

2006 No. 594

POLICE

SERIOUS ORGANISED CRIME AGENCY

**The Serious Organised Crime and Police Act 2005
(Consequential and Supplementary Amendments to Secondary
Legislation) Order 2006**

<i>Made</i> - - - -	<i>6th March 2006</i>
<i>Laid before Parliament</i>	<i>9th March 2006</i>
<i>Coming into force</i> - -	<i>1st April 2006</i>

The Secretary of State makes the following Order in exercise of the powers conferred on him by section 173(1) of the Serious Organised Crime and Police Act 2005(a), having regard to the definition of “enactment” in section 177(2) of that Act.

In accordance with section 173(4) of that Act, he has consulted the Scottish Ministers about this Order.

1. This Order may be cited as the Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 and shall come into force on 1st April 2006.

2. The Schedule to this Order (amendment of statutory instruments and statutory rules of Northern Ireland relating to the National Criminal Intelligence Service (“NCIS”) and the National Crime Squad (“NCS”) and in connection with the Serious Organised Crime Agency (“SOCA”)) shall have effect.

Home Office
6th March 2006

Paul Goggins
Parliamentary Under-Secretary of State

(a) 2005 c. 15; the power in section 173(1) is extended by section 173(2) and (3).

SCHEDULE

Amendment of Statutory Instruments and Statutory Rules of Northern Ireland relating to NCIS and NCS and in connection with SOCA

1. In regulation 16(2) of the Police Federation Regulations 1969(a) the words from “(or, where” to “determine)” are revoked.

2. In paragraph 17 of Part 2 of Schedule 1 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(b), for “National Crime Squad or the National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

3.—(1) The provisions of the Safety Representatives and Safety Committees Regulations 1977(c) which are listed in sub-paragraph (2) are revoked.

(2) Those provisions are—

- (a) the words “subject to regulation 2A” in the definition of “regional trade union” in regulation 2(1);
- (b) regulation 2A; and
- (c) Schedule 1.

4. In paragraph 16 of Part 2 of Schedule 1 to the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(d), for “National Crime Squad or the National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

5.—(1) The provisions of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(e) which are listed in sub-paragraph (2) are revoked.

(2) Those provisions are—

- (a) the words “subject to regulation 2A” in the definition of “recognised trade union” in regulation 2(1);
- (b) regulation 2A; and
- (c) Schedule 1.

6. In regulation 6(1) of the Motor Vehicles (Tests) Regulations 1981(f) after (xiv) insert—

“(xivA) a vehicle provided for the purposes of the Serious Organised Crime Agency;”.

7. In regulation 16(1)(d) of the Motorways Traffic (England and Wales) Regulations 1982(g) after “when in uniform,” insert “as a member of the Serious Organised Crime Agency for the purposes of that Agency;”.

8. After regulation 37(5)(a) of the Road Vehicles (Construction and Use) Regulations 1986(h) insert—

“(aa) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998(i)), used for Serious Organised Crime Agency purposes;”.

(a) S.I. 1969/1787, as amended by S.I. 2004/2660.

(b) S.I. 1975/1023, as inserted by S.I. 2002/441.

(c) S.I. 1977/500, as amended by S.I. 1999/860.

(d) S.R. (N.I.) 1979/195, as inserted by S.R. (N.I.) 2003/355.

(e) S.R. (N.I.) 1979/437, as amended by S.R. (N.I.) 2000/87.

(f) S.I. 1981/1694, to which there have been amendments not relevant to the subject matter of this Order.

(g) S.I. 1982/1163, as amended by S.I. 2004/3168 (in relation to England), S.I. 2004/3258 (in relation to England and Wales) and S.I. 2005/2929 (in relation to Wales).

(h) S.I. 1986/1078, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales).

(i) 1998 c. 46.

9. In the table in regulation 3(2) of the Road Vehicles Lighting Regulations 1989(a) after paragraph (a) of the meaning of the expression “Emergency vehicle” insert—

“(aa) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), a vehicle used for Serious Organised Crime Agency purposes;”.

