



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1 U.K.

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1 U.K.

SOCA: ESTABLISHMENT AND ACTIVITIES

Operational matters

21 Operational responsibility of Director General U.K.

- (1) The Director General of SOCA has the function of exercising general operational control in relation to the activities carried out in the exercise of SOCA's functions.
- (2) This function includes deciding—
 - (a) which particular operations are to be mounted in the exercise of any of those functions, and
 - (b) how such operations are to be conducted.

Commencement Information

11 S. 21 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 4** (with art. 4(2)-(7))

Status: Point in time view as at 01/04/2006.

Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Operational matters is up to date with all changes known to be in force on or before 03 June 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)

22 Activities in Scotland in relation to crime **U.K.**

- (1) SOCA may only carry out activities in Scotland in relation to an offence which it suspects has been committed (or is being committed) if it does so with the agreement of the Lord Advocate.
- (2) In carrying out any such activities in Scotland SOCA must comply with such directions (whether general or special) as it may receive from the Lord Advocate or from the procurator fiscal.
- (3) If it suspects that an offence has been committed (or is being committed) in Scotland, SOCA must report the matter to the procurator fiscal as soon as is practicable.

Commencement Information

I2 S. 22 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), Sch. para. 4 (with art. 4(2)-(7))

23 Mutual assistance between SOCA and law enforcement agencies: voluntary arrangements **U.K.**

- (1) Subsection (2) applies if—
 - (a) the chief officer of a police force in the British Islands or of a special police force, or
 - (b) a law enforcement agency operating in the British Islands,
 notifies the Director General of SOCA that that force or agency has a special need for assistance from SOCA and requests the Director General of SOCA to provide it with such assistance.
- (2) In such a case the Director General of SOCA may provide that force or agency with—
 - (a) such members of the staff of SOCA, or
 - (b) such other assistance,
 as the Director General of SOCA considers appropriate in the circumstances.
- (3) Subsection (4) applies if the Director General of SOCA notifies—
 - (a) the chief officer of a police force in the United Kingdom or of a special police force, or
 - (b) a law enforcement agency operating in the United Kingdom,
 that SOCA has a special need for assistance from that force or agency and requests it to provide SOCA with such assistance.
- (4) In such a case the chief officer of that force or the agency in question may provide SOCA with—
 - (a) such constables or members of the staff of the agency, or
 - (b) such other assistance,
 as the chief officer or the agency considers appropriate in the circumstances.
- (5) But before the Scottish Drug Enforcement Agency provides any constable under subsection (4), its Director must obtain the agreement of the chief constable of the police force from which the constable is seconded to the Agency.
- (6) Where a member of the staff of SOCA is provided under this section for the assistance of a police force, a special police force or a law enforcement agency, he shall be under

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the direction and control of the chief officer of the force or the head of the agency (as the case may be).

(7) Where—

- (a) a constable,
- (b) a member of the staff of the Scottish Drug Enforcement Agency, or
- (c) a member of the staff of a law enforcement agency,

is provided under this section for the assistance of SOCA, he shall be under the direction and control of the Director General of SOCA (despite anything in, or in any agreement made under, any other enactment).

(8) Where SOCA provides assistance under this section for—

- (a) a police force in the United Kingdom or a special police force, or
- (b) a law enforcement agency operating in the United Kingdom,

the relevant police authority or (as the case may be) that agency must pay to SOCA such contribution, if any, as may be agreed between them or, in the absence of agreement, as may be determined by the Secretary of State.

(9) Where SOCA is provided with assistance under this section by—

- (a) a police force in the United Kingdom or a special police force, or
- (b) a law enforcement agency operating in the United Kingdom,

SOCA must pay to the relevant police authority or (as the case may be) that agency such contribution, if any, as may be agreed between them or, in the absence of agreement, as may be determined by the Secretary of State.

(10) If the assistance mentioned in subsection (8) or (9) is provided for or (as the case may be) by—

- (a) a police force in Scotland,
- (b) the Scottish Drug Enforcement Agency, or
- (c) the Scottish Administration,

the Secretary of State must, before making a determination under the subsection in question, consult the Scottish Ministers.

(11) In this section—

“law enforcement agency” has the meaning given by section 3(4) (subject to any territorial restrictions contained in this section);

“police force”, in relation to the British Islands, includes the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary;

“relevant police authority” means—

- (a) in relation to a police force in Great Britain, the police authority maintaining that force (or, in the case of a police force for a combined area, the joint police board for that area),
- (b) in relation to the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve, the Northern Ireland Policing Board,
- (c) in relation to the Ministry of Defence Police, the Secretary of State,
- (d) in relation to the British Transport Police Force, the British Transport Police Authority,
- (e) in relation to the Civil Nuclear Constabulary, the Civil Nuclear Police Authority, and

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(f) in relation to the Scottish Drug Enforcement Agency, the Agency itself.

