

Participating in Crime Bill

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TO

Codify with amendments the law of England and Wales on the criminal liability of persons for offences committed, and acts done, by others; and to create an offence of causing a no-fault offence.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

LIABILITY FOR PARTICIPATING IN CRIME

CHAPTER 1

LIABILITY FOR OFFENCES COMMITTED OR ACTS DONE BY OTHERS

Ways in which a person may become liable 5

1 Assisting or encouraging an offence

- (1) Where a person (P) has committed an offence, another person (D) is also guilty of the offence if—
- (a) D did an act with the intention that one or more of a number of other acts would be done by another person, 10
 - (b) P’s criminal act was one of those acts,
 - (c) D’s behaviour assisted or encouraged P to do his criminal act, and
 - (d) subsection (2) or (3) is satisfied.
- (2) This subsection is satisfied if D believed that a person doing the act would commit the offence. 15
- (3) This subsection is satisfied if D’s state of mind was such that had he done the act he would have committed the offence.

2 Participating in a joint criminal venture

- (1) This section applies where two or more persons participate in a joint criminal venture.
- (2) If one of them (P) commits an offence, another participant (D) is also guilty of the offence if P's criminal act falls within the scope of the venture. 5
- (3) The existence or scope of a joint criminal venture may be inferred from the conduct of the participants (whether or not there is an express agreement).
- (4) D does not escape liability under this section for an offence committed by P at a time when D is a participant in the venture merely because D is at that time – 10
 - (a) absent,
 - (b) against the venture's being carried out, or
 - (c) indifferent as to whether it is carried out.

Extension of liability under this Chapter

3 Liability not restricted by special characteristics required of offender

- D may be guilty under this Chapter of an offence even though – 15
- (a) the offence is one that may be committed only by a person who meets a particular description, and
 - (b) D does not meet that description.

4 Using an innocent agent

- (1) If a person (D) uses an innocent agent (P) to commit an offence, D is guilty of that offence. 20
- (2) P is an innocent agent in relation to an offence if – 25
 - (a) he does a criminal act, and
 - (b) he does not commit the offence itself for one of the following reasons –
 - (i) he is under the age of 10,
 - (ii) he has a defence of insanity, or
 - (iii) he acts without the fault required for conviction, and there is no other reason why he does not commit it.
- (3) D uses P to commit an offence if – 30
 - (a) D intends to cause a person (whether or not P) to do a criminal act in relation to the offence,
 - (b) D causes P to do the criminal act, and
 - (c) subsection (4) or (5) is satisfied.
- (4) If a particular state of mind requires to be proved for conviction of the offence that D uses P to commit, D's state of mind must be such that, were he to do the act that he intends to cause to be done, he would do it with the state of mind required for conviction of the offence. 35
- (5) If the offence which D uses P to commit is a no-fault offence, D must know or believe that, were a person to do the act that D intends to cause to be done, that person would do it – 40
 - (a) in the circumstances (if any), and

- (b) with the consequences (if any),
proof of which is required for conviction of the offence.

CHAPTER 2

CAUSING A NO-FAULT OFFENCE

5 Offence of causing a no-fault offence

- (1) A person commits an offence if he causes another person to commit a no-fault offence, and –
 - (a) it is his intention that a person should commit the offence, or
 - (b) he knows or believes that his behaviour will cause a person to commit it.
- (2) “No-fault offence” means an offence that does not require proof of fault.

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PART 2

LIMITATIONS ON LIABILITY IMPOSED BY PART 1

General limitation on liability

6 Protective offences: victims not liable

- (1) D is not liable under Chapter 1 of Part 1 for a protective offence if –
 - (a) he falls within the protected category, and
 - (b) he is the person in respect of whom it was committed.
- (2) D does not commit an offence under section 5 if –
 - (a) the no-fault offence is a protective offence,
 - (b) he falls within the protected category, and
 - (c) he is the person in respect of whom it was committed.
- (3) “Protective offence” means an offence that exists (wholly or in part) for the protection of a particular category of persons (“the protected category”).

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Defences

7 Defence of acting to prevent commission of offence etc.

- (1) In proceedings for an offence to which this section applies, a person is not guilty of the offence if he proves on the balance of probabilities that –
 - (a) he acted for the purpose of –
 - (i) preventing the commission of that offence or another offence, or
 - (ii) preventing, or limiting, the occurrence of harm, and
 - (b) it was reasonable for him to act as he did.
- (2) This section applies to an offence of which a person is alleged to be guilty as a result of section 1 or 2.

