



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 1

#### SERIOUS CRIME PREVENTION ORDERS

##### *General*

### **1 Serious crime prevention orders**

- (1) The High Court in England and Wales may make an order if—
  - (a) it is satisfied that a person has been involved in serious crime (whether in England and Wales or elsewhere); and
  - (b) it has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales.
- (2) The High Court in Northern Ireland may make an order if—
  - (a) it is satisfied that a person has been involved in serious crime (whether in Northern Ireland or elsewhere); and
  - (b) it has reasonable grounds to believe that the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in Northern Ireland.
- (3) An order under this section may contain—
  - (a) such prohibitions, restrictions or requirements; and
  - (b) such other terms;as the court considers appropriate for the purpose of protecting the public by preventing, restricting or disrupting involvement by the person concerned in serious crime in England and Wales or (as the case may be) Northern Ireland.
- (4) The powers of the court in respect of an order under this section are subject to sections 6 to 15 (safeguards).
- (5) In this Part “serious crime prevention order” means—

*Status: Point in time view as at 03/05/2015.*

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

- (a) an order under this section; or
  - (b) an order under section 19 (corresponding order of the Crown Court on conviction).
- (6) For the purposes of this Part references to the person who is the subject of a serious crime prevention order are references to the person against whom the public are to be protected.

#### **Commencement Information**

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

## **2 Involvement in serious crime: England and Wales orders**

- (1) For the purposes of this Part, a person has been involved in serious crime in England and Wales if he—
- (a) has committed a serious offence in England and Wales;
  - (b) has facilitated the commission by another person of a serious offence in England and Wales; or
  - (c) has conducted himself in a way that was likely to facilitate the commission by himself or another person of a serious offence in England and Wales (whether or not such an offence was committed).
- (2) In this Part “a serious offence in England and Wales” means an offence under the law of England and Wales which, at the time when the court is considering the application or matter in question—
- (a) is specified, or falls within a description specified, in Part 1 of Schedule 1; or
  - (b) is one which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it were so specified.
- (3) For the purposes of this Part, involvement in serious crime in England and Wales is any one or more of the following—
- (a) the commission of a serious offence in England and Wales;
  - (b) conduct which facilitates the commission by another person of a serious offence in England and Wales;
  - (c) conduct which is likely to facilitate the commission, by the person whose conduct it is or another person, of a serious offence in England and Wales (whether or not such an offence is committed).
- (4) For the purposes of section 1(1)(a), a person has been involved in serious crime elsewhere than in England and Wales if he—
- (a) has committed a serious offence in a country outside England and Wales;
  - (b) has facilitated the commission by another person of a serious offence in a country outside England and Wales; or
  - (c) has conducted himself in a way that was likely to facilitate the commission by himself or another person of a serious offence in a country outside England and Wales (whether or not such an offence was committed).

*Status: Point in time view as at 03/05/2015.*

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- (5) In subsection (4) “a serious offence in a country outside England and Wales” means an offence under the law of a country outside England and Wales which, at the time when the court is considering the application or matter in question—
- (a) would be an offence under the law of England and Wales if committed in or as regards England and Wales; and
  - (b) either—
    - (i) would be an offence which is specified, or falls within a description specified, in Part 1 of Schedule 1 if committed in or as regards England and Wales; or
    - (ii) is conduct which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it meets the test in sub-paragraph (i).
- (6) The test in subsection (4) is to be used instead of the test in section 3(1) in deciding for the purposes of section 1(1)(a) whether a person has been involved in serious crime in Northern Ireland.
- (7) An act punishable under the law of a country outside the United Kingdom constitutes an offence under that law for the purposes of subsection (5), however it is described in that law.

