



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Particular types of persons

32 Unincorporated associations

- (1) A serious crime prevention order against an unincorporated association must be made in the name of the association (and not in that of any of its members).
- (2) An order made in the name of the association continues to have effect despite a change in the membership of the association provided that at least one of the persons who was a member of the association before the change remains a member after it.
- (3) For the purposes of section 10 in its application to a serious crime prevention order against an unincorporated association 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 association in person if it is delivered to an officer of the association in person; and
 - (ii) is sent by recorded delivery to the association at its last-known address if it is so sent to an officer of the association at the address of the principal office of the association 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 believing an officer of the association to be and to search those premises for the officer.
- (4) Proceedings for an offence under section 25 alleged to have been committed by an unincorporated association must be brought in the name of the association (and not in that of any of its members).
- (5) For the purposes of such proceedings—

Status: Point in time view as at 01/03/2016.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 32. (See end of Document for details)

- (a) rules of court relating to the service of documents have effect as if the association 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);
 - ^{F1}(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)).
- (6) A fine imposed on the association on its conviction for an offence under section 25 is to be paid out of the funds of the association.
- (7) If an offence under section 25 committed by an unincorporated association is proved to have been committed with the consent or connivance of an officer of the association, he (as well as the association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (8) For the purposes of subsection (7)—
 - (a) references to an officer of an unincorporated association include references to any person purporting to act in such a capacity; and
 - (b) subsection (4) is not to be read as prejudicing any liability of an officer of an unincorporated association under subsection (7).
- (9) Nothing in this section prevents a serious crime prevention order from being made against—
 - (a) a member, officer or employee of an unincorporated association; or
 - (b) any other person associated with an unincorporated association.
- (10) In this section—
 - “officer of an unincorporated association” means any officer of an unincorporated association or any member of its governing body; and
 - “unincorporated association” means any body of persons unincorporate but does not include a partnership.

Textual Amendments

F1 S. 32(5)(b)(ii) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 23](#); [S.I. 2016/148](#), reg. 3(f)

Commencement Information

I1 S. 32 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(f\)](#)

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