

*Status: Point in time view as at 07/04/2005. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Designations is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 1

#### THE SERIOUS ORGANISED CRIME AGENCY

### CHAPTER 2

#### SOCA: SPECIAL POWERS OF DESIGNATED STAFF

VALID FROM 01/01/2006

#### *Designations*

VALID FROM 01/03/2006

#### **43 Designation of SOCA staff as persons having powers of constable etc.**

- (1) The Director General of SOCA may designate a member of the staff of SOCA as one or more of the following—
  - (a) a person having the powers of a constable;
  - (b) a person having the customs powers of an officer of Revenue and Customs;
  - (c) a person having the powers of an immigration officer.
- (2) A designation under this section—
  - (a) may be made subject to any limitations specified in the designation (whether as to the powers exercisable by virtue of it, the purposes for which they are exercisable or otherwise); and

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- (b) has effect either for a period so specified or without limit of time.
- (3) Subsection (2) applies subject to any modification or withdrawal of the designation under section 45.
- (4) A member of SOCA's staff may be designated as a person having the powers mentioned in any of paragraphs (a) to (c) of subsection (1) whether or not—
  - (a) he already has (for any reason) any powers falling within any of those paragraphs, or
  - (b) he had any such powers before becoming a member of SOCA's staff.
- (5) But a person may not be designated as a person having the powers mentioned in any of paragraphs (a) to (c) of subsection (1) unless the Director General is satisfied that that person—
  - (a) is capable of effectively exercising the powers that would be exercisable by virtue of the designation,
  - (b) has received adequate training in respect of the exercise of those powers, and
  - (c) is otherwise a suitable person to exercise those powers.
- (6) Where an employee of SOCA—
  - (a) before becoming such an employee, held an office by virtue of which he had any powers falling within subsection (1)(a), (b) or (c), and
  - (b) has not resigned that office,
 that office is to be treated as suspended so long as he remains in SOCA's employment, and revives if (and only if) on ceasing to be so employed he returns to service as the holder of that office.
- (7) References in this section to the powers of a constable, the customs powers of an officer of Revenue and Customs or the powers of an immigration officer are to be read in accordance with sections 46 to 49.

#### **44 Delegation of power to designate**

- (1) The Director General of SOCA may, to such extent as he may specify, delegate his functions under section 43 to an employee of SOCA at the prescribed level.
- (2) “At the prescribed level” means employed in a grade or on a pay scale not lower than that specified in an order made by the Secretary of State.

VALID FROM 01/04/2006

#### **45 Modification or withdrawal of designations**

- (1) The Director General of SOCA may at any time modify or withdraw a designation made under section 43 by giving a notice to that effect to the designated person.
- (2) An employee of SOCA by whom the power to make designations under section 43 is exercisable by virtue of section 44 may at any time modify or withdraw a relevant designation by giving a notice to that effect to the designated person.

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(3) For the purposes of this section “a relevant designation”, in relation to such an employee, means a designation of a kind that the employee is authorised to make by virtue of section 44.

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