



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 1

INVESTIGATORY POWERS OF DPP, ETC.

Introductory

60 Investigatory powers of DPP etc.

- (1) This Chapter confers powers on—
 - (a) the Director of Public Prosecutions,
 - (b) the Director of Revenue and Customs Prosecutions, and
 - (c) the Lord Advocate,in relation to the giving of disclosure notices in connection with the investigation of offences to which this Chapter applies.
- (2) The Director of Public Prosecutions may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Crown prosecutor.
- (3) The Director of Revenue and Customs Prosecutions may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Revenue and Customs Prosecutor.
- (4) The Lord Advocate may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a procurator fiscal.
- (5) In this Chapter “the Investigating Authority” means—

Status: This is the original version (as it was originally enacted).

- (a) the Director of Public Prosecutions,
 - (b) the Director of Revenue and Customs Prosecutions, or
 - (c) the Lord Advocate.
- (6) But, in circumstances where the powers of any of those persons are exercisable by any other person by virtue of subsection (2), (3) or (4), references to “the Investigating Authority” accordingly include any such other person.

61 Offences to which this Chapter applies

- (1) This Chapter applies to the following offences—
- (a) any offence listed in Schedule 2 to the Proceeds of Crime Act 2002 (c. 29) (lifestyle offences: England and Wales);
 - (b) any offence listed in Schedule 4 to that Act (lifestyle offences: Scotland);
 - (c) any offence under sections 15 to 18 of the Terrorism Act 2000 (c. 11) (offences relating to fund-raising, money laundering etc.);
 - (d) any offence under section 170 of the Customs and Excise Management Act 1979 (c. 2) (fraudulent evasion of duty) or section 72 of the Value Added Tax Act 1994 (c. 23) (offences relating to VAT) which is a qualifying offence;
 - (e) any offence under section 17 of the Theft Act 1968 (c. 60) (false accounting), or any offence at common law of cheating in relation to the public revenue, which is a qualifying offence;
 - (f) any offence under section 1 of the Criminal Attempts Act 1981 (c. 47), or in Scotland at common law, of attempting to commit any offence in paragraph (c) or any offence in paragraph (d) or (e) which is a qualifying offence;
 - (g) any offence under section 1 of the Criminal Law Act 1977 (c. 45), or in Scotland at common law, of conspiracy to commit any offence in paragraph (c) or any offence in paragraph (d) or (e) which is a qualifying offence.
- (2) For the purposes of subsection (1) an offence in paragraph (d) or (e) of that subsection is a qualifying offence if the Investigating Authority certifies that in his opinion—
- (a) in the case of an offence in paragraph (d) or an offence of cheating the public revenue, the offence involved or would have involved a loss, or potential loss, to the public revenue of an amount not less than £5,000;
 - (b) in the case of an offence under section 17 of the Theft Act 1968 (c. 60), the offence involved or would have involved a loss or gain, or potential loss or gain, of an amount not less than £5,000.
- (3) A document purporting to be a certificate under subsection (2) is to be received in evidence and treated as such a certificate unless the contrary is proved.
- (4) The Secretary of State may by order—
- (a) amend subsection (1), in its application to England and Wales, so as to remove an offence from it or add an offence to it;
 - (b) amend subsection (2), in its application to England and Wales, so as to—
 - (i) take account of any amendment made by virtue of paragraph (a) above, or
 - (ii) vary the sums for the time being specified in subsection (2)(a) and (b).
- (5) The Scottish Ministers may by order—

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

- (a) amend subsection (1), in its application to Scotland, so as to remove an offence from it or add an offence to it;
- (b) amend subsection (2), in its application to Scotland, so as to—
 - (i) take account of any amendment made by virtue of paragraph (a) above, or
 - (ii) vary the sums for the time being specified in subsection (2)(a) and (b).