



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1

SOCA: ESTABLISHMENT AND ACTIVITIES

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

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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.

Commencement Information

- II** S. 2 in force at 1.4.2006 by [S.I. 2006/378](#), art. 4(1), [Sch. para. 2](#) (with art. 4(2)-(7))

[^{F1}2A Functions of SOCA as to the recovery of assets

SOCA has the functions conferred on it (whether directly or through its staff) by the Proceeds of Crime Act 2002 (c. 29) (functions relating to the recovery of assets).]

Textual Amendments

- F1** S. 2A inserted (1.3.2008 for specified purposes, 1.4.2008 in so far as not already in force) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 169](#); [S.I. 2008/219](#), art. 3(n); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

Modifications etc. (not altering text)

- C1** S. 2A modified (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 170\(1\)](#), 182(5) (with s. 180); [S.I. 2010/816](#), art. 2, [Sch. para. 11](#)

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, ^{F2}...
 - (b) the reduction of crime in other ways or the mitigation of its consequences [^{F3}or
 - (c) exploitation proceeds investigations (within the meaning of section 341(5) of the Proceeds of Crime Act 2002) or exploitation proceeds orders within the meaning of Part 7 of the Coroners and Justice Act 2009 (or applications for such orders).]
- (2) SOCA may disseminate such information to—
 - (a) police forces within subsection (3),
 - (b) special police forces,
 - (c) law enforcement agencies, or

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- (d) such other persons as it considers appropriate in connection with any of the matters mentioned in subsection ^{F4}(1)(a), (b) or (c)].
- (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
 - ^{F5}(d)

Textual Amendments

- F2** Word in s. 3(1) repealed (6.4.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 23 Pt. 7** (with s. 180); S.I. 2010/816, art. 2, Sch. para. 22(c)
- F3** S. 3(1)(c) and word added (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 170(2)(a)**, 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 11
- F4** Words in s. 3(2)(d) substituted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), **ss. 170(2)(b)**, 182(5) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 11
- F5** S. 3(5)(d) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 48(2)**

Commencement Information

- I2** S. 3 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 2** (with art. 4(2)-(7))

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.

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Commencement Information

I3 S. 4 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 2** (with art. 4(2)-(7))

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