



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 1

#### SERIOUS CRIME PREVENTION ORDERS

##### *Information safeguards*

#### 11 Restrictions on oral answers

A serious crime prevention order may not require a person to answer questions, or provide information, orally.

##### **Commencement Information**

11 S. 11 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

#### 12 Restrictions for legal professional privilege

- (1) A serious crime prevention order<sup>[F1]</sup> in England and Wales or Northern Ireland] may not require a person—
  - (a) to answer any privileged question;
  - (b) to provide any privileged information; or
  - (c) to produce any privileged document.
- (2) A “privileged question” is a question which the person would be entitled to refuse to answer on grounds of legal professional privilege in proceedings in the High Court.
- (3) “Privileged information” is information which the person would be entitled to refuse to provide on grounds of legal professional privilege in such proceedings.
- (4) A “privileged document” is a document which the person would be entitled to refuse to produce on grounds of legal professional privilege in such proceedings.

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

[<sup>F2</sup>(4A) A serious crime prevention order in Scotland may not require a person to breach any duty of confidentiality of communications which the person could not be required to breach in proceedings before the appropriate court.]

(5) But [<sup>F3</sup>subsections (1) and (4A) do not] prevent an order from requiring a lawyer to provide the name and address of a client of his.

#### Textual Amendments

- F1** Words in s. 12(1) inserted (1.3.2016) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 1 para. 12(2)**; S.I. 2016/148, reg. 3(f)
- F2** S. 12(4A) inserted (1.3.2016) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 1 para. 12(3)**; S.I. 2016/148, reg. 3(f)
- F3** Words in s. 12(5) substituted (1.3.2016) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 1 para. 12(4)**; S.I. 2016/148, reg. 3(f)

#### Commencement Information

- I2** S. 12 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(d)**

### 13 Restrictions on excluded material and banking information

- (1) A serious crime prevention order may not require a person to produce—
- (a) in the case of an order in England and Wales, any excluded material as defined by section 11 of the Police and Criminal Evidence Act 1984 (c. 60), <sup>F4</sup>...
  - [<sup>F5</sup>(aa) in the case of an order in Scotland, any excluded material (as defined by that section (except that “enactment” in subsection (2)(b) of that section is to be taken to include an Act of the Scottish Parliament or an instrument made under such an Act));]
  - (b) in the case of an order in Northern Ireland, any excluded material as defined by Article 13 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)).
- (2) A serious crime prevention order may not require a person to disclose any information or produce any document in respect of which he owes an obligation of confidence by virtue of carrying on a banking business unless condition A or B is met.
- (3) Condition A is that the person to whom the obligation of confidence is owed consents to the disclosure or production.
- (4) Condition B is that the order contains a requirement—
- (a) to disclose information, or produce documents, of this kind; or
  - (b) to disclose specified information which is of this kind or to produce specified documents which are of this kind.

#### Textual Amendments

- F4** Word in s. 13(1)(a) omitted (1.3.2016) by virtue of Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 1 para. 13(a)**; S.I. 2016/148, reg. 3(f)
- F5** S. 13(1)(aa) inserted (1.3.2016) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 1 para. 13(b)**; S.I. 2016/148, reg. 3(f)

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

#### Commencement Information

**I3** S. 13 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

### 14 Restrictions relating to other enactments

- (1) A serious crime prevention order may not require a person—
- (a) to answer any question;
  - (b) to provide any information; or
  - (c) to produce any document;
- if the disclosure concerned is prohibited under any other enactment.

- (2) In this section—

“enactment” includes an Act of the Scottish Parliament, Northern Ireland legislation and an enactment comprised in subordinate legislation, and includes an enactment whenever passed or made; and

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) and also includes an instrument made under—

- (a) an Act of the Scottish Parliament; or
- (b) Northern Ireland legislation.

#### Commencement Information

**I4** S. 14 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

### 15 Restrictions on use of information obtained

- (1) A statement made by a person in response to a requirement imposed by a serious crime prevention order may not be used in evidence against him in any criminal proceedings unless condition A or B is met.

- (2) Condition A is that the criminal proceedings relate to an offence under section 25.

- (3) Condition B is that—

- (a) the criminal proceedings relate to another offence;
- (b) the person who made the statement gives evidence in the criminal proceedings;
- (c) in the course of that evidence, the person makes a statement which is inconsistent with the statement made in response to the requirement imposed by the order; and
- (d) in the criminal proceedings evidence relating to the statement made in response to the requirement imposed by the order is adduced, or a question about it is asked, by the person or on his behalf.

#### Commencement Information

**I5** S. 15 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: Information safeguards.