



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Particular types of persons

31 Other partnerships

- (1) A serious crime prevention order against a partnership must be made in the name of the partnership (and not in that of any of the partners).
- (2) An order made in the name of the partnership continues to have effect despite a change of partners provided that at least one of the persons who was a partner before the change remains a partner after it.
- (3) For the purposes of this Part, a partnership is involved in serious crime in England and Wales^[F1], Scotland,^[F1] Northern Ireland or elsewhere if the partnership, or any of the partners, is so involved; and involvement in serious crime in England and Wales^[F1], Scotland,^[F1] or Northern Ireland is to be read accordingly.
- (4) For the purposes of section 10 in its application to a serious crime prevention order against a partnership or to the variation of such an order—
 - (a) a notice setting out the terms of the order or variation—
 - (i) is delivered to the partnership in person if it is delivered to any of the partners in person or to a senior officer of the partnership in person; and
 - (ii) is sent by recorded delivery to the partnership at its last-known address if it is so sent to any of the partners or to a senior officer of the partnership at the address of the principal office of the partnership in the United Kingdom; and
 - (b) the power conferred by subsection (3) of that section is a power to enter any premises where the person exercising the power has reasonable grounds for

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believing a partner or senior officer of the partnership to be and to search those premises for the partner or senior officer.

- (5) Proceedings for an offence under section 25 alleged to have been committed by a partnership must be brought in the name of the partnership (and not in that of any of the partners).
- (6) For the purposes of such proceedings—
- (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate; and
 - (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43);
 - ^{F2}(ii)
 - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26)).
- (7) A fine imposed on the partnership on its conviction for an offence under section 25 is to be paid out of the partnership assets.
- (8) If an offence under section 25 committed by a partnership is proved to have been committed with the consent or connivance of a partner or a senior officer of the partnership, he (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9) For the purposes of subsection (8)—
- (a) references to a partner or to a senior officer of a partnership include references to any person purporting to act in such a capacity; and
 - (b) subsection (5) is not to be read as prejudicing any liability of a partner under subsection (8).
- (10) Nothing in this section prevents a serious crime prevention order from being made against—
- (a) a particular partner; or
 - (b) a senior officer or employee of a partnership or any other person associated with a partnership.
- (11) In this section—
- “senior officer of a partnership” means any person who has the control or management of the business carried on by the partnership at the principal place where it is carried on; and
- “partnership” does not include a limited liability partnership.

Textual Amendments

- F1** Word in s. 31(3) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 22\(2\)](#); [S.I. 2016/148](#), reg. 3(f)
- F2** [S. 31\(6\)\(b\)\(ii\)](#) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 22\(3\)](#); [S.I. 2016/148](#), reg. 3(f)

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 31. (See end of Document for details)

Commencement Information

II S. 31 in force at 6.4.2008 by [S.I. 2008/755](#), **art. 15(1)(f)**

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