

*Status: Point in time view as at 22/11/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, PART 1A. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 **E+W+N.I.**

#### SERIOUS OFFENCES

#### [<sup>F1</sup>PART 1A **E+W+N.I.**

#### SERIOUS OFFENCES IN SCOTLAND

##### Textual Amendments

- F1** Sch. 1 Pt. 1A inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 31](#); [S.I. 2016/148](#), reg. 3(f)

##### *Drug trafficking*

- 16A (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
  - (b) section 5(3) (possession of controlled drug with intent to supply);
  - (c) section 6 (restriction of cultivation of cannabis plant);
  - (d) section 8 (permitting etc certain activities relating to controlled drugs);
  - (e) section 20 (assisting in or inducing the commission outside the United Kingdom of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
  - (b) section 68(2) (exportation of prohibited or restricted goods);
  - (c) section 170 (fraudulent evasion of duty etc).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
  - (b) section 19 (using a ship for illicit traffic in controlled drugs).
- [<sup>F2</sup>16AA An offence under any of the following provisions of the Psychoactive Substances Act 2016—
- (a) section 4 (producing a psychoactive substance);
  - (b) section 5 (supplying, or offering to supply, a psychoactive substance);
  - (c) section 7 (possession of psychoactive substance with intent to supply);
  - (d) section 8 (importing or exporting a psychoactive substance).]

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### Textual Amendments

- F2** Sch. 1 para. 16AA inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), [Sch. 5 para. 8\(3\)](#); S.I. 2016/553, reg. 2

#### *People trafficking*

- 16B (1) An offence under section 25, 25A or 25B of the Immigration Act 1971 (assisting unlawful immigration etc).
- (2) An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).

#### *Firearms offences*

- 16C (1) An offence under any of the following provisions of the Firearms Act 1968—
- (a) section 1(1) (possession etc of firearms or ammunition without certificate);
  - (b) section 2(1) (possession etc of shot gun without certificate);
  - (c) section 3(1) (dealing etc in firearms or ammunition by way of trade or business without being registered);
  - (d) section 5(1), (1A) or (2A) (possession, manufacture etc of prohibited weapons).
- (2) An offence under either of the following provisions of the Customs and Excise Management Act 1979 if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited or restricted goods);
  - (b) section 170 (fraudulent evasion of duty etc).
- (3) In sub-paragraph (2) “firearm” and “ammunition” have the same meanings as in section 57 of the Firearms Act 1968.

#### *Prostitution, child sex and pornography*

- 16D (1) An offence under any of the following provisions of the Criminal Law Consolidation (Scotland) Act 1995—
- (a) section 11(1) (living on earnings of prostitution or soliciting for immoral purposes);
  - (b) section 11(4) (aiding, abetting or compelling prostitution for gain);
  - (c) section 11(5) (running of brothels).
- (2) An offence under section 22 of the Criminal Justice (Scotland) Act 2003 (traffic in prostitution etc).
- (3) An offence under any of the following provisions of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005—
- (a) section 10 (causing or inciting provision by child of sexual services or child pornography);
  - (b) section 11 (controlling a child providing sexual services or involved in pornography);

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- (c) section 12 (arranging or facilitating provision by child of sexual services or child pornography).
- (4) An offence under section 51(2) of the Civic Government (Scotland) Act 1982 (obscene material).

#### *Serious organised crime*

- 16E (1) An offence under any of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—
- (a) section 28(1) (involvement in serious organised crime);
  - (b) section 30(1) or (2) (directing serious organised crime).
- (2) An offence aggravated by a connection with serious organised crime as mentioned in section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime).

#### *Money laundering*

- 16F An offence under any of the following provisions of the Proceeds of Crime Act 2002—
- (a) section 327 (concealing etc criminal property);
  - (b) section 328 (facilitating the acquisition etc of criminal property by or on behalf of another);
  - (c) section 329 (acquisition, use and possession of criminal property).

#### *Offences in relation to public revenue [<sup>F3</sup> etc]*

##### **Textual Amendments**

**F3** Word in Sch. 1 para. 16G cross-heading inserted (27.4.2017 for specified purposes, 30.9.2017 in so far as not already in force ) by [Criminal Finances Act 2017 \(c. 22\)](#), ss. 51(2)(b), 58(5)(6); S.I. 2017/739, reg. 3

- 16G (1) An offence under section 170 of the Customs and Excise Management Act 1979 (fraudulent evasion of duty etc) so far as not falling within paragraph 16A(2)(c) or 16C(2)(b) above.
- (2) An offence under section 72 of the Value Added Tax Act 1994 (fraudulent evasion of VAT etc).
- (3) An offence under section 106A of the Taxes Management Act 1970 (fraudulent evasion of income tax).
- (4) An offence under section 35 of the Tax Credits Act 2002 (tax credit fraud).

