



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Appeals

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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 24. (See end of Document for details)

- (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).
- [^{F1}(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.
- (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

- I1** 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))
- I2** S. 24(9)(10) in force at 1.3.2008 by [S.I. 2008/219](#), **art. 3(a)**

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 24.