



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 1

#### SERIOUS CRIME PREVENTION ORDERS

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

#### **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>F1</sup>...
  - <sup>F2</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>F3</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.
- (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—

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 18. (See end of Document for details)*

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- (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
  - (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>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>(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

- F1** 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)
- F2** 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)
- F3** 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\(2\)](#)
- F4** 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)
- F5** 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)
- F6** 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

- I1** 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, Section 18.