

Status: Point in time view as at 01/10/2012.

Changes to legislation: Serious Organised Crime and Police Act 2005, Cross Heading: Tenure of office: chairman and ordinary members is up to date with all changes known to be in force on or before 22 May 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)

SCHEDULES

SCHEDULE 1

THE SERIOUS ORGANISED CRIME AGENCY

PART 1

THE BOARD OF SOCA

Tenure of office: chairman and ordinary members

- 2 The chairman and the ordinary members shall hold and vacate office as such in accordance with the terms of their respective appointments. This is subject to paragraphs 3 and 4.

Commencement Information

- I1** Sch. 1 para. 2 in force at 1.3.2006 for specified purposes by [S.I. 2006/378, art. 2\(1\)](#) (with [art. 2\(2\)-\(4\)](#))
I2 Sch. 1 para. 2 in force at 1.4.2006 in so far as not already in force by [S.I. 2006/378, art. 4\(1\)](#), [Sch. para. 1](#) (with [art. 4\(2\)-\(7\)](#))

- 3 (1) An appointment of a person to hold office as chairman or ordinary member shall be for a term not exceeding five years.
(2) A person holding office as chairman or ordinary member may at any time resign that office by giving notice in writing to the Secretary of State.

Commencement Information

- I3** Sch. 1 para. 3 in force at 1.3.2006 for specified purposes by [S.I. 2006/378, art. 2\(1\)](#) (with [art. 2\(2\)-\(4\)](#))
I4 Sch. 1 para. 3 in force at 1.4.2006 in so far as not already in force by [S.I. 2006/378, art. 4\(1\)](#), [Sch. para. 1](#) (with [art. 4\(2\)-\(7\)](#))

- 4 The Secretary of State may by notice in writing remove a person from office as chairman or ordinary member if satisfied that—
- he has without reasonable excuse failed, for a continuous period of three months, to carry out his functions as chairman or ordinary member;
 - he has without reasonable excuse been absent from three consecutive meetings of SOCA;
 - he has been convicted (whether before or after his appointment) of a criminal offence;
 - he is an undischarged bankrupt or his estate has been sequestrated and he has not been discharged [^{F1}or a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986)];

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- (e) he is the subject of a bankruptcy restrictions order or an interim order under Schedule 4A to the Insolvency Act 1986 (c. 45) or an order to the like effect made under any corresponding enactment in force in Scotland or Northern Ireland;
- [^{F2}(ea) he is the subject of a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986.]
- (f) he has made a composition or arrangement with, or granted a trust deed for, his creditors;
- (g) he has failed to comply with the terms of his appointment; or
- (h) he is otherwise unable or unfit to carry out his functions as chairman or ordinary member.

Textual Amendments

- F1** Words in Sch. 1 para. 4(d) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 54(2)** (with art. 5)
- F2** Sch. 1 para. 4(ea) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 54(3)** (with arts. 5, 6)

Commencement Information

- I5** Sch. 1 para. 4 in force at 1.3.2006 for specified purposes by [S.I. 2006/378](#), **art. 2(1)** (with art. 2(2)-(4))
- I6** Sch. 1 para. 4 in force at 1.4.2006 in so far as not already in force by [S.I. 2006/378](#), art. 4(1), **Sch. para. 1** (with art. 4(2)-(7))

- 5 A person who ceases to be the chairman or an ordinary member is eligible for re-appointment, except where he is removed from office under paragraph 4.

Commencement Information

- I7** Sch. 1 para. 5 in force at 1.3.2006 for specified purposes by [S.I. 2006/378](#), **art. 2(1)** (with art. 2(2)-(4))
- I8** Sch. 1 para. 5 in force at 1.4.2006 in so far as not already in force by [S.I. 2006/378](#), art. 4(1), **Sch. para. 1** (with art. 4(2)-(7))

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