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PART 3

GENERAL

Interpretation

- 8 Encouraging and assisting**
- (1) A reference in this Act to encouraging a person to do an act includes a reference to threatening or otherwise putting pressure on him to do it. 5
- (2) A reference in this Act to encouraging or assisting a person to do an act includes a reference to—
- (a) taking steps to reduce the possibility of criminal proceedings being brought in respect of the act's being done, 10
- (b) failing to take reasonable steps to discharge a duty.
- (3) But a person is not to be regarded as encouraging or assisting another person to do an act merely because he fails to respond to a constable's request for assistance in preventing a breach of the peace.
- 9 Indirectly encouraging or assisting** 15
- If a person (D1) arranges for a person (D2) to do something that will encourage or assist another person to do an act, and D2 does any such thing, D1 is also to be treated for the purposes of this Act as having done it.
- 10 Committing an offence**
- (1) For the purposes of sections 1 and 2 and of Part 2 (so far as it relates to those sections), a reference to a person (P) who commits an offence is to a person who— 20
- (a) acts with the fault required for conviction of the offence,
- (b) is of or over the age of 10, and
- (c) does not have a defence of insanity. 25
- (2) For those purposes, it is immaterial whether P has any other defence.
- 11 Acts, criminal acts and no-fault offences**
- (1) A reference in this Act to an act includes a reference to a course of conduct and a reference to the doing of an act is to be read accordingly.
- (2) A reference in this Act to a criminal act is, in relation to an offence, a reference to an act (or a failure to act) that falls within the definition of the act (or failure to act) that must be proved in order for a person to be convicted of the offence. 30
- (3) A reference in this Act to the doing of a criminal act includes a reference to—
- (a) the continuation of an act that has already begun,
- (b) an attempt to do an act (except in relation to an offence of attempting to commit another offence). 35
- (4) A reference in this Act to a no-fault offence is to read in accordance with section 5(2).

Final provisions

12 Commencement

This Act, except this section and sections 13 and 14, comes into force in accordance with provision made by the Secretary of State by order made by statutory instrument.

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13 Extent

This Act extends to England and Wales only.

14 Short title

This Act may be cited as the Participating in Crime Act 2006.

Participating in Crime (Jurisdiction, Procedure and Consequential Provisions) Bill

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Make provision about jurisdiction over, and procedure in relation to, offences committed under or by virtue of the Participating in Crime Act 2006; and to make consequential amendments, repeals and savings in connection with that Act.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: –

PART 1

INTRODUCTORY

1 Meaning and application of “the codifying Act”

- (1) In this Act “the codifying Act” means the Participating in Crime Act 2006.
- (2) Any expression used in this Act in connection with a provision of the codifying Act has the same meaning as it has in that provision. 5

PART 2

JURISDICTION AND PROCEDURE

Jurisdiction

2 Liability under sections 1 and 2 of the codifying Act 10

- (1) If P’s offence is committed in England or Wales, D may be guilty under section 1 or 2 of the codifying Act of the same offence no matter where he was at any relevant time.
- (2) If P’s offence is committed outside England and Wales, D is not guilty under either of those sections of the same offence unless paragraph 1 or 2 of Schedule 1 applies. 15

3 Liability under section 4 of the codifying Act

- (1) If the offence that P would have committed (“the principal offence”) would have been committed in England or Wales, D may be guilty under section 4 of the codifying Act of that offence no matter where he was at any relevant time. 5
- (2) If the principal offence would have been committed outside England and Wales, D is not guilty under that section of that offence unless paragraph 3 or 4 of Schedule 1 applies.

4 Offences under section 5 of the codifying Act

A person does not commit an offence under section 5 of the codifying Act unless – 10

- (a) P commits the no-fault offence in England or Wales; and
- (b) any relevant behaviour of D’s takes place wholly or partly in England or Wales.

Proceedings etc. for offences under the codifying Act

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5 Persons who may be perpetrators or encouragers etc.

- (1) A person may be convicted of an offence if, although it is not proved whether –
- (a) he is guilty of the offence on the basis that he committed it and has no defence, or
- (b) he is guilty under section 1 or 2 of the codifying Act of the offence, it is proved that he must be one or the other. 20
- (2) For the purposes of subsection (1)(a), a person who used an innocent agent to commit an offence is guilty of that offence on the basis that he committed it.

