



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 1

#### THE SERIOUS ORGANISED CRIME AGENCY

### CHAPTER 1

#### SOCA: ESTABLISHMENT AND ACTIVITIES

#### *Functions*

## **2 Functions of SOCA as to serious organised crime**

- (1) SOCA has the functions of—
  - (a) preventing and detecting serious organised crime, and
  - (b) contributing to the reduction of such crime in other ways and to the mitigation of its consequences.
- (2) SOCA's functions under subsection (1) are exercisable subject to subsections (3) to (5) (but subsection (3) does not apply to Scotland).
- (3) If, in exercising its function under subsection (1)(a), SOCA becomes aware of conduct appearing to SOCA to involve serious or complex fraud, SOCA may thereafter exercise that function in relation to the fraud in question only—
  - (a) with the agreement of the Director, or an authorised officer, of the Serious Fraud Office, or
  - (b) if the Serious Fraud Office declines to act in relation to it.
- (4) If, in exercising its function under subsection (1)(a), SOCA becomes aware of conduct appearing to SOCA to involve revenue fraud, SOCA may thereafter exercise

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*Status: This is the original version (as it was originally enacted).*

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that function in relation to the fraud in question only with the agreement of the Commissioners.

- (5) Before exercising its function under subsection (1)(b) in any way in relation to revenue fraud, SOCA must consult the Commissioners.
- (6) The issue of whether SOCA's function under subsection (1)(a) continued to be exercisable in any circumstances within subsection (3) or (4) may not be raised in any criminal proceedings.
- (7) In this section “revenue fraud” includes fraud relating to taxes, duties and national insurance contributions.
- (8) In this Chapter “the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs.

### **3 Functions of SOCA as to information relating to crime**

- (1) SOCA has the function of gathering, storing, analysing and disseminating information relevant to—
  - (a) the prevention, detection, investigation or prosecution of offences, or
  - (b) the reduction of crime in other ways or the mitigation of its consequences.
- (2) SOCA may disseminate such information to—
  - (a) police forces within subsection (3),
  - (b) special police forces,
  - (c) law enforcement agencies, or
  - (d) such other persons as it considers appropriate in connection with any of the matters mentioned in subsection (1)(a) or (b).
- (3) The police forces within this subsection are—
  - (a) police forces in the United Kingdom, and
  - (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary.
- (4) In this section “law enforcement agency” means—
  - (a) the Commissioners or any other government department,
  - (b) the Scottish Administration,
  - (c) any other person who is charged with the duty of investigating offences or charging offenders, or
  - (d) any other person who is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by SOCA or a police force.
- (5) In this Chapter “special police force” means—
  - (a) the Ministry of Defence Police,
  - (b) the British Transport Police Force,
  - (c) the Civil Nuclear Constabulary, or
  - (d) the Scottish Drug Enforcement Agency.

#### **4 Exercise of functions: general considerations**

- (1) In exercising its functions SOCA must have regard to the matters mentioned in subsection (2).
- (2) The matters are—
  - (a) SOCA’s current annual plan under section 6 together with any priorities determined by SOCA under that section that are specified in the plan,
  - (b) any current strategic priorities determined by the Secretary of State under section 9, and
  - (c) any current performance targets established by SOCA.
- (3) In exercising any function to which a code of practice under section 10 relates, SOCA must have regard to the code.