFIB directly by data providers and by victims using the 'Action Fraud' on-line reporting tool or the AF contact centre.

Where victims contact police to report a fraud, police may, unless a police CALL FOR SERVICE exists (**important see below**), advise the victim that they can report fraud to Action Fraud directly via the contact centre by telephone or on-line reporting tool. If this advice is taken, then there is no need for police to record a crime or record a CRI. Where victims decline this facility and ask police to record a fraud, then police should take full details of the fraud and pass the details to NFIB. This will usually be by inputting the report direct to AF via on-line reporting. It is recognised that some forces may continue to record allegations of fraud/cyber in their local crime recording systems. Regardless of local record being raised the force must also report the crime to AF using on-line reporting.

Police Recording of NFIB Crime

Police must create local case management records for NFIB recorded fraud/cyber crime, for the following:

- Crimes which meet the call for service criteria,
- Crimes passed to them by the NFIB.

Fraud (2 of 6)

Calls for Service

Police will create a case management record for all the following fraud/cyber offences when:

- Offenders are arrested by police or
- There is a call for service to the police and the offender is committing or has recently committed at the time of the call for service or
- There is a local suspect (see page 2 of 7).

Local Suspect

'Local suspect' is where through viable investigative leads;

- Police can or could locate a suspect with the details provided, or
- have sufficient details to apprehend an offender.

The word "local" has its everyday meaning and has been used to ensure that like any other type of crime reported directly to police, where there are local viable investigative leads police should consider the crime for investigation. This is intended to provide the same policing response as with other crime types. For example: If following an assault a suspect can be apprehended, police could respond to that policing demand. It should be the same for fraud offences.

For every call for service where a confirmed fraud/cyber offence is apparent, police will also record an offence at AF via on-line reporting. The number of reports required will be in accordance with the victim count specified by each relevant NFIB offence code.

Example 1: A local business reports to the police that their accountant has been defrauding the company by falsifying their accounts.

The call for service criteria has been met. Police create a local case management record and create an AF report (via on-line reporting).

Example 2: A department store phones police informing them that a suspect is at the till presenting a cloned credit card for payment.

In all the following circumstances the call for service criteria has been met:

A suspect is arrested at the scene
A suspect who has decamped is identified on CCTV
After watching CCTV the suspect is seen but not identified
CCTV not available and the suspect has escaped before police arrival

Police create a local case management record and create an AF report (via on-line reporting).

Example 3: Police are informed by a mail order company that goods purchased using a stolen credit card are going to be delivered to an address on their policing area.

The call for service criteria has been met. Police create a local case management record and create an AF report (via on-line reporting).

Example 4: Police are called by a bank that a person seeking a mortgage is in the branch with a false application.

The call for service criteria has been met. Police create a local case management record and create an AF report (via on-line reporting).

Fraud (3 of 6)

Crime Location – Call for Service

The venue will be:

Offences where offenders are arrested by the police:

- The venue where the false representation was made.

Where there is a call for service to Police and the offender is committing or has recently committed at the time for the call for service for all fraud types:

- The venue where the false representation was made. This is regardless of any address for the suspect being established through reporting or investigation.

Where there is a local suspect:

- The police force area covering the location of the fraudulent operation/suspect's address, or
- for business related fraud the office/usual place of work of the suspect employee or if no office address or usual place of work, the Head Office of the company. (The term "business related" generally applies to corporate employee fraud, abuse of trust, boiler room addresses etc).

Goods ordered remotely:

- The delivery address to which the fraudulently ordered goods were delivered or are to be delivered.

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 latest known re-direct address shall be deemed to be the location.

Crimes Passed to Police for Enforcement by the NFIB.

Where NFIB recorded fraud crime or a linked series of crimes are passed to police by the NFIB as a case for investigation, the Force Area (except frauds relating to the railways) to record the case will be determined from the following set of principles. The principles are listed in order of priority and it is only when a principle cannot be achieved or is not known that the next principle will apply:

- 1st The police force area covering the location of the fraudulent operation/suspect's address or for business related fraud the office address/ usual place of work of the suspect employee or if no office address /usual place of work, the Head Office of the company. (The term "business related" generally applies to corporate employee fraud, abuse of position of trust, boiler room addresses etc).
- 2nd The police force area with the greatest number of individual usages (banking/credit industry) or offences.
- 3rd The police force area where the first offence (individual usage in banking/credit card fraud) was committed.
- 4th The police force area where the victim resides or works.
- 5th In the unlikely event that it is impossible to determine a Force Area using these principles the NFIB will determine a Force Area.

Where there is more than one suspect and the suspects reside in different Force Areas the NFIB will apply the second to fourth principles to try and establish primacy for the investigation. If this does not determine primacy, then the NFIB in discussion with the respective force crime registrars will determine primacy.

Fraud (4 of 6)

Crime Location – British Transport Police

Where the fraud is in relation to the railways (BTP jurisdiction), the NFIB will forward them to BTP Headquarters and not apply the above. Where there are a series of different linked frauds and one of those is in relation to the railways, the NFIB will only forward all linked crimes to BTP if the railway fraud is the most serious offence disclosed in their view.

Crime Location – Cyber Dependent Crime. (Computer Misuse Act etc).

The location of crime rules for fraud apply equally for Cyber dependent crime.

Reminder: The location of crime rules contained within this section overrule those within General Rules Section G - Location of Crime.

The above crime recording, location rules and examples will not cover each and every situation that police will encounter. Therefore nothing contained in these rules should prevent police acting in the best interests of justice, the preservation of property or providing the appropriate levels of service to victims of crime.

Outcomes

Forces should apply the Outcome rules contained within the General Rules - Section H.

When cases or crimes have been assigned outcomes Forces must contact the NFIB providing the case number, the crime numbers, the suspect details and the outcome details. The NFIB will then update the database and assign the relevant outcome for the Force. Where specimen charges or an all embracing conspiracy have been charged, provided that these charges are reflective of all the crimes within the case investigated, the NFIB will clear up all the crimes within the case.

