



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Information safeguards

11 Restrictions on oral answers

A serious crime prevention order may not require a person to answer questions, or provide information, orally.

12 Restrictions for legal professional privilege

- (1) A serious crime prevention order may not require a person—
 - (a) to answer any privileged question;
 - (b) to provide any privileged information; or
 - (c) to produce any privileged document.
- (2) A “privileged question” is a question which the person would be entitled to refuse to answer on grounds of legal professional privilege in proceedings in the High Court.
- (3) “Privileged information” is information which the person would be entitled to refuse to provide on grounds of legal professional privilege in such proceedings.
- (4) A “privileged document” is a document which the person would be entitled to refuse to produce on grounds of legal professional privilege in such proceedings.
- (5) But subsection (1) does not prevent an order from requiring a lawyer to provide the name and address of a client of his.

13 Restrictions on excluded material and banking information

- (1) A serious crime prevention order may not require a person to produce—

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- (a) in the case of an order in England and Wales, any excluded material as defined by section 11 of the Police and Criminal Evidence Act 1984 (c. 60); and
 - (b) in the case of an order in Northern Ireland, any excluded material as defined by Article 13 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)).
- (2) A serious crime prevention order may not require a person to disclose any information or produce any document in respect of which he owes an obligation of confidence by virtue of carrying on a banking business unless condition A or B is met.
- (3) Condition A is that the person to whom the obligation of confidence is owed consents to the disclosure or production.
- (4) Condition B is that the order contains a requirement—
- (a) to disclose information, or produce documents, of this kind; or
 - (b) to disclose specified information which is of this kind or to produce specified documents which are of this kind.

14 Restrictions relating to other enactments

- (1) A serious crime prevention order may not require a person—
- (a) to answer any question;
 - (b) to provide any information; or
 - (c) to produce any document;
- if the disclosure concerned is prohibited under any other enactment.
- (2) In this section—
- “enactment” includes an Act of the Scottish Parliament, Northern Ireland legislation and an enactment comprised in subordinate legislation, and includes an enactment whenever passed or made; and
 - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) and also includes an instrument made under—
 - (a) an Act of the Scottish Parliament; or
 - (b) Northern Ireland legislation.

15 Restrictions on use of information obtained

- (1) A statement made by a person in response to a requirement imposed by a serious crime prevention order may not be used in evidence against him in any criminal proceedings unless condition A or B is met.
- (2) Condition A is that the criminal proceedings relate to an offence under section 25.
- (3) Condition B is that—
- (a) the criminal proceedings relate to another offence;
 - (b) the person who made the statement gives evidence in the criminal proceedings;
 - (c) in the course of that evidence, the person makes a statement which is inconsistent with the statement made in response to the requirement imposed by the order; and

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- (d) in the criminal proceedings evidence relating to the statement made in response to the requirement imposed by the order is adduced, or a question about it is asked, by the person or on his behalf.