



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 1

#### SERIOUS CRIME PREVENTION ORDERS

##### *Appeals*

#### **23 Additional right of appeal from High Court**

- (1) An appeal may be made to the Court of Appeal in relation to a decision of the High Court—
- (a) to make a serious crime prevention order;
  - (b) to vary, or not to vary, such an order; or
  - (c) to discharge or not to discharge such an order;
- by any person who was given an opportunity to make representations in the proceedings concerned by virtue of section 9(1), (2) or (as the case may be) (3).
- (2) Subsection (1) is without prejudice to the rights of other persons to make appeals, by virtue of section 16 of the Senior Courts Act 1981 (c. 54) or section 35 of the Judicature (Northern Ireland) Act 1978 (c. 23), in relation to any judgments or orders of the High Court about serious crime prevention orders.

#### **Commencement Information**

- II** S. 23 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

#### **24 Appeals from Crown Court**

- (1) An appeal against a decision of the Crown Court in relation to a serious crime prevention order may be made to the Court of Appeal by—
- (a) the person who is the subject of the order; or
  - (b) the relevant applicant authority.

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

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- (2) In addition, an appeal may be made to the Court of Appeal in relation to a decision of the Crown Court—
- (a) to make a serious crime prevention order; or
  - (b) to vary, or not to vary, such an order;
- by any person who was given an opportunity to make representations in the proceedings concerned by virtue of section 9(4).
- (3) Subject to subsection (4), an appeal under subsection (1) or (2) lies only with the leave of the Court of Appeal.
- (4) An appeal under subsection (1) or (2) lies without the leave of the Court of Appeal if the judge who made the decision grants a certificate that the decision is fit for appeal under this section.
- (5) Subject to any rules of court made under section 53(1) of the Senior Courts Act 1981 (c. 54) (distribution of business between civil and criminal divisions), the criminal division of the Court of Appeal is the division which is to exercise jurisdiction in relation to an appeal under subsection (1) or (2) from a decision of the Crown Court in the exercise of its jurisdiction in England and Wales under this Part.
- (6) An appeal against a decision of the Court of Appeal on an appeal to that court under subsection (1) or (2) may be made to the Supreme Court by any person who was a party to the proceedings before the Court of Appeal.
- (7) An appeal under subsection (6) lies only with the leave of the Court of Appeal or the Supreme Court.
- (8) Such leave must not be granted unless—
- (a) it is certified by the Court of Appeal that a point of law of general public importance is involved in the decision; and
  - (b) it appears to the Court of Appeal or (as the case may be) the Supreme Court that the point is one which ought to be considered by the Supreme Court.
- (9) The Secretary of State may for the purposes of this section by order make provision corresponding (subject to any specified modifications) to that made by or under an enactment and relating to—
- (a) appeals to the Court of Appeal under Part 1 of—
    - (i) the Criminal Appeal Act 1968 (c. 19); or
    - (ii) the Criminal Appeal (Northern Ireland) Act 1980 (c. 47);
  - (b) appeals from any decision of the Court of Appeal on appeals falling within paragraph (a); or
  - (c) any matter connected with or arising out of appeals falling within paragraph (a) or (b).
- [<sup>F1</sup>(9A) The power to make an order under subsection (9) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).]
- (10) An order under subsection (9) may, in particular, make provision about the payment of costs.

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

- (11) The power to make an appeal to the Court of Appeal under subsection (1)(a) operates instead of any power for the person who is the subject of the order to make an appeal against a decision of the Crown Court in relation to a serious crime prevention order by virtue of—
- (a) section 9 or 10 of the Criminal Appeal Act 1968; or
  - (b) section 8 of the Criminal Appeal (Northern Ireland) Act 1980.
- (12) Section 33(3) of the Criminal Appeal Act 1968 (limitation on appeal from criminal division of the Court of Appeal: England and Wales) does not prevent an appeal to the Supreme Court under subsection (6) above.

#### Textual Amendments

- F1** S. 24(9A) 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. 4\(2\)](#) (with arts. 28-31)

#### Commencement Information

- I2** S. 24(1)-(8) (11) (12) in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(e\)](#) (with [art. 15\(2\)\(3\)](#))
- I3** S. 24(9)(10) in force at 1.3.2008 by [S.I. 2008/219](#), [art. 3\(a\)](#)

### [<sup>F2</sup>24A Additional right of appeal from Court of Session

- (1) An appeal may be made to the Inner House of the Court of Session in relation to a decision of the Outer House of the Court of Session—
- (a) to make a serious crime prevention order;
  - (b) to vary, or not to vary, such an order; or
  - (c) to discharge or not to discharge such an order;
- by any person who was given an opportunity to make representations in the proceedings concerned by virtue of section 9(1), (2) or (as the case may be) (3).
- (2) Subsection (1) is without prejudice to the rights of the person who is the subject of the order and the Lord Advocate to make appeals, under section 28 of the Court of Session Act 1988, in relation to any judgments or orders of the Outer House of the Court of Session about serious crime prevention orders.

#### Textual Amendments

- F2** [S. 24A - S. 24B](#) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 18](#); [S.I. 2016/148](#), reg. 3(f)

### 24B Appeals from High Court of Justiciary and sheriff

- (1) The following are to be taken to be a sentence for the purpose of an appeal—
- (a) a serious crime prevention order made under section 22A;
  - (b) the variation under section 22B or 22C of an order made under section 22A;
  - (c) the discharge of an order made under section 22A.

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

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- (2) If the Lord Advocate considers that a decision of the High Court of Justiciary or the sheriff under section 22A not to make a serious crime prevention order was inappropriate, the Lord Advocate may appeal against the decision.
- (3) In addition, an appeal may be made in relation to a decision of the High Court of Justiciary or the sheriff—
- (a) to make a serious crime prevention order under section 22A; or
  - (b) to vary, or not to vary, such an order under section 22B or 22C;
- by any person who was given an opportunity to make representations in the proceedings concerned by virtue of section 9(4A).]

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**Textual Amendments**

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**Changes to legislation:**

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