Example1: The NFIB sends a case to Force A containing 100 crimes of boiler room fraud. The suspects are arrested and CPS authorise charges with 10 specimen counts of fraud by false representation in relation to the investigation.

The NFIB can assign outcomes to all 100 crimes in this situation.

Example 2: The NFIB sends a case relating to the same suspect, to Force A containing a number of mortgage frauds, on line shopping frauds and application fraud. Following a lengthy investigation, the police are only able to charge with one specific offence of application fraud.

The NFIB can only clear up the one specific offence of application fraud.

Where previously a recorded offence under the old legislation is assigned an outcome, Forces should return the outcome information as if recorded under the new legislation. For example a crime recorded in 2004 as a S15 Theft Act deception is assigned an outcome in 2014 the outcome would now be shown as the relevant false representation outcome.

PNC 'Registered item'

Action Fraud does not have access to the Police National Computer (PNC) and therefore will be unable to record crimes where a PNC 'registered item' (vehicle, plant, machinery etc) requires an entry on PNC. Police will be responsible for reporting these offences to the NFIB, and making the relevant PNC entry, i.e LOS, PNC, Interest etc.

Fraud (5 of 6)

Frauds Abroad

There is an increasing trend for victims abroad or whilst abroad to try and report fraud in this country, (England and Wales). Where there is no connection with this country the victim is to be told to report it in their own country or to the country they were staying in, when the fraud was committed.

Where the only connection with this country is that the victim of a fraud committed whilst in another jurisdiction resides in this country or a bank or financial institution has only been used to facilitate the transfer of funds from one jurisdiction to another then the crime should not be recorded in this country.

Where it is apparent that the offender was resident in this jurisdiction or that a victim whilst resident in this country has been defrauded from abroad, then a crime should be recorded.

Example 1: A resident of this country travels to Spain and is defrauded in Spain by Spanish registered Time Share Company. He returns and reports it to police force area A.

No crimes need to be recorded under these circumstances.

Example 2: A Belgium National orders goods over the internet from an American Company. He pays for the goods using PayPal. The goods are never delivered. Enquiries at PayPal show that funds were transferred from Belgium to USA via PayPal account in London.

No crimes need to be recorded under these circumstances.

Example 3: A person in the United Arab Emirates receives information via SMS texts and mobile phone calls that they have won £100,000 in a lottery but need to send £450 to receive the winnings. The victim in the United Arab Emirates sends through £450 to the suspect at an address in England via a Western Union office.

One crime (class NFIB1B). The suspect is in England.

Example 4: Mrs 'A' receives a letter to her London address in the post with a Spanish stamp and post mark informing her that she has won the Spanish Lottery. She follows the instructions in the letter and transfers £1000 via Western Union to a Spanish account. When she fails to receive her million pounds she reports the fraud to Action Fraud using the web template.

One crime (class NFIB1B).

Principal crime rule and fraud

By the very nature of the offence being committed for some fraud types there will also be an offence of 'perverting the course of justice' or the non notifiable offence of 'wasting police time'. The Fraud Rules aim to determine levels of fraud within this section. Therefore where such notifiable offences are prosecuted in addition to the fraud offence a crime should be recorded for this offence in addition to the fraud offence. The Principal Crime Rule will not apply in these cases.

Conspiracy to Defraud: do not count in addition to substantive crime.

Fraud (6 of 6)

Financial Institutions

The Financial Institutions will encourage customers (both personal and business) to report cheque, plastic card (Credit card, Debit card, Prepayment card and Store card) or online bank account fraud directly to them and not the Police in the first instance. Online bank accounts include telephone bank accounts. The Financial Institutions will pass fraud reported to them directly to the NFIB.

Where Financial Institutions wish to report a crime to the police they will complete the online Action Fraud template. The NFIB will then pass these offences to the appropriate law enforcement agency when an agreed criteria has been met by applying the same principles as in 'Crimes passed to Police by the NFIB'.

Account Holders Reporting at Police Stations

Account holders attempting to report cheque, plastic card or online bank account fraud offences at police stations will be asked in the first instance if they have been specifically told to do so by their Financial Institution. If they have, they will be referred to the Action Fraud contact centre. If they have not, they will be told to contact their Financial Institution who will deal with the account holder. It is not necessary to record a crime related incident.

If the Financial Institution wishes an account holder to report the crime, the Financial Institution will give the account holder a reference number for Action Fraud – either in the form of a letter or verbally. In this case, the account holder will be asked to report it to the Action Fraud contact centre.

Where account holders with reference numbers attend the police station they should be referred to the Action Fraud contact centre.

Identity Theft

The use of another person's identification details (or the use of false identification details), often referred to as identity theft, is not in itself an offence in law. It is the action that is undertaken, using those identification details, that needs to be considered in respect of whether an offence has occurred.

Most instances of 'Identity Theft' come to light when victim's details are used to obtain goods, services or money using credit arrangements or loans. Instances of this should be considered under the relevant NFIB recorded crime. Where bank, credit card, or store card accounts are opened using identities to which the individuals are not entitled, and then used to commit fraud, then an offence of NFIB5A Fraud by False Representation Cheque, Plastic Card and Online Bank Accounts (NOT eBay or PayPal) should be recorded. Note: The opening of a bank or other account using other peoples' identities without permission or false details is unlikely to be a crime of fraud per se, and should only be recorded if there is an offence of fraud committed on the account or evidence that fraud was the purpose for the creation of the account.

Any usage on the account will be dealt with under the reporting guidance General Principles detailed in NFIB5A Fraud by False Representation Cheque, Plastic Card and Online Bank Accounts (NOT eBay or PayPal) Classification (1 of 2).

Where people are found in possession of any identity document or items containing identity details, with intent to commit fraud then an offence under 33A Making, Supplying or Possessing Articles for Use in Fraud should be considered.

