



Serious Crime Act 2007

2007 CHAPTER 27

PART 2

ENCOURAGING OR ASSISTING CRIME

Inchoate offences

49 Supplemental provisions

- (1) A person may commit an offence under this Part whether or not any offence capable of being encouraged or assisted by his act is committed.
- (2) If a person's act is capable of encouraging or assisting the commission of a number of offences—
 - (a) section 44 applies separately in relation to each offence that he intends to encourage or assist to be committed; and
 - (b) section 45 applies separately in relation to each offence that he believes will be encouraged or assisted to be committed.
- (3) A person may, in relation to the same act, commit an offence under more than one provision of this Part.
- (4) In reckoning whether—
 - (a) for the purposes of section 45, an act is capable of encouraging or assisting the commission of an offence; or
 - (b) for the purposes of section 46, an act is capable of encouraging or assisting the commission of one or more of a number of offences;offences under this Part and listed offences are to be disregarded.
- (5) “Listed offence” means—
 - (a) in England and Wales, an offence listed in Part 1, 2 or 3 of Schedule 3; and
 - (b) in Northern Ireland, an offence listed in Part 1, 4 or 5 of that Schedule.
- (6) The Secretary of State may by order amend Schedule 3.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 49. (See end of Document for details)

[^{F1}(6A) The power to make an order under subsection (6) for the purposes of subsection (5) (b) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]

(7) For the purposes of sections 45(b)(i) and 46(1)(b)(i) it is sufficient for the person concerned to believe that the offence (or one or more of the offences) will be committed if certain conditions are met.

Textual Amendments

F1 S. 49(6A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 10 para. 8(2)** (with arts. 28-31)

Modifications etc. (not altering text)

C1 Pt. 2 restricted by 2007 c. 19, s. 18(1A) (as inserted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#)), **ss. 62, 94(1)** (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), **art. 2(a)**

Commencement Information

I1 S. 49 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, Section 49.