



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

General safeguards in relation to orders

6 Any individual must be 18 or over

An individual under the age of 18 may not be the subject of a serious crime prevention order.

Commencement Information

II S. 6 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

[^{F17} Other exceptions

(1) A person may not be made the subject of a serious crime prevention order in England and Wales if the person falls within a description specified by order of the Secretary of State.

[^{F2}(1A) A person may not be made the subject of a serious crime prevention order in Scotland if the person falls within a description specified by order of the Scottish Ministers.]

(2) A person may not be made the subject of a serious crime prevention order in Northern Ireland if the person falls within a description specified by order of the Department of Justice in Northern Ireland.]

Textual Amendments

F1 S. 7 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 10 para. 3](#) (with arts. 28-31)

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

F2 S. 7(1A) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 8](#); S.I. 2016/148, reg. 3(f)

8 Limited class of applicants for making of orders

[^{F3}(1)] A serious crime prevention order may be made only on an application by—

- (a) in the case of an order in England and Wales—
 - (i) the Director of Public Prosecutions;
 - ^{F4}(ii); ^{F5}...
 - (iii) the Director of the Serious Fraud Office; [^{F6}or
 - (iv) subject to subsection (2), a chief officer of police;]

[^{F7}(aa)] in the case of an order in Scotland [^{F8}—

- (i) the Lord Advocate; or
- (ii) subject to subsection (2), the chief officer of police;]]
- (b) in the case of an order in Northern Ireland [^{F9}—
 - (i) the Director of Public Prosecutions for Northern Ireland; or
 - (ii) subject to subsection (2), the chief officer of police.]

[^{F10}(2)] A chief officer of police may make an application for a serious crime prevention order only if—

- (a) it is an application for an order under section 1 that is terrorism-related (see section 8A);
- (b) the chief officer has consulted—
 - (i) the Director of Public Prosecutions, in the case of an order in England and Wales;
 - (ii) the Lord Advocate, in the case of an order in Scotland; or
 - (iii) the Director for Public Prosecutions for Northern Ireland, in the case of an order in Northern Ireland; and
- (c) in the case of an application by the chief constable of the Police Service of Scotland, it is made to the Court of Session (and not to the sheriff).

(3) In this section “chief officer of police”—

- (a) in relation to England and Wales, means the chief officer of police of a police force in England and Wales;
- (b) in relation to Scotland, means the chief constable of the Police Service of Scotland;
- (c) in relation to Northern Ireland, means the Chief Constable of the Police Service of Northern Ireland.]

Textual Amendments

F3 S. 8 renumbered as s. 8(1) (29.6.2021) by [Counter Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2) (t), [Sch. 12 para. 2\(2\)](#)

F4 S. 8(a)(ii) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 46](#)

F5 Word in s. 8(1)(a) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 2\(3\)\(a\)\(i\)](#)

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

- F6** S. 8(1)(a)(iv) and word inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(t), **Sch. 12 para. 2(3)(a)(ii)**
- F7** S. 8(aa) inserted (1.3.2016) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 1 para. 9(b)**; S.I. 2016/148, reg. 3(f)
- F8** S. 8(1)(aa)(i)(ii) substituted for words (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(t), **Sch. 12 para. 2(3)(b)**
- F9** S. 8(1)(b)(i)(ii) substituted for words (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(t), **Sch. 12 para. 2(3)(c)**
- F10** S. 8(2)(3) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(t), **Sch. 12 para. 2(4)**

Commencement Information

- I2** S. 8 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(d)**

[^{F11}8A Serious crime prevention orders that are terrorism-related

- (1) For the purposes of this Part, a serious crime prevention order is “terrorism-related” if the trigger offence is within subsection (3).
- (2) The “trigger offence”, in relation to a serious crime prevention order, is the serious offence referred to in section 2(1) or (4), 2A(1) or (4) or (as the case may be) 3(1) or (4) pursuant to which the court is satisfied that the person who is the subject of the order has been involved in serious crime.
- (3) A trigger offence is within this subsection if—
- it falls within section 2(2)(a) or (5)(b)(i) by virtue of paragraph 2A of Schedule 1;
 - it falls within section 2A(2)(a) or (5)(b)(i) by virtue of paragraph 16BA of Schedule 1;
 - if falls within section 3(2)(a) or (5)(b)(i) by virtue of paragraph 18A of Schedule 1; or
 - in the case of any other trigger offence (whether or not specified, or within a description specified, in Schedule 1), it appears to the court that the offence—
 - is, or takes place in the course of, an act of terrorism; or
 - is committed for the purposes of terrorism.
- (4) Subsection (5) applies where—
- the court is considering whether a trigger offence is within subsection (3)(d);
 - the court has, for the purposes of this Part, decided that a person has committed the trigger offence (see section 4(1)); and
 - at the time at which the person was sentenced for the trigger offence, the offence was of a kind capable of being determined to have a terrorist connection.
- (5) The court—
- must decide that the trigger offence is within subsection (3)(d) if the offence was determined to have a terrorist connection; and
 - must not otherwise decide that the trigger offence is within subsection (3)(d).
- (6) For the purposes of this section, an offence was determined to have a terrorist connection if—
- it was determined to have a terrorist connection under—

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

- (i) section 69 of the Sentencing Code (in the case of an offender sentenced in England and Wales or for a service offence); or
 - (ii) section 30 or 32 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Northern Ireland, or an offender sentenced in England and Wales, or for a service offence, before the Sentencing Code applied); or
 - (b) it has been proved to have been aggravated by reason of having a terrorist connection under section 31 of that Act (in the case of an offender sentenced in Scotland);
- (and the reference in subsection (4)(c) to an offence being capable of being determined to have such a connection is to be read accordingly).
- (7) In this section “terrorism” has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).]