10. After regulation 6(1)(f) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993(b) insert—

“(fa)as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), a person driving or riding in a vehicle while it is being used for Serious Organised Crime Agency purposes;”.

11. After regulation 14(1)(d) of the Motorways Traffic (Scotland) Regulations 1995(c) insert—

“(da) so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), where he does so as a member of the Serious Organised Crime Agency for the purposes of that Agency;”.

12. In paragraph 6 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995(d) after “ambulance” insert “or Serious Organised Crime Agency”.

13.—(1) The provisions of the Police (Promotion) Regulations 1996(e) which are listed in subparagraph (2) are revoked.

(2) Those provisions are—

- (a) the definition of “member of the NCS” in regulation 2(1);
- (b) the words “or a member of the NCS” in regulation 2(2);
- (c) the words “or the National Crime Squad” in regulation 2(3)(c);
- (d) the words “or section 79A of the Police Act 1997” in regulation 3(7)(b);
- (e) in regulation 5(1) the words—
 - (i) “or a member of the NCS”,
 - (ii) “or, as the case may be, the Squad”, and
 - (iii) “or, in the case of a person who is on probation in the National Crime Squad, the Director General of that Squad”;
- (f) the words “or, in the case of a person who is on probation in the National Crime Squad, the Director General of that Squad” in regulation 5(2);
- (g) the words “or a member of the NCS” in regulation 6;
- (h) the words “or, as the case may be, the Director General of the National Crime Squad” in regulation 7(1), (2) and (3);
- (i) in Schedule 1, the words—
 - (i) “and the Director General of the National Crime Squad” in paragraph 4,
 - (ii) from “and in the case” to “NCS” in paragraph 4(c),

(a) S.I. 1989/1796, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland), S.I. 2005/2559 (in relation to England, Wales and Scotland) and S.I. 2005/2929 (in relation to Wales).

(b) S.I. 1993/176, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales).

(c) S.I. 1995/2507 (s.183).

(d) S.I. 1995/2869, as amended by S.I. 2004/3168 (in relation to England), S.I. 2005/2060 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales).

(e) S.I. 1996/1685, as amended by S.I. 2003/2595.

- (iii) “or a member of the NCS” in paragraph 5(3) and (4), and
- (iv) “or section 79A of the Police Act 1997” in paragraph 5(4);
- (j) in Schedule 2, the words—
 - (i) “or a member of the NCS”, in each place where they occur, in paragraph 1, and
 - (ii) “or section 79A of the Police Act 1997” in paragraph 2.

14.—(1) The Police (Property) Regulations 1997^(a) are amended as follows.

(2) For paragraph (ab) of the definition of “the relevant authority” in regulation 3 there is substituted—

“(ab) in relation to the Serious Organised Crime Agency, the Board of that Agency;”

(3) In regulations 6(5) and 8 for the words “National Crime Squad the Director General of that Squad” there is substituted “Serious Organised Crime Agency the Director General of that Agency”.

15.—(1) The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997^(b) are amended as follows.

(2) In regulation 12(1)—

- (a) in sub-paragraphs (c) and (d) after the words “sub-paragraph (e)” insert “and sub-paragraph (ea)”; and
- (b) after sub-paragraph (e) insert—

“(ea) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), when a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the prohibition conveyed by the steady amber or the red signal in accordance with sub-paragraph (c) or (d) would be likely to hinder the use of that vehicle for those purposes, then those sub-paragraphs shall not apply to the vehicle, and the steady amber and the red signal shall each convey the information that the vehicle may proceed beyond the stop line if the driver—

- (i) accords precedence to any pedestrian who is on that part of the carriageway which lies within the limits of the crossing or on a central reservation which lies between two crossings which do not form part of a system of staggered crossings; and
- (ii) does not proceed in a manner or at a time likely to endanger any person or any vehicle approaching or waiting at the crossing, or to cause the driver of any such vehicle to change its speed or course in order to avoid an accident; and”.

