SCHEDULES

SCHEDULE 6

Section 63(1) and (2)

MINOR AND CONSEQUENTIAL AMENDMENTS: PART 2

PART 1

REFERENCES TO COMMON LAW OFFENCE OF INCITEMENT

1 Section 30(4) of the Theft Act 1968 (c. 60) (restriction of proceedings against spouses and civil partners).

Commencement Information
I1 Sch. 6 para. 1 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

2 Section 1B(2) of the Biological Weapons Act 1974 (c. 6) (Revenue and Customs prosecutions).

Commencement Information
I2 Sch. 6 para. 2 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

3 Section 17(1) of the Industry Act 1975 (c. 68) (no criminal proceedings to lie in respect of contravention of a prohibition order).

Commencement Information
I3 Sch. 6 para. 3 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

4 Section 7(2)(ix) of the Sexual Offences (Amendment) Act 1976 (c. 82) (meaning of "rape offence" in relation to court martial proceedings).

Commencement Information
I4 Sch. 6 para. 4 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

5 In the Magistrates' Courts Act 1980 (c. 43)—

(a) section 22(11)(b) (aggregation of value in relation to charges involving two or more scheduled offences);

(b) section 103(2)(d) (written statement of child admissible in committal proceedings for certain offences);

(c) paragraph 2 of Schedule 2 (offences for which the value involved is relevant to the mode of trial).

Commencement Information
I5 Sch. 6 para. 5 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

6 Article 8(1A) of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I.6)) (driving disqualification where vehicle used for the purposes of crime).

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

7 In the Betting and Gaming Duties Act 1981 (c. 63)—
(a) section 9(5) (prohibitions for protection of revenue);
(b) section 9A(4) (prohibitions for protection of revenue: overseas brokers).

Commencement Information
I7 Sch. 6 para. 7 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

8 In section 32(1) of the Criminal Justice Act 1982 (c. 48) (early release of prisoners)—
(a) paragraph (b)(iv) (imprisonment for excluded offence etc.);
(b) paragraph (c)(iv) (imprisonment for service offence corresponding to excluded offence etc.), inserted by paragraph 94(2) of Schedule 16 to the Armed Forces Act 2006 (c. 52).

Commencement Information
I8 Sch. 6 para. 8 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

9 Section 80(3)(c) of the Police and Criminal Evidence Act 1984 (c. 60) (compellability of accused's spouse or civil partner).

Commencement Information
I9 Sch. 6 para. 9 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

[F1]10 . . . . . .

Textual Amendments
F1 Sch. 6 para. 10 repealed (1.4.2014) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 17** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 5(1)(b)

11 Section 12(6)(a) of the Outer Space Act 1986 (c. 38) (offences).

Commencement Information
I10 Sch. 6 para. 11 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

12 Section 30(4) of the Gas Act 1986 (c. 44) (no criminal proceedings to lie in respect of contravention of final or provisional order).

Commencement Information
I11 Sch. 6 para. 12 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

13 Section 7(1) of the Public Order Act 1986 (c. 64) (consent of DPP to prosecution).

Commencement Information
I12 Sch. 6 para. 13 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

14 Section 2(3)(ba) of the Ministry of Defence Police Act 1987 (c. 4) (jurisdiction of members of MoD police).

Commencement Information
I13 Sch. 6 para. 14 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

15 In the Road Traffic Offenders Act 1988 (c. 53)—
(a) section 28(2) (penalty points to be attributed to an offence);
(b) section 34(5) (disqualification for certain offences);
(c) section 35(5A) (disqualification for repeated offences).

Commencement Information
I14 Sch. 6 para. 15 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

16 Paragraph 2(a) of Schedule 1 to the Football Spectators Act 1989 (c. 37) (offences).

Commencement Information
I15 Sch. 6 para. 16 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

17 Article 79(3)(c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (compellability of accused's spouse or civil partner).

Commencement Information
I16 Sch. 6 para. 17 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

18 In the Aviation and Maritime Security Act 1990 (c. 31)—
(a) section 11(3)(b) (destroying ships or fixed platforms or endangering their safety);
(b) section 15(2)(c) (master's power of delivery).

