

Status: Point in time view as at 03/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 4. (See end of Document for details)

SCHEDULES

SCHEDULE 4

Section 52(2)

EXTRA-TERRITORIALITY

- 1 (1) This paragraph applies if—
- (a) any relevant behaviour of D's takes place wholly or partly in England or Wales;
 - (b) D knows or believes that what he anticipates might take place wholly or partly in a place outside England and Wales; and
 - (c) either—
 - (i) the anticipated offence is one that would be triable under the law of England and Wales if it were committed in that place; or
 - (ii) if there are relevant conditions, it would be so triable if it were committed there by a person who satisfies the conditions.
- (2) “Relevant condition” means a condition that—
- (a) determines (wholly or in part) whether an offence committed outside England and Wales is nonetheless triable under the law of England and Wales; and
 - (b) relates to the citizenship, nationality or residence of the person who commits it.

Commencement Information

II Sch. 4 para. 1 in force at 1.10.2008 by S.I. 2008/2504, art. 2(a)

- 2 (1) This paragraph applies if—
- (a) paragraph 1 does not apply;
 - (b) any relevant behaviour of D's takes place wholly or partly in England or Wales;
 - (c) D knows or believes that what he anticipates might take place wholly or partly in a place outside England and Wales; and
 - (d) what D anticipates would amount to an offence under the law in force in that place.
- (2) The condition in sub-paragraph (1)(d) is to be taken to be satisfied unless, not later than rules of court may provide, the defence serve on the prosecution a notice—
- (a) stating that on the facts as alleged the condition is not in their opinion satisfied;
 - (b) showing their grounds for that opinion; and
 - (c) requiring the prosecution to show that it is satisfied.
- (3) The court, if it thinks fit, may permit the defence to require the prosecution to show that the condition is satisfied without prior service of a notice under sub-paragraph (2).

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- (4) In the Crown Court, the question whether the condition is satisfied is to be decided by the judge alone.
- (5) An act punishable under the law in force in any place outside England and Wales constitutes an offence under that law for the purposes of this paragraph, however it is described in that law.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.10.2008 by S.I. 2008/2504, art. 2(a)

- 3 (1) This paragraph applies if—
- (a) any relevant behaviour of D's takes place wholly outside England and Wales;
 - (b) D knows or believes that what he anticipates might take place wholly or partly in a place outside England and Wales; and
 - (c) D could be tried under the law of England and Wales if he committed the anticipated offence in that place.
- (2) For the purposes of sub-paragraph (1)(c), D is to be assumed to be able to commit the anticipated offence.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.10.2008 by S.I. 2008/2504, art. 2(a)

- 4 In relation to an offence under section 46, a reference in this Schedule to the anticipated offence is to be read as a reference to any of the offences specified in the indictment.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.10.2008 by S.I. 2008/2504, art. 2(a)

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