(3) In regulation 13(1)—

- (a) in sub-paragraphs (c), (d) and (e), after the words “sub-paragraph (f)” insert “and sub-paragraph (g)”; and
- (b) after sub-paragraph (f) insert—

“(g) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), when a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the prohibition conveyed by the amber, red or red-with-amber signal in accordance with sub-paragraph (c), (d) or (e) would be likely to hinder the use of that vehicle for those purposes, then those sub-paragraphs shall not

(a) S.I. 1997/1908, as amended by S.I. 2002/2313.

(b) S.I. 1997/2400, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales).

apply to the vehicle, and the red signal, red-with-amber and amber signals shall each convey the information that the vehicle may proceed beyond the stop line if the driver—

- (i) accords precedence to any pedestrian who is on that part of the carriageway which lies within the limits of the crossing or on a central reservation which lies between two crossings which do not form part of a system of staggered crossings; and
- (ii) does not proceed in a manner or at a time likely to endanger any person or any vehicle approaching or waiting at the crossing, or to cause the driver of any such vehicle to change its speed or course in order to avoid an accident.”

(4) After regulation 21(c) insert—

“or (d) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), when the vehicle is being used for Serious Organised Crime Agency purposes.”

16.—(1) Regulation 41 of the Working Time Regulations 1998(a) is amended as follows.

(2) In paragraph (1) at the beginning insert “Subject to paragraph (1A),”.

(3) After paragraph (1) insert—

“(1A) For the purposes of these Regulations, any constable who has been seconded to the Serious Organised Crime Agency to serve as a member of its staff shall be treated as employed by the Serious Organised Crime Agency.”

(4) In paragraph (3), paragraph (b) of the definition of “the relevant officer” is revoked.

17.—(1) Regulation 38 of the Working Time Regulations (Northern Ireland) 1998(b) is amended as follows.

(2) In paragraph (1) at the beginning insert “Subject to paragraph (1A),”.

(3) After paragraph (1) insert—

“(1A) For the purposes of these Regulations, any constable who has been seconded to the Serious Organised Crime Agency to serve as a member of its staff shall be treated as employed by the Serious Organised Crime Agency.”

(4) In paragraph (3), paragraph (b) of the definition of “the relevant officer” is revoked.

18.—(1) Subject to sub-paragraph (5), the Police (Efficiency) Regulations 1999(c) are amended as set out in sub-paragraphs (2) to (4).

(2) The following provisions are revoked; they are—

- (a) the words “or section 55(1)(c) of the 1997 Act” in the definitions of “countersigning officer”, “personnel officer” and “reporting officer” in regulation 3(1);
- (b) the definition of the “1997 Act” in regulation 3(1);
- (c) paragraphs (1A) and (1B) of regulation 3;
- (d) the words “or section 55(1)(c) of the 1997 Act” in regulation 4(2) and (3);
- (e) regulation 14(1)(d); and
- (f) the words “or section 82 of the 1997 Act as the case may be” in regulation 14(8).

(3) In regulation 14(3)(a) for “paragraph (1)(a), (c) or (d)” there is substituted “paragraph (1)(a) or (c)”.

(4) For paragraphs (1) and (2) of regulation 22 there is substituted—

(a) S.I. 1998/1833.

(b) S.R. (N.I.) 1998/386.

(c) S.I. 1999/732, as amended by S.I. 2003/2600.

“(1) Subject to paragraphs (2) to (4), where the chief officer is an interested party or the circumstances in section 12A(1) or (2) of the 1996 Act(a) apply, the review shall be conducted by the deputy chief constable or the assistant chief constable designated under section 12A(2).

(2) Where the deputy chief constable or the assistant chief constable designated under section 12A(2) of the 1996 Act is absent or an interested party, the review shall be conducted by the chief officer of another force who has agreed to act in that capacity.”.

