



Serious Crime Act 2007

2007 CHAPTER 27

PART 1

SERIOUS CRIME PREVENTION ORDERS

[^{F1}Extension of jurisdiction: Scotland

[^{F1}22B Powers of High Court of Justiciary and sheriff to vary orders on conviction

- (1) Subsection (2) applies where—
 - (a) the High Court of Justiciary (the “High Court”) is dealing with a person who—
 - (i) has been convicted by or before the High Court of having committed a serious offence in Scotland, or
 - (ii) has been convicted by or before the sheriff of having committed a serious offence in Scotland and by virtue of section 195 of the Criminal Procedure (Scotland) Act 1995 has been remitted by the sheriff to the High Court for sentencing; or
 - (b) the sheriff is dealing with a person who has been convicted by or before the sheriff of having committed a serious offence in Scotland.
- (2) The High Court or (as the case may be) the sheriff may—
 - (a) in the case of a person who is the subject of a serious crime prevention order in Scotland; and
 - (b) in addition to dealing with the person in relation to the offence, vary the order if the High Court or (as the case may be) the sheriff has reasonable grounds to believe that the terms of the order as varied would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in Scotland.
- (3) A variation under this section may be made only on an application by the Lord Advocate.
- (4) A variation must not be made except—

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 22B. (See end of Document for details)

- (a) in addition to a sentence imposed in respect of the offence concerned; or
 - (b) in addition to an order discharging the person absolutely.
- (5) A variation may include an extension of the period during which the order, or any provision of it, is in force (subject to the original limits imposed on the order by section 16(2) and (4)(b)).]

Textual Amendments

- F1** Ss. 22A-22D and cross-heading inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 17](#); S.I. 2016/148, [reg. 3\(f\)](#) (with [art. 5](#))

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