

Criminal Records Check – Disqualifying Convictions

CAP 2159

Published by the Civil Aviation Authority, 2021

Civil Aviation Authority
Aviation House
Beehive Ring Road
Crawley
West Sussex
RH6 0YR

You can copy and use this text but please ensure you always use the most up to date version and use it in context so as not to be misleading, and credit the CAA.

First published May 2021
First edition

Enquiries regarding the content of this publication should be addressed to: Avsec.COD@avsec.caa.co.uk

The latest version of this document is available in electronic format at: www.caa.co.uk

Contents

Executive Summary	4
Terrorism	5
Offences against people	6
Theft and dishonesty	10
Sexual offences.....	14
Controlled or illegal drugs	17
Criminal damage	18
Firearms	20
Immigration	21
Bomb and threat hoaxes	22
Offensive weapons	23
Public order	24
Administration of justice.....	25

Executive Summary

The Department for Transport (DfT) sets the list of disqualifying convictions, including offences at the more serious end of the spectrum (with relatively minor offences usually not being included). Disqualifying convictions are selected under the following criteria:

- Convictions directly related to terrorism
- Convictions that may be inappropriate for someone working in the aviation industry (e.g. immigration offences)
- Convictions over which someone could be subject to undue influence/coercion
- Convictions that call into question an individual's integrity and trustworthiness

Applicants will fail the criminal records check if it reveals an unspent conviction for a disqualifying offence. Under the [Rehabilitation of Offenders Act 1974 \(for England, Wales and Scotland\)](#) and the Rehabilitation of Offenders (Northern Ireland) Order 1978 (for Northern Ireland) criminal convictions can become spent or ignored after a rehabilitation period.

Disqualifying convictions shall include but shall not be limited to convictions for the type of offences listed below:

- Terrorism
- Offences against people
- Theft and dishonesty
- Sexual offences
- Controlled or illegal drugs
- Criminal damage
- Firearms
- Immigration
- Bomb and threat hoaxes
- Offensive weapons
- Public order
- Administration of justice

The following sections list relevant details for each of the above offences in tabular form.

It should be noted that E+W, S, NI are abbreviations for England + Wales, Scotland and Northern Ireland respectively.

Terrorism

Offence	Statute
Preparing for, training for or assisting terrorism	Terrorism Act 2006 s.5, s.6
Committing terrorism	Terrorism Act 2006 s.5
Directing terrorist acts	Terrorism Act 2000 s.56
Failing to disclose information of material assistance in preventing terrorism	Terrorism Act 2000 s.19, s.38B
Disseminating or possessing articles or information likely to be useful to terrorism	Terrorism Act 2006 s.2 Terrorism Act 2000 s.57
Fundraising, using money or property for the purposes of terrorism	Terrorism Act 2000 s.15, s.16, s.17

Offences against people

Offence	Statute
Administering poison	E+W, NI: Offences Against the Person Act 1861 s.23, s.24 S: Common Law – Administration of a noxious substance, poisoning, Drugging and attempts Assault and poisoning, Poisoning & attempts
Assault occasioning actual bodily harm	E+W, NI: Offences Against the Person Act 1861 s.47 S: Common Law - Assault to injury; Assault to severe injury
Assault with intent to resist arrest	E+W, NI: Offences Against the Person Act 1861 s.38
Assaulting a police officer	E+W: Police Act 1996 s.89(1) S: Police (Scotland) Act 1967 s.41.(1)(a) NI: Police (NI) Act 1998 s. 66(1)
Attempted murder	E+W: Criminal Attempts Act 1981 s.1(1) S: Common Law – Attempted Murder NI: Criminal Attempts and Conspiracy (NI) Order 1983 Art.3(1)
Attempting to choke	E+W, NI: Offences Against the Person Act 1861 s. 21 S: Common Law - Assault
Causing bodily injury by explosives	E+W, NI: Offences Against the Person Act 1861 s. 28 S: Common law - Assault by explosive device and attempts

Offence	Statute
Child abduction	E+W: Child Abduction Act 1984, s.1, s.2 S: Common Law - Abduction; Plagium; Theft of a child Children (Scotland) Act 1995 s.83 Child Abduction Act 1984 s.6 NI: Child Abduction (NI) Order 1985 Art. 3, 4
Cruelty to a child	E+W: Children and Young Persons Act 1933 s.1 S: Children and Young Persons (Scotland) Act 1937 s.12 NI: Children and Young Persons Act (NI) 1968 s.20
Endangering safety of railway passengers	E+W, NI: Offences Against the Person Act 1861 s.34 S: Common law - Endanger life on a railway
Endangering safety of an aircraft	E+W: Air Navigation Order 2016 No. 765 s.240 Aviation Security Act 1982 s.1, s.2, s.3, s.4 S, NI: Air Navigation Order 2000 Art.63
False imprisonment	E+W, NI: Common Law S: NA
Fear of violence including harassment or stalking involving fear of violence	E+W: Protection from Harassment Act 1997 s.4, s.4A S: NA NI: The Protection from Harassment (NI) Order 1997 Art. 3, 4, 6

