

## SCHEDULES

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*Status: This is the original version (as it was originally enacted).*

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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.