Commencement Information

I17 Sch. 6 para. 18 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

19 In the Criminal Justice Act 1991 (c. 53)—

(a) section 53(7) (cases involving children in which notice of transfer may be given);

(b) section 86A(4) (offences in respect of which prisoner custody officers have powers in relation to persons other than prisoners).

Commencement Information

I18 Sch. 6 para. 19 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

20 In the Sexual Offences (Amendment) Act 1992 (c. 34)—

(a) subsections (1)(g) and (3)(k) of section 2 (offences to which Act applies);

(b) section 6(2A) (person who is to be treated as person against whom inchoate offences are committed).

Commencement Information

I19 Sch. 6 para. 20 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

21 In the Criminal Justice Act 1993 (c. 36)—

(a) section 1(3)(d) (Group B offences);

(b) section 5(4) (incitement to commit Group A offence).

Commencement Information

I20 Sch. 6 para. 21 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

[F2]22 . . . . . .

Textual Amendments

F2 Sch. 6 para. 22 omitted (1.4.2011) by virtue of Finance (No. 3) Act 2010 (c. 33), s. 29(2), **Sch. 13 para. 4**; S.I. 2011/777, art. 2

23 Section 27 of the Antarctic Act 1994 (c. 15) (references to offences under the Act).

Commencement Information

I21 Sch. 6 para. 23 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

24 Section 9A(4) of the Criminal Justice and Public Order Act 1994 (c. 33) (offences in respect of which custody officers at contracted out secure training centres have powers in relation to persons other than those detained in the centre).

Commencement Information

I22 Sch. 6 para. 24 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

25 Paragraph (b) of the definition of "specified offence" in section 60(6) of the Drug Trafficking Act 1994 (c. 37) (Revenue and Customs prosecutions).

Commencement Information

I23 Sch. 6 para. 25 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

[F3]26 . . . . . .

Textual Amendments

F3 Sch. 6 para. 26 repealed (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 17** (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 2(3)

27 Article 4(1A) and (7) of the Children's Evidence (Northern Ireland) Order 1995 (S.I. 1995/757 (N.I.3)) (cases involving children in which notice of transfer may be given).

Commencement Information

I24 Sch. 6 para. 27 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

28 Section 30A(2) of the Chemical Weapons Act 1996 (c. 6) (Revenue and Customs prosecutions).

Commencement Information

I25 Sch. 6 para. 28 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

29 Section 29(6)(i) of the Criminal Procedure and Investigations Act 1996 (c. 25) (meaning of "terrorism offence" for purpose of requirement to hold preparatory hearing).

Commencement Information

I26 Sch. 6 para. 29 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

30 In the Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)—

(a) section 2(1) and (2) (incitement to commit certain sexual acts outside the United Kingdom);

(b) section 3(8) (extended meaning of offence of incitement to commit a listed sexual offence).

Commencement Information
I27 Sch. 6 para. 30 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

31 In the Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I.9))—
(a) paragraph (h) of the definition of "drug trafficking offence" in Article 2(2) (interpretation);
(b) paragraph (b) of the definition of "specified offence" in Article 55 (Revenue and Customs prosecutions).

Commencement Information
I28 Sch. 6 para. 31 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

32 In the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I.10))—
(a) Article 30(2) (penalty points to be attributed to an offence);
(b) Article 35(6) (disqualification for certain offences);
(c) Article 40(7) (disqualification for repeated offences).

Commencement Information
I29 Sch. 6 para. 32 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

33 In the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I.24)) —
(a) Article 38(3)(d) (Group B offences);
(b) Article 42(2) (incitement to commit Group A offence).

Commencement Information
I30 Sch. 6 para. 33 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

34 Paragraph 8 of the Schedule to the Sexual Offences (Protected Material) Act 1997 (c. 39) (sexual offences for the purposes of that Act).

Commencement Information
I31 Sch. 6 para. 34 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

35 Section 14(2)(d) of the Northern Ireland (Sentences) Act 1998 (c. 35) (inadmissibility).

Commencement Information
I32 Sch. 6 para. 35 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

36 Section 51C(3)(e) of the Crime and Disorder Act 1998 (c. 37) (notices in certain cases involving children).

Commencement Information

I33 Sch. 6 para. 36 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

37 Section 62(2) of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (meaning of "sexual offence" and other references to offences).

Commencement Information

I34 Sch. 6 para. 37 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

38 Article 3(2) of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I.8)) (meaning of "sexual offence" and other references to offences).

