Status: *This version of this schedule contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 13. (See end of Document for details)*

SCHEDULES

SCHEDULE 13

Section 91(1)

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Serious crime prevention orders

1 In deciding for the purposes of paragraph (a) of section 1(1) or (2) whether a person has been involved in serious crime, the court may take account of conduct before the coming into force of that provision as well as conduct after the coming into force of that provision.

Commencement Information
I1 Sch. 13 para. 1 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(m)**

2 (1) Section 19, 20 or 21 does not apply to a person who is being dealt with on or after the coming into force of the section in relation to an offence of which the person was convicted before the coming into force of the section.

(2) Sub-paragraph (1) does not prevent an application to the High Court for a serious crime prevention order in connection with the offence concerned.

Commencement Information
I2 Sch. 13 para. 2 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(m)**

3 In the application of section 23(2) or 24(5) before the commencement of paragraph 1(1) of Part 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) (citation of acts and rules), the reference to the Senior Courts Act 1981 (c. 54) is to be read as a reference to the Supreme Court Act 1981 (c. 54).

Commencement Information
I3 Sch. 13 para. 3 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(m)**

4 In the application of section 25(2)(a)—

(a) in England and Wales, in relation to an offence committed before **[**[F1]2 May 2022**]**; and

(b) in Scotland, until the commencement of section 45(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) (increase in sentencing powers from 6 to 12 months);

the reference to 12 months is to be read as a reference to 6 months.

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Textual Amendments

F1 Words in Sch. 13 para. 4(a) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

Commencement Information

I4 Sch. 13 para. 4 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(m)**

Encouraging or assisting crime

5 (1) Nothing in any provision of Part 2 affects the operation of—

(a) any rule of the common law; or

(b) any provision made by or under an Act or Northern Ireland legislation;

in relation to offences committed wholly or partly before the commencement of the provision in Part 2 concerned.

(2) For the purposes of sub-paragraph (1), an offence is partly committed before commencement if—

(a) a relevant event occurs before commencement; and

(b) another relevant event occurs on or after commencement.

(3) In this paragraph "relevant event", in relation to an offence, means any act or other event (including any consequence of an act) proof of which is required for conviction of the offence.

Commencement Information

I5 Sch. 13 para. 5 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(g)**

6 (1) This paragraph applies where, in any proceedings—

(a) a person ("D") is charged in respect of the same act both with an offence under section 44 and with the common law offence of inciting the commission of another offence;

(b) the only thing preventing D from being found guilty of the offence under section 44 is the fact that it has not been proved beyond reasonable doubt that the time when the act took place was after the coming into force of that section; and

(c) the only thing preventing D from being found guilty of the common law offence is that it has not been proved beyond reasonable doubt that that time was before the coming into force of section 59.

(2) For the purpose of determining D's guilt it shall be conclusively presumed that the time when the act took place was before the coming into force of section 44.

Commencement Information

I6 Sch. 13 para. 6 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(g)**

PROSPECTIVE

7 In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), the reference in section 53(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

Data-sharing

8 In the application of section 70(1)(a)—

(a) in England and Wales, in relation to an offence committed before the commencement of section 282(1) of the Criminal Justice Act 2003 (increase in sentencing powers of magistrates' court from 6 to 12 months for certain offences triable either way); and

(b) in Scotland, until the commencement of section 45(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) (increase in sentencing powers from 6 to 12 months);

the reference to 12 months is to be read as a reference to 6 months.

Commencement Information

I7 Sch. 13 para. 8 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(g)**

Data matching

9 In relation to an offence committed before the commencement of section 282(1) of the Criminal Justice Act 2003 (c. 44) (increase in sentencing powers of magistrates' court from 6 to 12 months for certain offences triable either way), the reference to 12 months in each of the following provisions is to be read as a reference to 6 months—

[F2](a) . . . . . .

(b) section 64D(8)(b) of the Public Audit (Wales) Act 2004 (c. 23) (as inserted by paragraph 4 of that Schedule).

Textual Amendments

F2 Sch. 13 para. 9(a) omitted (1.4.2015) by virtue of Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 12 para. 79**; S.I. 2015/841, art. 3(x)

Commencement Information

I8 Sch. 13 para. 9 in force at 6.4.2008 by S.I. 2008/755, **art. 16(c)**

Status:
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Changes to legislation:
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