

These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005

SERIOUS ORGANISED CRIME AND POLICE ACT 2005

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Schedule 1: The Serious Organised Crime Agency

Section 5: SOCA's general powers

83. This section confers general powers on SOCA (*subsection (1)*). *Subsection (2)* provides that SOCA may: institute criminal proceedings; at the request of a chief officer of a police force or other law enforcement agency, act in support of that force or agency in the pursuit of their functions; and co-operate with other bodies, including overseas agencies, in pursuit of SOCA's functions. SOCA may carry out activities in relation to other, less serious, crime if it is in pursuit of its overall functions in sections 2 and 3 in relation to serious organised crime (*subsection (3)*). SOCA may, for example, seek to investigate and prosecute a known organised criminal for a lesser offence if that was the most effective means of securing a conviction and custodial sentence. The power to institute criminal proceedings is limited to England, Wales and Northern Ireland; in Scotland responsibility for instituting such proceedings rests with the Lord Advocate and Procurator Fiscal (see section 22).
84. *Subsection (5)* confers a general power to assist governments or other bodies exercising functions of a public nature in countries outside the United Kingdom.