



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 3

#### ORGANISED, SERIOUS AND GANG-RELATED CRIME

##### *Organised crime groups*

#### **45 Offence of participating in activities of organised crime group**

- (1) A person who participates in the criminal activities of an organised crime group commits an offence.
- (2) For this purpose, a person participates in the criminal activities of an organised crime group if the person takes part in any activities that the person knows or reasonably suspects—
  - (a) are criminal activities of an organised crime group, or
  - (b) will help an organised crime group to carry on criminal activities.
- (3) “Criminal activities” are activities within subsection (4) or (5) that are carried on with a view to obtaining (directly or indirectly) any gain or benefit.
- (4) Activities are within this subsection if—
  - (a) they are carried on in England or Wales, and
  - (b) they constitute an offence in England and Wales punishable on conviction on indictment with imprisonment for a term of 7 years or more.
- (5) Activities are within this subsection if—
  - (a) they are carried on outside England and Wales,
  - (b) they constitute an offence under the law in force of the country where they are carried on, and
  - (c) they would constitute an offence in England and Wales of the kind mentioned in subsection (4)(b) if the activities were carried on in England and Wales.
- (6) “Organised crime group” means a group that—

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 45. (See end of Document for details)*

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- (a) has as its purpose, or as one of its purposes, the carrying on of criminal activities, and
  - (b) consists of three or more persons who act, or agree to act, together to further that purpose.
- (7) For a person to be guilty of an offence under this section it is not necessary—
- (a) for the person to know any of the persons who are members of the organised crime group,
  - (b) for all of the acts or omissions comprising participation in the group's criminal activities to take place in England and Wales (so long as at least one of them does), or
  - (c) for the gain or benefit referred to in subsection (3) to be financial in nature.
- (8) It is a defence for a person charged with an offence under this section to prove that the person's participation was necessary for a purpose related to the prevention or detection of crime.
- (9) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 5 years.

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**Commencement Information**

**II** [S. 45](#) in force at 3.5.2015 by [S.I. 2015/820](#), [reg. 2\(e\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, Section 45.