



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

Particular types of persons

31 Other partnerships

- (1) A serious crime prevention order against a partnership must be made in the name of the partnership (and not in that of any of the partners).
- (2) An order made in the name of the partnership continues to have effect despite a change of partners provided that at least one of the persons who was a partner before the change remains a partner after it.
- (3) For the purposes of this Part, a partnership is involved in serious crime in England and Wales, Northern Ireland or elsewhere if the partnership, or any of the partners, is so involved; and involvement in serious crime in England and Wales or Northern Ireland is to be read accordingly.
- (4) For the purposes of section 10 in its application to a serious crime prevention order against a partnership or to the variation of such an order—
 - (a) a notice setting out the terms of the order or variation—
 - (i) is delivered to the partnership in person if it is delivered to any of the partners in person or to a senior officer of the partnership in person; and
 - (ii) is sent by recorded delivery to the partnership at its last-known address if it is so sent to any of the partners or to a senior officer of the partnership at the address of the principal office of the partnership in the United Kingdom; and
 - (b) the power conferred by subsection (3) of that section is a power to enter any premises where the person exercising the power has reasonable grounds for

Status: This is the original version (as it was originally enacted).

believing a partner or senior officer of the partnership to be and to search those premises for the partner or senior officer.

- (5) Proceedings for an offence under section 25 alleged to have been committed by a partnership must be brought in the name of the partnership (and not in that of any of the partners).
- (6) For the purposes of such proceedings—
 - (a) rules of court relating to the service of documents have effect as if the partnership were a body corporate; and
 - (b) the following provisions apply as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43);
 - (ii) sections 70 and 143 of the Criminal Procedure (Scotland) Act 1995 (c. 46); and
 - (iii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I.26)).
- (7) A fine imposed on the partnership on its conviction for an offence under section 25 is to be paid out of the partnership assets.
- (8) If an offence under section 25 committed by a partnership is proved to have been committed with the consent or connivance of a partner or a senior officer of the partnership, he (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9) For the purposes of subsection (8)—
 - (a) references to a partner or to a senior officer of a partnership include references to any person purporting to act in such a capacity; and
 - (b) subsection (5) is not to be read as prejudicing any liability of a partner under subsection (8).
- (10) Nothing in this section prevents a serious crime prevention order from being made against—
 - (a) a particular partner; or
 - (b) a senior officer or employee of a partnership or any other person associated with a partnership.
- (11) In this section—

“senior officer of a partnership” means any person who has the control or management of the business carried on by the partnership at the principal place where it is carried on; and

“partnership” does not include a limited liability partnership.