

SERIOUS CRIME ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Serious Crime Prevention Orders

General

Supplementary

Section 40: Costs in relation to authorised monitors

138. **Section 40** deals with the means by which the costs of authorised monitors will be determined. *Subsection (1)* provides an order making power to the Secretary of State to provide the procedure which must be followed for determining the amount of costs or interest. This includes, as set out in *subsection (2)*, provision about an appeals mechanism.
139. *Subsection (3)* provides that where the costs of the monitor have not been paid by the organisation within the period specified in the order under section 39(5)(a) the law enforcement body must take reasonable steps to recover them. *Subsection (4)* states that the Secretary of State must, by order, set out what those steps are. *Subsection (5)* goes on to provide that, after taking such steps, if the costs have still not been paid, they are recoverable as if due to the law enforcement agency concerned by virtue of a civil order or judgement. Interest will also be payable on the unpaid costs.
140. *Subsection (7)* sets out that, for the purposes of the offence of failing to comply with the terms of an order (section 25), the offence occurs only after law enforcement have taken the reasonable steps referred to above, and money is still due, and not before.