Remember that if there is no intent to commit fraud and there is evidence that an account has been created using a false, stolen or improperly obtained identity document contained within the Identity Documents Act 2010 then an offence under class 61A possession of False documents should be considered.

NFIB Fraud

NFIB1 Advance Fee Payments

NFIB1A	"419" Advance Fee Fraud
NFIB1B	Lottery Scams
NFIB1C	Counterfeit Cashiers Cheques
NFIB1D	Dating Scam
NFIB1E	Fraud Recovery
NFIB1F	Inheritance Fraud
NFIB1G	Rental Fraud
NFIB1H	Other Advance Fee Frauds
NFIB1J	Lender Loan Fraud

NFIB2 Financial Investments

NFIB2A	Share sales or Boiler Room Fraud
NFIB2B	Pyramid or Ponzi Schemes
NFIB2C	Prime Bank Guarantees
NFIB2D	Time Shares and Holiday Club Fraud
NFIB2E	Other Financial Investment

NFIB3 Consumer Retail Fraud

NFIB3A	Online Shopping and Auctions
NFIB3B	Consumer Phone Fraud
NFIB3C	Door to Door Sales and Bogus Tradesmen
NFIB3D	Other Consumer Retail Fraud
NFIB3E	Computer Software Service Fraud
NFIB3F	Ticket Fraud
NFIB3G	Retail Fraud (not NFIB3A or NFIB5A)

NFIB Fraud (Continued)

NFIB4A NFIB4B	Charity Fraud Fraudulent Applications for Grants from Charities or Lottery Fund Organisations
NFIB5 NFIB5A NFIB5B NFIB5C NFIB5D NFIB5E	Banking and Credit Industry Fraud Cheque, Plastic Card and Online Bank Accounts (not PSP) Application Fraud (excluding Mortgages) Mortgage Related Fraud Mandate Fraud Dishonestly retaining a wrongful credit
NFIB6A NFIB6B	Insurance Related Fraud Insurance Broker Fraud
NFIB7	Telecom Industry Fraud (Misuse of Contracts)
NFIB8A NFIB8B	Corporate Employee Fraud Corporate Procurement Fraud
NFIB9 NFIB10 NFIB11 NFIB12 NFIB13	Business Trading Fraud False Accounting Bankruptcy and Insolvency Passport Application Fraud Department of Works and Pensions (DWP) Fraud
NFIB14	Fraudulent Applications for Grants from Government Organisations

NFIB Fraud (Continued)

NFIB15 HM Revenue and Customs Fraud (HMRC)

NFIB16 Pension Fraud

NFIB16A Pension Fraud by Pensioners (or their Estate)

NFIB16B Pension Fraud committed on Pensioners

NFIB16C Pension Liberation Fraud

NFIB17 Other Regulatory Fraud

NFIB18 Fraud by Failing to Disclose Information

NFIB19 Abuse of Position of Trust

NFIB20A DVLA Driving Licence Application Fraud

NFIB90 Other Fraud (Not covered elsewhere)

NFIB50 Computer Misuse Crime

NFIB50A Computer Viruses\Malware\Spyware

NFIB51A Denial of Service Attack

NFIB51B Denial of Service Attack Extortion

NFIB52A Hacking-Server

NFIB52B Hacking-Personal

NFIB52C Hacking-Social Media and E-mail

NFIB52D Computer Hacking – PBX/Dial Through

NFIB52E Hacking (Extortion)

Crime Flags

F1	<u>Hate Crime</u>
F2	<u>Metal Theft</u>
F3	<u>Domestic Abuse</u>
F4	<u>Online Crime</u>
F5	<u>Child Sexual Abuse</u>
F6	<u>Child Sexual Exploitation</u>
F7	<u>Alcohol</u>
F8	<u>Corrosive Based Offences</u>
F9	<u>So Called 'Honour Based' Abuse</u>

F1 Hate Crime (1 of 1)

Hate Crime Definition

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender."

This collection requires offences aggravated by hate or prejudice (for the five strands outlined below) to be flagged on Data Hub extracts provided to the Home Office.

- Disability [Code 23]
- Transgender [Code 55]
- Racial [Code 18]
- Religion / beliefs [HODH flag is called "Religion" and is Code 19] **
- Sexual orientation [Code 54]

Note that multiple aggravating factors may be recorded against an individual offence, including multiple hate crime indicators (for example both race and religion/belief may be recorded against a single offence).

****Where the Religion flag has been applied, one of the following flags should also be applied to capture the **perceived** religion (or belief or faith) of the victim:**

- Christian
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- Other
- No religion
- Unknown

Please note that where one of these flags is applied, the 'Religion' flag must also be applied.

Perceived religion means the targeted religion of the offender when known. For example, if Islamophobic graffiti is sprayed on a Gurdwara (Sikh temple), then the targeted perceived religion should be recorded as Muslim.

From April 2021, it is also mandatory to provide ethnicity of victim for racially or religiously aggravated offences (offence codes 8P, 105B, 8M, 9B, 58J) via the Home Office Data Hub.

F2 Metal Theft (1 of 1)

Offences should be flagged as Metal Theft if the police employee filing the crime report believes that the intent for committing the offence was to remove the item for its scrap metal value rather than the acquiring of the item (s). Offences of attempted metal theft should also be flagged. **One and only one** of the following two flags should be used:

1) Metal theft (infrastructure related)

The removal of metal that has a direct impact on the functioning of infrastructure and/or fabric of a building or machinery. This includes all metals that are connected to live services such as water, heating, electricity, other service cabling and railway cabling; roofing lead, a catalytic converter removed from a vehicle and manhole covers.

2) Metal theft (non-infrastructure)

The removal of metal that has no direct impact on the functioning of infrastructure and/or fabric of a building or machinery. This includes metal that is not connected to services, redundant metal, war memorial plaques, and metal gates/fencing.

If it is considered challenging to determine which of the two flags is appropriate then the infrastructure related flag should be used as a default.

Only one flag (and not both) should be applied.

