

*These notes refer to the Serious Crime Act 2007 (c.27)
which received Royal Assent on 30th October 2007*

SERIOUS CRIME ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Encouraging or Assisting Crime

Inchoate offences

Interpretation: Part 2

Section 64: Encouraging or assisting the commission of an offence

229. This section makes it clear that references to encouraging or assisting offences in this Part should be read in conjunction with section 47.

Section 65: Being capable of encouraging or assisting

230. While this Act does not contain a definition of conduct which is capable of encouraging or assisting, this section ensures that certain acts about which doubt may arise as to whether they fall within the ordinary meaning of that phrase are to be included. This includes omissions where the omission is a failure to take reasonable steps to discharge a duty.

Section 66: Indirectly encouraging or assisting

231. This section sets out that if a person (A) arranges for another (B) to do an act capable of encouraging or assisting another (C) to commit an offence, then A can be regarded as having done B's act.
232. This covers, for example, a gang leader (A) who instructs a member of his gang (B) to encourage another person (C) to kill X.

Section 67: Course of conduct

233. This section makes it clear that an "act" includes a course of conduct.