



# 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 <sup>F1</sup>... unless the derogation condition is satisfied.

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 54. (See end of Document for details)*

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- (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.

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**Textual Amendments**

- F1** Words in s. 54(5) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [122\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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**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\(a\)](#))

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**Commencement Information**

- I1** S. 54 in force at 1.10.2008 by [S.I. 2008/2504](#), [art. 2\(a\)](#)
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**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 54.