F3 Domestic Abuse (1 of 2)

Domestic Abuse Definition

The Domestic Abuse Act 2021 created, for the first time, across-government statutory definition of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following—

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse;
- (e) psychological, emotional or other abuse.

It does not matter whether the behaviour consists of a single incident or a course of conduct.

“**Economic abuse**” means any behaviour that has a substantial adverse effect on B’s ability to:

- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.

For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

Two people are “personally connected” to each other if any of the following applies —

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child; or
- (g) they are **relatives**, including in-laws and ex-in-laws.

“**Relative**”, in relation to a person, means:

- (1) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s spouse, former spouse, civil partner or former civil partner, or
- (2) the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood or by marriage (in-laws) or civil partnership) of that person or of that person’s spouse, former spouse, civil partner or former civil partner.

This includes, in relation to a person who is cohabiting or has cohabited with another person, any person who would fall within paragraph (1) or (2) if the parties were married to each other or were civil partners of each other.

F3 Domestic Abuse (2 of 2)

1. Notifiable Crimes

The mandatory collection of data on notifiable crimes relating to domestic abuse took effect from April 2015. This applies to all crime classifications and to all reports of domestic abuse-related crime (including those where there is a repeat victim). Collection of this information should be achieved by means of a flag or other type of identifier being applied to all crime records. How this is achieved is a matter for forces to consider individually. The resulting data will be collected via the Home Office Data Hub.

2. Repeat Domestic Abuse Crimes

In addition to the collection set out above, there is an additional data stream for repeat reports of Domestic Abuse (DA) crimes. The repeat DA became **mandatory** for 2018/19.

It is important to underline that this is for notifiable crimes only. This collection requires forces to additionally identify (by means of a further flag, qualifier or similar identifier) those crimes where the victim is making a second or subsequent report of a DA related offence, following the initial recording of such a crime. The following examples set out how this would operate:

i) A is in a relationship with B. A reports for the first time being assaulted by B. A discloses that s/he has been assaulted by B several times but this is the first time it has been reported. Police record a crime.

Count as DA non repeat – apply the DA identifier to the recorded crime

ii) 4 weeks later A reports that B, who has moved out of their shared home, is carrying out a course of harassment. Police record a crime

Count as DA repeat – apply the DA identifier AND the repeat DA identifier

iii) Some months later A has formed a new relationship with C. A then reports a DA assault by C. Police record a crime.

Count as DA repeat – apply the DA identifier AND the repeat DA identifier

It is essential to underline that whilst the examples above relate to crimes of harassment or violence and to a party in an intimate relationship, the principle extends to other crime types and to the full range of family members.

A “repeat victim” is defined as “a second or subsequent report by a victim within a rolling 12 month period”.

ALL notifiable crimes that meet the DA definition should have the DA flag applied to them. **Where crimes are flagged as Repeat DA then BOTH flags should be applied.**

F4 Online Flag (1 of 1)

Online Flag Definition:

An offence should be flagged where any element of the offence was committed online or through internet-based activities (e.g through email, social media, websites, messaging platforms, gaming platforms or smart devices). Updated April 2020

Purpose

This flag is to help understand the volume and nature of offences committed online. It refers to any crime committed either in full, or in part, through use of online methods or platforms. The online crime flag helps provide a national and local picture of how internet and digital communications technology are being used to commit crimes, and an understanding of the prominence of certain crimes that are happening online, compared to offline. The flag will help us prioritise spending and direct appropriate resources to tackle online crimes, e.g. in terms of technology, training, digital forensics capacity, and staff. It also gives an insight into the scale and nature of online crime, and can help enhance the development of policies to tackle them and protect victims.

F5 Child Sexual Abuse (1 of 1)

Child sexual abuse is defined as:

'Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape or oral sex) or non-penetrative acts (e.g. masturbation, kissing, rubbing, touching outside of clothing etc.) They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).'

Child Sexual Exploitation (CSE) is a clearly defined as a subset of CSA and so all offences flagged as being related to CSE should also be flagged as CSA (but not all offences flagged as relating to CSA will be flagged as CSE).

Uses / Publication

CSA and CSE Crime Flags

The collection increases police, government and public understanding of the scale of CSA and CSE in response to a recommendation by the Office of the Children's Commissioner to improve the recording of crimes involving CSA. The data will be included in future statistical outputs published by the Home Office and ONS.

The full scale of CSA and CSE is notoriously difficult to measure given the hidden nature of the crime and there is a gap in our knowledge regarding the precise number of cases of CSA and CSE recorded by the police. During the development stages of the ADR, we considered all possibilities to collect data on CSA centrally. However, the current data collected by police recorded crime statistics does not allow for all sexual offences against children to be identified (e.g. obscene publication offences that are specifically related to children). There is also an issue with offences where it is known that the victim is under age, but the exact date of birth is not known. Using current data therefore provides an under-estimate of CSA.

The CSE crime flag (CSE related offences) is required as CSE is not defined in law as a separate offence. CSE cannot be identified using offence subclasses only as some subclasses could be made up of CSE and non-CSE offences. As such, a 'flag' is the only method for collecting these data.

F6 Child Sexual Exploitation (1 of 1)

Definition

'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'

CSE is a subset of CSA and all offences flagged as being related to CSE should also be flagged as CSA (but not all offences flagged as relating to CSA will be flagged as CSE).

Uses and Publication

CSA and CSE Crime Flags

The collection increases police, government and public understanding of the scale of CSA and CSE in response to a recommendation by the Office of the Children's Commissioner to improve the recording of crimes involving CSA. The data will be included in future statistical outputs published by the Home Office and ONS.

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The CSE crime flag (CSE related offences) is required as CSE is not defined in law as a separate offence. CSE cannot be identified using offence subclasses only as some subclasses could be made up of CSE and non-CSE offences. As such, a 'flag' is the only method for collecting these data.

F7 Alcohol-Related Crime (1 of 1)

Alcohol-related crime definition:

“any notifiable offence (crime) where it is perceived, by the victim or any other person, that the effects of alcohol consumption on the offender or victim was an aggravating factor”.

