

## SCHEDULES

### SCHEDULE 1

Section 1

#### THE SERIOUS ORGANISED CRIME AGENCY

##### PART 1

##### THE BOARD OF SOCA

###### *Membership*

- 1 (1) SOCA shall consist of—
- (a) a chairman,
  - (b) such number of ex-officio members as SOCA may from time to time determine, and
  - (c) such number of other members (“ordinary members”) as the Secretary of State may so determine.
- (2) The following limits apply for the purposes of sub-paragraph (1)—
- (a) the number of ex-officio members determined under sub-paragraph (1)(b) must not at any time exceed such number as may for the time being be specified by the Secretary of State,
  - (b) the number of ordinary members determined under sub-paragraph (1)(c) must not at any time be less than the number of ex-officio members for the time being determined under sub-paragraph (1)(b), and
  - (c) the total of the numbers determined under sub-paragraph (1)(b) and (c) must not at any time be less than four.
- (3) The chairman and the ordinary members are to be appointed by the Secretary of State.
- (4) Before appointing a person to hold office as chairman the Secretary of State must consult the Scottish Ministers.
- (5) For the purposes of this Schedule the “ex-officio members” are—
- (a) the Director-General of SOCA (see paragraph 9), and
  - (b) such other employees of SOCA as may for the time being be appointed by the Director General after consulting the chairman.
- (6) References in any enactment to members of SOCA are (unless the context otherwise requires) references to any of its members mentioned in sub-paragraph (1).

###### *Tenure of office: chairman and ordinary members*

- 2 The chairman and the ordinary members shall hold and vacate office as such in accordance with the terms of their respective appointments.
- This is subject to paragraphs 3 and 4.

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- 3 (1) An appointment of a person to hold office as chairman or ordinary member shall be for a term not exceeding five years.
- (2) A person holding office as chairman or ordinary member may at any time resign that office by giving notice in writing to the Secretary of State.
- 4 The Secretary of State may by notice in writing remove a person from office as chairman or ordinary member if satisfied that—
- (a) he has without reasonable excuse failed, for a continuous period of three months, to carry out his functions as chairman or ordinary member;
  - (b) he has without reasonable excuse been absent from three consecutive meetings of SOCA;
  - (c) he has been convicted (whether before or after his appointment) of a criminal offence;
  - (d) he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged;
  - (e) he is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 (c. 45) or an order to the like effect made under any corresponding enactment in force in Scotland or Northern Ireland;
  - (f) he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (g) he has failed to comply with the terms of his appointment; or
  - (h) he is otherwise unable or unfit to carry out his functions as chairman or ordinary member.
- 5 A person who ceases to be the chairman or an ordinary member is eligible for re-appointment, except where he is removed from office under paragraph 4.

*Remuneration, pensions etc. of chairman and ordinary members*

- 6 (1) SOCA shall pay to the chairman and each of the ordinary members such remuneration and allowances as may be determined by the Secretary of State.
- (2) SOCA shall, if required to do so by the Secretary of State—
- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State to or in respect of a person who is or has been the chairman or an ordinary member, or
  - (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.
- (3) If the Secretary of State determines that there are special circumstances which make it right for a person ceasing to hold office as chairman or ordinary member to receive compensation, SOCA shall pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.
- (4) Service as chairman of SOCA shall be included among the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of service are listed) insert at the appropriate place—

“Chairman of the Serious Organised Crime Agency.”

- (5) SOCA must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (4) in the sums payable out of money provided by Parliament under that Act.

*Termination of office of ex-officio members*

- 7 (1) The Director General ceases to be an ex-officio member of SOCA on ceasing to be Director General.
- (2) Any other ex-officio member of SOCA ceases to be such a member—
- (a) on ceasing to be an employee of SOCA, or
  - (b) if the Director General by notice in writing revokes his appointment as ex-officio member.
- (3) Before revoking an appointment under sub-paragraph (2)(b) the Director General must consult the chairman of SOCA.
- (4) An ex-officio member other than the Director General may at any time resign his office as ex-officio member by giving notice in writing to the Director General.

**PART 2**

DIRECTOR GENERAL AND OTHER STAFF

*SOCA's staff*

- 8 (1) SOCA shall have—
- (a) a Director General (see paragraph 9), and
  - (b) such other employees as SOCA may appoint.
- (2) SOCA may make arrangements for persons to be seconded to SOCA to serve as members of its staff.
- (3) A member of a police force on temporary service with SOCA shall be under the direction and control of SOCA.
- (4) References in any enactment to members of staff of SOCA are (unless the context otherwise requires) references to persons who either are employees of SOCA or have been seconded to SOCA to serve as members of its staff.

*The Director General*

- 9 (1) The Director General shall be—
- (a) appointed by the Secretary of State, and
  - (b) employed by SOCA on such terms and conditions as the Secretary of State may determine.
- (2) But a person may not be so appointed for a term exceeding five years.
- (3) Before appointing a person as Director General the Secretary of State must consult—
- (a) the chairman of SOCA, and

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(b) the Scottish Ministers.

(4) SOCA shall pay to its Director General such remuneration and allowances as the Secretary of State may determine.

*Termination or suspension of appointment of Director General*

10 (1) The Secretary of State may call on the Director General to retire or to resign from his office as Director General—

- (a) in the interests of efficiency or effectiveness, or
- (b) by reason of any misconduct by the Director General.

(2) But before doing so the Secretary of State must have complied with sub-paragraphs (3) to (6).

