



# 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

#### *Supplementary*

#### **52 Modification of enactments**

- (1) The Secretary of State may by order provide for any enactment (or description of enactments) to apply in relation to—
  - (a) designated persons, or
  - (b) the exercise of powers by such persons under this Chapter,with such modifications as he considers necessary or expedient.
- (2) An order under this section may include provision for or in connection with—
  - (a) extending to such persons any exemption or protection afforded by an enactment to any other description of persons;
  - (b) providing for the disclosure of information to, or the doing of other things in relation to, such persons under any enactment;
  - (c) conferring on the Director General of SOCA functions exercisable in relation to such persons.
- (3) Subsection (2) does not affect the generality of subsection (1).

- (4) In this section any reference to designated persons includes a reference to any description of such persons.
- (5) Before exercising the power conferred by subsection (1) in relation to an enactment which (expressly or otherwise) confers any function on—
  - (a) the Commissioners for Her Majesty’s Revenue and Customs, or
  - (b) an officer of Revenue and Customs,
 the Secretary of State must consult the Commissioners.
- (6) Before exercising the power conferred by subsection (1) in relation to an enactment which extends to Scotland, the Secretary of State must consult the Scottish Ministers.
- (7) The power conferred by subsection (1) is exercisable by the Scottish Ministers (rather than by the Secretary of State) where the provision to be made is within the legislative competence of the Scottish Parliament.

### **53 Employment provisions**

- (1) A member of SOCA’s staff who is for the time being designated under section 43 as a person having the powers of a constable is not, by virtue of section 46(2), to be treated as being in police service for the purposes of the enactments mentioned in subsection (2).
- (2) The enactments are—
  - (a) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (person in police service excluded from definitions of “worker” and “employee”);
  - (b) section 200 of the Employment Rights Act 1996 (c. 18) (certain provisions of the Act not to apply to persons in police service);
  - (c) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12)); and
  - (d) Article 243 of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)).

### **54 Interpretation of Chapter 2**

- (1) In this Chapter—
  - “designated person” means a person for the time being designated under section 43;
  - “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.
- (2) Any reference in this Chapter to the exercise of powers by virtue of a designation under section 43 is, in a case where any limitations were imposed under subsection (2) of that section, a reference to their exercise in conformity with those limitations.