The qualifier should be used where the consumption of alcohol has been associated with the offence.

This recorded crime collection provides the numbers of crimes directly attributable to alcohol via the Home Office Data Hub, which assists in assessing the impact of alcohol on crime and policing, improves transparency and provides improved information for the public on the scale of the problem.

Uses / Publication:

This data will inform decision making and be included in future statistical outputs and widely published in Home Office and ONS statistical bulletins. In the future data it is intended that data will be published on Police.uk

F8 Corrosive Based Offences (1 of 1)

Definition

“All notifiable violence against the person and robbery, involving the throwing, spraying or pouring of acid or a similarly corrosive substance onto the body of another with the intention to disfigure, torture, kill or otherwise incapacitate for criminal purposes.”

Acid or corrosive substances are defined as those that cause visible destruction and/or permanent change in human skin tissue at the site of contact.

Data collection is specifically focused on cases where verifiable evidence exists that an acid/corrosive substance has been used or attempted to be used against the person with criminal intent as described. This will include offences where it can be demonstrated:

- a) Visible destruction or permanent change in skin tissue has occurred at site of contact of substance used by offender/s
- b) Permanent destruction of clothing at site of contact of substance used by offender/s (e.g burning) and with supporting scientific evidence of acid/alkali having been used for forensic testing.
- c) That an attempted (more than merely preparatory) act of throwing, spraying or pouring of an acid/corrosive substance towards another person has occurred but the substance missed or fails to discharge such that harm outlined in (a) or (b) does not occur. Forensic testing fully corroborates the attempted use of an acid/corrosive substance which in a forensic scientist's opinion would have caused harm as outlined in (a) and (b).

Data collection considerations

This data collection seeks to identify all relevant offences of violence against the person.

This definition deliberately avoids inclusion of attacks against property only, use of noxious (but not corrosive substance) and offences involving threats to deploy corrosive substances where there is no way of knowing whether hoax or genuine.

This approach means data collection efforts are focused on the most serious offences against the person where there can be no doubt that a corrosive substance has been used or attempted to be used with criminal intent as described.

Purpose

To collect data on all violence against the person offences where corrosives have been used or have attempted to be used.

Uses / Publication:

The data will be used on a quarterly basis by the NPCC Lead's Corrosive Substances Working Group and we will also be discussing with the Office for National Statistics whether we can gain their agreement to publish the data as part of the ONS quarterly Crime Stats.

F9 So called 'Honour Based' Abuse (1 of 1)

Definition

So called 'Honour-based' abuse is a crime or incident involving violence, threats of violence, intimidation, coercion or abuse (Including psychological, physical, sexual or emotional abuse), which has or may have been committed to protect or defend the honour of an individual, family and or community for alleged or perceived breaches of the family and/or community's code of behaviour"

Please note this includes, but is not limited to, crimes of forced marriage and female genital mutilation. If a forced marriage or FGM offence is recorded this should always be marked with an HBA flag.

Collection:

- Both incident and crime data committed in the context of HBA to be returned, similar to the collection of domestic abuse incident and crime data under ADR 119.
- All FGM offences should be flagged as HBA, if FGM is reported under the mandatory reporting duty then an additional flag of FGM Mandatory Reporting must also be applied. For more information on the duty please refer to mandatory reporting of female genital mutilation procedural information.
- If a crime is recorded with a domestic abuse flag as part of collection ADR119, but also has an element of HBA as defined above, this must also be flagged as HBA.
- Both recorded crime and incident data to be returned quarterly with the results published annually.

Codes for these categories will be provided with the data collection template.

Reported Incidents

N100 [Reported Incident of Rape](#)

N200 [Reported Incident of Modern Slavery](#)

N100 Reported Incident of Rape (1 of 3)

All reported incidents of rape are to be recorded on the force crime system in accordance with the following provisions and (for forces live on the Home Office Data Hub) against the listed specific codes;

100/1 – reported incident – victim (or third party acting on their behalf) has not confirmed the offence or cannot be traced

100/2 – reported incident – credible evidence to the contrary exists

100/3 – reported incident – offence committed in another police force area/outside the UK

General rule: One record for each reported victim offender relationship

All reported incidents of rape or attempted rapes, whether from victims, witnesses or third parties which are not immediately recorded as a confirmed crime (or attempted rape) must be recorded under this classification at the time the report is initially made to the relevant force.

Clarification

Unless already recorded as a crime of rape (or attempted rape), every report of a rape, suspected or possible rape must be taken at face value and recorded on the force recording crime system under this classification, irrespective of the source of the report. This includes reports made by third parties, through partnership working or from other agencies. The reported incident of rape will be in addition to any other force record e.g. command and control system or any other system such as CATS (Case Administration and Tracking System), or similar public protection arrangements.

Reports recorded under this classification must be included in force notifiable crime statistical returns using the same reporting process as notifiable crimes.

The expectation is that once a reported incident of rape is confirmed to be a notifiable crime it will be reclassified as such at the earliest opportunity and without any delay. There should be no delay for any investigation to occur beyond establishing the circumstance of the incident to inform the NCRS crime recording decision.

Once recorded and classified a reported incident of rape will remain recorded as such unless or until it is reclassified as a confirmed crime of rape or as any other notifiable crime. Such reclassification must take place as soon as the reporting officer is satisfied that it is more likely than not that a notifiable crime has been committed. The decision to record a crime must not be delayed pending the outcome of the criminal investigation.

Clarification

Where the reported rape is recorded as a **notifiable** crime other than rape the force crime recording database must contain sufficient information to justify why a rape was not recorded, and to clearly show that the HOCC classification has been correctly applied.

When to Record:

The reported incident of rape must be recorded under this classification at the first opportunity. This is usually expected to be by the person receiving that initial report including call handlers, crime bureau and specialist units.

