



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 1

#### SERIOUS CRIME PREVENTION ORDERS

##### *Extension of jurisdiction to Crown Court*

#### **19 Orders by Crown Court on conviction**

- (1) Subsection (2) applies where the Crown Court in England and Wales is dealing with a person who—
  - (a) has been convicted by or before a magistrates' court of having committed a serious offence in England and Wales and has been committed to the Crown Court to be dealt with; or
  - (b) has been convicted by or before the Crown Court of having committed a serious offence in England and Wales.
- (2) The Crown Court may, in addition to dealing with the person in relation to the offence, make an order if 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.
- [<sup>F1</sup>(2A) A court that makes an order by virtue of subsection (2) in the case of a person who is already the subject of a serious crime prevention order in England and Wales must discharge the existing order.]
- (3) Subsection (4) applies where the Crown Court in Northern Ireland is dealing with a person who has been convicted by or before the Crown Court of having committed a serious offence in Northern Ireland.
- (4) The Crown Court may, in addition to dealing with the person in relation to the offence, make an order if 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.

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- [<sup>F2</sup>(4A) A court that makes an order by virtue of subsection (4) in the case of a person who is already the subject of a serious crime prevention order in Northern Ireland must discharge the existing order.]
- (5) 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.
- (6) The powers of the court in respect of an order under this section are subject to sections 6 to 15 (safeguards).
- (7) An order must not be made under this section except—
- (a) in addition to a sentence imposed in respect of the offence concerned; or
  - (b) in addition to an order discharging the person conditionally.
- (8) An order under this section is also called a serious crime prevention order.

#### Textual Amendments

- F1** S. 19(2A) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 78\(2\)](#); S.I. 2015/820, reg. 2(r)(xv)
- F2** S. 19(4A) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 78\(3\)](#); S.I. 2015/820, reg. 2(r)(xv)

#### Commencement Information

- I1** S. 19 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

## 20 Powers of Crown Court to vary orders on conviction

- (1) Subsection (2) applies where the Crown Court in England and Wales is dealing with a person who—
- (a) has been convicted by or before a magistrates' court of having committed a serious offence in England and Wales and has been committed to the Crown Court to be dealt with; or
  - (b) has been convicted by or before the Crown Court of having committed a serious offence in England and Wales.
- (2) The Crown Court may—
- (a) in the case of a person who is the subject of a serious crime prevention order in England and Wales; and
  - (b) in addition to dealing with the person in relation to the offence;
- vary the order if the court has reasonable grounds to believe that the terms of the order as varied would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales.
- (3) Subsection (4) applies where the Crown Court in Northern Ireland is dealing with a person who has been convicted by or before the Crown Court of having committed a serious offence in Northern Ireland.

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- (4) The Crown Court may—
- (a) in the case of a person who is the subject of a serious crime prevention order in Northern Ireland; and
  - (b) in addition to dealing with the person in relation to the offence;
- vary the order if the court has reasonable grounds to believe that the terms of the order as varied would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in Northern Ireland.
- (5) A variation under this section may be made only on an application by the relevant applicant authority.
- (6) A variation must not be made except—
- (a) in addition to a sentence imposed in respect of the offence concerned; or
  - (b) in addition to an order discharging the person conditionally.
- (7) A variation may include an extension of the period during which the order, or any provision of it, is in force (subject to the original limits imposed on the order by section 16(2) and (4)(b)).

#### Commencement Information

**I2** S. 20 in force at 6.4.2008 by S.I. 2008/755, art. 15(1)(d)

## 21 Powers of Crown Court to vary <sup>F3</sup>or replace] orders on breach

- (1) Subsection (2) applies where the Crown Court in England and Wales is dealing with a person who—
- (a) has been convicted by or before a magistrates' court of having committed an offence under section 25 in relation to a serious crime prevention order and has been committed to the Crown Court to be dealt with; or
  - (b) has been convicted by or before the Crown Court of having committed an offence under section 25 in relation to a serious crime prevention order.
- (2) The Crown Court may—
- (a) in the case of an order in England and Wales; and
  - (b) in addition to dealing with the person in relation to the offence;
- vary <sup>F4</sup>or replace] the order if it has reasonable grounds to believe that the terms of the order as varied <sup>F5</sup>, or the new order,] would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in England and Wales.
- (3) Subsection (4) applies where the Crown Court in Northern Ireland is dealing with a person who has been convicted by or before the Crown Court of an offence under section 25 in relation to a serious crime prevention order.
- (4) The Crown Court may—
- (a) in the case of an order in Northern Ireland; and
  - (b) in addition to dealing with the person in relation to the offence;
- vary <sup>F6</sup>or replace] the order if it has reasonable grounds to believe that the terms of the order as varied <sup>F7</sup>, or the new order,] would protect the public by preventing,

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restricting or disrupting involvement by the person in serious crime in Northern Ireland.

- (5) [<sup>F8</sup>An order may be varied or replaced under this section] only on an application by the relevant applicant authority.
- (6) A variation [<sup>F9</sup>or new order] must not be made except—
- (a) in addition to a sentence imposed in respect of the offence concerned; or
  - (b) in addition to an order discharging the person conditionally.
- (7) A variation may include an extension of the period during which the order, or any provision of it, is in force (subject to the original limits imposed on the order by section 16(2) and (4)(b)).
- [<sup>F10</sup>(8) A reference in this section to replacing a serious crime prevention order is to making a new serious crime prevention order and discharging the existing one.]

#### Textual Amendments

- F3** Words in s. 21 heading inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 79](#); [S.I. 2015/820](#), [reg. 2\(r\)\(xv\)](#)
- F4** Words in s. 21(2) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(2\)\(a\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)
- F5** Words in s. 21(2) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(2\)\(b\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)
- F6** Words in s. 21(4) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(3\)\(a\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)
- F7** Words in s. 21(4) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(3\)\(b\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)
- F8** Words in s. 21(5) substituted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(4\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)
- F9** Words in s. 21(6) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(5\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)
- F10** S. 21(8) inserted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 48\(6\)](#), 88(1); [S.I. 2015/820](#), [reg. 2\(g\)](#)

#### Commencement Information

- I3** S. 21 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

## 22 Inter-relationship between different types of orders

- (1) The fact that a serious crime prevention order has been made or varied by the High Court does not prevent it from being varied by the Crown Court in accordance with this Part.
- (2) The fact that a serious crime prevention order has been made or varied by the Crown Court does not prevent it from being varied or discharged by the High Court in accordance with this Part.
- (3) A decision by the Crown Court not to make an order under section 19 does not prevent a subsequent application to the High Court for an order under section 1 in consequence of the same offence.

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- (4) A decision by the Crown Court not to vary a serious crime prevention order under section 20 or 21 does not prevent a subsequent application to the High Court for a variation of the order in consequence of the same offence.

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**Commencement Information**

**I4** S. 22 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 15\(1\)\(d\)](#)

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