Commencement Information

I3 S. 23 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 4** (with art. 4(2)-(7))

24 Mutual assistance between SOCA and law enforcement agencies: directed arrangements **U.K.**

- (1) This section applies where it appears to the Secretary of State—
- (a) that a body within subsection (2) has a special need for assistance from SOCA or SOCA has a special need for assistance from a body within that subsection,
 - (b) that it is expedient for such assistance to be provided by SOCA or (as the case may be) the body, and
 - (c) that satisfactory arrangements cannot be made, or cannot be made in time, under section 23.
- (2) The bodies within this subsection are—
- (a) any police force in England and Wales or Northern Ireland,
 - (b) any special police force other than the Scottish Drug Enforcement Agency, and
 - (c) any law enforcement agency operating in the United Kingdom other than the Scottish Administration.
- (3) In a case where this section applies the Secretary of State may (as appropriate)—
- (a) direct the chief officer of the police force to provide such constables or other assistance for the purpose of meeting the need in question as may be specified in the direction;
 - (b) direct the chief officer of the special police force to provide such constables or other persons, or such other assistance, for the purpose of meeting the need in question as may be so specified;
 - (c) direct the head of the law enforcement agency to provide such members of the staff of that agency or other assistance for the purpose of meeting the need in question as may be so specified;
 - (d) direct the Director General of SOCA to provide such members of the staff of SOCA or other assistance for the purpose of meeting the need in question as may be so specified.
- (4) A direction under subsection (3) requires the consent of the Treasury if it is to be given to the Commissioners.
- (5) Subsections (6) to (9) of section 23 apply in relation to assistance provided under this section—
- (a) by SOCA to a police force, a special police force or a law enforcement agency, or
 - (b) to SOCA by a police force, a special police force or a law enforcement agency, as they apply in relation to assistance so provided under that section.
- (6) In this section “law enforcement agency” has the meaning given by section 3(4) (subject to the territorial restriction contained in subsection (2) above).

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Commencement Information

I4 S. 24 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 4** (with art. 4(2)-(7))

25 Directed arrangements: Scotland **U.K.**

- (1) This section applies where it appears to the Scottish Ministers—
- (a) that a body within subsection (2) has a special need for assistance from SOCA or SOCA has a special need for assistance from a body within that subsection,
 - (b) that it is expedient for such assistance to be provided by SOCA or (as the case may be) the body, and
 - (c) that satisfactory arrangements cannot be made, or cannot be made in time, under section 23.
- (2) The bodies within this subsection are—
- (a) any police force in Scotland, and
 - (b) the Scottish Drug Enforcement Agency.
- (3) In a case where this section applies the Scottish Ministers may (as appropriate)—
- (a) direct the chief officer of the police force to provide such constables or other assistance for the purpose of meeting the need in question as may be specified in the direction;
 - (b) direct the Director of the Scottish Drug Enforcement Agency to provide such constables or other persons, or other assistance, for the purpose of meeting the need in question as may be so specified;
 - (c) with the agreement of the Secretary of State, direct the Director General of SOCA to provide such members of the staff of SOCA or other assistance for the purpose of meeting the need in question as may be so specified.
- (4) Subsections (6) to (10) of section 23 apply in relation to assistance provided under this section—
- (a) by SOCA to a police force in Scotland or to the Scottish Drug Enforcement Agency, or
 - (b) to SOCA by a police force in Scotland or by the Scottish Drug Enforcement Agency,
- as they apply in relation to assistance so provided under that section.

Commencement Information

I5 S. 25 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 4** (with art. 4(2)-(7))

26 Use by SOCA of police premises etc. **U.K.**

- (1) Arrangements may be made between—
- (a) SOCA, and
 - (b) the relevant police authority,
- under which SOCA may use such premises, equipment or other material, facilities or services made available by a police force in England and Wales or Northern Ireland as are specified or described in the arrangements.

Status: Point in time view as at 01/04/2006.

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- (2) If it appears to the Secretary of State—
- (a) that it is expedient for arrangements within subsection (1) to be made between SOCA and the relevant police authority, and
 - (b) that satisfactory arrangements cannot be made, or cannot be made in time, under that subsection,
- he may direct SOCA and that authority to enter into such arrangements within that subsection as are specified in the direction.
- (3) Before giving such a direction to SOCA or the relevant police authority the Secretary of State must—
- (a) notify that body that he is proposing to give the directions, and
 - (b) consider any representations made to him by that body.
- (4) Any arrangements under this section may be varied or terminated by agreement between the parties.
- (5) But arrangements entered into in pursuance of a direction under subsection (2) may not be so terminated without the consent of the Secretary of State.
- (6) Where any expenditure is incurred by the relevant police authority by virtue of any arrangements under this section, SOCA must pay to the authority such contribution, if any, in respect of that expenditure—
- (a) as may be agreed between them, or
 - (b) in the absence of agreement, as may be determined by the Secretary of State.
- (7) In this section “relevant police authority” means—
- (a) in relation to a police force in England and Wales, the police authority maintaining that force, and
 - (b) in relation to the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve, the Northern Ireland Policing Board.

Commencement Information

I6 S. 26 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 4** (with art. 4(2)-(7))

27 Regulations as to equipment **U.K.**

- (1) The Secretary of State may make regulations requiring equipment used by SOCA to satisfy such requirements as to design and performance as may be prescribed by the regulations.
- (2) The Secretary of State may by regulations make any of the following kinds of provision—
- (a) provision requiring SOCA, when using equipment for the purposes specified in the regulations, to use only—
 - (i) the equipment which is specified in the regulations,
 - (ii) equipment which is of a description so specified, or
 - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
 - (b) provision prohibiting SOCA from using equipment of a type approved as mentioned in paragraph (a)(iii) except—

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- (i) where the conditions subject to which the approval was given are satisfied, and
 - (ii) in accordance with the other terms of that approval;
 - (c) provision requiring equipment used by SOCA to comply with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
 - (d) provision prohibiting SOCA from using equipment specified in the regulations, or any equipment of a description so specified.
- (3) Before making regulations under this section Secretary of State must consult—
- (a) SOCA, and
 - (b) such other persons as he considers appropriate.
- (4) In this section “equipment” includes—
- (a) vehicles, and
 - (b) headgear and protective and other clothing.

Commencement Information

I7 S. 27 in force at 1.1.2006 by S.I. 2005/3495, art. 2(1)(d)

Status:

Point in time view as at 01/04/2006.

Changes to legislation:

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