

Neutral Citation Number : [2019] EWCA Crim 1524

No: 201901393 A3

IN THE COURT OF APPEAL

CRIMINAL DIVISION

Royal Courts of Justice

Strand

London, WC2A 2LL

Wednesday, 31 July 2019

B e f o r e:

THE VICE PRESIDENT OF THE COURT OF APPEAL CRIMINAL DIVISION

(LADY JUSTICE HALLETT DBE)

MR JUSTICE WARBY

MR JUSTICE GARNHAM

R E G I N A

v

ZACHARY MATTHEW LANGLEY

This transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved.

WARNING: Reporting restrictions may apply to the contents transcribed in this document, particularly if the case concerned a sexual offence or involved a child. Reporting restrictions prohibit the publication of the applicable information to the public or any section of the public, in writing, in a broadcast or by means of the internet, including social media. Anyone who receives a copy of this transcript is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.

Ms C Surley appeared on behalf of the **Applicant**

Mr S Ellacott appeared on behalf of the **Crown**

J U D G M E N T

(As approved)

1. MR JUSTICE GARNHAM: In order to advance this appeal, the applicant requires an extension of time of approximately two years and four months. Given the suggested illegality of the order, we grant that extension.

2. Following the applicant's conviction on 23 April 2012 for various offences of fraud, on 18 May 2012 a Serious Crime Prevention Order ("SCPO") was imposed. The order was to commence upon the applicant's release from custody and remain in force for a period of five years. That order, which was subsequently amended on 23 August 2012 and 6 January 2014, contained numerous prohibitions.

3. On 23 September 2016 in the Crown Court at Bournemouth the applicant pleaded guilty to further counts of fraud and two counts of failing to comply with the SCPO. He was sentenced on 14 November 2016 to two years' imprisonment for the first fraud, two years consecutive for failing to comply with the SCPO, and 18 months consecutive for the second fraud. The other sentences were concurrent to these.

4. In a further hearing the following day, the judge acceded to the Crown's application to vary the SCPO dated 18 May 2012, as amended on the two subsequent dates. This time the amendment provided

that the order was to commence upon the applicant's release from custody and to continue until further order. That application was not opposed by defence counsel.

5. Although it is accepted that the order was properly imposed, it is submitted by the applicant that the judge's amendment to the duration of the order on 15 November 2016 was unlawful. The Crown agree that the order purporting to direct that the SCPO was to be in force "until further order" is unlawful. The Crown submits that the order should be amended so that it is in force for a period of five years following the applicant's release from custody. We agree. In accordance with section 16(2) of the Serious Crime Act 2007, an SCPO is not to be in force for more than five years from the coming into force of the order. Accordingly the amendment to the SCPO to specify that it would continue until further order was unlawful.

6. In those circumstances, we grant permission and allow the appeal to the extent that we direct that the order is amended so that it is in force for a period of five years following the applicant's release from custody.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

Lower Ground, 18-22 Fumival Street, London EC4A 1JS

Tel No: 020 7404 1400

Email: rcj@epiqglobal.co.uk

Crown copyright