



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1

SOCA: ESTABLISHMENT AND ACTIVITIES

Central supervision and direction

12 Power to direct submission of action plan

- (1) This section applies where an inspection report made to the Secretary of State states—
 - (a) that, in the opinion of the person making the report, the whole or any part of SOCA is (whether generally or in particular respects) not efficient or not effective; or
 - (b) that, in that person's opinion, the whole or part of SOCA will cease to be efficient or effective (whether generally or in particular respects) unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matters identified by the report, he may direct SOCA—
 - (a) to submit an action plan to him, and
 - (b) to do so within such period as is specified in the direction (which must be a period ending not less than 4, and not more than 12, weeks after the direction is given).
- (3) An “action plan” is a plan setting out the remedial measures which SOCA proposes to take in relation to the matters in respect of which the direction is given.

Status: This is the original version (as it was originally enacted).

- (4) The provision that a direction under this section may require to be included in an action plan includes—
- (a) provision setting out the steps that SOCA proposes should be taken in respect of the matters in respect of which the direction is given, and the performance targets that SOCA proposes should be met;
 - (b) provision setting out SOCA’s proposals as to the times within which those steps are to be taken and those targets met, and the means by which the success of the plan’s implementation is to be measured;
 - (c) provision for the making of progress reports to the Secretary of State about the plan’s implementation;
 - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
 - (e) provision for the duration of the plan and for it to cease to apply in circumstances determined by the Secretary of State.
- (5) But nothing in this section authorises the Secretary of State to direct the inclusion in an action plan of any requirement to do or not to do anything—
- (a) in a particular case identified for the purposes of the requirement, or
 - (b) in relation to a particular person so identified.
- (6) The Secretary of State must consult the Scottish Ministers before giving any direction under this section in connection with any functions or activities of SOCA—
- (a) exercised or carried out in Scotland, or
 - (b) exercised or carried out outside, but in relation to, Scotland.
- (7) In this section “an inspection report” means a report under section 16.
- (8) If this section applies at a time when there is already an action plan in force—
- (a) references in this section to the submission of an action plan to the Secretary of State include references to the submission of revisions of the existing plan, and
 - (b) the other provisions of this section have effect accordingly.