



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Supplementary

40 Costs in relation to authorised monitors

- (1) The [^{F1}appropriate authority] may by order make provision about the practice and procedure for determining the amount of—
 - (a) any costs payable by virtue of section 39(4) and (5); and
 - (b) any interest payable in respect of those costs.
- (2) Such provision may, in particular, include provision about appeals.
- (3) Where any amounts required to be paid by virtue of section 39(4) and (5) have not been paid within a required period, the law enforcement agency concerned must take reasonable steps to recover them and any interest payable in respect of them.
- (4) The [^{F2}appropriate authority] must by order provide for what are reasonable steps for the purposes of subsection (3).
- (5) Any amounts which have not been recovered despite the taking of the reasonable steps are [^{F3}recoverable—
 - (a) in England and Wales and Northern Ireland, as if] due to the law enforcement agency concerned by virtue of a civil order or judgment.
 - [^{F4}(b) in Scotland, in like manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]
- (6) Where any amounts required to be paid by virtue of section 39(4) and (5) are, in the case of an order of the Crown Court, not paid within a required period, the unpaid balance from time to time carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838 (c. 110) (interest on civil judgment debts).

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 40. (See end of Document for details)

[^{F5}(6A) Where any amounts required to be paid by virtue of section 39(4) and (5) are, in the case of a serious crime prevention order made under section 22A, not paid within a required period, the unpaid balance from time to time carries interest at the rate payable under a decree of the Court of Session.]

(7) For the purposes of section 25, a failure to comply with a requirement imposed by virtue of section 39(4) and (5) to make payments occurs when the amounts become recoverable as mentioned in subsection (5) above (and not before).

(8) In this section “law enforcement agency” has the same meaning as in section 39.

[^{F6}(9) In this section “the appropriate authority” means—

- (a) in relation to serious crime prevention orders in England and Wales, the Secretary of State;
- [in relation to serious crime prevention orders in Scotland, the Scottish
- ^{F7}(aa) Ministers;]
- (b) in relation to serious crime prevention orders in Northern Ireland, the Department of Justice in Northern Ireland.]

Textual Amendments

- F1** Words in s. 40(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 10 para. 7(2)** (with arts. 28-31)
- F2** Words in s. 40(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 10 para. 7(2)** (with arts. 28-31)
- F3** S. 40(5)(a) substituted for words (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 1 para. 27(2)**; S.I. 2016/148, reg. 3(f)
- F4** S. 40(5)(b) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 1 para. 27(3)**; S.I. 2016/148, reg. 3(f)
- F5** S. 40(6A) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 1 para. 27(4)**; S.I. 2016/148, reg. 3(f)
- F6** S. 40(9) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 10 para. 7(3)** (with arts. 28-31)
- F7** S. 40(9)(aa) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 1 para. 27(5)**; S.I. 2016/148, reg. 3(f)

Commencement Information

- I1** S. 40(1)(2)(4) in force at 1.3.2008 by [S.I. 2008/219](#), **art. 3(d)**
- I2** S. 40(3) s. 40(5)-(8) in force at 6.4.2008 by [S.I. 2008/755](#), **art. 15(1)(j)**

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Section 40.