

# **SERIOUS CRIME ACT 2007**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1: Serious Crime Prevention Orders**

##### **General**

##### **Particular types of bodies**

##### ***Section 31: Other partnerships***

97. This section makes provision for the operation of orders against partnerships other than limited liability partnerships, which are covered by section 30. *Subsection (1)* makes clear that an order sought against a partnership must be made in the name of the partnership and not in the name of any of the constituent partners. *Subsection (2)* provides that an order continues to have effect if the partners change unless all the partners who were partners at the time the order was made leave the partnership. If all the partners at the time the order was made leave the order will cease to have effect.
98. *Subsection (3)* provides a gloss for the meaning of ‘involved in serious crime’ and ‘involvement in serious crime’ when a court is considering an order in relation to a partnership. A partnership is involved in serious crime or an order will prevent its involvement in serious crime if any of the partners is so involved.
99. *Subsection (4)* makes provision for service on a partnership for the purposes of section 10 of the Act. Service in person will be effected by service on any partner or senior officer of the partnership in person. Service by recorded delivery will be effected by sending a notice to any partner or any senior officer of the partnership at the principal office of the partnership in the United Kingdom. The power to enter and search in section 10(3) is to be construed as a power to enter and search for a partner or a senior officer of the partnership.
100. *Subsection (5)* provides that any proceedings for breach of an order under section 25 should be brought in the name of the partnership. *Subsection (6)* provides that the rules of court relating to the service of documents and certain legislative provisions listed apply as if the partnership were a body corporate. Where a partnership is convicted in such proceedings, *subsection (7)* states that the fine is to be paid out of the partnership’s assets.
101. *Subsection (8)* makes similar provision to section 30(2). Where an offence under section 25 is committed with the consent or connivance of a partner or senior officer of the partnership, that person is also guilty of the offence. For the purposes of this subsection, *subsection (9)* makes it clear, firstly, that any references to a partner or senior officer of the partnership include references to any person purporting to act in such a capacity. Secondly, while *subsection (5)* makes clear that any proceedings brought under section 25 must be brought in the name of the partnership, this does not prejudice the liability of a partner under *subsection (8)* in relation to an offence committed with his consent or connivance.

*These notes refer to the Serious Crime Act 2007 (c.27)  
which received Royal Assent on 30th October 2007*

102. *Subsection (10)* makes similar provision to section 30(3), making clear that nothing in this section prevents an order being made against an individual who is involved or associated in any way with the partnership.
103. *Subsection (11)* defines the terms “senior officer of a partnership” and “partnership”.