

Serious Organised Crime and Police Act 2005

2005 Chapter 15 - continued

An Act to provide for the establishment and functions of the Serious Organised Crime Agency; to make provision about investigations, prosecutions, offenders and witnesses in criminal proceedings and the protection of persons involved in investigations or proceedings; to provide for the implementation of certain international obligations relating to criminal matters; to amend the Proceeds of Crime Act 2002; to make further provision for combatting crime and disorder, including new provision about powers of arrest and search warrants and about parental compensation orders; to make further provision about the police and policing and persons supporting the police; to make provision for protecting certain organisations from interference with their activities; to make provision about criminal records; to provide for the Private Security Industry Act 2001 to extend to Scotland; and for connected purposes.

[7th April 2005]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1

SOCA: ESTABLISHMENT AND ACTIVITIES

Establishment of SOCA

1 Establishment of Serious Organised Crime Agency

- (1) There shall be a body corporate to be known as the Serious Organised Crime Agency ("SOCA").
- (2) Schedule 1 makes provision about the constitution, members and staff of SOCA and other matters relating to it.
- (3) Each of the following bodies shall cease to exist on such date as the Secretary of State appoints by order-
 - (a) the National Criminal Intelligence Service and its Service Authority, and
 - (b) the National Crime Squad and its Service Authority.

Functions

2 Functions of SOCA as to serious organised crime

- (1) SOCA has the functions of-
 - (a) preventing and detecting serious organised crime, and
 - (b) contributing to the reduction of such crime in other ways and to the mitigation of its consequences.
- (2) SOCA's functions under subsection (1) are exercisable subject to subsections (3) to (5) (but subsection (3) does not apply to Scotland).
- (3) If, in exercising its function under subsection (1)(a), SOCA becomes aware of conduct appearing to SOCA to involve serious or complex fraud, SOCA may thereafter exercise that function in relation to the fraud in question only-
 - (a) with the agreement of the Director, or an authorised officer, of the Serious Fraud Office, or
 - (b) if the Serious Fraud Office declines to act in relation to it.

(4) If, in exercising its function under subsection (1)(a), SOCA becomes aware of conduct appearing to SOCA to involve revenue fraud, SOCA may thereafter exercise that function in relation to the fraud in question only with the agreement of the Commissioners.

(5) Before exercising its function under subsection (1)(b) in any way in relation to revenue fraud, SOCA must consult the Commissioners.

(6) The issue of whether SOCA's function under subsection (1)(a) continued to be exercisable in any circumstances within subsection (3) or (4) may not be raised in any criminal proceedings.

(7) In this section "revenue fraud" includes fraud relating to taxes, duties and national insurance contributions.

(8) In this Chapter "the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs.

3 Functions of SOCA as to information relating to crime

(1) SOCA has the function of gathering, storing, analysing and disseminating information relevant to-

(a) the prevention, detection, investigation or prosecution of offences, or

(b) the reduction of crime in other ways or the mitigation of its consequences.

(2) SOCA may disseminate such information to-

(a) police forces within subsection (3),

(b) special police forces,

(c) law enforcement agencies, or

(d) such other persons as it considers appropriate in connection with any of the matters mentioned in subsection (1)(a) or (b).

(3) The police forces within this subsection are-

(a) police forces in the United Kingdom, and

(b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary.

(4) In this section "law enforcement agency" means-

(a) the Commissioners or any other government department,

(b) the Scottish Administration,

(c) any other person who is charged with the duty of investigating offences or charging offenders, or

(d) any other person who is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by SOCA or a police force.

(5) In this Chapter "special police force" means-

(a) the Ministry of Defence Police,

(b) the British Transport Police Force,

(c) the Civil Nuclear Constabulary, or

(d) the Scottish Drug Enforcement Agency.

4 Exercise of functions: general considerations

(1) In exercising its functions SOCA must have regard to the matters mentioned in subsection (2).

(2) The matters are-

(a) SOCA's current annual plan under section 6 together with any priorities determined by SOCA under that section that are specified in the plan,

(b) any current strategic priorities determined by the Secretary of State under section 9, and

(c) any current performance targets established by SOCA.

(3) In exercising any function to which a code of practice under section 10 relates, SOCA must have regard to the code.

(...)