



Serious Crime Act 2007

2007 CHAPTER 27

PART 2

ENCOURAGING OR ASSISTING CRIME

Jurisdiction and procedure

54 Institution of proceedings etc. for an offence under this Part

- (1) Any provision to which this section applies has effect with respect to an offence under this Part as it has effect with respect to the anticipated offence.
- (2) This section applies to provisions made by or under an enactment (whenever passed or made) that—
 - (a) provide that proceedings may not be instituted or carried on otherwise than by, or on behalf or with the consent of, any person (including any provision which also makes exceptions to the prohibition);
 - (b) confer power to institute proceedings;
 - (c) confer power to seize and detain property;
 - (d) confer a power of forfeiture, including any power to deal with anything liable to be forfeited.
- (3) In relation to an offence under section 46—
 - (a) the reference in subsection (1) to the anticipated offence is to be read as a reference to any offence specified in the indictment; and
 - (b) each of the offences specified in the indictment must be an offence in respect of which the prosecutor has power to institute proceedings.
- (4) Any consent to proceedings required as a result of this section is in addition to any consent required by section 53.
- (5) No proceedings for an offence under this Part are to be instituted against a person providing information society services who is established in an EEA State other than the United Kingdom unless the derogation condition is satisfied.

Status: This is the original version (as it was originally enacted).

- (6) The derogation condition is satisfied where the institution of proceedings—
 - (a) is necessary to pursue the public interest objective;
 - (b) relates to an information society service that prejudices that objective or presents a serious and grave risk of prejudice to it; and
 - (c) is proportionate to that objective.
- (7) The public interest objective is public policy.
- (8) In this section “information society services” has the same meaning as in section 34, and subsection (7) of that section applies for the purposes of this section as it applies for the purposes of that section.