Textual Amendments

F11 S. 8A inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(t), Sch. 12 para. 3

9 Right of third parties to make representations

- (1) The High Court^[F12] or (in Scotland) the appropriate court] must, on an application by a person, give the person an opportunity to make representations in proceedings before it about the making of a serious crime prevention order if it considers that the making of the order would be likely to have a significant adverse effect on that person.
 - (2) The High Court^[F12] or (in Scotland) the appropriate court] must, on an application by a person, give the person an opportunity to make representations in proceedings before it about the variation of a serious crime prevention order if it considers that—
 - (a) the variation of the order; or
 - (b) a decision not to vary it;
 would be likely to have a significant adverse effect on that person.
 - (3) The High Court^[F12] or (in Scotland) the appropriate court] must, on an application by a person, give the person an opportunity to make representations in proceedings before it about the discharge of a serious crime prevention order if it considers that—
 - (a) the discharge of the order; or
 - (b) a decision not to discharge it;
 would be likely to have a significant adverse effect on that person.
 - (4) The Crown Court must, on an application by a person, give the person an opportunity to make representations in proceedings before it arising by virtue of section 19, 20^[F13], 21 or 22E] if it considers that the making or variation of the serious crime prevention order concerned (or a decision not to vary it) would be likely to have a significant adverse effect on that person.
- ^[F14](4A) The High Court of Justiciary must, on an application by a person, give the person an opportunity to make representations in proceedings before it arising by virtue of section 24B(3) if it considers that the making or variation of the serious crime prevention order concerned (or a decision not to vary it) would be likely to have a significant adverse effect on that person.]

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

- (5) A court which is considering an appeal in relation to a serious crime prevention order must, on an application by a person, give the person an opportunity to make representations in the proceedings if that person was given an opportunity to make representations in the proceedings which are the subject of the appeal.

Textual Amendments

- F12** Words in s. 9(1)-(3) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 10\(2\)](#); [S.I. 2016/148](#), reg. 3(f)
- F13** Words in s. 9(4) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 76](#); [S.I. 2015/820](#), reg. 2(r)(xv)
- F14** S. 9(4A) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 10\(3\)](#); [S.I. 2016/148](#), reg. 3(f)

Commencement Information

- I3** S. 9 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

10 Notice requirements in relation to orders

- (1) The subject of a serious crime prevention order is bound by it or a variation of it only if—
- he is represented (whether in person or otherwise) at the proceedings at which the order or (as the case may be) variation is made; or
 - a notice setting out the terms of the order or (as the case may be) variation has been served on him.
- (2) The notice may be served on him by—
- delivering it to him in person; or
 - sending it by recorded delivery to him at his last-known address (whether residential or otherwise).
- (3) For the purposes of delivering such a notice to him in person, a constable or a person authorised for the purpose by the relevant applicant authority may (if necessary by force)—
- enter any premises where he has reasonable grounds for believing the person to be; and
 - search those premises for him.
- (4) In this Part “the relevant applicant authority” means—
- in relation to a serious crime prevention order in England and Wales—
 - where the order was applied for by the Director of Public Prosecutions, the Director of Public Prosecutions;
 - ^{F15}(ii); ^{F16} ...
 - where the order was applied for by the Director of the Serious Fraud Office, the Director of the Serious Fraud Office; ^{F17} ...
 - ^{F18}(iv) where the order was applied for by the chief officer of police of a police force in England and Wales, the chief officer of police of any such police force;]
 - ^{F19}(aa) in relation to a serious crime prevention order in Scotland [^{F20}—

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

- (i) where the order was applied for by the Lord Advocate, the Lord Advocate;
 - (ii) where the order was applied for by the chief constable of the Police Service of Scotland, the chief constable;]]
- (b) in relation to a serious crime prevention order in Northern Ireland [^{F21}—
- (i) where the order was applied for by the Director of Public Prosecutions for Northern Ireland, the Director;
 - (ii) where the order was applied for by the Chief Constable of the Police Service of Northern Ireland, the Chief Constable.]

Textual Amendments

- F15** S. 10(4)(a)(ii) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 47](#)
- F16** Word in s. 10(4)(a) omitted (29.6.2021) by virtue of [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 4\(2\)\(a\)](#)
- F17** Word in s. 10(4)(a) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 11\(a\)](#); S.I. 2016/148, reg. 3(f)
- F18** S. 10(4)(a)(iv) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 4\(2\)\(b\)](#)
- F19** S. 10(4)(aa) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 11\(b\)](#); S.I. 2016/148, reg. 3(f)
- F20** S. 10(4)(aa)(i)(ii) substituted for words in s. 10(4)(aa) (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 4\(3\)](#)
- F21** S. 10(4)(b)(i)(ii) substituted for words in s. 10(4)(b) (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 4\(4\)](#)

Commencement Information

- I4** S. 10 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: General safeguards in relation to orders.