



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 3

#### POLICE POWERS ETC.

##### *Designated and accredited persons*

#### **122 Powers of designated and accredited persons**

(1) The Police Reform Act 2002 (c. 30) is amended as follows.

(2) In section 42 (supplementary provisions relating to designations)—

(a) in subsection (2), after “section 41 shall” insert “, subject to subsection (2A),”

(b) after subsection (2) insert—

“(2A) A police officer of or above the rank of inspector may direct a particular investigating officer not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) shall not apply in relation to that investigating officer for the purposes of that operation.

(2B) In subsection (2A), “investigating officer” means a person designated as an investigating officer under section 38 by the chief officer of police of the same force as the officer giving the direction.”

<sup>F1</sup>(3) .....

(4) Schedule 5 (powers exercisable by accredited persons) is amended as provided in subsections (5) and (6).

(5) In paragraph 1 (power to issue fixed penalty notices)—

**Changes to legislation:** *Serious Organised Crime and Police Act 2005, Section 122 is up to date with all changes known to be in force on or before 26 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) in sub-paragraph (2)(aa), omit “except in respect of an offence under section 12 of the Licensing Act 1872 or section 91 of the Criminal Justice Act 1967”,
- (b) after sub-paragraph (2) insert—

“(2A) The reference to the powers mentioned in sub-paragraph (2)(aa) does not include those powers so far as they relate to an offence under the provisions in the following list—

section 12 of the Licensing Act 1872,

section 91 of the Criminal Justice Act 1967,

section 1 of the Theft Act 1968,

section 1(1) of the Criminal Damage Act 1971,

section 87 of the Environmental Protection Act 1990.”

- (6) In paragraph 9A (power to modify paragraph 1(2)(aa)), for sub-paragraph (1) substitute—

“(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.”,

and in the heading to paragraph 9A, for “1(2)(aa)” substitute “1(2A)”.

- (7) Schedules 8 and 9 to this Act, which provide for additional powers and duties for designated and accredited persons under the Police Reform Act 2002 (c. 30), have effect.

#### Textual Amendments

- F1** S. 122(3) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 18\(a\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

#### Commencement Information

- I1** S. 122 in force at 1.7.2005 for specified purposes by [S.I. 2005/1521](#), [art. 3\(1\)\(h\)](#)
- I2** S. 122(1)-(6) in force at 1.8.2005 in so far as not already in force by [S.I. 2005/2026](#), [art. 2\(d\)](#)
- I3** S. 122(7) in force at 1.1.2006 for specified purposes by [S.I. 2005/3495](#), [art. 2\(1\)\(q\)](#)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871