(5) Nothing in sub-paragraphs (1) to (4) shall affect what would otherwise be done in accordance with the provisions of the Police (Efficiency) Regulations 1999 in respect of anything that occurred, or is alleged to have occurred, before 1st April 2006.

19.—(1) Subject to sub-paragraph (3), the words “or section 81 of the Police Act 1997” in rule 5(1) of the Police Appeals Tribunals Rules 1999(b) (“the 1999 Rules”) are revoked.

(2) Subject to sub-paragraph (3), the Police Appeals Tribunals (Amendment) Rules 2003(c) (which inserted the words revoked by sub-paragraph (1)) are revoked.

(3) Nothing in sub-paragraphs (1) and (2) shall affect what would otherwise be done in accordance with the 1999 Rules as extended by the words revoked by sub-paragraph (1) in respect of anything that occurred, or is alleged to have occurred, before 1st April 2006.

20. The entries in the Schedule to the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999(d) in respect of the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service and sections 1 and 2 of the Police Act 1997 are revoked as regards England and Wales, and are revoked so far as relating to the functions of those bodies which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998).

21.—(1) Regulation 16 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000(e) is amended as follows.

(2) After paragraph (1) insert—

“(1A) For the purposes of these Regulations, any constable who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA, in respect of actions taken by, or on behalf of, SOCA.

(1B) For the purposes of regulation 11 (liability of employers and principals),—

(a) the secondment of any constable to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and

(b) anything done by a constable so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.”.

(3) In paragraph (2), paragraph (b) of the definition of “the relevant officer” is revoked.

(4) After paragraph (5) insert—

“(6) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

22. In the Schedule to the Regulation of Investigatory Powers (Authorisations Extending to Scotland) Order 2000(f) for “The National Criminal Intelligence Service” there is substituted “The Serious Organised Crime Agency”.

23.—(1) Regulation 14 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000(a) is amended as follows.

(a) Section 12A of the Police Act 1996 (c.16) was inserted by section 124(2) of the Criminal Justice and Police Act 2001 (c.16).

(b) S.I. 1999/818, as amended by S.I. 2003/2597.

(c) S.I. 2003/2597.

(d) S.I. 1999/1319.

(e) S.I. 2000/1551.

(f) S.I. 2000/2418.

(2) After paragraph (1) insert—

“(1A) For the purposes of these Regulations, any constable who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA, in respect of actions taken by, or on behalf of, SOCA.

(1B) For the purposes of regulation 11 (liability of employers),—

- (a) the secondment of any constable to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and
- (b) anything done by a constable so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.”.

(3) In paragraph (2), paragraph (b) of the definition of “the relevant officer” is revoked.

(4) After paragraph (2) insert—

“(3) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

24. For sub-paragraphs (c) and (d) of regulation 109(1) of the Representation of the People (England and Wales) Regulations 2001**(b)** there is substituted—

“(c) the Serious Organised Crime Agency;”.

25. For sub-paragraphs (c) and (d) of regulation 102(1) of the Representation of the People (Northern Ireland) Regulations 2001**(c)** there is substituted—

“(c) the Serious Organised Crime Agency;”.

26. For sub-paragraphs (c) and (d) of regulation 108(1) of the Representation of the People (Scotland) Regulations 2001**(d)** there is substituted—

“(c) the Serious Organised Crime Agency;”.

27. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001**(e)**, for the entries in respect of the service authorities for the National Crime Squad and National Criminal Intelligence Service there is substituted “The Serious Organised Crime Agency”.

28. In regulation 3(2)(a) and (b) of the Protection of the Euro against Counterfeiting Regulations 2001**(f)** for “National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

29. The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Amendment) Order 2002**(g)** is revoked.

30.—(1) Regulation 17 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002**(h)** is amended as follows.

(2) After paragraph (1) insert—

“(1A) For the purposes of these Regulations, any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA, in respect of actions taken by, or on behalf of, SOCA.