(3) The Secretary of State must give the Director General—

- (a) an explanation in writing of the grounds on which the Secretary of State proposes to call upon the Director General to retire or resign as mentioned in sub-paragraph (1)(a) or (b), and
- (b) an opportunity to make representations to the Secretary of State (including an opportunity to make them in person).

(4) The Secretary of State must consider any representations made by or on behalf of the Director General.

(5) The Secretary of State must send a copy of the explanation mentioned in sub-paragraph (3)(a) to the chairman of SOCA.

(6) The Secretary of State must consult—

- (a) the chairman of SOCA, and
- (b) the Scottish Ministers.

(7) If the Director General is, under sub-paragraph (1), called upon to retire or resign, he must retire or resign with effect from—

- (a) such date as the Secretary of State may specify, or
- (b) such earlier date as may be agreed between him and the Secretary of State.

(8) If the Secretary of State considers that it is necessary to do so for the maintenance of public confidence in SOCA, he may suspend the Director General from duty.

But before doing so the Secretary of State must have complied with sub-paragraph (6).

(9) Nothing in this paragraph affects any power of the Secretary of State to terminate or suspend the Director General's employment with SOCA in accordance with the terms and conditions of that employment.

*Delegation of functions of Director General*

11 (1) Anything authorised or required to be done by the Director General may be done by any other member of SOCA's staff who is authorised for the purpose by the Director General (whether generally or specially).

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- (2) This paragraph does not apply in any case in relation to which specific provision for the delegation of any function of the Director General is made by this Act or any other enactment.

#### *Remuneration and pensions of staff*

- 12 (1) SOCA shall pay to its employees such remuneration and allowances as it may determine.
- (2) Sub-paragraph (1) does not apply to the Director General (to whom paragraph 9(4) applies instead).
- 13 (1) SOCA may pay, or make payments in respect of, such pensions, allowances or gratuities to or in respect of its employees or former employees as it may determine.
- (2) Employment with SOCA shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) insert at the appropriate place—
- “Employment by the Serious Organised Crime Agency.”
- (3) If any person—
- (a) on ceasing to be employed by SOCA becomes or continues to be one of its members, and
- (b) was, by reference to his employment, a participant in a scheme under section 1 of that Act,
- the Minister for the Civil Service may determine that his service as a member of SOCA is to be treated for the purposes of the scheme as if his service as a member were service as an employee of SOCA (whether or not any benefits are payable to or in respect of him by virtue of paragraph 6).
- (4) SOCA shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act.

#### *Insurance*

- 14 The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) does not require insurance to be effected by SOCA.

### **PART 3**

#### COMMITTEES, PROCEDURE ETC.

#### *Committees*

- 15 (1) SOCA may establish committees.
- (2) Any committee so established may establish one or more sub-committees.
- (3) Any such committee or sub-committee must be chaired by a member of SOCA.

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- (4) A person who is not a member of SOCA may be appointed to any such committee or sub-committee.
- (5) If a member of any such committee or sub-committee is neither—
- (a) a member of SOCA, nor
  - (b) a member of its staff,
- SOCA may pay to him such remuneration and allowances as it may determine.

#### *Delegation to committees and staff*

- 16 (1) SOCA may, to such extent as it may determine, delegate any of its functions to any of its committees or to any members of its staff.
- (2) Any of SOCA's committees may, to such extent as the committee may determine, delegate any function conferred on it to any of its sub-committees or to any member of SOCA's staff.

#### *Proceedings*

- 17 (1) Subject to the following provisions of this paragraph, SOCA may regulate—
- (a) its own proceedings (including quorum), and
  - (b) the procedure (including quorum) of its committees and sub-committees.
- (2) Any determination as to the quorum for meetings of SOCA or any of its committees or sub-committees must be made at a meeting of SOCA that is attended by both the chairman and the Director General.
- (3) The quorum for meetings of SOCA shall in the first instance be determined by a meeting of SOCA that is attended by at least five of its members.
- 18 (1) The validity of any proceedings of SOCA, or any of its committees or sub-committees, shall not be affected by—
- (a) any vacancy among the members of SOCA or the committee or sub-committee;
  - (b) any defect in the appointment of any of those members or of the chairman or Director General; or
  - (c) any vacancy in the office of the chairman or the Director General.
- (2) The proceedings to which this paragraph apply include those within sub-paragraph (2) (but not (3)) of paragraph 17.

#### *Evidence*

- 19 Any document purporting to be signed on behalf of SOCA shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

## PART 4

### GENERAL

#### *Status*

- 20 SOCA is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown;
- and SOCA's property is not to be regarded as property of, or property held on behalf of, the Crown.

#### *Incidental powers*

- 21 (1) In connection with exercising its functions SOCA may (subject to the provisions of this Act)—
- (a) enter into contracts and other agreements (whether legally binding or not);
  - (b) acquire and dispose of property (including land);
  - (c) borrow money; and
  - (d) do such other things as SOCA thinks necessary or expedient.
- (2) The power conferred by sub-paragraph (1)(b) includes accepting—
- (a) gifts of money, and
  - (b) gifts or loans of other property,
- on such terms as SOCA considers appropriate (which may include terms providing for the commercial sponsorship of any of SOCA's activities).
- (3) But SOCA may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (4) Such consent may be given—
- (a) with respect to a particular case or with respect to a class of cases;
  - (b) subject to such conditions as the Secretary of State considers appropriate.