Commencement Information

I35 Sch. 6 para. 38 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

[F4]39 . . . . . .

Textual Amendments

F4 Sch. 6 para. 39 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

40 Paragraph 3(t)(i) of Schedule 4 to the Criminal Justice and Court Services Act 2000 (c. 43) (meaning of "offence against a child").

Commencement Information

I36 Sch. 6 para. 40 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

41 Section 34(1)(g) of the Criminal Justice and Police Act 2001 (c. 16) (meaning of "drug trafficking offence").

Commencement Information

I37 Sch. 6 para. 41 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

42 Sections 55(1)(b) and 62(1)(b) of the International Criminal Court Act 2001 (c. 17) (meaning of "ancillary offence").

Commencement Information

I38 Sch. 6 para. 42 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

43 Section 53(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (Revenue and Customs prosecutions).

Commencement Information
I39 Sch. 6 para. 43 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

44 In the Proceeds of Crime Act 2002 (c. 29)—
(a) section 340(11)(b) (interpretation of Part 7: money laundering);
(b) section 415(2)(a) (money laundering offences for purposes of Part 8: investigations);
(c) section 447(9)(b) (interpretation of Part 11: national and international co-operation);
(d) section 451(6)(c) (Revenue and Customs prosecutions).

Commencement Information
I40 Sch. 6 para. 44 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

45 Section 4 of the Dealing in Cultural Objects (Offences) Act 2003 (c. 27) (Revenue and Customs prosecutions).

Commencement Information
I41 Sch. 6 para. 45 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

46 Section 142(7)(a) of the Extradition Act 2003 (c. 41) (extradition from category 1 territory to the United Kingdom).

Commencement Information
I42 Sch. 6 para. 46 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

47 Paragraph 3(a) of Schedule 2 to the Sexual Offences Act 2003 (c. 42) (sexual offences to which section 72 of that Act applies).

Commencement Information
I43 Sch. 6 para. 47 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

48 In the Criminal Justice Act 2003 (c. 44)—
(a) in Schedule 15 (specified violent and sexual offences for the purposes of Chapter 5 of Part 12 of that Act), paragraphs 64(a) and 153(a);
(b) in Schedule 17 (Northern Ireland violent and sexual offences specified for the purposes of section 229(4) of that Act), paragraphs 61(a) and 110(a).

Commencement Information
I44 Sch. 6 para. 48 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

49 Paragraph 3(i)(i) of the Schedule to the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (S.I. 2003/417 (N.I.4)) (meaning of "offence against a child").

Commencement Information
I45 Sch. 6 para. 49 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

50 Section 14 of the Gangmasters (Licensing) Act 2004 (c. 11) (enforcement officer's power of arrest).

Commencement Information
I46 Sch. 6 para. 50 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

51 Section 76(3)(p) of the Serious Organised Crime and Police Act 2005 (c. 15) (offences giving rise to financial reporting order).

Commencement Information
I47 Sch. 6 para. 51 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

52 In the Terrorism Act 2006 (c. 11)—
(a) section 17(2)(f) (commission of offences abroad);
(b) paragraph 12(b) of Schedule 1 (Convention offences).

Commencement Information
I48 Sch. 6 para. 52 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

PART 2

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Misuse of Drugs Act 1971 (c. 38)

53 In section 19 of the Misuse of Drugs Act 1971 for "such an offence" substitute " an offence under any other provision of this Act ".

Commencement Information
I49 Sch. 6 para. 53 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Criminal Law Act 1977 (c. 45)

54 In section 5 of the Criminal Law Act 1977 (effects of creation of statutory offence of conspiracy) omit subsection (7).

Commencement Information
I50 Sch. 6 para. 54 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Magistrates' Courts Act 1980 (c. 43)

55 (1) The Magistrates' Courts Act 1980 is amended as follows.

(2) In section 32(1) (penalties for offences triable either way as a result of Schedule 1 to that Act) omit paragraph (b).

(3) Omit section 45.

(4) In Schedule 1 (offences triable either way) omit paragraph 35.

Commencement Information
I51 Sch. 6 para. 55 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26))

56 Omit Article 60(1) of the Magistrates' Courts (Northern Ireland) Order 1981.

Commencement Information
I52 Sch. 6 para. 56 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I.13))

57 In Article 13 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (effects of creation of statutory offence of conspiracy) omit paragraph (8).