(1B) For the purposes of regulation 12 (liability of employers and principals),—

- (a) the secondment of any constable or other person to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and

(a) S.R. (N.I.) 2000/219.

(b) S.I. 2001/341, as inserted by S.I. 2002/1871.

(c) S.I. 2001/400, as inserted by S.I. 2002/1873.

(d) S.I. 2001/497, as inserted by S.I. 2002/1872.

(e) S.I. 2001/3458.

(f) S.I. 2001/3948.

(g) S.I. 2002/1298.

(h) S.I. 2002/2034.

(b) anything done by a person so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.”.

(3) In paragraph (2), paragraph (b) of the definition of “the relevant officer” is revoked.

(4) After paragraph (2) insert—

“(3) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

31.—(1) The Magistrates’ Courts (Detention and Forfeiture of Cash) Rules 2002(a) are amended as follows.

(2) In rules 6(3)(b) and 8(3)(b) the words from “(or in the” to “Squad)” are revoked.

(3) After rules 6(3)(a) and 8(3)(a) insert—

“(ab) the Director General of the Serious Organised Crime Agency if the cash which is the subject of the application was seized by a member of the staff of that Agency who is designated under section 43 of the Serious Organised Crime and Police Act 2005;”.

32.—(1) The Traffic Signs Regulations and General Directions 2002(b) are amended as follows.

(2) In regulation 15(1) after the words “paragraph (2)” insert “, (2A)”.

(3) After regulation 15(2) insert—

“(2A) As regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), on an occasion where a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the requirement specified in paragraph (1) would be likely to hinder the use of that vehicle for those purposes then, instead of that requirement, the requirement conveyed by the sign in question shall be that the vehicle shall not proceed beyond that sign in such a manner or at such a time as to be likely to endanger any person.”.

(4) After regulation 26(5)(b) insert—

“(ba) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), to a vehicle for the time being used for Serious Organised Crime Agency purposes;”.

(5) After regulation 27(3)(c) insert—

“or (d) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), when the vehicle is being used for Serious Organised Crime Agency purposes.”.

(6) In regulation 36(1)—

(a) in sub-paragraph (a), after the words “sub-paragraph (b)” insert “and sub-paragraph (ba)”; and

(b) after sub-paragraph (b) insert—

“(ba) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), when a vehicle is being used for Serious Organised Crime Agency purposes and the observance of the prohibition conveyed by the red signal in

(a) S.I. 2002/2998.

(b) S.I. 2002/3113, as amended by S.I. 2004/3168 (in relation to England), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2005/2929 (in relation to Wales).

accordance with sub-paragraph (a) would be likely to hinder the use of that vehicle for those purposes, then sub-paragraph (a) shall not apply to the vehicle, and the red signal shall convey the prohibition that that vehicle shall not proceed beyond the stop line in a manner or at a time likely to endanger any person or to cause the driver of any vehicle proceeding in accordance with the indications of light signals operating in association with the signals displaying the red signal to change its speed or course in order to avoid an accident;”.

(7) In Schedule 19, after paragraph 4(1)(a) insert—

“(aa) as regards England and Wales, and so far as relating to the functions of the Serious Organised Crime Agency which are exercisable in or as regards Scotland and which relate to reserved matters (within the meaning of the Scotland Act 1998), a vehicle being used for Serious Organised Crime Agency purposes;”.

33.—(1) Regulation 15 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002(a) is amended as follows.

(2) After paragraph (1) insert—

“(1A) For the purposes of these Regulations, any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA, in respect of actions taken by, or on behalf of, SOCA.

(1B) For the purposes of regulation 12 (liability of employers and principals),—

(a) the secondment of any constable or other person to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and

(b) anything done by a person so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.”.

(3) In paragraph (2), paragraph (b) of the definition of “the relevant officer” is revoked.

(4) After paragraph (2) insert—

“(3) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

34.—(1) The provisions of the Police Regulations 2003(b) which are listed in sub-paragraph (2) are revoked.

