



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

General

4 Involvement in serious crime: supplementary

- (1) In considering for the purposes of this Part whether a person has committed a serious offence—
 - (a) the court must decide that the person has committed the offence if—
 - (i) he has been convicted of the offence; and
 - (ii) the conviction has not been quashed on appeal nor has the person been pardoned of the offence; but
 - (b) the court must not otherwise decide that the person has committed the offence.
- (2) In deciding for the purposes of this Part whether a person (“the respondent”) facilitates the commission by another person of a serious offence, the court must ignore—
 - (a) any act that the respondent can show to be reasonable in the circumstances; and
 - (b) subject to this, his intentions, or any other aspect of his mental state, at the time.
- (3) In deciding for the purposes of this Part whether a person (“the respondent”) conducts himself in a way that is likely to facilitate the commission by himself or another person of a serious offence (whether or not such an offence is committed), the court must ignore—
 - (a) any act that the respondent can show to be reasonable in the circumstances; and
 - (b) subject to this, his intentions, or any other aspect of his mental state, at the time.

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

(4) The Secretary of State may by order amend [^{F1}Part 1 of] Schedule 1.

[^{F2}(4A) The Scottish Ministers may by order amend Part 1A of Schedule 1.

(4B) The Scottish Ministers may not exercise the power conferred by subsection (4A) in relation to an offence which relates to a reserved matter (within the meaning of the Scotland Act 1998) without the consent of the Secretary of State.]

[^{F3}(5) The Department of Justice in Northern Ireland may by order amend Part 2 of Schedule 1.]

Textual Amendments

- F1** Words in s. 4(4) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 10 para. 2(2)** (with arts. 28-31)
- F2** S. 4(4A)(4B) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 1 para. 6**; S.I. 2016/148, reg. 3(f)
- F3** S. 4(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 10 para. 2(3)** (with arts. 28-31)
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Commencement Information

- I1** S. 4 in force at 6.4.2008 by [S.I. 2008/755](#), **art. 15(1)(d)**

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 4.