



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 2

SOCA: SPECIAL POWERS OF DESIGNATED STAFF

Exercise of powers

50 Designations: supplementary

- (1) If a designated person—
 - (a) exercises any power in relation to another person in reliance on his designation under section 43, or
 - (b) purports to do so,he must produce evidence of his designation to the other person if requested to do so.
- (2) A failure to comply with subsection (1) does not make the exercise of the power invalid.
- (3) For the purpose of determining liability for the unlawful conduct of members of SOCA's staff, any conduct by a designated person in reliance, or purported reliance, on his designation is to be taken to be—
 - (a) if he is employed by SOCA, conduct in the course of his employment, or
 - (b) if he is a person to whom section 28 applies by virtue of subsection (3)(a) of that section, conduct falling within subsection (1) of that section.

Status: Point in time view as at 01/04/2006.

Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Exercise of powers is up to date with all changes known to be in force on or before 19 May 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)

- (4) In the case of any unlawful conduct within subsection (3) which is a tort, SOCA is accordingly to be treated as a joint tortfeasor.

This subsection does not apply to Scotland.

Commencement Information

II S. 50 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 6** (with art. 4(2)-(7))

51 Assaults, obstruction or deception in connection with designations

- (1) A person commits an offence if he assaults—
- (a) a designated person acting in the exercise of a relevant power, or
 - (b) a person who is assisting a designated person in the exercise of such a power.
- (2) A person commits an offence if he resists or wilfully obstructs—
- (a) a designated person acting in the exercise of a relevant power, or
 - (b) a person who is assisting a designated person in the exercise of such a power.
- (3) A person commits an offence if, with intent to deceive—
- (a) he impersonates a designated person,
 - (b) he makes any statement or does any act calculated falsely to suggest that he is a designated person, or
 - (c) he makes any statement or does any act calculated falsely to suggest that he has powers as a designated person that exceed the powers he actually has.
- (4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 51 weeks, or
 - (b) to a fine not exceeding level 5 on the standard scale,
- or to both.
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction—
- (a) to imprisonment for a term not exceeding 51 weeks, or
 - (b) to a fine not exceeding level 3 on the standard scale,
- or to both.
- (6) In this section “relevant power”, in relation to a designated person, means a power or privilege exercisable by that person by virtue of the designation under section 43.
- (7) In the application of this section to Scotland the references to 51 weeks in subsections (4)(a) and (5)(a) are to be read as references to 12 months in each case.
- (8) In the application of this section to Northern Ireland the references to 51 weeks are to be read as follows—
- (a) in subsection (4)(a) the reference is to be read as a reference to 6 months, and
 - (b) in subsection (5)(a) the reference is to be read as a reference to 1 month.

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

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Commencement Information

I2 S. 51 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 6** (with art. 4(2)-(7))

Status:

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

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