Offence	Statute
Grievous bodily harm	E+W, NI: Offences against the Person Act 1861 s.18, s.20 S: Common Law - Assault to injury; Assault to severe injury
Ill treatment of a mental patient	E+W: Mental Health Act 1983 s. 127 S: Mental Health (Scotland) Act 1984 s.105 + Adults with Incapacity (Scotland) Act 2000 s.83 NI: Mental Health (NI) Order 1986 Art. 121
Kidnapping	E+W: Common Law S: Common law - Abduction; Plagium; Theft of a child NI: Common law
Manslaughter	E+W, NI: Offences Against the Person Act 1861 s.5 S: Common law - Culpable homicide
Murder	Common law - Murder
Racially or religiously aggravated harassment	E+W: Crime and Disorder Act 1998 s.32(1)
Sending explosive substances	E+W, NI: Offences against the Person Act 1861, s.29 S: Explosive Substances Act 1883 s.3; Postal Services Act 2000 s.85 Common Law - Post an incendiary device with intent to cause severe injury
Threats to kill	E+W, NI: Offences against the Person Act 1861, s.16 S: Common Law - Threats

Offence	Statute
Unlawful wounding	E+W, NI: Offences against the Person Act 1861 s.20 S: Common Law Assault to injury; Assault to severe injury

Theft and dishonesty

Offence	Statute
Aggravated burglary	E+W: Theft Act 1968 s.10 S: Common law - Housebreaking Housebreaking and abduction Housebreaking and assault Housebreaking and assault and robbery Housebreaking and assault to severe injury Housebreaking and attempted fire-raising Housebreaking and attempted open lockfast place with intent Housebreaking and attempted open lockfast place using explosives Housebreaking and attempted theft of motor vehicle Housebreaking and culpable and reckless fire-raising Housebreaking and malicious damage Housebreaking and malicious mischief Housebreaking and reckless conduct Housebreaking and robbery Housebreaking and theft by opening lockfast place Housebreaking and wilful fire-raising Housebreaking and assault and attempted robbery Housebreaking rape and robbery

Offence	Statute
Aggravated burglary (cont.)	Housebreaking with intent to rape Housebreaking attempted murder and robbery Housebreaking, attempted opening lockfast place and theft NI: Theft Act (NI) 1969, s.10
Aggravated vehicle taking	E+W: Theft Act 1968 s.12A S: Common law - Theft of motor vehicle NI: Road Traffic (NI) Order 1981 Art. 172A
Assault with intent to rob	E+W: Theft Act 1968 s.8(1) S: Common law - Assault with intent to rob Attempted robbery NI: Theft Act (NI) 1969, s. 8(2)
Blackmail	E+W: Theft Act 1968 s.21 S: Common law - Extortion NI: Theft Act (NI) 1969, s.20
Burglary	E+W: Theft Act 1968 s.9 S: Common law - Housebreaking NI: Theft Act (NI) 1969, s.9(1)
Dishonest representation for obtaining a benefit or advantage	E+W: Social Security Administration Act 1992 s.111(a) S: Social Security Administration Act 1992 s.111(a) NI: Social Security Administration (Northern Ireland) Act 1992, s.105
Dishonestly retaining a wrongful credit	E+W: Theft Act 1968 s.24(a) S: NA

Offence	Statute
Dishonestly retaining a wrongful credit (cont.)	NI: Theft Act (NI) 1969 s.23(a)
Evasion of liability by deception	E+W: Theft Act 1978, s.2 S: NA NI: Theft (NI) Order 1978 Art 4(1)(b)
False accounting	E+W: Theft Act 1968 s.17 S: NA NI: Theft Act (NI) Order 1969 s.17
Forgery	E+W, NI: Forgery and Counterfeiting Act 1981 s.1 - 5 S: Common law - Forgery and Fabrication
Fraud and fraudulent acts, including possessing, making or supplying articles for use in frauds, obtaining property, services or pecuniary advantage by deception	E+W: Fraud Act 2006 s.11, Fraud Act 2006 s.1 S: Common law - Fraud NI: Theft Act (Northern Ireland) 1969 (c. 16 (N.I.)) s. 15, 15A, 16, 19(2) Theft (Northern Ireland) Order 1978 (S.I. 1978/1407 (N.I. 23)) Art. 3
Handling stolen goods	E+W: Theft Act 1968, s.22 S: Common law - Reset NI: Theft Act (NI) 1969 s.21(1)
Making off without payment	E+W: Theft Act 1978 s.3 S: Common law - Theft Fraud board and lodgings Fraud taxi fare Fraud train fare NI: Theft (NI) Order 1978 Art.5