(2) Those provisions are—

(a) in the definition of “Conduct Regulations” in regulation 3(1) the words “or section 81 of the Police Act 1997”;

(b) in the definition of “Promotion Regulations” in regulation 3(1) the words “or section 79A of the Police Act 1997”;

(c) the words “National Crime Squad, the” in regulation 3(2);

(d) paragraphs (2A), (2B) and (2C) of regulation 3;

(e) regulation 4(4);

(f) the words “Subject to paragraph (8),” in regulation 5(1);

(g) regulation 5(8); and

(h) regulation 8(6).

(3) In regulation 4(1) of the Police Regulations 2003 for “(2), (3) or (4)” there is substituted “(2) and (3)”.

35.—(1) The Land Registration Rules 2003(c) are amended as follows.

(a) S.R. (N.I.) 2002/298.

(b) S.I. 2003/527, as amended by S.I. 2003/2594.

(c) S.I. 2003/1417, as amended by S.I. 2005/1766.

- (2) In Form CIT in Schedule 1—
 - (a) in Certificate O—
 - (i) for the words “National Crime Squad”, in each place where they occur, there is substituted “Serious Organised Crime Agency”;
 - (ii) for the words “section 48 of the Police Act 1997” there is substituted “section 2 or 3 of the Serious Organised Crime and Police Act 2005”; and
 - (b) Certificate P is revoked.
- (3) In the table in Schedule 5—
 - (a) the entries in relation to the Director General of the National Crime Squad and the Director General of the National Criminal Intelligence Service are revoked; and
 - (b) after the entry in relation to the Director of the Serious Fraud Office insert—
 - (i) in column 1 (Status of applicant), “Director General of the Serious Organised Crime Agency or a member of the staff of the Serious Organised Crime Agency authorised to apply on behalf of the Director General”, and
 - (ii) in column 2 (Certificate in Form CIT), “Certificate O”.

36.—(1) The Employment Equality (Religion or Belief) Regulations 2003(a) are amended as follows.

- (2) In regulation 11(1) at the beginning insert “Subject to regulation 11A,”.
- (3) In regulation 11(2) at the beginning insert “Subject to regulation 11A,”.
- (4) In regulation 11(7), paragraph (b) of the definitions of “chief officer of police”, “police authority” and “police fund” is revoked.
- (5) After regulation 11 insert—

“Serious Organised Crime Agency

11A.—(1) For the purposes of this Part, any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA.

- (2) For the purposes of regulation 22 (liability of employers and principals)—
 - (a) the secondment of any constable or other person to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and
 - (b) anything done by a person so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

37.—(1) The Employment Equality (Sexual Orientation) Regulations 2003(b) are amended as follows.

- (2) In regulation 11(1) at the beginning insert “Subject to regulation 11A,”.
- (3) In regulation 11(2) at the beginning insert “Subject to regulation 11A,”.
- (4) In regulation 11(7), paragraph (b) of the definitions of “chief officer of police”, “police authority” and “police fund” is revoked.
- (5) After regulation 11 insert—

(a) S.I. 2003/1660.
 (b) S.I. 2003/1661.

“Serious Organised Crime Agency

11A.—(1) For the purposes of this Part, any constable or other person who has been seconded to SOCA to serve as a member of its staff shall be treated as employed by SOCA.

(2) For the purposes of regulation 22 (liability of employers and principals)—

- (a) the secondment of any constable or other person to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and
- (b) anything done by a person so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

38.—(1) The Money Laundering Regulations 2003(a) are amended as follows.

(2) In the definition of “constable” in regulation 2(1) for “National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

(3) In sub-paragraphs (b) and (d) of regulation 7(1) for “National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

39. In article 2 of the Extradition Act 2003 (Part 1 Designated Authorities) Order 2003(b) for “National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

40.—(1) Subject to sub-paragraph (4), the table in Part 1 of the Schedule to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003(c) is amended as set out in sub-paragraphs (2) and (3).

(2) The entries in relation to the National Criminal Intelligence Service and the National Crime Squad are revoked.

