

**TABLE OF EXISTING AND NEW OFFENCES**

Existing offences			New offences		
Section (of OAPA 1861 unless otherwise stated)	Description	Mode of trial and sentence	Clause (of 1998 draft Bill unless otherwise stated)	Description	Mode of trial and sentence
18	Wounding or causing grievous bodily harm with intent to cause grievous bodily harm	Crown Court; life	1	Intentionally causing serious injury <i>Note: wounding is not included unless the wound is a serious injury.</i>	Crown Court; life
20	Malicious wounding or infliction of grievous bodily harm <i>Note: the defendant must intend or be reckless about some harm; not necessarily about a wound or grievous bodily harm.</i>	Either way; 5 years	2	Recklessly causing serious injury <i>Note: D must be reckless about the risk of serious injury; wounding is not included unless the wound is a serious injury.</i>	Either way; 7 years
			3	Intentionally or recklessly causing injury (whether or not by assault) <i>Note: D must intend or be reckless about the risk of some injury.</i>	Either way; 5 years
47	Assault occasioning actual bodily harm <i>Note: this includes every assault or battery which in fact causes injury, whether or not the defendant intended or was reckless about injury.</i>	Either way; 5 years	recommended in report but not in 1998 draft Bill	Aggravated assault <i>Note: includes every physical or threatened assault which in fact causes injury, whether or not D intended or was reckless about injury.</i>	Magistrates; 12 months
			4 (modified)	Physical assault <i>Note: should not be used for cases of low-level injury, as these may be charged as aggravated assault.</i>	Magistrates; 6 months
common law	Battery <i>Note: this means actual physical violence, including any unlawful touching however slight. At present, this offence is sometimes used for cases of low-level injuries.</i>	Magistrates; 6 months	4 (modified)	Threatened assault	Magistrates; 6 months
common law	Assault <i>Note: this means causing a person to apprehend physical violence, in the same sense as above.</i>	Magistrates; 6 months	4 (modified)		Magistrates; 6 months

Police Act 1996, s 89(1)	Assault on a constable in the execution of his duty <i>Note: the defendant need not know or suspect that the victim is a police officer</i>	Magistrates; 6 months	5 (modified)	Assault on a constable in the execution of his duty <i>Note: the defendant must know that the victim is a police officer, or be reckless as to whether the victim is a police officer or not</i>	Magistrates; 12 months
OAPA 1861, s 18	Wounding or causing grievous bodily harm with intent to resist or prevent the lawful apprehension or detention of any person	Crown Court; life	6	Causing serious harm intending to resist, prevent or terminate the lawful arrest or detention of himself or a third person	Crown Court; not set
38	Assault with intent to resist or prevent the lawful apprehension or detention of any person	Either way; 2 years	7	Assault intending to resist, prevent or terminate the lawful arrest or detention of himself or a third person	Either way; 2 years
37	Assault resulting in striking or wounding a magistrate or other person in the exercise of his duty preserving a wreck or any ship in distress	Crown Court; 7 years	Abolished without replacement		
36	Obstructing or assaulting a clergyman in the discharge of his duties	Either way; 2 years	Abolished without replacement		
28	Doing grievous bodily harm by explosion	Crown Court; life	8	Using dangerous or explosive substances intending or risking serious injury	Crown Court; life
29	Exploding or sending substance with intent to do grievous bodily harm	Crown Court; life			
30	Placing or throwing explosives with intent to injure	Crown Court; 14 years	9	Using dangerous or explosive substances intending or risking injury	Crown Court; 14 years
64	Possessing or making explosives with intent to commit an offence	Crown Court; 2 years	Not reproduced in draft Bill, but covered by Explosive Substances Act 1883, ss 3 and 4.		
16	Threats to kill	Crown Court; 10 years	10	Threatening death, serious injury or rape	Either way; 10 years
4	Soliciting murder	Crown Court; life	recommended in report but not in draft Bill	Encouraging murder	Crown Court; life

22	Using stupefying substance in order to commit offence	Crown Court; life	11	Administering a substance capable of causing injury <i>Note: where injury caused, offences under clauses 1 to 3 may also apply. There is also an offence of using a stupefying substance to enable sexual activity, with a maximum sentence of 10 years: Sexual Offences Act 2003, s 61.</i>	Either way; 5 years
23	Administering noxious substance to endanger life or inflict grievous bodily harm	Crown Court; 10 years			
24	Administering noxious substance with intent to injure or annoy	Crown Court; 5 years			
32	Placing things on railway track with intent to endanger passengers	Crown Court; life	13	Causing danger to a person on a railway	Either way; 2 years in draft Bill (we suggest 5 years)
33	Throwing things at train with intent to endanger passengers	Crown Court; life			
34	Endangering passengers on railway	Either way; 2 years			
17	Impeding person escaping from wreck	Crown Court; life	Abolished without replacement		
21	Attempting to choke in order to commit offence	Crown Court; life	Abolished without replacement		
26	Not providing servants or apprentices with food	Either way; 5 years	Abolished without replacement		
27	Exposing children to danger	Either way; 5 years	Retained in 1861 Act		
31	Setting spring guns, man-traps etc	Crown Court; 5 years	Retained in 1861 Act		
35	Causing harm by furious driving	Crown Court; 2 years	Retained in 1861 Act		
57	Bigamy	Either way; 7 years	Outside scope of project; retained in 1861 Act		
58	Unlawful abortion	Crown Court; life			
59	Procuring drugs for abortion	Crown Court; 5 years			
60	Concealing birth of child	Either way; 2 years			