

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15)

EXPLANATORY NOTES

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

INTRODUCTION

SUMMARY

PART 1: THE SERIOUS ORGANISED CRIME AGENCY

PART 2: INVESTIGATIONS, PROSECUTIONS AND OTHER MEASURES

PART 3: POLICE POWERS ETC.

PART 4: PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

PART 5: MISCELLANEOUS

PART 6: FINAL PROVISIONS

BACKGROUND

PART 1: THE SERIOUS ORGANISED CRIME AGENCY

PART 2: INVESTIGATIONS, PROSECUTIONS AND OTHER MEASURES

PART 3: POLICE POWERS ETC.

PART 4: PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

Harassment

Trespass on designated sites

Demonstrations in the vicinity of Parliament

PART 5: MISCELLANEOUS

Interference with activities of animal research organisations

Vehicle registration and road traffic offences

Local policing information

Royal Parks

Criminal record checks

Witness summons

Private Security Industry Act 2001: Scotland

TERRITORIAL EXTENT

TERRITORIAL APPLICATION: WALES

THE ACT

Commentary on Sections

PART 1: THE SERIOUS ORGANISED CRIME AGENCY

Chapter 1: SOCA: Establishment and activities

Section 1: Establishment of Serious Organised Crime Agency

Schedule 1: The Serious Organised Crime Agency

Paragraph 1: Membership

Paragraphs 2-5: Tenure of office: chairman and ordinary members

Paragraph 6: Remuneration, pensions etc. of chairman and ordinary members

Paragraph 9: The Director General

Paragraph 10: Termination or suspension of appointment of Director General

Paragraphs 12-13: Remuneration and pensions of staff

Paragraph 21: General powers

Section 2: Functions of SOCA as to serious organised crime

Section 3: Functions of SOCA as to information relating to crime

Section 4: Exercise of functions: general considerations

Section 5: SOCA's general powers

Section 6: Annual plans

Section 7: Annual reports

Section 8: General duty of Secretary of State and Scottish Ministers

Section 9: Strategic priorities

Section 10: Codes of practice

Section 11: Reports to Secretary of State

Section 12: Power to direct submission of action plan

Section 13: Revision of inadequate action plan

Section 14: Procedure for giving directions under section 12

Section 15: Reports relating to directions under section 12

Section 16: Inspections

Section 17: Grants by Secretary of State

Section 18: Determinations relating to grants under section 17

Section 19: Charges by SOCA and other receipts

Section 20: Accounts

Section 21: Operational responsibility of Director General

Section 22: Activities in Scotland in relation to crime

Sections 23 and 24: Mutual assistance between SOCA and law enforcement agencies

Section 25: Directed arrangements: Scotland

Section 26: Use by SOCA of police premises etc.

Section 27: Regulations as to equipment

Section 28: Liability of SOCA for acts of seconded staff etc.

Section 29: Payment by SOCA of amounts in connection with unlawful conduct of employees etc.

Section 30: Application of sections 28 and 29 to members of joint investigation teams

Section 31: Liability of special police forces and law enforcement agencies for unlawful conduct of SOCA staff

Section 32: Use of information by SOCA

Section 33: Disclosure of information by SOCA

Section 34: Disclosure of information to SOCA

Section 35: Restrictions on further disclosure

Section 36: General duty of police to pass information to SOCA

Section 37: General duty on police etc. to assist SOCA

Section 38: Prosecution of offences investigated by SOCA

Section 39: Directions as to reference of cases and proceedings to appropriate prosecutor

Section 40: Functions of Director of Revenue and Customs Prosecutions as to persons arrested for designated offence

Section 41: Directions

Section 42: Interpretation of Chapter 1

Chapter 2: SOCA: Special powers of designated staff

Section 43: Designation of SOCA staff as persons having powers of constable etc.