6 Procedure and punishment for offences under section 5 of the codifying Act

- (1) The mode of trial of a person charged with an offence under section 5 of the codifying Act is to be determined as if he had been charged with the no-fault offence concerned. 25
- (2) A person convicted of an offence under section 5 of the codifying Act is liable to any penalty for which he would be liable if he were convicted in the same proceedings of the no-fault offence concerned. 30

Restriction on institution of proceedings

7 Role of the Attorney General

No proceedings for an offence triable by reason of any provision of Schedule 1 may be instituted except by, or with the consent of, the Attorney General.

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PART 3

CONSEQUENTIAL PROVISIONS

8 Abolition of common law replaced by the codifying Act

The following (which are replaced by provisions of the codifying Act) are abolished – 5

- (a) the rules of the common law relating to the circumstances in which a person is liable for an offence because he has aided, abetted, counselled or procured its commission; and
- (b) the rules of the common law relating to the circumstances in which a person commits an offence through an innocent agent. 10

9 Consequential amendments and repeals

- (1) Section 8 of the Accessories and Abettors Act 1861 (c. 94) (aiders, abettors etc. to be tried, indicted and punished as principal offenders) ceases to have effect.
- (2) Section 44(1) of the Magistrates' Courts Act 1980 (c. 43) (aiders and abettors) ceases to have effect. 15
- (3) In the provisions listed in Part 1 of Schedule 2 –
 - (a) any reference however expressed to conduct punishable by virtue of section 8 of the 1861 Act has effect, in England and Wales, as a reference to conduct punishable under Part 1 of the codifying Act;
 - (b) any reference however expressed to conduct punishable by virtue of section 44(1) of the 1980 Act has effect as a reference to conduct punishable under Part 1 of the codifying Act. 20
- (4) Part 2 of Schedule 2 contains other minor and consequential amendments.
- (5) The Secretary of State may by order –
 - (a) amend Part 1 of Schedule 2 by adding or removing a provision; 25
 - (b) amend any provision in such way as he thinks fit in consequence of the provisions of this Act.
- (6) An order under subsection (5) shall be made by statutory instrument; and no such order shall be made unless a draft of it has been laid before Parliament and approved by a resolution of each House of Parliament. 30
- (7) Schedule 3 contains repeals.

10 Saving for offences committed before commencement

- (1) Nothing in this Act affects the operation of –
 - (a) any rule of the common law, or
 - (b) any provision of an Act or of subordinate legislation, 35in relation to offences committed wholly or partly before the commencement of this Act.
- (2) An offence is partly committed before the commencement of this Act if –
 - (a) a relevant event occurs before commencement; and
 - (b) another relevant event occurs on or after commencement. 40

- (3) “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.

PART 4

FINAL PROVISIONS

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11 Commencement

Parts 2 and 3 of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.

12 Extent

- (1) Subject to subsection (2), this Act extends to England and Wales only. 10
- (2) Part 1 and this Part, and the provisions mentioned in subsection (3) (so far as they relate to an enactment which so extends), also extend to Scotland and Northern Ireland.
- (3) The provisions are— 15
- (a) section 9(3) and (4) and Schedule 2, and
 - (b) any provision contained in an order made by virtue of section 9(5)(b).

13 Short title

This Act may be cited as the Participating in Crime (Jurisdiction, Procedure and Consequential Provisions) Act 2006.

SCHEDULES

SCHEDULE 1

Sections 2(2) and 3(2)

EXTRA-TERRITORIALITY

PART 1

LIABILITY FOR OFFENCES COMMITTED BY OTHERS

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- 1 (1) This paragraph applies if—
- (a) any relevant behaviour of D’s takes place wholly or partly in England or Wales; and
 - (b) either—
 - (i) P’s offence is triable under the law of England and Wales; or
 - (ii) if there are relevant conditions which P does not satisfy, it would be so triable if P satisfied the conditions.
- (2) “Relevant condition” means a condition that—
- (a) determines (wholly or in part) whether an offence committed outside England and Wales is nonetheless triable under the law of England and Wales, and
 - (b) relates to the citizenship, nationality or residence of the person who commits it.
- 2 (1) This paragraph applies if—
- (a) any relevant behaviour of D’s takes place wholly outside England and Wales; and
 - (b) D could have been tried under the law of England and Wales if he had committed P’s offence in the place where P committed it.
- (2) It does not matter whether P could be tried under the law of England and Wales.

