



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 2

#### INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

#### CHAPTER 1

#### INVESTIGATORY POWERS OF DPP, ETC.

#### *Introductory*

#### **60 Investigatory powers of DPP etc.**

(1) This Chapter confers powers on—

- (a) the Director of Public Prosecutions,
- <sup>F1</sup>(b) .....
- (c) the Lord Advocate, [<sup>F2</sup>and
- (d) the Director of Public Prosecutions for Northern Ireland,]

in relation to the giving of disclosure notices in connection with the investigation of offences to which this Chapter applies [<sup>F3</sup>or in connection with a terrorist investigation].

(2) The Director of Public Prosecutions may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Crown prosecutor.

<sup>F4</sup>(3) .....

(4) The Lord Advocate may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a procurator fiscal.

**Changes to legislation:** *Serious Organised Crime and Police Act 2005, Section 60 is up to date with all changes known to be in force on or before 27 February 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) View outstanding changes*

[<sup>F5</sup>(4A) The Director of Public Prosecutions for Northern Ireland may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Public Prosecutor.]

(5) In this Chapter “the Investigating Authority” means—

- (a) the Director of Public Prosecutions,
- <sup>F6</sup>(b) .....
- (c) the Lord Advocate [<sup>F7</sup>,or
- (d) the Director of Public Prosecutions for Northern Ireland.]

(6) But, in circumstances where the powers of any of those persons are exercisable by any other person by virtue of subsection (2), <sup>F8</sup>... [<sup>F9</sup>(4) or (4A)], references to “the Investigating Authority” accordingly include any such other person.

[<sup>F10</sup>(7) In this Chapter “terrorist investigation” means an investigation of—

- (a) the commission, preparation or instigation of acts of terrorism,
- (b) any act or omission which appears to have been for the purposes of terrorism and which consists in or involves the commission, preparation or instigation of an offence, or
- (c) the commission, preparation or instigation of an offence under the Terrorism Act 2000 (c. 11) or under Part 1 of the Terrorism Act 2006 other than an offence under section 1 or 2 of that Act.]

#### Textual Amendments

- F1** S. 60(1)(b) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 41(2)**
- F2** S. 60(1)(d) and preceding word inserted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), **Sch. 3 para. 2(2)**; S.I. 2006/2966, art. 3
- F3** Words in s. 60(1) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 33(1)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**
- F4** S. 60(3) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 41(3)**
- F5** S. 60(4A) inserted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), **Sch. 3 para. 2(3)**; S.I. 2006/2966, art. 3
- F6** S. 60(5)(b) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 41(4)**
- F7** S. 60(5)(d) and preceding word inserted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), **Sch. 3 para. 2(4)**; S.I. 2006/2966, art. 3
- F8** Word in s. 60(6) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 41(5)**
- F9** Words in s. 60(6) substituted (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), s. 31(3), **Sch. 3 para. 2(5)**; S.I. 2006/2966, art. 3
- F10** S. 60(7) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 33(2)**, 39(2); S.I. 2006/1013, **art. 2(2)(b)**

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**Modifications etc. (not altering text)**

- C1** Ss. 60-67 extended (Northern Ireland) (1.12.2006) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), **ss. 26(1)**, 31(3); S.I. 2006/2966, art. 3

**Commencement Information**

- I1** S. 60 in force at 1.4.2006 for S. by [S.S.I. 2006/166](#), **art. 2(1)(a)**
- I2** S. 60 in force at 1.4.2006 except to the extent that it extends to S. by [S.I. 2005/1521](#), **art. 5(1)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 60(1)(b) word repealed by [2006 c. 33 Sch. 5](#)
- s. 60(5)(b) word repealed by [2006 c. 33 Sch. 5](#)

**Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871