



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 2

### CRIMINAL LAW

#### *Serious organised crime*

#### **29 Offences aggravated by connection with serious organised crime**

- (1) This subsection applies where it is—
  - (a) libelled in an indictment or specified in a complaint that an offence is aggravated by a connection with serious organised crime, and
  - (b) proved that the offence is so aggravated.
- (2) An offence is aggravated by a connection with serious organised crime if the person committing the offence is motivated (wholly or partly) by the objective of committing or conspiring to commit serious organised crime.
- (3) It is immaterial whether or not in committing the offence the person in fact enables the person or another person to commit serious organised crime.
- (4) Evidence from a single source is sufficient to prove that an offence is aggravated by a connection with serious organised crime.
- (5) Where subsection (1) applies, the court must—
  - (a) state on conviction that the offence is aggravated by a connection with serious organised crime,
  - (b) record the conviction in a way that shows that the offence was so aggravated,
  - (c) take the aggravation into account in determining the appropriate sentence, and
  - (d) state—
    - (i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or
    - (ii) otherwise, the reasons for there being no such difference.