

SCHEDULES

SCHEDULE 3

Section 26

EXTENSION TO NORTHERN IRELAND OF PROVISIONS OF SOCAP 2005

Introduction

1 Amend the Serious Organised Crime and Police Act 2005 (c. 15) as follows.

Director of Public Prosecutions for Northern Ireland to be an Investigating Authority

- 2 (1) Amend section 60 (investigatory powers of DPP etc.) as follows.
- (2) In subsection (1), at the end of paragraph (c) insert “and
(d) the Director of Public Prosecutions for Northern Ireland.”
- (3) After subsection (4) insert—
- “(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.”
- (4) In subsection (5), at the end of paragraph (c) insert “, or
(d) the Director of Public Prosecutions for Northern Ireland.”
- (5) In subsection (6), for “or (4)” substitute “, (4) or (4A)”.

Offences to which Chapter 1 of Part 2 applies to include certain Northern Ireland offences

- 3 (1) Amend section 61 (offences to which Chapter 1 of Part 2 applies) as follows.
- (2) In subsection (1), after paragraph (b) insert—
- “(ba) any offence listed in Schedule 5 to that Act (lifestyle offences: Northern Ireland);”.
- (3) In subsection (1)(e), after “1968 (c. 60)” insert “or section 17 of the Theft Act (Northern Ireland) 1969”.
- (4) In subsection (1)(f), after “1981 (c. 47)” insert “or Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983”.
- (5) In subsection (1)(g), after “1977 (c. 45)” insert “or Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983”.
- (6) In subsection (2)(b), after “1968 (c. 60)” insert “or section 17 of the Theft Act (Northern Ireland) 1969”.
- (7) In subsection (4), after “Wales” (in both places) insert “or Northern Ireland”.

Status: This is the original version (as it was originally enacted).

Member of staff of SOCA not to be “appropriate person” in application of Chapter to Northern Ireland

- 4 In section 62 (disclosure notices), in subsection (2), at the end insert—
- “But in the application of this Chapter to Northern Ireland, this subsection has effect as if paragraph (b) were omitted.”

Restrictions on requiring information etc.: modification for Northern Ireland

- 5 In section 64 (restrictions on requiring information etc.), in subsection (5), after “1984 (c. 60)” insert “or, in relation to Northern Ireland, Article 13 of the Police and Criminal Evidence (Northern Ireland) Order 1989”.

Restrictions on use of statements: modification for Northern Ireland

- 6 In section 65 (restrictions on use of statements), in subsection (2), at the end of paragraph (c) insert “, or
- (d) for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Power to enter and seize documents: applications for warrants in Northern Ireland

- 7 In section 66 (power to enter and seize documents), after subsection (10) insert—
- “(11) In the application of this section to Northern Ireland—
- (a) subsection (1) has effect as if, for the words from the beginning to “laid”, there were substituted “A lay magistrate may issue a warrant under this section if, on complaint on oath made”; and
- (b) subsections (1)(a) and (3)(b) have effect as if, for “in the information”, there were substituted “in the complaint”.”

Offences in connection with disclosure notices etc.: modification of penalties

- 8 In section 67 (offences in connection with disclosure notices or search warrants), after subsection (6) insert—
- “(7) In the application of this section to Northern Ireland—
- (a) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 6 months; and
- (b) the reference to 12 months in subsection (5)(b) is to be read as a reference to 6 months.”

Extension to Northern Ireland of sections 60 to 67, 69 and 70 of SOCAP 2005

- 9 In section 179 (short title and extent), in subsection (5)(b), for “68, 71” substitute “60”.