#### **Commencement Information**

**I2** S. 2 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(b\)](#)

### **3 Involvement in serious crime: Northern Ireland orders**

- (1) For the purposes of this Part, a person has been involved in serious crime in Northern Ireland if he—
- (a) has committed a serious offence in Northern Ireland;
  - (b) has facilitated the commission by another person of a serious offence in Northern Ireland; or
  - (c) has conducted himself in a way that was likely to facilitate the commission by himself or another person of a serious offence in Northern Ireland (whether or not such an offence was committed).
- (2) In this Part “a serious offence in Northern Ireland” means an offence under the law of Northern Ireland which, at the time when the court is considering the application or matter in question—
- (a) is specified, or falls within a description specified, in Part 2 of Schedule 1; or
  - (b) is one which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it were so specified.
- (3) For the purposes of this Part, involvement in serious crime in Northern Ireland is any one or more of the following—
- (a) the commission of a serious offence in Northern Ireland;
  - (b) conduct which facilitates the commission by another person of a serious offence in Northern Ireland;

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- (c) conduct which is likely to facilitate the commission, by the person whose conduct it is or another person, of a serious offence in Northern Ireland (whether or not such an offence is committed).
- (4) For the purposes of section 1(2)(a), a person has been involved in serious crime elsewhere than in Northern Ireland if he—
- (a) has committed a serious offence in a country outside Northern Ireland;
  - (b) has facilitated the commission by another person of a serious offence in a country outside Northern Ireland; or
  - (c) has conducted himself in a way that was likely to facilitate the commission by himself or another person of a serious offence in a country outside Northern Ireland (whether or not such an offence was committed).
- (5) In subsection (4) “a serious offence in a country outside Northern Ireland” means an offence under the law of a country outside Northern Ireland which, at the time when the court is considering the application or matter in question—
- (a) would be an offence under the law of Northern Ireland if committed in or as regards Northern Ireland; and
  - (b) either—
    - (i) would be an offence which is specified, or falls within a description specified, in Part 2 of Schedule 1 if committed in or as regards Northern Ireland; or
    - (ii) is conduct which, in the particular circumstances of the case, the court considers to be sufficiently serious to be treated for the purposes of the application or matter as if it meets the test in sub-paragraph (i).
- (6) The test in subsection (4) is to be used instead of the test in section 2(1) in deciding for the purposes of section 1(2)(a) whether a person has been involved in serious crime in England and Wales.
- (7) An act punishable under the law of a country outside the United Kingdom constitutes an offence under that law for the purposes of subsection (5), however it is described in that law.

**Commencement Information**

**I3** S. 3 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(c\)](#)

**4 Involvement in serious crime: supplementary**

- (1) In considering for the purposes of this Part whether a person has committed a serious offence—
- (a) the court must decide that the person has committed the offence if—
    - (i) he has been convicted of the offence; and
    - (ii) the conviction has not been quashed on appeal nor has the person been pardoned of the offence; but
  - (b) the court must not otherwise decide that the person has committed the offence.
- (2) In deciding for the purposes of this Part whether a person (“the respondent”) facilitates the commission by another person of a serious offence, the court must ignore—

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- (a) any act that the respondent can show to be reasonable in the circumstances; and
  - (b) subject to this, his intentions, or any other aspect of his mental state, at the time.
- (3) In deciding for the purposes of this Part whether a person (“the respondent”) conducts himself in a way that is likely to facilitate the commission by himself or another person of a serious offence (whether or not such an offence is committed), the court must ignore—
- (a) any act that the respondent can show to be reasonable in the circumstances; and
  - (b) subject to this, his intentions, or any other aspect of his mental state, at the time.
- (4) The Secretary of State may by order amend [<sup>F1</sup>Part 1 of] Schedule 1.
- [<sup>F2</sup>(5) The Department of Justice in Northern Ireland may by order amend Part 2 of Schedule 1.]

#### Textual Amendments

- F1** Words in s. 4(4) 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. 2(2)** (with arts. 28-31)
- F2** S. 4(5) 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. 2(3)** (with arts. 28-31)

#### Commencement Information

- I4** S. 4 in force at 6.4.2008 by [S.I. 2008/755](#), **art. 15(1)(d)**

## 5 Type of provision that may be made by orders

- (1) This section contains examples of the type of provision that may be made by a serious crime prevention order but it does not limit the type of provision that may be made by such an order.
- (2) Examples of prohibitions, restrictions or requirements that may be imposed by serious crime prevention orders in England and Wales or Northern Ireland include prohibitions, restrictions or requirements in relation to places other than England and Wales or (as the case may be) Northern Ireland.
- (3) Examples of prohibitions, restrictions or requirements that may be imposed on individuals (including partners in a partnership) by serious crime prevention orders include prohibitions or restrictions on, or requirements in relation to—
- (a) an individual's financial, property or business dealings or holdings;
  - (b) an individual's working arrangements;
  - (c) the means by which an individual communicates or associates with others, or the persons with whom he communicates or associates;
  - (d) the premises to which an individual has access;
  - (e) the use of any premises or item by an individual;
  - (f) an individual's travel (whether within the United Kingdom, between the United Kingdom and other places or otherwise).

