

CHAPTER 76A

SERIOUS CRIME PREVENTION ORDERS

Interpretation of this Chapter

76A.1. In this Chapter—

“the 2007 Act” means the Serious Crime Act 2007

“person who is the subject of a serious crime prevention order” is to be construed in accordance with section 1(6) of the 2007 Act;

“serious crime prevention order” has the meaning given by section 1(5) of the 2007 Act; and

“subject” means the person who is the subject of a serious crime prevention order.

Serious Crime Prevention Orders: petitions

76A.2(1) An application under section 8(aa) of the 2007 Act (limited class of applicants for making of orders) is to be made by petition.

(2) The following rules shall not apply to the petition—

rule 14.5(2)(a) (dispensing with intimation, service or advertisement;

rule 14.6 (period of notice for lodging answers);

rule 14.7 (intimation and service of petitions);

rule 14.8 (procedure where answers lodged); and

rule 14.9 (unopposed petitions).

(3) When a petition is lodged, the court must—

(a) order service of the petition within 7 days on the person who is the proposed subject;

(b) specify a period not exceeding 21 days for lodging answers; and

(c) appoint a hearing on the petition.

(4) The petition is to identify any person (other than the person who is the proposed subject) in respect of whom the order sought may be likely to have a significant adverse effect or (as the case may be) state that there is no such person known to the petitioner.

(5) If the subject is not personally present or represented at the hearing at which a serious crime prevention order is made, the petitioner must serve a copy of the order on the subject.

Third party representations

76A.3.-(1) Paragraphs (2) and (3) of this rule apply where a person is identified under rule 76A.2(4).

(2) The court must order the petitioner to intimate the application to any such person within 7 days.

(3) An application by a person identified by the petitioner under rule 76A.2(4) to make representations under section 9 of the 2007 Act is made by motion within 14 days from the date of intimation under paragraph (2).

(4) The court may consider a motion by a person, whether identified by the petitioner under rule 76A.2(4) or otherwise, to make representations under section 9 of the 2007 Act without a hearing unless the third party requests a hearing or it seems to the court appropriate to fix a hearing.

(5) If the court grants an application to make representations under section 9 of the 2007 Act the court must—

- (a) specify the manner in which representations are to be made; and
- (b) intimate to the third party the date of any hearing fixed under rule 76A.2(3)(c).

Variation or discharge of a serious crime prevention order

76A.4.-(1) An application to vary or discharge a serious crime prevention order is to be made by minute in the process containing the interlocutor making the serious crime prevention order to which the application relates.

(2) An application under paragraph (1) is to identify any person (other than the person who is the proposed subject of the order) in respect of whom the variation or discharge may be likely to have a significant adverse effect or (as the case may be) state that there is no such person known to the applicant.

(3) If the subject is not personally present or represented at the hearing at which the order is varied or discharged, the applicant must serve a copy of the varied order or, as the case may be, the interlocutor discharging the order, on the subject.