



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

Status: This is the original version (as it was originally enacted).

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 - (c) the charge is withdrawn;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.”