

SERIOUS CRIME ACT 2015

EXPLANATORY NOTES

OVERVIEW

4. Serious and organised crime includes drug trafficking, human trafficking, organised illegal immigration, child sexual exploitation, high value fraud and other financial crime, counterfeiting, organised acquisitive crime and cyber crime. Organised crime costs the United Kingdom at least £24 billion each year. As at December 2013, there are some 36,600 organised criminals in 5,300 groups currently operating in ways that directly affect the UK¹. In October 2013, the Government published its Serious and Organised Crime Strategy (Cm 8715)². The aim of the Strategy is to reduce substantially the level of serious and organised crime affecting the UK and its interests. The strategy has four components: prosecuting and disrupting people engaging in serious and organised crime (Pursue); preventing people from engaging in such activity (Prevent); increasing protection against serious and organised crime (Protect); and reducing the impact of such criminality where it takes place (Prepare). Under the Pursue strand of the strategy, the document set out proposals to:
 - Strengthen the operation of the asset recovery process by closing loopholes in the Proceeds of Crime Act 2002;
 - Better tackle people who actively support, and benefit from, participating in organised crime;
 - Create new powers to seize and detain chemical substances suspected of being used as cutting agents for illegal drugs; and
 - Amend the Computer Misuse Act 1990 to update the existing offences to cover importing tools for cyber crime (such as data programmes designed for unlawfully accessing a computer system).
5. The principal objective of the Act is to ensure that law enforcement agencies have effective legal powers to deal with the threat from serious and organised crime. In particular, it gives effect to the above proposals in the Serious and Organised Crime Strategy.
6. The Act is in six Parts. Part 1 makes further provision in respect of the recovery of property derived from the proceeds of crime. Part 2 makes amendments to the Computer Misuse Act 1990. Part 3 provides for a new offence of participating in the activities of an organised crime group and strengthens the arrangements for protecting the public from serious crime and gang-related activity provided for in Part 1 of the Serious Crime Act 2007 and Part 4 of the Policing and Crime Act 2009 respectively. Part 4 provides for the seizure and forfeiture of substances used as drug-cutting agents. Part 5 amends the criminal law in relation to the offence of child cruelty, provides for new offences in respect of sexual communication with a child and the possession of “paedophile manuals”, amends the Sexual Offences Act 2003 to remove references to

¹ National Strategic Assessment of Serious and Organised Crime 2014, National Crime Agency, 1 May 2014 (<http://www.nationalcrimeagency.gov.uk/publications/207-nca-strategic-assessment-of-serious-and-organised-crime/file>)

² <http://www.official-documents.gov.uk/document/cm87/8715/8715.pdf>

*These notes refer to the Serious Crime Act 2015 (c.9)
which received Royal Assent on 3rd March 2015*

child prostitution and child pornography, makes further provision for combating female genital mutilation and provides for new offence in respect of domestic abuse. Part 6 makes provision to strengthen prison security, provides for or extends extra-territorial jurisdiction in respect of the offences in sections 5 (preparation of terrorist acts) and 6 (training for terrorism) of the Terrorism Act 2006, confers parliamentary approval (as required by section 8 of the European Union Act 2011) for two draft Council Decisions under Article 352 of the Treaty on the Functioning of the European Union (“TFEU”), specifies the matters that must be addressed in a code of practice in respect of the exercise of powers under Part 1 of the Regulation of Investigatory Powers Act 2000 and places a duty on the Secretary of State to assess the evidence of abortions taking place on the grounds of the sex of the foetus. Part 6 also contains minor and consequential amendments to other enactments and general provisions, including provisions about territorial application and commencement.

7. This Act updates existing law dealing with proceeds of crime, cyber crime, serious crime prevention orders, gang injunctions, child cruelty, child sexual offences, female genital mutilation, and prison security, the commission of certain terrorism offences abroad and the regulation of investigatory powers. The main enactments affected by the Act are:

- Section 1 of the Children and Young Persons Act 1933 (cruelty to persons under sixteen);
- Prison Act 1952;
- Section 1 of the Street Offences Act 1959 (loitering or soliciting for the purposes of prostitution);
- Computer Misuse Act 1990;
- Regulation of Investigatory Powers Act 2000 (“RIPA”);
- Proceeds of Crime Act 2002 (“POCA”);
- Sexual Offences Act 2003;
- Female Genital Mutilation Act 2003 and the Prohibition of Female Genital Mutilation (Scotland) Act 2005;
- Chapter 3 of Part 2 of the Serious Organised Crime and Police Act 2005 (“SOCPA”) (financial reporting orders (“FROs”));
- Section 17 of the Terrorism Act 2006 (commission of terrorism offences abroad);
- Part 1 of the Serious Crime Act 2007 (serious crime prevention orders (“SCPOs”)); and
- Part 4 of the Policing and Crime Act 2009 (injunctions: gang-related violence).