



# 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*

### 16 Inspections

- (1) Her Majesty's Inspectors of Constabulary ("HMIC") must inspect SOCA from time to time.
- (2) HMIC must also inspect SOCA if requested to do so by the Secretary of State either—
  - (a) generally, or
  - (b) in respect of a particular matter.
- (3) Before requesting an inspection that would fall to be carried out wholly or partly in Scotland, the Secretary of State must consult the Scottish Ministers.
- [<sup>F1</sup>(3A) Before requesting an inspection that would fall to be carried out wholly or partly in Northern Ireland, the Secretary of State must consult the Department of Justice in Northern Ireland.]
- (4) Any inspection under this section must be carried out jointly by HMIC and the Scottish inspectors—
  - (a) if it is carried out wholly in Scotland, or

*Status: Point in time view as at 16/01/2012. This version of this provision has been superseded.*

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- (b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.
- (5) Following an inspection under this section, HMIC must report to the Secretary of State on the efficiency and effectiveness of SOCA either—
  - (a) generally, or
  - (b) in the case of an inspection under subsection (2)(b), in respect of the matter to which the inspection related.
- (6) A report under subsection (5) must be in such form as the Secretary of State may direct.
- (7) The Secretary of State must arrange for every report which he receives under subsection (5) to be published in such manner as he considers appropriate.
- (8) The Secretary of State may exclude from publication under subsection (7) any part of a report if, in his opinion, the publication of that part—
  - (a) would be against the interests of national security, or
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (c) might jeopardise the safety of any person.
- (9) The Secretary of State must send a copy of the published report—
  - (a) to SOCA, and
  - (b) if subsection (4) applied to the inspection, to the Scottish Ministers [<sup>F2</sup>and
  - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.]
- (10) SOCA must—
  - (a) prepare comments on the published report, and
  - (b) arrange for its comments to be published in such manner as it considers appropriate.
- (11) SOCA must send a copy of any document published under subsection (10)(b)—
  - (a) to the Secretary of State, and
  - (b) if subsection (4) applied to the inspection, to the Scottish Ministers [<sup>F3</sup>and
  - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.]
- (12) The inspectors shall carry out such other duties for the purpose of furthering the efficiency and effectiveness of SOCA as the Secretary of State may from time to time direct.
- (13) In this section “the Scottish inspectors” means the inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967 (c. 77).

#### Textual Amendments

- F1** S. 16(3A) inserted (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. 11(2)** (with arts. 28-31)
- F2** S. 16(9)(c) and word inserted (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. 11(3)** (with arts. 28-31)
- F3** S. 16(11)(c) and word inserted (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. 11(4)** (with arts. 28-31)

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**Commencement Information**

**II** S. 16 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 3** (with art. 4(2)-(7))

**Status:**

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