

Status: Point in time view as at 06/11/2010.

Changes to legislation: Serious Organised Crime and Police Act 2005, Part 4 is up to date with all changes known to be in force on or before 19 June 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 4

GENERAL

Status

- 20 [F1(1) Subject to sub-paragraphs (2) to (4),]SOCA is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown;
- and SOCA's property is not to be regarded as property of, or property held on behalf of, the Crown.
- [F2(2) A member of SOCA's staff who is acting, or purporting to act, in the course of service as a member of SOCA's staff is to be treated, for the purposes of section 31(1) of the Criminal Justice Act 1948 (jurisdiction in respect of certain indictable offences committed in foreign countries), as a British subject employed under Her Majesty's Government in the United Kingdom in the service of the Crown who is acting, or purporting to act, in the course of the employment.
- (3) A member of SOCA's staff, so far as performing outside the United Kingdom in the course of employment with SOCA or another person duties as a member of SOCA's staff, is to be treated as having overseas Crown employment for the purposes of sections 26 to 28 of the Income Tax (Earnings and Pensions) Act 2003 (liability to income tax on earnings for employees who are resident but not ordinarily resident in the UK or who are not resident in the UK).
- (4) A member of SOCA's staff who is obliged to live outside the United Kingdom in order to perform duties as a member of SOCA's staff is to be treated as being in employment under the Crown for the purposes of section 299 of the Act of 2003 (no liability to income tax for Crown employees' foreign service allowances).]

Textual Amendments

- F1** Words in Sch. 1 para. 20 inserted (6.11.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 109\(a\)](#), 116(1); [S.I. 2010/1986, art. 2](#)
- F2** Sch. 1 para. 20(2)-(4) inserted (6.11.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 109\(b\)](#), 116(1); [S.I. 2010/1986, art. 2](#)

Commencement Information

- I1** Sch. 1 para. 20 in force at 1.3.2006 for specified purposes by [S.I. 2006/378, art. 2\(1\)](#) (with [art. 2\(2\)-\(4\)](#))

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- I2** Sch. 1 para. 20 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))

Incidental powers

- 21 (1) In connection with exercising its functions SOCA may (subject to the provisions of this Act)—
- (a) enter into contracts and other agreements (whether legally binding or not);
 - (b) acquire and dispose of property (including land);
 - (c) borrow money; and
 - (d) do such other things as SOCA thinks necessary or expedient.
- (2) The power conferred by sub-paragraph (1)(b) includes accepting—
- (a) gifts of money, and
 - (b) gifts or loans of other property,
- on such terms as SOCA considers appropriate (which may include terms providing for the commercial sponsorship of any of SOCA's activities).
- (3) But SOCA may exercise the power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (4) Such consent may be given—
- (a) with respect to a particular case or with respect to a class of cases;
 - (b) subject to such conditions as the Secretary of State considers appropriate.

Commencement Information

- I3** Sch. 1 para. 21 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. 21 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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