

*These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005*

# **SERIOUS ORGANISED CRIME AND POLICE ACT 2005**

---

## **EXPLANATORY NOTES**

### **SUMMARY**

#### **Part 2: Investigations, prosecutions and other measures**

5. **Part 2** is divided into 6 Chapters. Chapter 1 enables designated members of staff of SOCA, police constables or officers of Revenue and Customs, acting under the supervision of the Director of Public Prosecutions (DPP), the Director of Revenue and Customs Prosecutions or the Lord Advocate, to compel people to co-operate with an investigation by producing documents and answering questions. There are safeguards against self-incrimination and for the protection of legal privilege.
6. **Chapter 2** places the mechanism by which a defendant can plead guilty and offer Queen's Evidence in return for a discounted sentence on a statutory footing.
7. **Chapter 3** provides for the making of financial reporting orders. Such orders may be imposed as ancillary orders for certain trigger offences and would enable the financial affairs of serious acquisitive criminals to be monitored from the point of sentence.
8. **Chapter 4** places the arrangements for providing protection for witnesses and others on a statutory footing. It places a duty on public authorities to assist protection providers and introduces offences in connection with the unauthorised disclosure of information about protected persons or protection arrangements.
9. **Chapter 5** confers delegated powers to enable the Home Secretary and Scottish Ministers to give effect to the EU Framework Decision of July 2003 on the execution of orders freezing property or evidence, and amends an order making power under the Criminal Justice (International Cooperation) Act 1990 to enable the United Kingdom to give effect to the UN Conventions against Transnational Organised Crime and Corruption.
10. **Chapter 6** makes a number of amendments to the Proceeds of Crime Act 2002 to improve the effectiveness of the civil recovery scheme and ease the money laundering reporting requirements on the regulated sector.