

SCHEDULES

SCHEDULE 2

Section 55

FUNCTIONS OF INDEPENDENT POLICE COMPLAINTS COMMISSION IN RELATION TO SOCA

- 1 The Police Reform Act 2002 (c. 30) has effect subject to the following amendments.
- 2 In section 9(3) (persons ineligible for appointment as members of the Independent Police Complaints Commission)—
 - (a) after paragraph (d) insert—
 - “(da) he is or has been the chairman or a member of, or a member of the staff of, the Serious Organised Crime Agency;”;
 - (b) in paragraph (e), omit “is or”.
- 3 (1) Section 10 (general functions of the Commission) is amended as follows.
 - (2) In subsection (1)—
 - (a) at the end of paragraph (e) omit “and”;
 - (b) in paragraph (f) omit “the National Criminal Intelligence Service, the National Crime Squad and”;
 - (c) at the end of that paragraph insert “; and”
 - (g) to carry out functions in relation to the Serious Organised Crime Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection.”
 - (3) In subsection (3)—
 - (a) omit paragraph (a);
 - (b) after paragraph (b) insert—
 - “(ba) any agreement under section 26A of this Act (Serious Organised Crime Agency);”;
 - (c) in paragraph (d) omit “the National Criminal Intelligence Service, the National Crime Squad or”.
 - (4) In subsection (7), omit “or” at the end of paragraph (a) and at the end of paragraph (b) insert “or”
 - (c) its function under subsection (1)(g).”
- 4 (1) Section 11 (reports) is amended as follows.
 - (2) In subsection (6), for paragraphs (b) and (c) substitute—
 - “(b) to the Serious Organised Crime Agency; and”.
 - (3) For subsection (8) substitute—
 - “(8) Where a report under subsection (3) relates to the Serious Organised Crime Agency, the Commission shall send a copy of that report to the Agency.”
 - (4) In subsection (10), for paragraphs (d) and (e) substitute—

Status: This is the original version (as it was originally enacted).

“(d) the Serious Organised Crime Agency;”.

- 5 (1) Section 15 (general duties of police authorities etc.) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) It shall be the duty of the Serious Organised Crime Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).”
- (3) In subsection (3)—
- (a) for paragraph (c) substitute—
- “(c) a police authority or chief officer requires the Director General of the Serious Organised Crime Agency to provide a member of the staff of that Agency for appointment under any of those paragraphs;”; and
- (b) for “or Director General to whom the requirement is addressed” substitute “to whom the requirement is addressed or of the Director General”.
- (4) In subsection (4), at the end of paragraph (b) insert “and” and for paragraphs (c) and (d) substitute—
- “(c) the Serious Organised Crime Agency;”.
- (5) In subsection (5), at the end of paragraph (b) insert “and” and for paragraphs (c) and (d) substitute—
- “(c) the Serious Organised Crime Agency;”.
- (6) In subsection (6)—
- (a) for “the Directors General of the National Criminal Intelligence Service and of the National Crime Squad” substitute “the Serious Organised Crime Agency”;
- (b) in paragraph (a), for “of that Service or Squad” substitute “a member of the staff of the Agency”; and
- (c) omit the words from “or, as the case may be” to the end of the subsection.
- (7) In subsection (7), for the words from “and in this subsection” onwards substitute “and where the person whose conduct is under investigation was a member of the staff of the Serious Organised Crime Agency at the time of the conduct, “third force” means any police force other than the force to which the person carrying out the investigation belongs.”
- (8) After subsection (7) insert—
- “(8) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the Serious Organised Crime Agency, a chief officer of a third force may be required to give that assistance and co-operation only with the approval of the Director General of the Agency.
- In this subsection, “third force”, in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.
- (9) Where—

- (a) the person carrying out an investigation is not a member of the staff of the Serious Organised Crime Agency; and
 - (b) the person whose conduct is under investigation was not a member of the staff of the Agency at the time of the conduct,
- the Director General of the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the chief officer of the force to which the person requiring it belongs.”
- 6 In section 16 (payment for assistance with investigations), for subsections (5) and (6) substitute—
- “(5) In this section (subject to subsection (6))—
- (a) references to a police force and to a police authority maintaining a police force include references to the Serious Organised Crime Agency; and
 - (b) in relation to that Agency, references to the chief officer are references to the Director General.
- (6) This section shall have effect in relation to cases in which assistance is required to be provided by the Serious Organised Crime Agency as if—
- (a) the reference in subsection (3)(b) to police authorities generally included a reference to the Agency; and
 - (b) the reference in subsection (4)(b) to police authorities generally were a reference to the Agency.”
- 7 Omit section 25 (NCIS and NCS).
- 8 After section 26 insert—

“26A Serious Organised Crime Agency

- (1) The Commission and the Serious Organised Crime Agency must enter into an agreement for the establishment and maintenance in relation to members of the Agency’s staff of procedures corresponding or similar to those provided for by or under this Part.
- (2) An agreement under this section—
 - (a) must not be made or varied except with the approval of the Secretary of State; and
 - (b) must not be terminated unless—
 - (i) it is replaced by another such agreement, and
 - (ii) the Secretary of State approves.
- (3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary proceedings in relation to members of the Agency’s staff.
- (4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Director General or other members of the Agency.

Status: This is the original version (as it was originally enacted).

(5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the staff of the Agency.”

- 9 In section 29(3) (interpretation)—
- (a) for paragraph (b) substitute—
 - “(b) a member of the staff of the Serious Organised Crime Agency;”; and
 - (b) in paragraph (d), for “(temporary service otherwise than with NCIS or NCS)” substitute “(temporary service of various kinds)”.
- 10 In section 108(7) (extent etc.), omit paragraph (e).
- 11 (1) Schedule 3 (handling of complaints and conduct matters) is amended as follows.
- (2) In paragraph 16(3), for paragraph (b) substitute—
 - “(b) a member of the staff of the Serious Organised Crime Agency,”.
 - (3) In paragraph 17(2), for paragraph (b) substitute—
 - “(b) a member of the staff of the Serious Organised Crime Agency,”.