N100 Reported Incident of Rape (2 of 3)

Example 1: Force A's control room receives a call from a female saying she believes her friend may have been raped the previous evening. The details available are initially brief. The control room operator creates a command and control log and deploys officers to locate the victim.

As well as the command and control log a reported incident of rape (Classification N100) must be recorded on the force crime recording system.

Some hours later officers have located the victim who confirms she has been raped.

Reclassify the N100 reported incident of rape to the appropriate full crime classification in HOCC.

Example 2: A victim whilst engaging with police on unrelated matters, reports to police that she has previously been raped but refuses to provide any other detail whatsoever upon which to determine the location of crime or base the crime recording decision making process upon.

This must be immediately recorded as a rape, unless there is credible evidence to the contrary immediately available in which case an N100 should be recorded.

Example 3: A report of 10 rapes is received by separate offenders but the report fails to provide sufficient information to immediately record the rapes.

This must be immediately recorded as 10 reported incidents of rape (classification N100).

Reports of rape via 'Third Parties' (as specified in NCRS paragraphs 3.6i or ii) or from Sexual Assault Referral Centres (SARCs): A report of rape must be **recorded as a crime** in the following instances:

- The victim provides personal details and seeks a police investigation; or
- The victim (whether anonymous or not) provides details of the Report to be passed to the police but decides not to pursue the case; or
- The victim undergoes a forensic examination with samples submitted to the police for analysis (whether or not personal details are passed to the police); or
- The report is received from a parent, carer or professional third party and there is no reason to doubt the veracity of their report.

A report of rape received from a third party (other than specified in NCRS paragraphs 3.6i or ii) and including reports from SARCs must be recorded as a **Reported Incident of Rape (Classification N100)** in the following instances:

- The victim does not seek a police investigation but is happy for some depersonalised data to be passed to the police **for intelligence purposes**; or
- The victim wishes to remain anonymous and does not want details of the allegation passed to police (if any information at all received by police); or
- The victim undergoes a forensic examination and samples are frozen at the SARC in case the victim decides to pursue the case at a later date (forensic samples are not passed to the police).

Reports dealt with as non-notifiable crimes:

In any case where a reported incident of rape is later dealt with as any form of non-notifiable offence the reported incident of rape cannot be re-classified and must remain recorded.

Cancellation of Reported Incidents of Rape:

Once recorded a reported incident of rape can only be cancelled in cases where a genuine error has been made by the person taking the report.

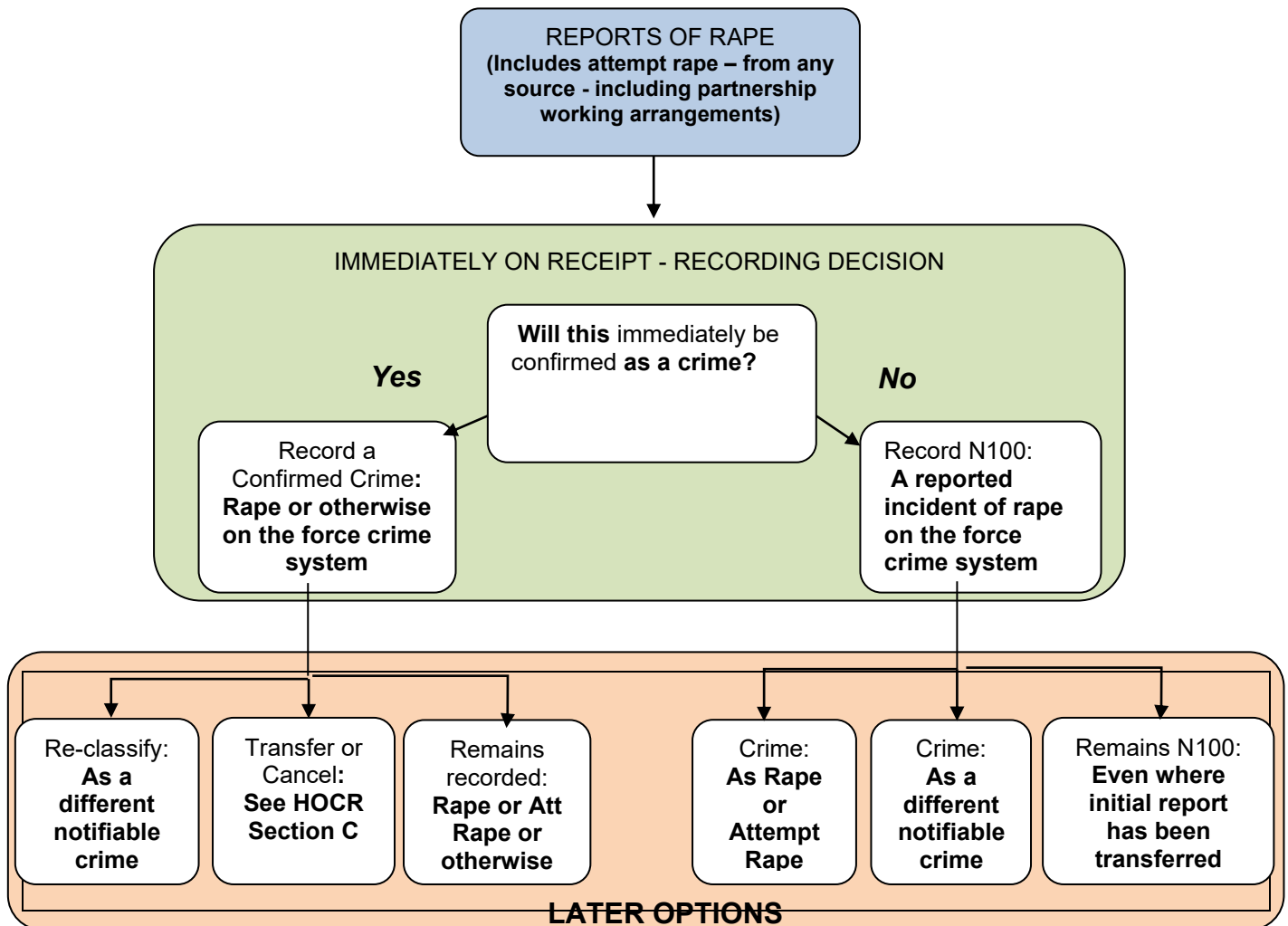
FCR Oversight:

The FCR must have oversight of all records that do not result in the recording of a confirmed crime and ensure that the appropriate classification code is applied.

