

Status: Point in time view as at 01/10/2008. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross Heading: Encouraging or assisting crime. (See end of Document for details)

SCHEDULES

SCHEDULE 13

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Encouraging or assisting crime

- 5 (1) Nothing in any provision of Part 2 affects the operation of—
- (a) any rule of the common law; or
 - (b) any provision made by or under an Act or Northern Ireland legislation;
- in relation to offences committed wholly or partly before the commencement of the provision in Part 2 concerned.
- (2) For the purposes of sub-paragraph (1), an offence is partly committed before commencement if—
- (a) a relevant event occurs before commencement; and
 - (b) another relevant event occurs on or after commencement.
- (3) In this paragraph “relevant event”, in relation to an offence, means any act or other event (including any consequence of an act) proof of which is required for conviction of the offence.

Commencement Information

I1 Sch. 13 para. 5 in force at 1.10.2008 by S.I. 2008/2504, art. 2(g)

- 6 (1) This paragraph applies where, in any proceedings—
- (a) a person (“D”) is charged in respect of the same act both with an offence under section 44 and with the common law offence of inciting the commission of another offence;
 - (b) the only thing preventing D from being found guilty of the offence under section 44 is the fact that it has not been proved beyond reasonable doubt that the time when the act took place was after the coming into force of that section; and
 - (c) the only thing preventing D from being found guilty of the common law offence is that it has not been proved beyond reasonable doubt that that time was before the coming into force of section 59.
- (2) For the purpose of determining D's guilt it shall be conclusively presumed that the time when the act took place was before the coming into force of section 44.

Commencement Information

I2 Sch. 13 para. 6 in force at 1.10.2008 by S.I. 2008/2504, art. 2(g)

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PROSPECTIVE

- 7 In relation to any time before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), the reference in section 53(b) to the Advocate General for Northern Ireland is to be read as a reference to the Attorney General for Northern Ireland.

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