PART 2

INNOCENT AGENTS

- 3 This paragraph applies if any relevant behaviour of D’s takes place wholly or partly in England or Wales.
- 4 This paragraph applies if—
- (a) any relevant behaviour of D’s takes place wholly outside England and Wales; and
 - (b) D could have been tried under the law of England and Wales if he had committed the principal offence in the place where P would have committed it.

SCHEDULE 2

Section 9(3) and (4)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REFERENCES TO AIDING, ABETTING, COUNSELLING OR PROCURING

1	Section 2 of the Poaching Prevention Act 1862 (c. 114) (powers of constable to stop and search).	5
2	Section 46(1)(b) of the Children and Young Persons Act 1933 (c. 12) (assignment of certain matters to youth courts).	
3	Section 2(1) of the Incitement to Disaffection Act 1934 (c. 56) (possession or control of documents liable to incite disaffection).	10
4	Section 3(4) of the Visiting Forces Act 1952 (c. 67) (restriction, as respects certain offences, of trial by United Kingdom courts of offenders connected with visiting force).	
5	Section 18 of the Children and Young Persons Act 1963 (c. 37) (jurisdiction of magistrates' courts in certain cases involving children and young persons).	15
6	Section 18(2) of the Theatres Act 1968 (c. 54) (interpretation).	
7	Section 1B(2) of the Biological Weapons Act 1974 (c. 6) (Customs and Excise prosecutions).	
8	Paragraph 5(2) of the Schedule to the Prices Act 1974 (c. 24) (enforcement).	20
9	Section 17(1) of the Industry Act 1975 (c. 68) (no criminal proceedings to lie in respect of contravention of a prohibition order).	
10	Subsections (2)(b) and (3)(b) of section 1 of the Internationally Protected Persons Act 1978 (secondary liability for, and threats to commit, offences against internationally protected persons).	25
11	Section 16(3) of the Customs and Excise Management Act 1979 (c. 2) (power of arrest).	
12	In the Magistrates' Courts Act 1980 (c. 43) –	
	(a) section 44(2) (offences triable either way);	
	(b) section 103(2)(d) (written statement of child admissible in committal proceedings for certain offences);	30
	(c) paragraph 33 of Schedule 1 (offences triable either way by virtue of section 17);	
	(d) paragraph 2 of Schedule 2 (offences for which the value involved is relevant to the mode of trial).	35
13	Section 1(4)(b) of the Criminal Attempts Act 1981 (c. 47) (attempting to commit an offence).	
14	In the Betting and Gaming Duties Act 1981 (c. 63) –	
	(a) section 9(5) (prohibitions for protection of revenue);	
	(b) section 9A(4) (prohibitions for protection of revenue: overseas brokers).	40

15	Section 64(5) of the Civil Aviation Act 1982 (c. 16) (restriction of unlicensed carriage by air for reward).	
16	Section 1(2) of the Forfeiture Act 1982 (c. 34) (meaning of the “forfeiture” rule).	
17	Section 2(2)(b) of the Aviation Security Act 1982 (c. 36) (destroying, damaging or endangering safety of aircraft).	5
18	Section 32(1)(b)(iv) of the Criminal Justice Act 1982 (c. 48) (early release of prisoners).	
19	Section 80(3)(c) of the Police and Criminal Evidence Act 1984 (c. 60) (compellability of accused’s spouse or civil partner).	10
20	Section 141(c) of the Companies Act 1985 (wilful concealment misrepresentation by officer of a company in relation to reduction of its share capital).	
21	Section 49(4) of the Airports Act 1986 (c. 31) (no criminal proceedings to lie in respect of contravention of compliance order).	15
22	Section 30(4) of the Gas Act 1986 (c. 44) (no criminal proceedings to lie in respect of contravention of final or provisional order).	
23	Section 12(6)(a) of the Outer Space Act 1986 (c. 38) (offences).	
24	Section 20(4) of the Public Order Act 1986 (c. 64) (public performance of play).	20
25	In the Road Traffic Offenders Act 1988 (c. 53) – (a) section 28(2) (penalty points to be attributed to an offence); (b) section 34(5) (disqualification for certain offences); (c) section 35(5A) (disqualification for repeated offences).	
26	Paragraph 2(b) of Schedule 1 to the Football Spectators Act 1989 (c. 37) (offences).	25
27	In the Aviation and Maritime Security Act 1990 (c. 31) – (a) section 11(3)(b) (destroying ships or fixed platforms or endangering their safety); (b) section 15(2)(c) (master’s power of delivery).	30
28	Section 53(7) of the Criminal Justice Act 1991 (c. 53) (cases involving children in which notice of transfer may be given).	
29	Section 2(1)(h) of the Sexual Offences (Amendment) Act 1992 (c. 34) (offences to which Act applies).	
30	Section 30A(2) of the Chemical Weapons Act 1996 (c. 6) (Customs and Excise prosecutions).	35
31	Section 14(2)(d) of the Northern Ireland (Sentences) Act 1998 (c. 35) (inadmissibility).	
32	Section 62(2) of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (meaning of “sexual offence” and other references to offences).	40
33	In the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) –	