Offence	Statute
Robbery	E+W: Theft Act 1968 s.8(1) S: Common law - Robbery NI: Theft Act (NI) 1969, s.8(1)
Theft	E+W: Theft Act 1968 s.1(1) S: Common law - Theft NI: Theft Act (NI) 1969, s.1

Sexual offences

Offence	Statute
Abuse of children through prostitution or pornography	E+W, NI: Sexual Offences Act 2003, s.47 & s.50 S: NA
Attempted rape	E+W: Sexual Offences Act 1956 and Criminal Attempts Act 1981, s1(1) S: Common law - Attempted rape; Assault with intent to rape or ravish NI: Criminal Attempts and conspiracy (NI) order 1983 Art. 3(1)
Exploitation of prostitution	E+W, NI: Sexual Offences Act 2003, s. 52, 53 S: Criminal Law (Consolidation) (Scotland) Act 1995 s.11
Indecency with a child	E+W: [Indecency with Children Act 1960 s.1(1)] - REPEALED S: Criminal Law (Consolidation) (Scotland) Act 1995 s.6 NI: NA
Indecent assault	E+W: Sexual Offences Act 2003 s.2, s.3 S: Common law - Indecent assault NI: The Sexual Offences (Northern Ireland) Order 2008 s.6, s.7
Living on the earnings of prostitution	E+W: Sexual Offences Act 2003 s.52, s.53 S: Criminal Law (Consolidation) (Scotland) Act 1995 s.11 NI: Vagrancy Act as amended by the Criminal Law Act 1912

Offence	Statute
Procuration of a woman to become a prostitute	E+W: Sexual Offences Act 2003 s.51A S: Criminal Law Consolidation (Scotland) Act 1995 s. 7(1)(b) NI: The Sexual Offences (NI) Order 2008 Art 60
Rape	E+W: Sexual Offences Act 2003 s.1 S: Common law – Rape Sexual Offences (Scotland) Act 2009 s.1 NI: The Sexual Offences (NI) Order 2008 Art 5
Possessing, taking, distributing or publishing indecent photographs or pseudo photographs of children	E+W: Protection of Children Act 1978 s.1 S: Civic Government (Scotland) Act 1982 s.52(1) NI: Protection of Children (NI) Order 1978 Art. 3
Trafficking for sexual exploitation	E+W, NI: Sexual Offences Act 2003, s.57, 59 S: Criminal Law (Consolidation) (Scotland) Act 1995 s.7(1), s.7(2)

Offence	Statute
Sexual activity, assault or rape of a child	E+W: Sexual Offences Act 2003 s. 9, 7, 6, 5, 8, 10, 13 S: Sexual Offences (Scotland) Act 2009 s. 20 Sexual Offences (Scotland) Act 2009 s. 21 NI: The Sexual Offences (NI) Order 2008 Art. 12 The Sexual Offences (NI) Order 2008 Art 14 The Sexual Offences (NI) Order 2008 Art 16
Unlawful sexual intercourse	E+W: Sexual Offences Act 2003 s.10 S: Criminal Law (Consolidation)(Scotland) Act 1995 s. 3, s.5 Sexual Offences (Scotland) Act 2009 s.29 NI: The Sexual Offences (NI) Order 2008 Art 13

Controlled or illegal drugs

Offence	Statute
Assisting the production, supply, import or export of controlled or illegal drugs	Section 4(1) and 4(2)(b) Misuse of Drugs Act 1971 Section 4(1) and 4(3)(b) Misuse of Drugs Act 1971
Import or export of controlled or illegal drugs	Misuse of Drugs Act 1971 s.3
Production or supply of controlled or illegal drugs	Misuse of Drugs Act 1971 s.4(1)(a) & 4(2)(a) Misuse of Drugs Act 1971 s.5(3) 4(1)(b) & 4(3)(a)

