



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Supplementary

39 Compliance with orders: authorised monitors

- (1) A serious crime prevention order against a body corporate, partnership or unincorporated association may authorise a law enforcement agency to enter into arrangements with—
 - (a) a specified person; or
 - (b) any person who falls within a specified description of persons;to perform specified monitoring services or monitoring services of a specified description.
- (2) A person with whom the agency has entered into arrangements in accordance with such an authorisation is known for the purposes of this section as an authorised monitor.
- (3) A serious crime prevention order which provides for an authorised monitor may, for the purpose of enabling the performance of monitoring services, impose requirements of the type mentioned in section 5(5) as if the references in paragraph (a)(iv) and (b)(iv) of that provision to a law enforcement officer included references to an authorised monitor.
- (4) A serious crime prevention order which provides for an authorised monitor may require any body corporate, partnership or unincorporated association which is the subject of the order to pay to the law enforcement agency concerned some or all of the costs incurred by the agency under the arrangements with the authorised monitor.
- (5) Any such order—
 - (a) must specify the period, or periods, within which payments are to be made;

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- (b) may require the making of payments on account;
 - (c) may include other terms about the calculation or payment of costs.
- (6) The tests for making or varying a serious crime prevention order in sections 1(1)(b), (2)(b) and (3), 17(1) and (2), 19(2), (4) and (5), 20(2) and (4) and 21(2) and (4) do not operate in relation to an order so far as the order contains terms of the kind envisaged by subsections (4) and (5) above (or by subsection (1) above for the purposes of those subsections).
- (7) But a court must not include in a serious crime prevention order (whether initially or on a variation) terms of the kind envisaged by subsection (4) or (5) unless it considers that it is appropriate to do so having regard to all the circumstances including, in particular—
- (a) the means of the body corporate, partnership or unincorporated association concerned;
 - (b) the expected size of the costs; and
 - (c) the effect of the terms on the ability of any body corporate, partnership or unincorporated association which is carrying on business to continue to do so.
- (8) A law enforcement agency must inform the subject of a serious crime prevention order which provides for an authorised monitor of the name of, and an address for, any person with whom the agency has entered into arrangements in accordance with the authorisation in the order.
- (9) Nothing in this section affects the ability of law enforcement agencies to enter into arrangements otherwise than in accordance with an authorisation under this section.
- (10) In this section—
- “law enforcement agency” means—
- (za) [^{F1}the chief constable of a police force maintained under section 2 of the Police Act 1996;
 - (zb) the Commissioner of Police of the Metropolis;
 - (zc) the Common Council of the City of London in its capacity as police authority;]
 - (zd) [^{F2}the chief constable of the Police Service of Scotland;]
 - (a) [^{F3}... the Northern Ireland Policing Board;
 - (b) [^{F4}the National Crime Agency;]
 - (c) the Commissioners for Her Majesty's Revenue and Customs; or
 - (d) the Director of the Serious Fraud Office;
- “monitoring services” means—
- (a) analysing some or all information received in accordance with a serious crime prevention order;
 - (b) reporting to a law enforcement officer as to whether, on the basis of the information and any other information analysed for this purpose, the subject of the order appears to be complying with the order or any part of it; and
 - (c) any related services; and
- “specified”, in relation to a serious crime prevention order, means specified in the order.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 39. (See end of Document for details)

Textual Amendments

- F1** S. 39(10)(za)-(zc) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 370\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 79)
- F2** Words in s. 39(10) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 26](#); S.I. 2016/148, reg. 3(f)
- F3** Words in s. 39(10)(a) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 370\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 79)
- F4** Words in s. 39(10) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 178](#); S.I. 2013/1682, art. 3(v)

Commencement Information

- I1** S. 39 in force at 6.4.2008 by S.I. 2008/755, [art. 15\(1\)\(i\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 39.