



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 1

#### THE SERIOUS ORGANISED CRIME AGENCY

### CHAPTER 2

#### SOCA: SPECIAL POWERS OF DESIGNATED STAFF

##### *Powers exercisable*

#### **46 Person having powers of a constable**

- (1) This section applies to a member of SOCA's staff who is for the time being designated under section 43 as a person having the powers of a constable.
- (2) The designated person has all the powers and privileges of a constable.
- (3) Those powers and privileges are exercisable by the designated person—
  - (a) throughout England and Wales and the adjacent United Kingdom waters, and
  - (b) in accordance with section 47, in Scotland or Northern Ireland and the adjacent United Kingdom waters.
- (4) If any of those powers and privileges, when exercisable by a constable, are subject to any territorial restrictions on their exercise, they are similarly subject to those restrictions when exercised by the designated person.
- (5) If any of those powers and privileges, when exercisable by a constable, are exercisable elsewhere than in the United Kingdom or the adjacent United Kingdom waters, they are similarly exercisable by the designated person.

*Status: Point in time view as at 14/03/2012.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Powers exercisable is up to date with all changes known to be in force on or before 14 July 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)*

- (6) The designated person also has any powers exercisable by virtue of subsection (7).
- (7) Any enactment under which a constable may be authorised by warrant to exercise any power in relation to any matter has effect, for the purpose of enabling the designated person to be authorised to exercise the power in relation to any such matter, as if he were a constable.
- (8) Subsections (2) to (7) have effect subject to any limitation specified in the designation under section 43(2).
- (9) In this section references to the powers and privileges of a constable are references to the powers and privileges of a constable whether under any enactment or otherwise.

#### Commencement Information

**II** S. 46 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 6** (with art. 4(2)-(7))

#### 47 Person having powers of constable: Scotland and Northern Ireland

- (1) This section provides for persons designated as mentioned in section 46(1) (“relevant persons”) to exercise the powers and privileges mentioned in section 46(2) in Scotland or Northern Ireland and the adjacent United Kingdom waters.
- (2) If so agreed by—
  - (a) the Scottish Ministers, and
  - (b) SOCA,
 the powers and privileges are exercisable by relevant persons in Scotland and the adjacent United Kingdom waters to such extent and in such circumstances as may be specified in the agreement.
- (3) If so agreed by—
  - (a) the [<sup>F1</sup>Director General of the Scottish Crime and Drug Enforcement Agency] or a person nominated by him for the purposes of this subsection, and
  - (b) SOCA,
 a relevant person may exercise the powers and privileges in Scotland in connection with a particular operation.
- (4) A person nominated for the purposes of subsection (3) must be either—
  - (a) a person for the time being appointed as [<sup>F2</sup>Deputy Director General] of that Agency, or
  - (b) an appropriate officer of a police force for an area in Scotland.
- (5) If so agreed by—
  - (a) the [<sup>F3</sup>Department of Justice in Northern Ireland], and
  - (b) SOCA,
 the powers and privileges are exercisable by relevant persons in Northern Ireland and the adjacent United Kingdom waters to such extent and in such circumstances as may be specified in the agreement.
- (6) If—
  - (a) an agreement under subsection (5) (“the general authorisation”) is in force, and

*Status: Point in time view as at 14/03/2012.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Powers exercisable is up to date with all changes known to be in force on or before 14 July 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)*

(b) an appropriate officer of the Police Service of Northern Ireland and SOCA so agree in conformity with the general authorisation,  
a relevant person may exercise the powers and privileges in Northern Ireland in connection with a particular operation in accordance with the agreement mentioned in paragraph (b).

(7) In this section—

“appropriate officer” means an officer of or above the rank of assistant chief constable;

F4

#### Textual Amendments

- F1** Words in s. 47(3)(a) substituted (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(8)(a)**; S.S.I. 2007/84, art. 3(3) and substituted (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(8)(a)**
- F2** Words in s. 47(4)(a) substituted (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(8)(b)**; S.S.I. 2007/84, art. 3(3) and substituted (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(8)(b)**
- F3** Words in s. 47(5)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 15 para. 17** (with arts. 28-31)
- F4** Words in s. 47(7) repealed (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **Sch. 6 para. 13(8)(c)**; S.S.I. 2007/84, art. 3(3) and repealed (E.W.N.I.) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 6(8)(c)**

#### Commencement Information

- I2** S. 47 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 6** (with art. 4(2)-(7))

## 48 Person having customs powers

- (1) This section applies to a member of SOCA's staff who is for the time being designated under section 43 as a person having the customs powers of an officer of Revenue and Customs.
- (2) The designated person has, in relation to any customs matter, the same powers as an officer of Revenue and Customs would have.
- (3) The designated person also has any powers exercisable by virtue of subsection (4).
- (4) Any enactment under which an officer of Revenue and Customs may be authorised by warrant to exercise any power in relation to any customs matter has effect, for the purpose of enabling the designated person to be authorised to exercise the power in relation to any such matter, as if he were an officer of Revenue and Customs.
- (5) Where any power is exercisable by an officer of Revenue and Customs both—
- (a) in relation to a customs matter, and
  - (b) in relation to any other matter,
- it is exercisable by the designated person only in relation to the customs matter.

**Status:** Point in time view as at 14/03/2012.

**Changes to legislation:** *Serious Organised Crime and Police Act 2005, Cross Heading: Powers exercisable is up to date with all changes known to be in force on or before 14 July 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)*

- (6) Subsections (2) to (5) have effect subject to any limitation specified in the designation under section 43(2).
- (7) In this section “customs matter” means any matter other than—
- (a) a matter to which section 7 of the Commissioners for Revenue and Customs Act 2005 (c. 11) applies (former Inland Revenue matters), or
  - (b) any tax or duty not mentioned in Schedule 1 to that Act (which lists such matters).

**Commencement Information**

**I3** S. 48 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 6** (with art. 4(2)-(7))

**49 Person having powers of an immigration officer**

- (1) This section applies to a member of SOCA's staff who is for the time being designated under section 43 as a person having the powers of an immigration officer.
- (2) The designated person has, in relation to any matter in relation to which powers are exercisable by an immigration officer, the same powers as such an officer would have.
- (3) The designated person also has any powers exercisable by virtue of subsection (4).
- (4) Any enactment under which an immigration officer may be authorised by warrant to exercise any power in relation to any matter has effect, for the purpose of enabling the designated person to be authorised to exercise the power in relation to any such matter, as if he were an immigration officer.
- (5) Subsections (2) to (4) have effect subject to any limitation specified in the designation under section 43(2).
- (6) In this section “immigration officer” means a person who is an immigration officer within the meaning of the Immigration Act 1971 (c. 77).

**Commencement Information**

**I4** S. 49 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 6** (with art. 4(2)-(7))

**Status:**

Point in time view as at 14/03/2012.

**Changes to legislation:**

Serious Organised Crime and Police Act 2005, Cross Heading: Powers exercisable is up to date with all changes known to be in force on or before 14 July 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.