

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

# **SERIOUS CRIME ACT 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

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

##### ***Section 90: Supplementary, incidental or consequential provision***

324. *Subsection (1)* of this section confers on the Secretary of State a power by order to make supplementary, incidental or consequential provision. The effect of *subsection (3)* is that the power does not extend to matters that are devolved under the Scotland Act 1998. Where such an order amends or repeals any provision of an Act, it is subject to the affirmative resolution procedure under section 89(3); otherwise it is subject to the negative resolution procedure (see section 89(4) and (5)).

#### **Clause 91 and Schedule 13: Transitional and transitory provisions and savings**

325. *Subsection (1)* of this clause gives effect to Schedule 13. *Subsection (2)* provides for the Secretary of State to make, by order, appropriate transitional, transitory or saving provisions in connection with the coming into force of any provision of the Bill other than the provisions specified in clause 94(4). The power in respect of these provisions is exercisable by the Scottish Ministers.
326. *Paragraph 6* of Schedule 13 relates to the new offences created in Part 2 of the Bill. It provides that where a person is charged in respect of the same conduct with the common law offence of incitement or an offence under section 42, but it is not possible to establish whether the conduct took place before or after the commencement of Part 2, he should be treated as if the conduct took place before the commencement of Part 2.