	(a) section 143(6) (powers to deprive offender of property used etc. for purposes of crime); and	
	(b) section 147(2) (driving disqualification where vehicle used for purposes of crime).	
34	Section 18(12)(i) of the Regulation of Investigatory Powers Act 2000 (c. 23) (exceptions to exclusionary rule in section 17 of that Act).	5
35	Paragraph 3(t)(i) of Schedule 4 to the Criminal Justice and Court Services Act 2000 (c. 43) (meaning of “offence against a child”).	
36	Section 34(1) of the Criminal Justice and Police Act 2001 (c. 16) (meaning of “drug trafficking offence”).	10
37	Section 55(1)(a) of the International Criminal Court Act 2001 (c. 17) (meaning of “ancillary offence”).	
38	Section 53(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (Customs and Excise prosecutions).	
39	In the Proceeds of Crime Act 2002 (c. 29) –	15
	(a) section 340(11)(c) (interpretation of Part 7: money laundering);	
	(b) section 415(2)(b) (money laundering offences for purposes of Part 8: investigations);	
	(c) section 447(9)(c) (interpretation of Part 11: national and international co-operation);	20
	(d) section 451(6)(d) (Customs and Excise prosecutions);	
	(e) paragraph 10(2) of Schedule 2 (lifestyle offences: England and Wales).	
40	Section 142(7)(b) of the Extradition Act 2003 (c. 41) (extradition from category 1 territory to the United Kingdom).	25
41	In the Sexual Offences Act 2003 (c. 42) –	
	(a) section 62(2) (committing an offence with intent to commit a sexual offence);	
	(b) section 73(1) and (3) (exceptions to aiding, abetting and counselling);	
	(c) paragraph 3(b) of Schedule 2 (sexual offences to which section 72 applies);	30
	(d) paragraph 94(b) of Schedule 3 (sexual offences for purposes of Part 2);	
	(e) paragraph 173(b) of Schedule 5 (other offences for purposes of Part 2).	35
42	In the Criminal Justice Act 2003 (c. 44) –	
	(a) paragraph 40 of Schedule 4 (qualifying offences for purposes of section 62);	
	(b) paragraph 51 of Schedule 5 (qualifying offences for purposes of Part 10);	40
	(c) paragraph 64(a) of Schedule 15 (specified violent offences for purposes of Part 10);	
	(d) paragraph 153(a) of Schedule 15 (specified sexual offences for purposes of Chapter 5 of Part 12).	
43	Section 14(1)(d) of the Gangmasters (Licensing) Act 2004 (c. 11) (additional powers of arrest).	45

44 Section 17 of the Terrorism Act 2006 (offences committed abroad).

PART 2

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Mines and Quarries Act 1954 (c. 70)

45 In section 153 of the Mines and Quarries Act 1954 (accessories), for paragraph (a) substitute – 5
“(a) as respects England and Wales, of Part 1 of the Participating in Crime Act 2006;”.

Suicide Act 1961 (c. 60)

- 46 (1) The Suicide Act 1961 is amended as follows. 10
- (2) In section 2 (criminal liability for complicity in another’s suicide), in subsection (1), for “aiding, abetting, counselling or procuring” substitute “encouraging or assisting”.
- (3) In subsection (2) of that section, for “aided, abetted, counselled or procured” substitute “encouraged or assisted”. 15
- (4) In Part 1 of Schedule 1 (amendments limited to England and Wales), in the entry relating to Schedule 1 to the Children and Young Persons Act 1933, in the second column, for “aiding, abetting, counselling or procuring” substitute “encouraging or assisting”.
- (5) In Part 2 of that Schedule (amendments not so limited), in the entry relating to section 7 of the Visiting Forces Act 1952, in the second column, for “to aiding, abetting, counselling or procuring suicide” substitute “, in England and Wales, to encouraging or assisting suicide and, in Northern Ireland, to aiding, abetting, counselling or procuring suicide”. 20

Gas Act 1965 (c. 36) 25

47 In section 21(4) of the Gas Act 1965 (accessories), for the words from “, as respects” to “1980” substitute “of Part 1 of the Participating in Crime Act 2006”.

