



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 1

#### THE SERIOUS ORGANISED CRIME AGENCY

### CHAPTER 3

#### SOCA: MISCELLANEOUS AND SUPPLEMENTARY

#### *Complaints and misconduct*

#### **55 Complaints and misconduct**

- (1) Schedule 2 makes provision for, and in connection with, the operation in relation to SOCA of Part 2 of the Police Reform Act 2002 (c. 30) (which relates to complaints and misconduct).
- (2) In the Police (Northern Ireland) Act 1998 (c. 32)—
  - (a) after section 60 insert—

#### **“60ZA Serious Organised Crime Agency**

- (1) An agreement for the establishment in relation to members of the staff of the Serious Organised Crime Agency of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the Agency.
- (2) Where no such procedures are in force in relation to the Agency, the Secretary of State may by order establish such procedures.

*Status: Point in time view as at 01/04/2006.*

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- (3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.
- (4) Before making an order under this section the Secretary of State shall consult—
  - (a) the Ombudsman; and
  - (b) the Agency.
- (5) Nothing in any other statutory provision shall prevent the Agency from carrying into effect procedures established by virtue of this section.
- (6) No such procedures shall have effect in relation to anything done by a member of the staff of the Agency outside Northern Ireland.”; and
  - (b) in section 61(5) (reports), at the end of paragraph (b) insert “; and
  - (c) if the report concerns the Serious Organised Crime Agency, to the Agency.”

#### **Commencement Information**

- I1** S. 55(1) in force at 1.3.2006 for specified purposes by S.I. 2006/378, art. 3(2)(c) (with art. 3(3)(4))
- I2** S. 55(1) in force at 1.4.2006 in so far as not already in force by S.I. 2006/378, art. 4(1), Sch. para. 8 (with art. 4(2)-(7))
- I3** S. 55(2) in force at 1.3.2006 by S.I. 2006/378, art. 3(2)(d) (with art. 3(3)(4))

#### *Application of discrimination legislation*

### **56 Application of discrimination legislation to SOCA seconded staff**

- (1) For the purposes of the provisions to which this subsection applies any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as being employed by SOCA as respects any act done by it in relation to that person.
- (2) Subsection (1) applies to—
  - (a) Part 2 of the Sex Discrimination Act 1975 (c. 65);
  - (b) Part 2 of the Race Relations Act 1976 (c. 74);
  - (c) Part II of the Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15));
  - (d) Part 2 of the Disability Discrimination Act 1995 (c. 50);
  - (e) Part II of the Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6)); and
  - (f) the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21)), except Part VII.
- (3) For the purposes of the provisions to which this subsection applies—
  - (a) any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as being employed by SOCA (and as not being employed by any other person); and

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- (b) anything done by such a person in the performance, or purported performance, of his functions as such a person shall be treated as done in the course of that employment.
- (4) Subsection (3) applies to—
- (a) section 41 of the Sex Discrimination Act 1975;
  - (b) section 32 of the Race Relations Act 1976;
  - (c) Article 42 of the Sex Discrimination (Northern Ireland) Order 1976;
  - (d) section 58 of the Disability Discrimination Act 1995;
  - (e) Article 32 of the Race Relations (Northern Ireland) Order 1997; and
  - (f) Article 36 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

#### Commencement Information

**I4** S. 56 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 9** (with art. 4(2)-(7))

### *Joint investigation teams*

#### **57 Assaults or obstruction in connection with joint investigation teams**

- (1) This section applies where an international joint investigation team has been formed under the leadership of a member of SOCA's staff.
- (2) A person commits an offence if he assaults a member of the team who is carrying out his functions as a member of the team.
- (3) A person commits an offence if he resists or wilfully obstructs a member of the team who is carrying out his functions as a member of that team.
- (4) A person guilty of an offence under subsection (2) is liable on summary conviction—
  - (a) to imprisonment for a term not exceeding 51 weeks, or
  - (b) to a fine not exceeding level 5 on the standard scale,or to both.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction—
  - (a) to imprisonment for a term not exceeding 51 weeks, or
  - (b) to a fine not exceeding level 3 on the standard scale,or to both.
- (6) In this section “international joint investigation team” means any investigation team formed in accordance with—
  - (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union,
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Protocol to that Convention established in accordance with that Article of the Treaty, or
  - (c) any international agreement to which the United Kingdom is a party and which is specified in an order made by the Secretary of State.

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- (7) In the application of this section to Scotland the references to 51 weeks in subsections (4)(a) and (5)(a) are to be read as references to 12 months in each case.
- (8) In the application of this section to Northern Ireland the references to 51 weeks are to be read as follows—
- (a) in subsection (4)(a) the reference is to be read as a reference to 6 months, and
  - (b) in subsection (5)(a) the reference is to be read as a reference to 1 month.

**Commencement Information**

**I5** S. 57 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 9** (with art. 4(2)-(7))

*Transfers*

**58 Transfers to SOCA**

Schedule 3 makes provision about the transfer of staff, property, rights and liabilities to SOCA.

**Commencement Information**

**I6** S. 58 in force at 1.1.2006 by S.I. 2005/3495, **art. 2(1)(j)**

*Amendments*

**59 Minor and consequential amendments relating to SOCA**

Schedule 4 contains minor and consequential amendments relating to SOCA.

**Commencement Information**

**I7** S. 59 in force at 1.1.2006 for specified purposes by S.I. 2005/3495, **art. 2(1)(k)**

**I8** S. 59 in force at 1.4.2006 for specified purposes by S.I. 2006/378, art. 4(1), **Sch. para. 10** (with art. 4(2)-(7))

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