



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 1

#### THE SERIOUS ORGANISED CRIME AGENCY

### CHAPTER 1

#### SOCA: ESTABLISHMENT AND ACTIVITIES

#### *Liability for unlawful conduct*

### **31 Liability of special police forces and law enforcement agencies for unlawful conduct of SOCA staff**

- (1) The relevant authority is liable in respect of unlawful conduct of persons to whom this section applies in the carrying out, or the purported carrying out, of their functions as such persons in the same manner as an employer is liable in respect of any unlawful conduct of his employees in the course of their employment.
- (2) In the case of any such unlawful conduct of persons to whom this section applies which is a tort, the relevant authority is accordingly to be treated as a joint tortfeasor.

This subsection does not apply to Scotland.

- (3) In so far as a relevant authority does not already have power to do so it may, in such cases and to such extent as appear to it to be appropriate, pay—
  - (a) any damages or costs awarded against a person to whom this section applies in proceedings for any unlawful conduct of that person,
  - (b) any costs (or, in Scotland, expenses) incurred and not recovered by such a person in such proceedings, and

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*Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 31 is up to date with all changes known to be in force on or before 30 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)*

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- (c) any sum required in connection with the settlement of a claim that has, or might have, given rise to such proceedings.
- (4) This section applies to a member of the staff of SOCA who under section 23, 24 or 25 is provided for the assistance of—
  - (a) a special police force, or
  - (b) a law enforcement agency operating in the United Kingdom.
- (5) In this section—
  - “law enforcement agency” has the meaning given by section 3(4) (subject to the territorial restriction contained in subsection (4)(b) above), and
  - “relevant authority”—
    - (a) in relation to a member of the staff of SOCA provided for the assistance of the Ministry of Defence Police, means the Secretary of State,
    - (b) in relation to a member of the staff of SOCA provided for the assistance of the British Transport Police Force, means the British Transport Police Authority,
    - (c) in relation to a member of the staff of SOCA provided for the assistance of the Civil Nuclear Constabulary, means the Civil Nuclear Police Authority,
    - (d) in relation to a member of the staff of SOCA provided for the assistance of the Scottish Drug Enforcement Agency, means that Agency,
    - (e) in relation to a member of the staff of SOCA provided for the assistance of the Commissioners, means the Commissioners,
    - (f) in relation to a member of the staff of SOCA provided for the assistance of the Scottish Administration, means the Scottish Ministers, and
    - (g) in relation to a member of the staff of SOCA provided for the assistance of any other law enforcement agency, means such person as is prescribed in relation to that agency by regulations made by the Secretary of State.

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**Commencement Information**

**II** S. 31 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 5** (with art. 4(2)-(7))

**Status:**

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