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- (4) Examples of prohibitions, restrictions or requirements that may be imposed on bodies corporate, partnerships and unincorporated associations by serious crime prevention orders include prohibitions or restrictions on, or requirements in relation to—
- (a) financial, property or business dealings or holdings of such persons;
  - (b) the types of agreements to which such persons may be a party;
  - (c) the provision of goods or services by such persons;
  - (d) the premises to which such persons have access;
  - (e) the use of any premises or item by such persons;
  - (f) the employment of staff by such persons.
- (5) Examples of requirements that may be imposed on any persons by serious crime prevention orders include—
- (a) a requirement on a person to answer questions, or provide information, specified or described in an order—
    - (i) at a time, within a period or at a frequency;
    - (ii) at a place;
    - (iii) in a form and manner; and
    - (iv) to a law enforcement officer or description of law enforcement officer;
 notified to the person by a law enforcement officer specified or described in the order;
  - (b) a requirement on a person to produce documents specified or described in an order—
    - (i) at a time, within a period or at a frequency;
    - (ii) at a place;
    - (iii) in a manner; and
    - (iv) to a law enforcement officer or description of law enforcement officer;
 notified to the person by a law enforcement officer specified or described in the order.
- (6) The prohibitions, restrictions or requirements that may be imposed on individuals by serious crime prevention orders include prohibitions, restrictions or requirements in relation to an individual's private dwelling (including, for example, prohibitions or restrictions on, or requirements in relation to, where an individual may reside).
- (7) In this Part—
- “document” means anything in which information of any description is recorded (whether or not in legible form);
- “a law enforcement officer” means—
- (a) a constable;
  - (b) [<sup>F3</sup>a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013;]
  - (c) an officer of Revenue and Customs; or
  - (d) a member of the Serious Fraud Office; and
- “premises” includes any land, vehicle, vessel, aircraft or hovercraft.

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- (8) Any reference in this Part to the production of documents is, in the case of a document which contains information recorded otherwise than in legible form, a reference to the production of a copy of the information in legible form.

#### Textual Amendments

- F3** Words in s. 5(7) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 177](#); [S.I. 2013/1682](#), art. 3(v)

#### Commencement Information

- I5** S. 5 in force at 6.4.2008 by [S.I. 2008/755](#), art. 15(1)(d)

### [<sup>F4</sup>5A Verification and disclosure of information

- (1) This section applies where information is provided to a law enforcement officer in response to an information requirement imposed by a serious crime prevention order.
- “Information requirement” means a requirement of the kind referred to in section 5(5)(a) or (b).
- (2) The law enforcement officer may, for the purpose of—
- checking the accuracy of the information, or
  - discovering the true position,
- disclose the information to any person who the officer reasonably believes may be able to contribute to doing either of those things.
- (3) Any other person may disclose information to—
- the law enforcement officer, or
  - a person to whom the law enforcement officer has disclosed information under subsection (2),
- for the purpose of contributing to doing either of the things mentioned in subsection (2)(a) and (b).
- (4) The law enforcement officer may also disclose the information referred to in subsection (1) for the purposes of—
- the prevention, detection, investigation or prosecution of criminal offences, whether in the United Kingdom or elsewhere, or
  - the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.
- (5) A disclosure under this section does not breach—
- any obligation of confidence owed by the person making the disclosure, or
  - any other restriction on the disclosure of information (however imposed).
- (6) But nothing in this section authorises a disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions.]

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#### **Textual Amendments**

**F4** S. 5A inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 50(2)**, 88(1); S.I. 2015/820, reg. 2(i)



**Status:**

Point in time view as at 03/05/2015.

**Changes to legislation:**

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Heading: General.