
STATUTORY INSTRUMENTS

2008 No. 755

The Serious Crime Act 2007 (Commencement No. 2 and Transitional and Transitory Provisions and Savings) Order 2008

Transfer from the Agency and its Director to SOCA and National Policing Improvement Agency

3.—(1) The modifications made by virtue of Schedule 8 to the 2007 Act do not affect the validity of anything done (or having effect as if done) by or in relation to the transferor before 1st April 2008.

(2) Anything which, on 1st April 2008, is in the process of being done by or in relation to the transferor may, so far as it relates to any function transferred by Part 2, 3, 4 or 5 or paragraph 140 of that Schedule or to any investigation, be continued by or in relation to the transferee.

(3) Anything done (or having effect as if done) by or in relation to the transferor for the purposes of or in connection with any function transferred by Part 2, 3, 4 or 5 or paragraph 140 of that Schedule or any investigation shall, if in force or effective on 1st April 2008, have effect as if done by or in relation to the transferee so far as that is required for continuing its effect on and after 1st April 2008.

(4) Any enactment, instrument or other document passed or made before 1st April 2008 shall have effect, so far as necessary for the purposes of or in consequence of paragraph (2) or (3), as if any references (however expressed) to the transferor were references to the transferee.

(5) The references in paragraphs (2) and (3) to things done include references to things omitted to be done.

(6) Paragraphs (2) to (5) do not apply in relation to—

- (a) section 325 of the 2002 Act (declarations); or
- (b) subject to article 9(3), any function relating to a confiscation investigation and transferred to a prosecutor (within the meaning given by section 357(8) of the 2002 Act) by paragraphs 108(1), (2), (3) and (7) and 110(1) and (2) of Schedule 8 to the 2007 Act (transfer to prosecutors of powers to apply for disclosure orders in relation to confiscation investigations and for their variation and discharge)(1).

(7) In this article —

“the transferee” means—

- (a) in the case of Part 5 of Schedule 8 to the 2007 Act, the National Policing Improvement Agency;
- (b) in any other case, SOCA, a member of SOCA’s staff, a senior member of SOCA’s staff, an authorised member of SOCA’s staff or (as the case may be) a person providing services under arrangements made by SOCA; and

“the transferor” means the Director, a member of staff of the Agency or a person providing services under arrangements made by the Director.

(1) Subsections (7) and (8) of section 357 are inserted by paragraph 108 of Schedule 8 to the 2007 Act.