N100 Reported Incident of Rape (3 of 3)

Explanatory Process Flowchart

NB: there is no provision to record a Crime Related Incident (CRI) in respect of a rape or attempted rape report.



N200 Reported Incident of Modern Slavery (1 of 4)

All reported incidents of modern slavery are to be recorded on the force crime system in accordance with the following provisions and (for forces live on the Home Office Data Hub) against the listed specific codes;

N200/01 – reported incident – NRM referral pending reasonable grounds decision

N200/02 – reported incident – NRM referral negative reasonable grounds decision

N200/03 – reported incident – NRM referral - Duty to notify only

N200/04 – reported incident – NRM referral – Positive reasonable Grounds/Police Referral – Outside England and Wales

N200/05 – reported incident – NRM referral – Negative reasonable Grounds – Outside England/Wales

N200/06 – reported incident – NRM referral – transferred to another force in England and Wales

General rule: One record for each NRM referral received.

Clarification

All NRM referrals received by the force from the Competent Authority will be recorded initially under classification N200. The N200 record is to be retained pending receipt of the reasonable grounds decision. Once the reasonable grounds decision is received the recording decision must be made in accordance with the flow chart (see Reported Incident of Modern Slavery (3 of 3)).

All referrals made by the police **into** the NRM and or incidents where victims report to police direct must be subject of a recorded crime of MS unless it is determined that all MS criminality occurred outside England and Wales in which case an N200/04 must be recorded. Police submitted Duty to Notify referrals (DTN) must be subject to a recorded crime.

Reports recorded under this classification must be included in force notifiable crime statistical returns using the same reporting process as notifiable crimes.

With regards to the NRM, the expectation is that once a reported incident of Modern Slavery in England and Wales is confirmed by a positive reasonable grounds decision it will be reclassified as such at the earliest opportunity without delay. There should be no delay for any investigation to occur beyond establishing the circumstance of the incident to inform the NCRS crime recording decision.

Once recorded and classified a reported incident of modern slavery will remain recorded as such unless or until it is reclassified as a confirmed crime of modern slavery in addition to any other notifiable crime as appropriate. Such reclassification must take place as soon as the reporting officer is satisfied that it is more likely than not that a notifiable crime has been committed or a positive grounds decision is returned. The decision to record a crime must not be delayed pending the outcome of the criminal investigation.

When to Record:

The reported incident of modern slavery must be recorded under this classification at the first opportunity. This is usually expected to be by the person receiving the initial report including call handlers, crime bureau and specialist units. If other notifiable crimes are reported these must be recorded at the time of reporting without delay in accordance with NCRS/HOCR.

FCR Oversight:

The FCR must have oversight of all records that do not result in the recording of a confirmed crime and ensure that the appropriate classification code is applied.

Cancellation of Reported Incidents of Modern Slavery:

Once recorded a reported incident of modern slavery can only be cancelled in cases where a genuine error has been made by the person taking the report.

N200 Reported Incident of Modern Slavery (2 of 4)

Recording Practice: National Referral Mechanism

All referrals made by the police **into** the NRM (including all cases where a Duty to Notify submission is made) must be subject of a recorded crime of MS unless it is determined that all MS criminality occurred outside England Wales in which case an N200/04 must be recorded. In cases where a rape is also reported, having occurred outside England and Wales, in addition to the MS a reported incident of rape under N100/3 must be recorded.

For referrals the police receive **from** the NRM all those with a **positive reasonable grounds** decision applied must be subject of a recorded crime of MS. Where the referral from the NRM has either:

- a reasonable grounds decision pending or
- a negative reasonable grounds decision or,
- is a Duty to Notify referral (not submitted by police) only or,
- has all MS criminality entirely outside of England and Wales.

Then an N200 must be recorded unless the FCR considers it appropriate or necessary to record a crime. As provided by the HOOCR any other crime(s) disclosed must be recorded in addition to the MS by applying the relevant rules.

Example 1: Force A's control room receives a NRM referral notification from the Competent Authority. The referral is pending a grounds decision.

A reported incident of modern slavery (Classification N200/01) must be recorded on the force crime recording system.

Some days later the force are advised that a positive reasonable grounds decision has been made.

Reclassify the N200/01 reported incident of modern slavery to the appropriate full crime classification in HOOCR.

Example 2: A victim whilst engaging with police on unrelated matters, reports to police that she has previously been a victim of modern slavery. There is sufficient information for a crime recording decision to be made.

This must be immediately recorded as a modern slavery crime (classification 106)

Example 3: An NRM referral notification from the NCA is received in Force A with a positive reasonable grounds decision. On review all criminality occurred in Belgium. Whilst the victim had been held outside England and Wales she was raped by the male who held the victim in servitude.

This must be immediately recorded as one reported incident of Modern Slavery (classification N200/04). A further N100/03 record should also be created for the reported incident of rape outside of England and Wales.

Example 4: Police Force A discovers a person they consider to be a victim of modern slavery and refers them into the NRM. It is immediately apparent that all MS criminality occurred outside England and Wales.

This must be immediately recorded as an N200/04. Any other notifiable crimes disclosed must be recorded irrespective of any subsequent grounds decision.

Example 5: A victim informs the police directly she is a victim of MS but does not want to enter into the NRM. The criminality took place within England and Wales.

This must be immediately recorded as a modern slavery crime (classification 106) and a DTN form should be submitted.

