



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

Powers exercisable

47 Person having powers of constable: Scotland and Northern Ireland

(1) This section provides for persons designated as mentioned in section 46(1) (“relevant persons”) to exercise the powers and privileges mentioned in section 46(2) in Scotland or Northern Ireland and the adjacent United Kingdom waters.

(2) If so agreed by—

- (a) the Scottish Ministers, and
- (b) SOCA,

the powers and privileges are exercisable by relevant persons in Scotland and the adjacent United Kingdom waters to such extent and in such circumstances as may be specified in the agreement.

(3) If so agreed by—

- (a) the [F1 chief constable of the Police Service of Scotland] or a person nominated by him for the purposes of this subsection, and
- (b) SOCA,

a relevant person may exercise the powers and privileges in Scotland in connection with a particular operation.

Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 47 is up to date with all changes known to be in force on or before 22 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) A person nominated for the purposes of subsection (3) must be [^{F2}a senior officer (within the meaning of section 99(1) of the Police and Fire Reform (Scotland) Act 2012) of the Police Service of Scotland.]
- (5) If so agreed by—
- (a) the [^{F3}Department of Justice in Northern Ireland], and
 - (b) SOCA,
- the powers and privileges are exercisable by relevant persons in Northern Ireland and the adjacent United Kingdom waters to such extent and in such circumstances as may be specified in the agreement.
- (6) If—
- (a) an agreement under subsection (5) (“the general authorisation”) is in force, and
 - (b) an appropriate officer of the Police Service of Northern Ireland and SOCA so agree in conformity with the general authorisation,
- a relevant person may exercise the powers and privileges in Northern Ireland in connection with a particular operation in accordance with the agreement mentioned in paragraph (b).
- (7) In this section—
- “appropriate officer” means an officer of or above the rank of assistant chief constable;
- ^{F4}

Textual Amendments

- F1** Words in s. 47(3)(a) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 48(12)(a)**
- F2** Words in s. 47(4) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 48(12)(b)**
- F3** Words in s. 47(5)(a) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 17** (with arts. 28-31)
- F4** Words in s. 47(7) repealed (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), s. 104(1), **Sch. 6 para. 13(8)(c)**; S.S.I. 2007/84, art. 3(3) and repealed (E.W.N.I.) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), art. 1(3), Sch. para. 6(8)(c)

Commencement Information

- I1** S. 47 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 01/04/2013. This version of this provision has been superseded.

Changes to legislation:

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