(3) Before the entry in relation to the Serious Fraud Office insert—

- (a) in column (1) (relevant public authorities in Part 1 of Schedule 1 to the 2000 Act), “The Serious Organised Crime Agency”;
- (b) in column (2) (prescribed offices etc.), “Senior Manager (Grade 2)”;
- (c) in column (3) (urgent cases), “Principal Officer (Grade 3)”;
- (d) in column (4) (grounds set out in the paragraphs of sections 28(3) and 29(3) of the 2000 Act for which an authorisation can be given), “(b)”.

(4) An authorisation for the carrying out of directed surveillance granted under Part 2 of the Regulation of Investigatory Powers Act 2000(d) which—

- (a) is granted by a person designated for the purposes of section 28 of that Act by reference to the National Crime Squad or the National Criminal Intelligence Service, and
- (b) would be in force on 1st April 2006 but for the National Crime Squad, or as the case may be, the National Criminal Intelligence Service ceasing to exist,

shall be treated as granted by a member of the staff of the Serious Organised Crime Agency, designated for the purposes of that section by reference to the Serious Organised Crime Agency on the coming into force of this paragraph.

41.—(1) Subject to sub-paragraph (4), the table in Schedule 1 to the Regulation of Investigatory Powers (Communications Data) Order 2003(e) is amended as set out in sub-paragraphs (2) and (3).

(a) S.I. 2003/3075.
(b) S.I. 2003/3109.
(c) S.I. 2003/3171.
(d) 2000 c. 23.
(e) S.I. 2003/3172.

(2) The entries in relation to the National Criminal Intelligence Service and the National Crime Squad are revoked.

(3) After the entry in relation to the Secret Intelligence Service insert—

- (a) as a title, “*Other bodies*”;
- (b) in column (1) (relevant public authorities), “The Serious Organised Crime Agency”;
- (c) in column (2) (prescribed offices etc. (all authorisations/notices)), “Senior Manager (Grade 2)”;
- (d) in column (3) (additional prescribed offices etc. (authorisations/notices relating solely to communications data falling within section 21(4)(c))), “Principal Officer (Grade 3)”;
- (e) in column (4) (purposes within section 22(2) which an authorisation may be granted or a notice given), “(b)”.

(4) An authorisation granted under section 22(3) of the Regulation of Investigatory Powers Act 2000 which—

- (a) is granted by a person designated for the purposes of Chapter 2 of Part 1 of that Act by reference to the National Crime Squad or the National Criminal Intelligence Service, and
- (b) would be in force on 1st April 2006 but for the National Crime Squad, or as the case may be, the National Criminal Intelligence Service ceasing to exist,

shall be treated as granted by a member of the staff of the Serious Organised Crime Agency, designated for the purposes of Chapter 2 of Part 1 of that Act by reference to the Serious Organised Crime Agency on the coming into force of this paragraph.

42.—(1) The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(a) are amended as follows.

(2) In regulation 13(1) at the beginning insert “Subject to regulation 14A,”.

(3) In regulation 13(2) at the beginning insert “Subject to regulation 14A,”.

(4) In regulation 13(6)(a) for the words “section 23 of the Police Act 1997” there is substituted “section 23 or 24 of the Serious Organised Crime and Police Act 2005”.

(5) In regulation 14(1) at the beginning insert “Subject to regulation 14A,”.

(6) In regulation 14(2) at the beginning insert “Subject to regulation 14A,”.

(7) In regulation 14, for paragraph (6) there is substituted—

“(6) Subject to paragraph (8), in this regulation—

“chief officer of police” means the person who has the direction and control of the body of constables in question;

“police authority” means the authority by which members of the body of constables are paid;

“police fund” means money provided by the authority by which the members of the body of constables are paid.”

(8) After regulation 14 insert—

“Serious Organised Crime Agency

14A.—(1) For the purposes of this Part, 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.