[ An offence under section 45 or 46 of the Criminal Finances Act 2017 (failure to <sup>F4</sup>(5) prevent the facilitation of UK tax evasion offences or foreign tax evasion offences).]

##### **Textual Amendments**

**F4** Sch. 1 para. 16G(5) inserted (27.4.2017 for specified purposes, 30.9.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), ss. 51(2)(b), 58(5)(6); S.I. 2017/739, reg. 3

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### *Bribery*

- 16H An offence under any of the following provisions of the Bribery Act 2010—
- (a) section 1 (offences of bribing another person);
  - (b) section 2 (offences relating to being bribed);
  - (c) section 6 (bribery of foreign public officials).

### *Counterfeiting*

- 16I An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981—
- (a) section 14 (making counterfeit notes or coins);
  - (b) section 15 (passing etc counterfeit notes or coins);
  - (c) section 16 (having custody or control of counterfeit notes or coins);
  - (d) section 17 (making or having custody or control of counterfeiting materials or implements).

### *Fraud etc*

- 16J (1) An offence under section 12(1) or (2) of the Gangmasters (Licensing) Act 2004 (acting as a gangmaster other than under the authority of a licence, possession of false documents, etc).
- (2) Fraud.
  - (3) Conspiracy to defraud.
  - (4) Theft.
  - (5) Extortion.
  - (6) Assault and robbery.

### *Computer misuse*

- 16K An offence under any of the following provisions of the Computer Misuse Act 1990—
- (a) section 1 (unauthorised access to computer material);
  - (b) section 2 (unauthorised access with intent to commit or facilitate commission of further offences);
  - (c) section 3 (unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer etc);
  - (d) section 3ZA (unauthorised acts causing, or creating risk of, serious damage to human welfare etc);
  - (e) section 3A (making, supplying or obtaining articles for use in offence under section 1, 3 or 3ZA).

### *Intellectual property*

- 16L (1) An offence under section 297A of the Copyright, Designs and Patents Act 1988 (making or dealing etc in unauthorised decoders).

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- (2) An offence under section 92(1), (2) or (3) of the Trade Marks Act 1994 (unauthorised use of trade mark etc).

#### *Environment*

- 16M (1) An offence under any of the following provisions of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003—
- (a) section 1 (fishing for salmon: methods);
  - (b) section 2 (fishing for freshwater fish: methods);
  - (c) section 5 (using explosive or other noxious substances for taking or destruction of fish etc).
- (2) An offence under section 14 of the Wildlife and Countryside Act 1981 (introduction of new species etc).
- (3) An offence under section 33 of the Environmental Protection Act 1990 (prohibition on unauthorised or harmful deposit, treatment or disposal etc of waste).
- (4) An offence under regulation 8 of the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (S.I. 1997/1372) (purchase and sale etc of endangered species and provision of false statement and certificates).

#### *<sup>F5</sup>... Sanctions legislation*

##### **Textual Amendments**

- F5** Word in Sch. 1 para. 16MA heading omitted (22.11.2018) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64, [Sch. 3 para. 5\(5\)](#); S.I. 2018/1213, [reg. 2\(f\)](#)

- 16MA(1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.
- (2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.
- (3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).
- (4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.
- (5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.
- [ An offence under regulations made under section 1 of the Sanctions and Anti-Money <sup>F6</sup>(5A) Laundering Act 2018.]
- (6) In this paragraph—  
“EU financial sanctions Regulation” and “UN financial sanctions Resolution” have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);

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“subordinate legislation” has the same meaning as in the Interpretation Act 1978.

#### Textual Amendments

- F6** Sch. 1 para. 16MA(5A) inserted (22.11.2018) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64, [Sch. 3 para. 5\(3\)](#); S.I. 2018/1213, [reg. 2\(f\)](#)

#### *Inchoate offences*

- 16N An offence of attempting or conspiring to commit an offence specified or described in this Part of this Schedule.

#### *Earlier offences*

- 16O This Part of this Schedule has effect, in its application to conduct before the coming into force of this Part, as if the offences specified or described in this Part included any corresponding offences under the law in force at the time of the conduct.

#### *Scope of offences*

- 16P Where this Part of this Schedule refers to offences which are offences under the law of Scotland and another country, the reference is to be read as limited to the offences so far as they are offences under the law of Scotland.]

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