



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1

SOCA: ESTABLISHMENT AND ACTIVITIES

Central supervision and direction

16 Inspections

- (1) Her Majesty's Inspectors of Constabulary ("HMIC") must inspect SOCA from time to time.
- (2) HMIC must also inspect SOCA if requested to do so by the Secretary of State either—
 - (a) generally, or
 - (b) in respect of a particular matter.
- (3) Before requesting an inspection that would fall to be carried out wholly or partly in Scotland, the Secretary of State must consult the Scottish Ministers.
- [^{F1}(3A) Before requesting an inspection that would fall to be carried out wholly or partly in Northern Ireland, the Secretary of State must consult the Department of Justice in Northern Ireland.]
- (4) Any inspection under this section must be carried out jointly by HMIC and the Scottish inspectors—
 - (a) if it is carried out wholly in Scotland, or

Status: Point in time view as at 12/04/2010. This version of this provision has been superseded.

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 16 is up to date with all changes known to be in force on or before 03 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)

- (b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.
- (5) Following an inspection under this section, HMIC must report to the Secretary of State on the efficiency and effectiveness of SOCA either—
 - (a) generally, or
 - (b) in the case of an inspection under subsection (2)(b), in respect of the matter to which the inspection related.
- (6) A report under subsection (5) must be in such form as the Secretary of State may direct.
- (7) The Secretary of State must arrange for every report which he receives under subsection (5) to be published in such manner as he considers appropriate.
- (8) The Secretary of State may exclude from publication under subsection (7) any part of a report if, in his opinion, the publication of that part—
 - (a) would be against the interests of national security, or
 - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
 - (c) might jeopardise the safety of any person.
- (9) The Secretary of State must send a copy of the published report—
 - (a) to SOCA, and
 - (b) if subsection (4) applied to the inspection, to the Scottish Ministers [^{F2}and
 - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.]
- (10) SOCA must—
 - (a) prepare comments on the published report, and
 - (b) arrange for its comments to be published in such manner as it considers appropriate.
- (11) SOCA must send a copy of any document published under subsection (10)(b)—
 - (a) to the Secretary of State, and
 - (b) if subsection (4) applied to the inspection, to the Scottish Ministers [^{F3}and
 - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.]
- (12) The inspectors shall carry out such other duties for the purpose of furthering the efficiency and effectiveness of SOCA as the Secretary of State may from time to time direct.
- (13) In this section “the Scottish inspectors” means the inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967 (c. 77).

Textual Amendments

- F1** S. 16(3A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 15 para. 11(2)** (with arts. 28-31)
- F2** S. 16(9)(c) and word inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 15 para. 11(3)** (with arts. 28-31)
- F3** S. 16(11)(c) and word inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 15 para. 11(4)** (with arts. 28-31)

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Commencement Information

II S. 16 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 3** (with art. 4(2)-(7))

Status:

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