(2) For the purposes of regulation 24 (liability of employers and principals)—

(a) S.R. (N.I.) 2003/497; to which there has been an amendment not relevant to the subject matter of this Order.

- (a) the secondment of any constable or other person to SOCA to serve as a member of its staff shall be treated as employment by SOCA (and not as being employment by any other person); and
- (b) anything done by a person so seconded in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) In this regulation “SOCA” means the Serious Organised Crime Agency.”.

43.—(1) Subject to sub-paragraph (2), regulation 29 (Application to NCIS and NCS) of the Police (Complaints and Misconduct) Regulations 2004(a) is revoked.

(2) Nothing in sub-paragraph (1) shall affect anything that would otherwise be done under the Police (Complaints and Misconduct) Regulations 2004, as applied by regulation 29 of those Regulations, in respect of anything that occurred, or is alleged to have occurred, before 1st April 2006.

44.—(1) Subject to sub-paragraph (3), the provisions of the Police (Conduct) Regulations 2004(b) which are listed in sub-paragraph (2) are revoked.

(2) Those provisions are—

- (a) paragraph (b) of the definition of “appropriate authority” in regulation 3(1);
- (b) regulation 3(2);
- (c) the words from “as a member” to “or below” in regulation 17(3);
- (d) the words “or member of the National Crime Squad” in regulation 17(4);
- (e) the words from “or member” to “or below” in regulation 17(5);
- (f) the words “or section 82 of the Police Act 1997” in regulation 34(1);
- (g) the words from “or, as” to the end in regulation 39(1); and
- (h) in regulation 43(1) the words—
 - (i) “or section 54(1) of the Police Act 1997”, and
 - (ii) from “or, in the case of” to the end.

(3) Nothing in sub-paragraph (1) shall affect what would otherwise be done in accordance with the provisions listed in sub-paragraph (2) in respect of anything that occurred, or is alleged to have occurred, before 1st April 2006.

45. In article 2 of the Regulation of Investigatory Powers (Foreign Surveillance Operations) Order 2004(c) for “National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

46. In regulation 3(1) of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005(d), in paragraph (d) of the definition of “body which deals with security matters”, for the words “National Criminal Intelligence Service” there is substituted “Serious Organised Crime Agency”.

47. In Part 1 of Schedule 1 to the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005(e)—

- (a) the entry in respect of the Director-General of the National Crime Squad is revoked; and
- (b) for the entries in respect of the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service there is substituted “The Serious Organised Crime Agency”.

(a) S.I. 2004/643.
 (b) S.I. 2004/645.
 (c) S.I. 2004/1128.
 (d) S.I. 2005/2042.
 (e) S.I. 2005/2966.

48. Sub-paragraphs (c) and (d) of article 210(1) (restriction on performance of Director's functions by police) of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005**(a)** are revoked.

49. Regulation 3(3) of the Police Service of Northern Ireland Regulations 2005**(b)** is revoked.

(a) S.I. 2005/3181.
(b) S.R. (N.I.) 2005/547.

EXPLANATORY NOTE

(This note is not part of the Order)

The Schedule to this Order omits references in the secondary legislation listed in that Schedule to the National Criminal Intelligence Service and the National Crime Squad (and their service authorities) consequential on the abolition of those bodies by the Serious Organised Crime and Police Act 2005. Where the functions are taken on by the Serious Organised Crime Agency, references to that Agency are substituted.

In addition, the amendments in paragraphs 6, 7, 8, 9, 10, 11, 12, 15 and 32 of the Schedule ensure that the traffic provisions mentioned in those paragraphs apply to the Serious Organised Crime Agency in the same manner as they apply to the police and other emergency services.

2006 No. 594

POLICE

SERIOUS ORGANISED CRIME AGENCY

The Serious Organised Crime and Police Act 2005
(Consequential and Supplementary Amendments to Secondary
Legislation) Order 2006

£3.00

ISBN 0-11-074188-9

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0308 3/2006 160308T 19585

9 780110 741888