



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 3

#### ORGANISED, SERIOUS AND GANG-RELATED CRIME

##### *Serious crime prevention orders*

#### **49 Extension of order where person charged**

After section 22D of the Serious Crime Act 2007 (inserted by paragraph 17 of Schedule 1) insert—

##### *“Powers to extend orders where person charged*

#### **22E Extension of orders pending outcome of criminal proceedings**

- (1) This section applies where a person subject to a serious crime prevention order is charged with—
  - (a) a serious offence, or
  - (b) an offence under section 25 of failing to comply with the serious crime prevention order.
- (2) The relevant applicant authority may make an application under this section to—
  - (a) the Crown Court in England and Wales, in the case of a serious crime prevention order in England and Wales;
  - (b) the High Court of Justiciary or the sheriff, in the case of a serious crime prevention order in Scotland;
  - (c) the Crown Court in Northern Ireland, in the case of a serious crime prevention order in Northern Ireland.
- (3) On an application under this section, the court or sheriff may vary the serious crime prevention order so that it continues in effect until one of the events

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*Status: This is the original version (as it was originally enacted).*

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listed in subsection (4) occurs (if the order would otherwise cease to have effect before then).

- (4) The events are—
- (a) following the person’s conviction of the offence mentioned in subsection (1)—
    - (i) the order is varied under section 20 or 21, or under section 22B or 22C, by reference to the offence,
    - (ii) a new serious crime prevention order is made under section 19 or 21, or under section 22A or 22C, by reference to the offence, or
    - (iii) the court or sheriff deals with the person for the offence without varying the order or making a new one;
  - (b) the person is acquitted of the offence;
  - (c) the charge is withdrawn;
  - (d) in the case of a serious crime prevention order in England and Wales or Northern Ireland—
    - (i) proceedings in respect of the charge are discontinued, or
    - (ii) an order is made for the charge to lie on the file;
  - (e) in the case of a serious crime prevention order in Scotland—
    - (i) proceedings against the person are deserted *simpliciter*,
    - (ii) proceedings against the person are deserted *pro loco et tempore* and no trial diet is appointed,
    - (iii) the indictment or complaint relating to the person falls or for any other reason does not proceed to trial, or
    - (iv) the diet not having been continued, adjourned or postponed, no further proceedings are in contemplation in relation to the person.
- (5) An order may be made under this section only if—
- (a) the serious crime prevention order is still in force, and
  - (b) the court or sheriff has reasonable grounds for believing that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime.
- (6) In subsection (5)(b) “serious crime” means—
- (a) serious crime in England and Wales, in the case of a serious crime prevention order in England and Wales;
  - (b) serious crime in Scotland, in the case of a serious crime prevention order in Scotland;
  - (c) serious crime in Northern Ireland, in the case of a serious crime prevention order in Northern Ireland.”