Section 44: Delegation of power to designate

Section 45: Modification or withdrawal of designations

Section 46: Person having powers of a constable

Section 47: Person having powers of constable: Scotland and Northern Ireland

Section 48: Person having customs powers

Section 49: Person having powers of an immigration officer

Section 50: Designations: supplementary

Section 51: Assaults, obstruction or deception in connection with designations

Section 52: Modification of enactments

Section 53: Employment provisions

Section 54: Interpretation of Chapter 2

Chapter 3: SOCA: Miscellaneous and supplementary

Section 55 and Schedule 2: Complaints and misconduct

Section 56: Application of discrimination legislation to SOCA seconded staff

Section 57: Assaults or obstruction in connection with joint investigation teams

Section 58: Transfers to SOCA

Section 59 and Schedule 4: Minor and consequential amendments relating to SOCA

PART 2: INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

Chapter 1: Investigatory powers of DPP etc.

Sections 60-63: Investigatory powers of DPP etc.; Offences to which this Chapter applies; Disclosure notices; Production of documents

Section 64: Restrictions on requiring information etc.

Section 65: Restrictions on use of statements

Section 66: Power to enter and seize documents

Section 67: Offences in connection with disclosure notices or search warrants

Section 68: Procedure applicable to search warrants

Section 69: Manner in which disclosure notice may be given

Section 70: Interpretation

Chapter 2: Offenders assisting investigations and prosecutions

Section 71: Assistance by offender: immunity from prosecution

Section 72: Assistance by offender: undertakings as to use of evidence

Section 73: Assistance by defendant: reduction in sentence

Section 74: Assistance by defendant: review of sentence

Section 75: Proceedings under section 74: exclusion of public

Chapter 3: Financial reporting orders

Section 76: Financial reporting orders: making

Section 77: Financial reporting orders: making in Scotland

Section 78: Financial reporting orders: making in Northern Ireland

Section 79: Financial reporting orders: effect

Section 80: Financial reporting orders: variation and revocation

Section 81: Financial reporting orders: verification and disclosure

Chapter 4: Protection of witnesses and other persons

Section 82: Protection of persons involved in investigations or proceedings

Schedule 5: Persons specified for the purposes of section 82

Section 83: Joint arrangements

Section 84: Transfer of responsibility to other protection provider

Section 85: Duty to assist protection providers

Section 86: Offence of disclosing information about protection arrangements

Section 87: Defences to liability under section 86

Section 88: Offences of disclosing information relating to persons assuming new identity

Section 89: Defences to liability under section 88

Section 90: Protection from liability

Section 91: Transitional provision

Section 92: Transitional provision: supplemental

Section 93: Provision of information

Section 94: Interpretation of Chapter 4

Chapter 5: International Obligations

Section 95: Enforcement of overseas forfeiture orders

Section 96: Mutual assistance in freezing property or evidence

Chapter 6: Proceeds of Crime

Section 97: Confiscation orders by magistrates' courts

Section 98: Civil recovery: freezing orders

Section 99: Civil recovery: interim receivers' expenses etc.

Section 100: Detention of seized cash: meaning of "48 hours"

Section 101: Appeal in proceedings for forfeiture of cash

Section 102: Money laundering: defence where overseas conduct is legal under local law

Section 103: Money laundering: threshold amounts

Section 104: Money laundering: disclosures to identify persons and property

Section 105: Money laundering: form and manner of disclosures

Section 106: Money laundering: miscellaneous amendments

Section 107: Money laundering offences

Section 108: International co-operation

Section 109: Minor and consequential amendments relating to Chapter 6

PART 3: POLICE POWERS ETC.

Sections 110 and 111: Powers of arrest

Section 112: Power to direct a person to leave a place

Section 113: Search warrants: premises

Section 114: Search warrants: other amendments

Section 115: Power to stop and search for prohibited fireworks

Section 116: Photographing of suspects etc

Section 117: Fingerprints

Section 118: Impressions of footwear

Section 119: Intimate samples

Sections 120 and 121: Staff custody officers: designation and amendments to PACE

Section 122: Powers of designated and accredited persons

Schedule 8: Powers of designated and accredited persons

PART 1: DESIGNATED PERSONS

PART 2: ACCREDITED PERSONS

Schedule 9: Additional powers and duties of designated persons

Section 123: Provision of information for use by police staff

Section 124: Interpretation of Part 3

PART 4: PUBLIC ORDER AND CONDUCT IN PUBLIC PLACES ETC.