Commencement Information
I53 Sch. 6 para. 57 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Public Order Act 1986 (c. 64)

58 (1) The Public Order Act 1986 is amended as follows.

(2) In each of the provisions mentioned in sub-paragraph (3) omit the words from "notwithstanding" to the end.

(3) The provisions are—

(a) section 12(10);
(b) section 13(13);
(c) section 14(10);
(d) section 14B(7).

Commencement Information
I54 Sch. 6 para. 58 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Computer Misuse Act 1990 (c. 18)

59 (1) The Computer Misuse Act 1990 is amended as follows.

(2) In section 6 (incitement) omit subsection (3).

(3) In section 7 (territorial scope of inchoate offences related to offences under external law corresponding to offences under the Act) omit subsection (4).

(4) In section 8(3) (relevance of external law) omit "or by virtue of section 7(4) above".

(5) In section 9(2) (offences in relation to which British citizenship is immaterial) omit paragraph (d).

(6) In section 16(4) (application to Northern Ireland) omit the words from "and any reference" to the end.

Commencement Information
I55 Sch. 6 para. 59 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Sexual Offences (Conspiracy and Incitement) Act 1996 (c. 29)

60 In section 2(3) of the Sexual Offences (Conspiracy and Incitement) Act 1996 for "of incitement" substitute " done ".

Commencement Information
I56 Sch. 6 para. 60 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

International Criminal Court Act 2001 (c. 17)

61 (1) The International Criminal Court Act 2001 is amended as follows.

(2) In section 55 (meaning of ancillary offence: England and Wales) omit subsection (3).

(3) In section 62 (meaning of ancillary offence: Northern Ireland) omit subsection (3).

Commencement Information
I57 Sch. 6 para. 61 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Proceeds of Crime Act 2002 (c. 29)

62 After sub-paragraph (1) in each of paragraph 10 of Schedule 2 to the Proceeds of Crime Act 2002 and paragraph 10 of Schedule 5 to that Act (inchoate offences which are lifestyle offences) insert the following sub-paragraph—

"(1A) An offence under section 44 of the Serious Crime Act 2007 of doing an act capable of encouraging or assisting the commission of an offence specified in this Schedule."

Commencement Information
I58 Sch. 6 para. 62 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Sexual Offences Act 2003 (c. 42)

63 (1) The Sexual Offences Act 2003 is amended as follows.

(2) In Schedule 3 (sexual offences for the purposes of Part 2 of that Act), after paragraph 94, insert—

"94A A reference in a preceding paragraph to an offence ("offence A") includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed."

(3) In Schedule 5 (other offences which are relevant for the purposes of Part 2 of the Act), after paragraph 173, insert—

"173A A reference in a preceding paragraph to an offence ("offence A") includes a reference to an offence under Part 2 of the Serious Crime Act 2007 in relation to which offence A is the offence (or one of the offences) which the person intended or believed would be committed."

Commencement Information
I59 Sch. 6 para. 63 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Serious Organised Crime and Police Act 2005 (c. 15)

64 (1) The Serious Organised Crime and Police Act 2005 is amended as follows.

(2) In section 136 (penalties in relation to demonstrations in the vicinity of Parliament) for subsection (4) substitute—

"(4) A person who is guilty of an offence under section 44 or 45 of the Serious Crime Act 2007 in relation to which an offence mentioned in subsection (1), (2) or (3) is the anticipated offence (as defined by section 47(9) of that Act) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 4 on the standard scale or to both.

(4A) If a person is guilty of an offence under section 46 of that Act by reference to an offence mentioned in subsection (1), (2) or (3), the maximum term of imprisonment applicable for the purposes of section 58(6) of that Act to the offence so mentioned is a term not exceeding 51 weeks."

(3) In section 175(3) (transitional modification of penalties for summary offences in England and Wales) in the table, for the entry relating to section 136(4) substitute—

"section 136(4)	3 months
section 136(4A)	3 months".

Commencement Information

I60 Sch. 6 para. 64 in force at 1.10.2008 by S.I. 2008/2504, **art. 2(a)**

Changes to legislation:
There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 6.