Criminal damage

Offence	Statute
Arson	E+W: Criminal Damage Act 1971 s.1(3) S: Common law - Fire Raising NI: Criminal Damage (Northern Ireland) Order 1977 Art 3(3)
Attempt to cause explosion	Explosive Substances Act 1883 s.3
Causing an explosion likely to endanger life or property	Explosive Substances Act 1883 s.2
Conspiracy to cause explosion	Explosive Substances Act 1883 s.3(1)(a)
Destroying or damaging property	E+W: Criminal Damage Act 1971 s.1(1) & (2) S: Common law - Malicious Mischief, Malicious damage Criminal Law (Consolidation) (Scotland) Act 1995 s.52 Housing (Scotland) Act 1987 s.320 NI: Criminal Damage (NI) Order 1977 Art. 3(1)
Making or possession of explosive	E+W, S: Explosive Substances Act 1883 s.3(2) NI: Explosive Substance Act 1883 s.3(1)(b), 4(1)
Making, supplying, or obtaining articles for the unauthorised modification of computer material	Computer Misuse Act 1990 s. 3A
Unauthorised access to a computer with intent to commit an offence	Computer Misuse Act 1990 s. 2
Unauthorised acts of computer misuse causing or risking serious damage	Computer Misuse Act 1990, s. 3ZA

Offence	Statute
Unauthorised modification of computer material	Computer Misuse Act 1990 s.3
Threats to destroy or damage property	E+W: Criminal Damage Act 1971 s.2 S: Common law - Threats NI: Criminal Damage (NI) Order 1977 Art.4(a)

Firearms

Offence	Statute
Carrying any loaded firearm in a public place	E+W, S: Firearms Act 1968 s.19 NI: The Firearms (NI) Order 2004 Article 20 (1)
Non-compliance with conditions of firearm certificate or licence	E+W, S: Firearms Act 1968 s.1(2) NI: The Firearms (NI) Order 2004 Art. 3(2)
Possession of a firearm without a certificate or licence	E+W, S: Firearms Act 1968 s.1(1) NI: The Firearms (NI) Order 2004 Art. 3(1)
Selling firearm to person without a certificate or licence	E+W, S: Firearms Act 1968 s.3(2) NI: The Firearms (NI) Order 2004 Art 4(2), Art.4(3)
Shortening a shotgun or other smooth bore gun	E+W, S: Firearms Act 1968 s.4(1) NI: The Firearms (NI) Order 2004 Art. 5(1), Art.5(3)
Trading in firearms without being registered as a firearms dealer	E+W, S: Firearms Act 1968 s.3(1) NI: The Firearms (NI) Order 2004 Art. 4(1)

Immigration

Offence	Statute
Assisting unlawful immigration	Immigration Act 1971 s.25
Unlawful immigration	Immigration Act 1971 s.24

Bomb and threat hoaxes

Offence	Statute
Communicating false information alleging the presence of bombs or threats	Criminal Law Act 1977 s.51(2)
Placing or dispatching articles to cause bomb or threat hoax	Criminal Law Act 1977 s.51(1)

Offensive weapons

Offence	Statute
Manufacture or distribution of offensive weapons	Restriction of Offensive Weapons Act 1959 s.1
Possession of an offensive weapon	E+W: Prevention of Crime Act 1953 (s.1(1)) S: Criminal Law (Consolidation) (Scotland) Act 1995 s.47(1) NI: Public order (NI) Order 1987 Art. 22(1)

Public order

Offence	Statute
Riot	E+W: Public Order Act 1986, s.1 S: Common Law - Mobbing and rioting NI: The Public Order (Northern Ireland) Order 1987 Art. 18
Violent disorder	E+W: Public Order Act 1986, s.2 S: Police, Public Order and Criminal Justice (Scotland) Act 2006 s.56 NI: The Public Order (Northern Ireland) Order 1987 Art. 18

Administration of justice

Offence	Statute
Perjury	E+W: Perjury Act 1911 s.1(1) S: Criminal Law (Consolidation) (Scotland) Act 1995 s.44 NI: Perjury (NI) Order 1979 Art. 3
Perverting the course of justice	E+W: Criminal Justice and Public Order Act 1994 s.51(1)(c) S: Common law - Perverting the course of justice NI: Justice (NI) Act 2002 Art. 32A
Threatening or intimidating witness or witness revenge	E+W: Criminal Justice and Public Order Act 1994 s.51 S: Criminal Justice and Licensing (Scotland) Act 2010 s.38 NI: The Criminal Justice (Northern Ireland) Order 1996 Art. 47