

# **SERIOUS CRIME ACT 2007**

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## **EXPLANATORY NOTES**

### **SUMMARY**

#### **Part 1 - Serious Crime Prevention Orders**

3. **Part 1** creates Serious Crime Prevention Orders, a new civil order aimed at preventing serious crime. These orders will be used against those involved in serious crime and the purpose of their terms will be to protect the public by preventing, restricting or disrupting involvement in serious crime. They will be made on application to the High Court, or the Crown Court upon conviction, and breach of the order will be a criminal offence. The Act provides for rights of appeal and variation or discharge of the order.

#### **Part 2 - Encouraging or Assisting Crime**

4. The Government's policy on the reform of the criminal law on encouraging and assisting crime is based on the Law Commission's Report on *Inchoate Liability for Assisting and Encouraging Crime* (Law Com No. 300, CM 6878, 2006). The Law Commission's Report did not deal with the position in Northern Ireland.
5. The Act abolishes the common law offence of incitement and in its place creates new offences of intentionally encouraging or assisting crime and encouraging or assisting crime believing that an offence, or one or more offences, will be committed. The Act contains a defence to the offences in Part 2 (where the encouragement or assistance is considered to be reasonable in the circumstances) and an exemption from liability where the offence encouraged or assisted was created in order to protect a category of people (and the person doing the encouragement or assistance falls into that category).

#### **Part 3 - Other Measures to Prevent or Disrupt Serious and Other Crime**

6. **Part 3** is divided into 3 chapters. Chapter 1 makes provision for the prevention of fraud. Chapter 2 makes a number of amendments to the Proceeds of Crime Act 2002 and supporting legislation. These transfer certain functions of the Assets Recovery Agency to the Serious Organised Crime Agency and other persons; extend the powers of civilian financial investigators operating under that Act; provide investigation powers under Part 8 in respect of the cash forfeiture regime under Chapter 3 of Part 5 of that Act and powers in Part 8 to force entry in the execution of search warrants issued and executed in Scotland. Chapter 3 extends certain investigatory powers of officers of Her Majesty's Revenue and Customs to former Inland Revenue matters (which powers are currently limited to former Customs matters) and extends an existing police power to stop and search for dangerous instruments and offensive weapons without reasonable suspicion.

#### **Part 4 - General and Final Provisions**

7. **Part 4** deals with miscellaneous and general provisions within the Act, including the making of orders under the Act.