
Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Paragraph 4. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AMENDMENTS OF SERIOUS CRIME ACT 2007: SCOTLAND

4 After section 2 insert—

“2A Involvement in serious crime: Scotland orders

- (1) For the purposes of this Part, a person has been involved in serious crime in Scotland if he—
 - (a) has committed a serious offence in Scotland;
 - (b) has facilitated the commission by another person of a serious offence in Scotland; or
 - (c) has conducted himself in a way that was likely to facilitate the commission by himself or another person of a serious offence in Scotland (whether or not such an offence was committed).
- (2) In this Part “a serious offence in Scotland” means an offence under the law of Scotland which, at the time when the court is considering the application or matter in question—
 - (a) is specified, or falls within a description specified, in Part 1A of Schedule 1; or
 - (b) is one which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it were so specified.
- (3) For the purposes of this Part, involvement in serious crime in Scotland is any one or more of the following—
 - (a) the commission of a serious offence in Scotland;
 - (b) conduct which facilitates the commission by another person of a serious offence in Scotland;
 - (c) conduct which is likely to facilitate the commission, by the person whose conduct it is or another person, of a serious offence in Scotland (whether or not such an offence is committed).
- (4) For the purposes of section 1(1A)(a), a person has been involved in serious crime elsewhere than in Scotland if he—
 - (a) has committed a serious offence in a country outside Scotland;
 - (b) has facilitated the commission by another person of a serious offence in a country outside Scotland; or
 - (c) has conducted himself in a way that was likely to facilitate the commission by himself or another person of a serious offence in a country outside Scotland (whether or not such an offence was committed).

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- (5) In subsection (4) “a serious offence in a country outside Scotland” means an offence under the law of a country outside Scotland which, at the time when the court is considering the application or matter in question—
- (a) would be an offence under the law of Scotland if committed in or as regards Scotland; and
 - (b) either—
 - (i) would be an offence which is specified, or falls within a description specified, in Part 1A of Schedule 1 if committed in or as regards Scotland; or
 - (ii) is conduct which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it meets the test in sub-paragraph (i).
- (6) The test in subsection (4) is to be used instead of the tests in sections 2(1) and 3(1) in deciding for the purposes of section 1(1A)(a) whether a person has been involved in serious crime in England and Wales or (as the case may be) Northern Ireland.
- (7) An act punishable under the law of a country outside the United Kingdom constitutes an offence under that law for the purposes of subsection (5), however it is described in that law.”

Commencement Information

II Sch. 1 para. 4 in force at 1.3.2016 by S.I. 2016/148, reg. 3(f)

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