

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Criminal Law

Section 28 – Involvement in serious organised crime

131. **Section 28(1)** makes it an offence for a person to agree with at least one other person to become involved in the commission of serious organised crime including when a person agrees to do something when he or she knows, or ought reasonably to have known or suspected that such an act would further serious organised crime. The effect is that those who conspire to commit serious organised crime, as defined, are guilty of an offence.
132. **Section 28(3)** defines serious organised crime for the purpose of this section and sections 29, 30 and 31 as crime involving two or more people acting together for the principal purpose of committing or conspiring to commit one or more serious offences.
133. A “serious offence” is also defined in subsection (3). It is an indictable offence that is committed with the intention of obtaining a material benefit, for any person or an act of violence committed, or a threat made for the purpose of obtaining such benefit at some time in the future. “Material benefit” for these purposes is a right in or interest in any property.
134. **Section 28(4)** provides that this offence will attract a maximum penalty on indictment of 10 years imprisonment, an unlimited fine or both. In summary proceedings the available penalties are a maximum of 12 months imprisonment or a fine not exceeding the statutory maximum or both.