



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Enforcement

27 Powers to wind up companies etc: England and Wales ^{F1}...

- (1) The Director of Public Prosecutions ^{F2}... or the Director of the Serious Fraud Office may present a petition to the court for the winding up of a company, partnership or relevant body if—
- (a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order; and
 - (b) the Director concerned considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.

- [^{F3}(1A) The chief officer of police of a police force in England and Wales may present a petition to the court for the winding up of a company, partnership or relevant body if—
- (a) the company, partnership or relevant body has been convicted of an offence under section 25 in relation to a police-initiated serious crime prevention order; and
 - (b) the chief officer of police concerned considers that it would be in the public interest for the company, partnership or (as the case may be) relevant body to be wound up.]

- (2) The Insolvency Act 1986 (c. 45) applies in relation to—
- (a) a petition under this section for the winding up of a company; and
 - (b) the company's winding up;

as it applies in relation to a petition under section 124A of the Act of 1986 for the winding up of a company and the company's winding up (winding up on grounds of public interest) but subject to the modifications in subsections (3) and (4).

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- (3) Section 124(4)(b) of the Act of 1986 (application for winding up) applies in relation to a petition under this section as if it permits the petition to be presented by the Director of Public Prosecutions ^{F4} ... [^{F5}, the Director of the Serious Fraud Office or the chief officer of police of a police force in England and Wales].
- (4) The court may make an order under section 125 of the Act of 1986 (powers of court on hearing of petition) to wind up the company only if—
- (a) the company has been convicted of an offence under section 25 in relation to a serious crime prevention order; and
 - (b) the court considers that it is just and equitable for the company to be wound up.
- (5) Section 420 of the Act of 1986 (power to make provision about insolvent partnerships) applies for the purposes of this section as if the reference to an insolvent partnership were a reference to a partnership to which this section applies.
- (6) The appropriate Minister may by order provide for the Act of 1986 to apply, with such modifications as that person considers appropriate, in relation to a petition under this section for the winding up of a relevant body and the relevant body's winding up.
- (7) An order made by virtue of subsection (5) or (6) must ensure that the court may make an order to wind up the partnership or relevant body only if—
- (a) the partnership or relevant body has been convicted of an offence under section 25 in relation to a serious crime prevention order; and
 - (b) the court considers that it is just and equitable for the partnership or relevant body to be wound up.
- (8) No petition may be presented to, or order to wind up made by, a court in Scotland by virtue of this section in respect of a company, partnership or relevant body whose estate may be sequestrated under the Bankruptcy (Scotland) Act [^{F6}2016].
- (9) No petition may be presented, or order to wind up made, by virtue of this section if—
- (a) an appeal against conviction for the offence concerned has been made and not finally determined; or
 - (b) the period during which such an appeal may be made has not expired.
- (10) No petition may be presented, or order to wind up made, by virtue of this section if the company, partnership or relevant body is already being wound up by the court.
- (11) In deciding for the purposes of subsection (9) whether an appeal is finally determined or whether the period during which an appeal may be made has expired, any power to appeal out of time is to be ignored.
- (12) In this section—
- “appropriate Minister” means—
- (a) in relation to a relevant body falling within paragraphs (a) to (c) of the definition of “relevant body” below, the Treasury; and
 - (b) in relation to any other relevant body, the Secretary of State;
- [^{F7}“company” means—
- (a) a company registered under the Companies Act 2006 in England and Wales ^{F8} ..., or
 - (b) an unregistered company within the meaning of Part 5 of the Insolvency Act 1986 (see section 220 of that Act),

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- but does not include a relevant body;]
- ^{F9}“the court”, in relation to a company, means a court in England and Wales
- ^{F10}... having jurisdiction to wind up the company;]
- ^{F11}...
- “partnership” does not include a relevant body;
- ^{F12}“police-initiated serious crime prevention order” means a serious crime prevention order that was made on the application of the chief officer of police of a police force in England and Wales;] and
- “relevant body” means—
- (a) a building society (within the meaning of the Building Societies Act 1986 (c. 53));
 - (b) an incorporated friendly society (within the meaning of the Friendly Societies Act 1992 (c. 40));
 - (c) ^{F13}a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014;]
 - (d) a limited liability partnership; or
 - (e) such other description of person as may be specified by order made by the Secretary of State;

and the references to sections 124 to 125 of the Insolvency Act 1986 (c. 45) include references to those sections as applied by section 221(1) of that Act (unregistered companies).

Textual Amendments

- F1** Words in s. 27 heading omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 19\(2\)](#); [S.I. 2016/148](#), reg. 3(f)
- F2** Words in s. 27(1) 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. 48](#)
- F3** S. 27(1A) inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 7\(2\)](#)
- F4** Words in s. 27(3) 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. 48](#)
- F5** Words in s. 27(3) substituted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(t), [Sch. 12 para. 7\(3\)](#)
- F6** Word in s. 27(8) substituted (30.11.2016) by [The Bankruptcy \(Scotland\) Act 2016 \(Consequential Provisions and Modifications\) Order 2016 \(S.I. 2016/1034\)](#), art. 1, [Sch. 1 para. 31](#)
- F7** Words in s. 27(12) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 265\(2\)\(a\)](#) (with art. 10)
- F8** Words in s. 27(12) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 19\(3\)\(a\)](#); [S.I. 2016/148](#), reg. 3(f)
- F9** Words in s. 27(12) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 265\(2\)\(b\)](#) (with art. 10)
- F10** Words in s. 27(12) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 19\(3\)\(b\)](#); [S.I. 2016/148](#), reg. 3(f)
- F11** Words in s. 27(12) omitted (1.8.2014) by virtue of [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 116\(2\)](#) (with Sch. 5)

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- F12** Words in s. 27(12) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2)(t), **Sch. 12 para. 7(4)**
- F13** Words in s. 27(12) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 116(3)** (with Sch. 5)

Commencement Information

- I1** S. 27 in force at 6.4.2008 by S.I. 2008/755, **art. 15(1)(f)**

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