Slaughterhouses Act 1974 (c. 3)

48 In section 38 of the Slaughterhouses Act 1974 (regulations for securing humane conditions of slaughter), in subsection (6), for “section 44 of the Magistrates’ Courts Act 1980” substitute “Part 1 of the Participating in Crime Act 2006”. 30

Internationally Protected Persons Act 1978 (c. 17)

49 In section 2(3) of the Internationally Protected Persons Act 1978 (section 1 of that Act not to prejudice operation of other rules), for “section 8 of the Accessories and Abettors Act 1861” substitute “Part 1 of the Participating in Crime Act 2006”. 35

Aviation Security Act 1982 (c. 36)

- 50 In section 6 of the Aviation Security Act 1982 (ancillary offences), in subsection (4), for paragraph (a) substitute –
- “(a) in England and Wales, of Part 1 of the Participating in Crime Act 2006; 5
 - (ab) in Northern Ireland, of section 8 of the Accessories and Abettors Act 1861; or”.

Outer Space Act 1986 (c. 38)

- 51 In section 12 of the Outer Space Act 1986 (offences), for subsection (6)(a) substitute – 10
- “(a) aiding, abetting, counselling or procuring the commission of an offence under this Act in the United Kingdom;
 - (ab) an offence of conspiracy or incitement in relation to the commission of an offence under this Act in the United Kingdom; or”.
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Coroners Act 1988 (c. 13)

- 52 (1) The Coroners Act 1988 is amended as follows.
- (2) In section 16 (adjournment of inquest in event of criminal proceedings), in subsection (1)(a)(iii), for “aiding, abetting, counselling or procuring” substitute “encouraging or assisting”. 20
 - (3) In section 17 (provisions supplementary to section 16) in subsections (1)(c) and (2)(c) for “aiding, abetting, counselling or procuring” substitute “encouraging or assisting”.

Aviation and Maritime Security Act 1990 (c. 31)

- 53 In section 14 of the Aviation and Maritime Security Act 1990 (ancillary offences), in subsection (6), for paragraph (a) substitute – 25
- “(a) in England and Wales, of Part 1 of the Participating in Crime Act 2006,
 - (ab) in Northern Ireland, of section 8 of the Accessories and Abettors Act 1861, or”.
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Law Reform (Year and a Day Rule) Act 1996 (c. 19)

- 54 (1) Section 2 of the Law Reform (Year and a Day Rule) Act 1996 (restriction on proceedings for fatal offence) is amended as follows.
- (2) In subsection (3)(b), for “aiding, abetting, counselling or procuring” substitute “encouraging or assisting”. 35
 - (3) In subsection (5), after paragraph (a) insert –
 - “(aa) the reference in subsection (3)(b) to encouraging or assisting a person’s suicide is to aiding, abetting, counselling or procuring a person’s suicide, and”.

International Criminal Court Act 2001 (c. 17)

55 In section 55 of the International Criminal Court Act 2001 (meaning of ancillary offence), omit subsection (2).

Female Genital Mutilation Act 2003 (c. 31)

56 (1) The Female Genital Mutilation Act 2003 is amended as follows. 5

(2) In section 3(1) (offence of assisting a non-UK person to mutilate overseas a girl’s genitalia), for “aids, abets, counsels or procures” substitute “encourages or assists”.

(3) In section 4 (extension of sections 1 to 3 to extraterritorial acts), after subsection (2), add – 10

“(3) In any proceedings in Northern Ireland for an offence under section 3(1) a person shall be taken to have encouraged or assisted another to do a relevant act of female genital mutilation if he aided, abetted, counselled or procured that person to do that act.”

SCHEDULE 3

Section 9(7) 15

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Accessories and Abettors Act 1861 (c. 94)	The whole Act.	
Criminal Law Act 1977 (c. 45)	In Schedule 12, the entry relating to the Accessories and Abettors Act 1861.	20
Magistrates’ Courts Act 1980 (c. 43)	Section 44(1).	
International Criminal Court Act 2001	Section 55(2).	25