



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 1

#### SERIOUS CRIME PREVENTION ORDERS

##### *Duration, variation and discharge of orders*

#### 16 Duration of orders

- (1) A serious crime prevention order must specify when it is to come into force and when it is to cease to be in force.
- (2) An order is not to be in force for more than 5 years beginning with the coming into force of the order.
- (3) An order can specify different times for the coming into force, or ceasing to be in force, of different provisions of the order.
- (4) Where it specifies different times in accordance with subsection (3), the order—
  - (a) must specify when each provision is to come into force and cease to be in force; and
  - (b) is not to be in force for more than 5 years beginning with the coming into force of the first provision of the order to come into force.
- (5) The fact that an order, or any provision of an order, ceases to be in force does not prevent the court from making a new order to the same or similar effect.
- (6) A new order may be made in anticipation of an earlier order or provision ceasing to be in force.

[<sup>F1</sup>(7) Subsections (2) and (4)(b) have effect subject to section 22E.]

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

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#### Textual Amendments

- F1** S. 16(7) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 77](#); [S.I. 2015/820](#), reg. 2(r)(xv)

#### Commencement Information

- I1** S. 16 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

## 17 Variation of orders

- (1) The High Court in England and Wales may, on an application under this section, vary a serious crime prevention order in England and Wales if it has reasonable grounds to believe that the terms of the order as varied would protect the public by preventing, restricting or disrupting involvement, by the person who is the subject of the order, in serious crime in England and Wales.

[<sup>F2</sup>(1A) The appropriate court in Scotland may, on an application under this section, vary a serious crime prevention order in Scotland if it has reasonable grounds to believe that the terms of the order as varied would protect the public by preventing, restricting or disrupting involvement, by the person who is the subject of the order, in serious crime in Scotland.]

- (2) The High Court in Northern Ireland may, on an application under this section, vary a serious crime prevention order in Northern Ireland if it has reasonable grounds to believe that the terms of the order as varied would protect the public by preventing, restricting or disrupting involvement, by the person who is the subject of the order, in serious crime in Northern Ireland.

- (3) An application for the variation of an order under this section may be made by—

- (a) the relevant applicant authority [<sup>F3</sup>(but see subsection (7A))]; or
- (b) subject as follows—
  - (i) the person who is the subject of the order; or
  - (ii) any other person.

- (4) The court must not entertain an application by the person who is the subject of the order unless it considers that there has been a change of circumstances affecting the order.

- (5) The court must not entertain an application by any person falling within subsection (3)

(b)(ii) unless it considers that—

- (a) the person is significantly adversely affected by the order;
- (b) condition A or B is met; and
- (c) the application is not for the purpose of making the order more onerous on the person who is the subject of it.

- (6) Condition A is that—

- (a) the person falling within subsection (3)(b)(ii)—
  - (i) has, on an application under section 9, been given an opportunity to make representations; or
  - (ii) has made an application otherwise than under that section; in earlier proceedings in relation to the order (whether before the High Court [<sup>F4</sup>, the appropriate court] or the Crown Court); and

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(b) there has been a change of circumstances affecting the order.

(7) Condition B is that—

- (a) the person falling within subsection (3)(b)(ii) has not made an application of any kind in earlier proceedings in relation to the order (whether before the High Court [<sup>F5</sup>, the appropriate court] or the Crown Court); and
- (b) it was reasonable in all the circumstances for the person not to have done so.

[<sup>F6</sup>(7A) Where the relevant applicant authority is the chief constable of the Police Service of Scotland, an application for the variation of the order may only be made under this section to the Court of Session (and not to the sheriff).]

(8) A variation on an application under subsection (3)(a) may include an extension of the period during which the order, or any provision of it, is in force (subject to the original limits imposed on the order by section 16(2) and (4)(b)).

#### Textual Amendments

- F2** S. 17(1A) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 14\(2\)](#); [S.I. 2016/148](#), reg. 3(f)
- F3** Words in s. 17(3)(a) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 5\(2\)](#)
- F4** Words in s. 17(6)(a) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 14\(3\)](#); [S.I. 2016/148](#), reg. 3(f)
- F5** Words in s. 17(7)(a) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 14\(3\)](#); [S.I. 2016/148](#), reg. 3(f)
- F6** S. 17(7A) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 5\(3\)](#)

#### Commencement Information

- I2** S. 17 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

## 18 Discharge of orders

(1) On an application under this section—

(a) the High Court in England and Wales may discharge a serious crime prevention order in England and Wales; <sup>F7</sup>...

[<sup>F8</sup>(aa) the appropriate court in Scotland may discharge a serious crime prevention order in Scotland;]

(b) the High Court in Northern Ireland may discharge a serious crime prevention order in Northern Ireland.

(2) An application for the discharge of an order may be made by—

(a) the relevant applicant authority [<sup>F9</sup>(but see subsection (7))]; or

(b) subject as follows—

(i) the person who is the subject of the order; or

(ii) any other person.

(3) The court must not entertain an application by the person who is the subject of the order unless it considers that there has been a change of circumstances affecting the order.

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- (4) The court must not entertain an application by any person falling within subsection (2)(b)(ii) unless it considers that—
- (a) the person is significantly adversely affected by the order; and
  - (b) condition A or B is met.
- (5) Condition A is that—
- (a) the person—
    - (i) has, on an application under section 9, been given an opportunity to make representations; or
    - (ii) has made an application otherwise than under that section; in earlier proceedings in relation to the order (whether before the High Court [<sup>F10</sup>, the appropriate court] or the Crown Court); and
  - (b) there has been a change of circumstances affecting the order.
- (6) Condition B is that—
- (a) the person has not made an application of any kind in earlier proceedings in relation to the order (whether before the High Court [<sup>F11</sup>, the appropriate court] or the Crown Court); and
  - (b) it was reasonable in all the circumstances for the person not to have done so.
- [<sup>F12</sup>(7) Where the relevant applicant authority is the chief constable of the Police Service of Scotland, an application for the discharge of the order may only be made under this section to the Court of Session (and not to the sheriff).]

#### Textual Amendments

- F7** Word in s. 18(1)(a) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 15\(2\)\(a\)](#); [S.I. 2016/148](#), reg. 3(f)
- F8** S. 18(1)(aa) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 15\(2\)\(b\)](#); [S.I. 2016/148](#), reg. 3(f)
- F9** Words in s. 18(2)(a) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 6\(2\)](#)
- F10** Words in s. 18(5)(a) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 15\(3\)](#); [S.I. 2016/148](#), reg. 3(f)
- F11** Words in s. 18(6)(a) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 15\(3\)](#); [S.I. 2016/148](#), reg. 3(f)
- F12** S. 18(7) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 6\(3\)](#)

#### Commencement Information

- I3** S. 18 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, Cross  
Heading: Duration, variation and discharge of orders.