Section 125: Harassment intended to deter lawful activities

Section 126: Harassment etc of a person in his home

Section 127: Harassment etc: police direction to stay away from person's home

Section 128: Offence of trespassing on designated site

Section 129: Corresponding Scottish offence

Section 130: Designated sites: powers of arrest

Section 131: Designated sites: access

Section 132: Demonstrating without authorisation in designated area

Section 133: Notice of demonstrations in designated area

Section 134: Authorisation of demonstrations in designated area

Section 135: Supplementary directions

Section 136: Offences under sections 132 to 135: penalties

Section 137: Loudspeakers in designated area

Section 138: The designated area

Section 139: Orders about anti-social behaviour etc

Section 140: Variation and discharge of anti-social behaviour orders made on conviction

Section 141: Anti-social behaviour orders etc.: reporting restrictions

Section 142: Contracting out of local authority functions relating to anti-social behaviour orders

Section 143: Special measures for witnesses in proceedings for anti-social behaviour orders etc.

Section 144: Parental compensation orders

Schedule 10: Parental compensation orders

PART 5: MISCELLANEOUS

Section 145: Interference with contractual relationships so as to harm animal research organisation

Section 146: Intimidation of persons connected with animal research organisation

Section 147: Penalty for offences under sections 145 and 146

Section 148: Animal research organisations

Section 149: Extension of sections 145 to 147

Section 150: Offence in respect of incorrectly registered vehicles

Section 151: Power of constables etc. to require production of registration documents in respect of a vehicle

Section 152: Power to seize etc. vehicles driven without licence or insurance

Section 153: Disclosure of information about insurance status of vehicles

Section 154: Power to require specimens of breath at roadside or at hospital etc.

Section 155: Payments by Secretary of State to police authorities in relation to the prevention, detection and enforcement of certain traffic offences

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15)

Section 156: Payments by Scottish Ministers to police authorities etc. in relation to the prevention, detection and enforcement of certain traffic offences

Section 157: Publication of local policing information

Section 158: Responsibilities in relation to the health and safety etc. of police

Section 159 and Schedule 11: Investigations: accelerated procedure in special cases

Section 160 and Schedule 12: Investigations: deaths and serious injuries after contact with the police

Section 161: Abolition of Royal Parks Constabulary

Schedule 13: Abolition of Royal Parks Constabulary: Supplementary

Section 162: Regulation of specified parks

Sections 163 to 168: Criminal record checks

Section 163: Criminal record certificates

Section 164: Criminal records checks: verification of identity

Section 165: Certain references to police forces

Section 166: Further amendments to Police Act 1997 as it applies to Scotland

Section 167: Part 5 of the Police Act 1997: Northern Ireland

Section 168: Part 5 of the Police Act 1997: Channel Islands and Isle of Man

Section 169: Powers of Crown Court and Magistrates' Court to issue witness summons

Section 170: Powers of courts-martial etc. to issue warrants of arrest in respect of witnesses

Section 171: Private Security Industry Act 2001: Scottish extent

Schedule 15: Private Security Industry Act 2001: Scottish extent

PART 6: FINAL PROVISIONS

Section 172: Orders and regulations

Section 173: Supplementary, incidental, consequential etc. provision

Section 174: Minor and consequential amendments, repeals and revocations

Section 175: Penalties for offences: transitional modification for England and Wales

Section 176: Expenses

Section 177: Interpretation

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15)

Section 178: Commencement

Section 179: Short title and extent

COMMENCEMENT

HANSARD REFERENCES

GLOSSARY