

# **SERIOUS ORGANISED CRIME AND POLICE ACT 2005**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### *Schedule 1: The Serious Organised Crime Agency*

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

105. *Sections 23 and 24* make provision for a police force, special police force or other law enforcement agency to call upon SOCA to provide assistance and vice versa. Such assistance will usually take the form of the loan of staff but may also take other forms, such as the loan of facilities or equipment. It is expected that the arrangements for the provision of such mutual assistance will be made voluntarily between the parties concerned and section 23 provides for this. Section 24 contains a reserve power for the Secretary of State to direct either the Director General of SOCA, or the chief officer of a police force in England and Wales or Northern Ireland or the head of a law enforcement agency (other than the Scottish Administration) to provide mutual assistance where there is a failure to agree voluntary arrangements or they cannot be made in time. Any direction to the Commissioners for HMRC may only be made within the consent of the Treasury (*section 24(4)*). Any direction to the Police Service of Northern Ireland would, as a matter of practice, be made by the Secretary of State for Northern Ireland.
106. Where constables or other staff of a police force or law enforcement agency are made available to SOCA under these provisions they will be under the direction and control of the Director General. Similarly, where SOCA staff are made available to a police force or other law enforcement agency, they will be under the direction and control of the chief officer or head of the agency, as the case may be (*section 23(6) and (7)*).
107. *Section 23(8) and (9)* make provision for SOCA, police forces and law enforcement agencies to pay for any assistance provided by another party. However, the parties involved in any arrangement for the provision of mutual assistance may decide that there should be no such cross charging. There is a reserve power for the Secretary of State to determine amounts payable in the absence of agreement. But where the assistance is provided for or by a Scottish police force, SDEA or the Scottish Administration, the Scottish Ministers must first be consulted.