



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 1

INVESTIGATORY POWERS OF DPP, ETC.

Introductory

61 Offences to which this Chapter applies

- (1) This Chapter applies to the following offences—
- (a) any offence listed in Schedule 2 to the Proceeds of Crime Act 2002 (c. 29) (lifestyle offences: England and Wales);
 - (b) any offence listed in Schedule 4 to that Act (lifestyle offences: Scotland);
 - [^{F1}(ba) any offence listed in Schedule 5 to that Act (lifestyle offences: Northern Ireland);]
 - (c) any offence under sections 15 to 18 of the Terrorism Act 2000 (c. 11) (offences relating to fund-raising, money laundering etc.);
 - (d) any offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (fraudulent evasion of duty) or section 72 of the Value Added Tax Act 1994 (c. 23) (offences relating to VAT) which is a qualifying offence;
 - (e) any offence under section 17 of the Theft Act 1968 (c. 60) [^{F2}or section 17 of the Theft Act (Northern Ireland) 1969] (false accounting), or any offence at common law of cheating in relation to the public revenue, which is a qualifying offence;

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- (f) any offence under section 1 of the Criminal Attempts Act 1981 (c. 47) [^{F3}or Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983], or in Scotland at common law, of attempting to commit any offence in paragraph (c) or any offence in paragraph (d) or (e) which is a qualifying offence;
 - (g) any offence under section 1 of the Criminal Law Act 1977 (c. 45) [^{F4}or Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983], or in Scotland at common law, of conspiracy to commit any offence in paragraph (c) or any offence in paragraph (d) or (e) which is a qualifying offence;
 - [^{F5}(h) any offence under the Bribery Act 2010.]
 - [^{F6}(i) any offence under section 45 or 46 of the Criminal Finances Act 2017 (failure to prevent the facilitation of UK tax evasion offences or foreign tax evasion offences).]
 - [^{F7}(j) any offence under regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (sanctions regulations) which is specified by those regulations by virtue of section 17(8) of that Act.]
 - [^{F8}(k) an offence under section 199 of the Economic Crime and Corporate Transparency Act 2023 (failure to prevent fraud offences).]
- (2) For the purposes of subsection (1) an offence in paragraph (d) or (e) of that subsection is a qualifying offence if the Investigating Authority certifies that in his opinion—
- (a) in the case of an offence in paragraph (d) or an offence of cheating the public revenue, the offence involved or would have involved a loss, or potential loss, to the public revenue of an amount not less than £5,000;
 - (b) in the case of an offence under section 17 of the Theft Act 1968 (c. 60) [^{F9}or section 17 of the Theft Act (Northern Ireland) 1969], the offence involved or would have involved a loss or gain, or potential loss or gain, of an amount not less than £5,000.
- (3) A document purporting to be a certificate under subsection (2) is to be received in evidence and treated as such a certificate unless the contrary is proved.
- (4) The Secretary of State may by order—
- (a) amend subsection (1), in its application to England and Wales [^{F10}or Northern Ireland], so as to remove an offence from it or add an offence to it;
 - (b) amend subsection (2), in its application to England and Wales [^{F10}or Northern Ireland], so as to—
 - (i) take account of any amendment made by virtue of paragraph (a) above, or
 - (ii) vary the sums for the time being specified in subsection (2)(a) and (b).
- (5) The Scottish Ministers may by order—
- (a) amend subsection (1), in its application to Scotland, so as to remove an offence from it or add an offence to it;
 - (b) amend subsection (2), in its application to Scotland, so as to—
 - (i) take account of any amendment made by virtue of paragraph (a) above, or
 - (ii) vary the sums for the time being specified in subsection (2)(a) and (b).

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Textual Amendments

- F1** S. 61(1)(ba) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 3(2)**; S.I. 2006/2966, art. 3
- F2** Words in s. 61(1)(e) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 3(3)**; S.I. 2006/2966, art. 3
- F3** Words in s. 61(1)(f) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 3(4)**; S.I. 2006/2966, art. 3
- F4** Words in s. 61(1)(g) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 3(5)**; S.I. 2006/2966, art. 3
- F5** S. 61(1)(h) substituted (1.7.2011) by Bribery Act 2010 (c. 23), s. 19(1), **Sch. 1 para. 8** (with ss. 16, 19(5)); S.I. 2011/1418, art. 2
- F6** S. 61(1)(i) inserted (27.4.2017 for specified purposes, 30.9.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 51(1)**, 58(5)(6); S.I. 2017/739, reg. 3
- F7** S. 61(1)(j) inserted (22.11.2018) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 64(2), **Sch. 3 para. 4** (with ss. 52(3), 53, 58); S.I. 2018/1213, reg. 2(f)
- F8** S. 61(1)(k) inserted (26.10.2023 for specified purposes) by Economic Crime and Corporate Transparency Act 2023 (c. 56), **ss. 206(1)**, 219(1)(2)(b)
- F9** Words in s. 61(2)(b) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 3(6)**; S.I. 2006/2966, art. 3
- F10** Words in s. 61(4) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), s. 31(3), **Sch. 3 para. 3(7)**; S.I. 2006/2966, art. 3

Modifications etc. (not altering text)

- C1** Ss. 60-67 extended (Northern Ireland) (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 26(1)**, 31(3); S.I. 2006/2966, art. 3

Commencement Information

- I1** S. 61 in force at 1.4.2006 except to the extent that it extends to S. by S.I. 2005/1521, **art. 5(1)**
- I2** S. 61 in force at 1.4.2006 for S. by S.I. 2006/166, **art. 2(1)(a)**

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871