N200 Reported Incident of Modern Slavery (3 of 4)

NRM Referral Transfers and Related N200 Records between forces

The Single Competent Authority (SCA) have agreed with the Home Office that forces in England and Wales should operate on the basis that if they receive a referral/DTN that they believe right at the outset has been misdirected they should immediately return it to the SCA with comments as to why and where it should go. Once a force has received a referral/DTN from the SCA and records the N200 then it may be transferred between forces and the SCA advised. Below are two examples to illustrate how NRM referral transfers should be handled.

Scenario 1

Force A receives a referral/DTN from the Single Competent Authority (SCA) and believes at the outset and at once that it should have been sent to Force B.

Action: Force A returns it to the SCA setting out briefly why. It is expected this return is carried out the same day (or at the latest the next day) that it is received. Force A does not need to record the N200 MS incident.

Result: The SCA either sends it on to Force B (in which case B then records) or disagrees and returns to Force A saying why (in which case A must record the N200)

Scenario 2

Force A receives the referral/DTN from the SCA and records it as N200 pending the grounds decision. Some days later (but before the grounds decision) A believes it should sit with Force B.

Action: A contacts B and attempts to transfer the N200 record (and associated referral/DTN).

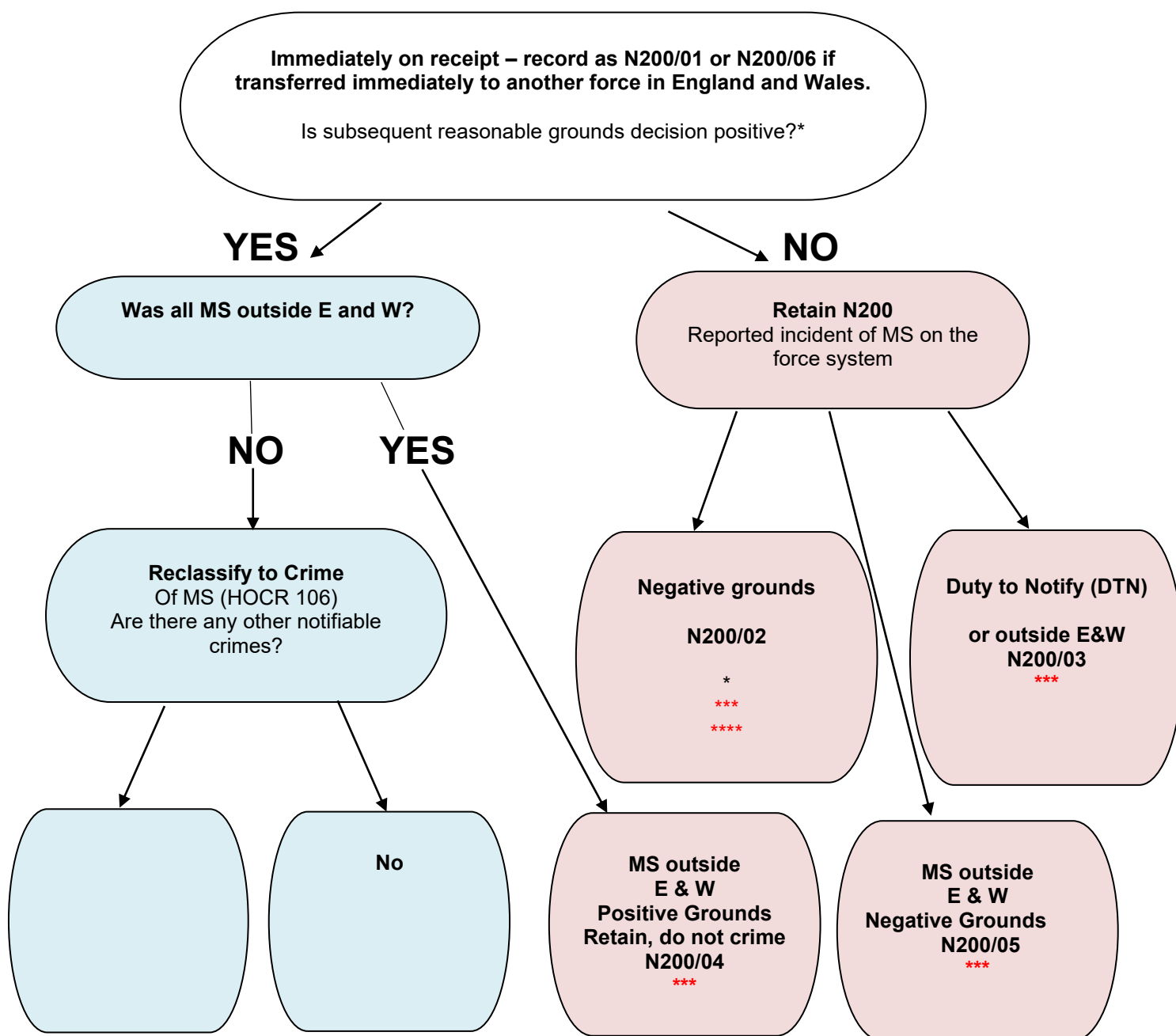
Result 1: B accepts the transfer. B records a N200 pending decision. A notifies SCA of the transfer.

Result 2: B refuses the transfer. A retains the N200 and referral.

In any case where the grounds decision has been received any transfer will either be subject of the usual process under rules C (where positive grounds were given) or can be managed in the same way as under scenario 2 above (where negative grounds were given).

N200 Reported Incident of Modern Slavery (4 of 4)

Referrals Received By Police from the Single Competent Authority



* Subsequent withdrawal from the NRM does not provide a reason to cancel a crime.

** Police submitted DTNs must be subject of a recorded crime (unless it is determined that any criminality occurred outside England/Wales – in which case an N200/04 must be recorded).

*** Any additional notifiable crimes within England and Wales must be recorded in accordance with NCRS/HOCR.

****A negative Conclusive Grounds decision made in relation to a submission to the National Referral Mechanism (NRM) may be classed as AVI for the purpose of cancelling a crime recorded after 1 April 2020.
(added June 2021)