

<b>Committee(s):</b>	<b>Date(s):</b>
Police Committee	20 May 2015
<b>Subject:</b> Serious Crime Act 2015	<b>Public</b>
<b>Report of:</b> City Remembrancer	<b>For Information</b>
<p><b><u>Summary</u></b></p> <p>This report provides an overview of the main provisions of the Serious Crime Act 2015 that will be of interest to the City Police.</p> <p><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>• Members are invited to note the contents of this report.</li> </ul>	

## **Main Report**

### **Background**

1. The Serious Crime Act received Royal Assent on 9<sup>th</sup> March 2015. The Serious Crime Act gives effect to a number of legislative proposals in the Serious and Organised Crime Strategy. Its aim is to ensure that the National Crime Agency (NCA), the police and other law enforcement agencies have the powers needed to tackle serious and organised crime. In addition, the Act includes provisions to strengthen the protection of vulnerable children and others (including to tackle female genital mutilation and domestic abuse). The Act also includes provisions to tighten prison security and to guard against the threat of terrorism posed by returning ‘foreign fighters’.

### **Overview of the Bill**

2. The main provisions in the Act of relevance to the City are in Parts 1-3 which, respectively, deal with the proceeds of crime, computer misuse, and organised crime groups. The key provisions are set out below.

### **Part 1: Proceeds of crime**

3. The Act strengthens the operation of the asset recovery process by amending the Proceeds of Crime Act 2002. The amendments:
  - a) Increase prison sentences for failure to pay confiscation orders;
  - b) Ensure that criminal assets cannot be hidden with spouses, associates or other third parties;
  - c) Require courts to consider imposing an overseas travel ban for the purpose of ensuring that a confiscation order is effective;
  - d) Enable assets to be restrained more quickly and earlier in investigations;
  - e) Reduce the defendant's time to pay confiscation orders;
  - f) Extend investigative powers so that they are available to trace assets once a confiscation order is made.

#### Part 2: Computer misuse

4. The Act makes a number of changes to the Computer Misuse Act 1990 in particular to ensure that sentences for attacks on computer systems better reflect the damage caused. The Act creates a new offence of unauthorised acts in relation to a computer that result, either directly or indirectly, in serious damage to the economy, the environment, national security or human welfare, or create a significant risk of such damage. The offence will carry a maximum sentence of life imprisonment for cyber attacks which result in loss of life, serious illness or injury or serious damage to national security.
5. The existing extra territorial jurisdiction provisions in s4 of the 1990 Act are extended to provide a legal basis to prosecute a UK national who commits any 1990 Act offence whilst physically outside the UK, even where the offence has no link to the UK other than the offender's nationality (provided the offence is also an offence in the country where it took place).

#### Part 3: Organised, serious and gang-related crime

6. Part 3 of the Act enhances the ability of law enforcement agencies to prosecute those responsible for serious and organised crime. In particular, it creates a new offence of participation in an organised crime group. This offence will rely on proving an active relationship with the organised criminal behaviour, so the individual will have to have done something actively to participate in the crime.
7. This Part also makes a number of changes to the law governing Serious Crime Prevention Orders (SCPOs) and gang injunctions to strengthen their effectiveness in preventing people engaging in serious and organised crime. Offences relating to firearms possession and cyber-crime are

added to the list of ‘trigger’ offences for imposing an SCPO. The range of activities in respect of which a gang injunction may be granted are expanded to include any involvement in support of the illegal drugs market.

8. The remainder of the Act covers a wide range of areas. There are new powers for the seizure and forfeiture of drug-cutting agents; a number of changes to the civil and criminal law to enhance the protection of children and others; and new offences of unauthorised possession of a knife or other offensive weapon in prison and of throwing an article into a prison without authorisation.

### **Impact on the City Police**

9. The City of London Police is supportive of the aims of the Act, particularly Part 2 which strengthens the Computer Misuse Act and ensures UK compliance with the Attacks Against Information Systems EU Directive. It has also contributed to the drawing up of the 'beneficial ownership' proposals for off-shore subsidiary companies and the asset recovery proposals which should result in more effective seizure under the Proceeds of Crime Act. There may also be a role for the NFIB under Part 3 of the Act in providing the intelligence and evidence to show ‘participation’ in an organised crime group.

### **Consultees**

10. The Town Clerk and the Commissioner of the City Police have been consulted in the preparation of this report.

### **Background Papers:**

- *City Remembrancer’s Report to the Police Committee on the Serious Crime Bill, 16<sup>th</sup> September 2015.*
- *Serious Crime Act 2015*

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