

**EXPLANATORY MEMORANDUM TO
THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (CONSEQUENTIAL
AND SUPPLEMENTARY AMENDMENTS TO SECONDARY LEGISLATION)
ORDER 2006**

2006 No. 594

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order removes references in secondary legislation to the National Crime Squad (NCS) and the National Criminal Intelligence Service (NCIS) and their Service Authorities, consequent on their abolition. Where the functions are taken on by the Serious Organised Crime Agency (SOCA), the Order replaces the reference with one to that Agency. This Order also makes amendments to certain transport provisions to ensure that SOCA is treated in the same manner as the police and other emergency services for the purposes of those provisions.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 This Order is made under section 173(1) of the Serious Organised Crime and Police Act 2005. SOCA is established by the Serious Organised Crime and Police Act 2005 and will take up its functions on 1 April 2006. On the same date NCS and NCIS will be abolished. This Order ensures that references in secondary legislation to NCS and NCIS are removed and, where appropriate, replaced by references to SOCA. This Order also makes amendments to certain transport provisions which are supplementary to the establishment of SOCA. The items of secondary legislation thus amended are listed in the Schedule to the Order.

5. Extent

5.1 This instrument amends several instruments, a number of which extend to all of the United Kingdom. Scottish ministers have been consulted on the terms of the Order.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Serious Organised Crime Agency will bring NCS and NCIS together with those parts of HMRC that deal with drug trafficking and associated criminal financing. It will also incorporate those in the Home Office dealing with organised illegal immigration. It will be an Executive Non-Departmental Public Body for whom the Home Secretary will be accountable to Parliament. SOCA's functions, as set out in the Serious Organised Crime and Police Act 2005 will be:

- preventing and detecting serious organised crime; and
- contributing to the reduction of such crime in other ways and to the mitigation of its consequences.

7.2 The majority of the amendments in this Order are needed to ensure that references to NCS and NCIS in secondary legislation are removed and, where SOCA will take on NCS or NCIS functions, replaced with references to SOCA. The remaining amendments are to transport provisions and are needed to ensure that SOCA is treated in the same way as the police and other emergency services for the purposes of those provisions.

7.3 There is not expected to be any public interest in this instrument.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact of this Order is purely internal to SOCA so there is no further impact on the public sector.

9. Contact

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