

APPLICATIONS FOR AND RELATING TO SERIOUS CRIME PREVENTION ORDERS

This Practice Direction supplements CPR Part 77

Claim form – application for a SCPO

- 1.1** An application for a SCPO must be started by way of a Part 8 claim form, although the court may decide during the proceedings that it would be more appropriate to continue the proceedings in accordance with Part 7.
- (Rule 8.1(3) allows the court to make an order that the claim continue as if the claimant had not used the Part 8 procedure.)
- 1.2** The claim form must –
- (1)** identify which provisions of section 2(1) of the 2007 Act the applicant relies on and under each provision identified, set out the details of the allegations that the respondent has been involved in serious crime (whether in England and Wales or elsewhere);
 - (2)** set out the applicant's grounds for contending that the proposed terms of the SCPO are appropriate for the purpose of protecting the public in accordance with section 1(3) of the 2007 Act; and
 - (3)** include details of any third party whom the applicant believes is likely to be significantly adversely affected by the SCPO and the nature of that adverse effect.
- 1.3** The claim form must be accompanied by a draft of the SCPO for which the application is made. The terms of the draft SCPO must include any proposed dates, including those upon which the applicant proposes that the SCPO should come into force and cease to be in force.
- 1.4** Where it is alleged that the respondent has committed a serious offence, the claim form must be accompanied by evidence that the respondent has been convicted of the offence. Where a certificate of conviction can be obtained, this must be put in evidence.
- 1.5** Where it is alleged that the respondent has been convicted of an offence in another jurisdiction, the applicant must put in evidence –
- (a)** a document from the appropriate public authority in the jurisdiction concerned certifying that the respondent has after due process of law been convicted of the offence; and
 - (b)** where the document is not in English, a translation of that document into English –
 - (i)** certified by a notary public or other qualified person; or
 - (ii)** accompanied by written evidence confirming that the translation is accurate.

Applications by third parties to make representations

- 2.1** The evidence in support of an application made under section 9 of the 2007 Act must contain details of why the third party believes the proposed order would be likely to have a significant adverse effect on that third party.

Application to vary or discharge a SCPO

- 3.1** The application notice or claim form must contain –

- (1) where the applicant is the person who is the subject of the SCPO, details of the change of circumstances affecting the SCPO;
 - (2) where the applicant seeks to vary the SCPO, any grounds advanced by the applicant for contending that the terms of the SCPO as varied would protect the public in accordance with section 17(1) of the 2007 Act;
 - (2A) where the applicant for the SCPO seeks to vary the SCPO –
 - (a) details of any third party whom the applicant believes is likely to be significantly adversely affected by the proposed variation to the SCPO; and
 - (b) details of the nature of that adverse effect;
 - (3) where the applicant seeks to vary the SCPO and is a third party or the person who is the subject of the SCPO –
 - (a) particulars of why the applicant believes the applicant is significantly adversely affected by the SCPO;
 - (b) particulars of how condition A or B in section 17 of the 2007 Act is met; and
 - (c) particulars relied upon to establish that the purpose of the application is not to make the SCPO more onerous on the person who is the subject of the order; and
 - (4) where the application is for the discharge of the SCPO and the applicant is a third party or the person who is the subject of the SCPO, particulars of –
 - (a) why the applicant believes the applicant is significantly adversely affected by the SCPO; and
 - (b) how condition A or B in section 18 of the 2007 Act is met.
- 3.2** Where the application is to vary or discharge a SCPO made by the Crown Court, the claim form must be accompanied by a copy of the SCPO made by the Crown Court.

Where to make an application

- 4.1** An application for a SCPO or relating to a SCPO must be started and heard in the Queen's Bench Division of the High Court at –
- (a) the Royal Courts of Justice; or
 - (b) at one of the following district registries –
 - (i) Cardiff;
 - (ii) Birmingham;
 - (iii) Bristol;
 - (iv) Leeds;
 - (v) Manchester;
 - (vi) Newcastle; or
 - (vii) Nottingham.