



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 1

THE SERIOUS ORGANISED CRIME AGENCY

CHAPTER 1

SOCA: ESTABLISHMENT AND ACTIVITIES

Use and disclosure of information

33 Disclosure of information by SOCA

- (1) Information obtained by SOCA in connection with the exercise of any of its functions may be disclosed by SOCA if the disclosure is for any permitted purposes.
- (2) “Permitted purposes” means the purposes of any of the following—
 - (a) the prevention, detection, investigation or prosecution of criminal offences, whether in the United Kingdom or elsewhere;
 - (b) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom;
 - (c) the exercise of any function conferred on SOCA by section 2, 3 or 5 (so far as not falling within paragraph (a) or (b));
 - [^{F1}(ca) the exercise of any function of SOCA mentioned in section 2A (functions relating to the recovery of assets);
 - (cb) the exercise of any functions of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002 (c. 29);

Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 33 is up to date with all changes known to be in force on or before 21 July 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)

- (cc) the exercise of any functions of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland or the Scottish Ministers under, or in relation to, Part 5 or 8 of that Act;
 - (cd) the exercise of any functions of an officer of Revenue and Customs^[F2], an accredited financial investigator] or a constable under Chapter 3 of Part 5 of that Act;
 - (ce) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447 of that Act;]
 - (d) the exercise of any functions of any intelligence service within the meaning of the Regulation of Investigatory Powers Act 2000 (c. 23);
 - (e) the exercise of any functions under Part 2 of the Football Spectators Act 1989 (c. 37) ^[F3] or sections 104 to 106 of the Policing and Crime Act 2009];
 - (f) the exercise of any function which appears to the Secretary of State to be a function of a public nature and which he designates by order.
- ^[F4](2A) Subsections (1) and (2) do not apply to information obtained by SOCA in connection with the exercise of its functions under Part 6 of the Proceeds of Crime Act 2002 (c. 29) (Revenue functions).
- (2B) But such information may be disclosed by SOCA —
- (a) to the Commissioners;
 - (b) to the Lord Advocate for the purpose of the exercise by the Lord Advocate of his functions under Part 3 of that Act (confiscation: Scotland).
- (2C) Information disclosed to the Lord Advocate under subsection (2B)(b) may be further disclosed by him only to the Scottish Ministers for the purpose of the exercise by them of their functions under Part 5 of that Act (civil recovery of the proceeds etc. of unlawful conduct).
- (2D) Subsections (1) and (2), so far as relating to disclosure for the purposes of the exercise of any functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (c. 29) or of the Scottish Ministers under, or in relation to, Part 5 of that Act, do not apply to information obtained by SOCA in connection with the exercise of any of its functions other than its functions under that Act.]
- (3) A disclosure under this section does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4) But nothing in this section authorises—
- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998 (c. 29), of personal data which are not exempt from those provisions,
 - (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000, or
 - (c) a disclosure in contravention of section 35(2).

Textual Amendments

- F1** S. 33(2)(ca)-(ce) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 172\(2\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

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- F2** Words in s. 33(2)(cd) inserted (6.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 11 para. 17**; S.I. 2008/755, art. 17(1)(f)
- F3** Words in s. 33(2)(e) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 121**; S.I. 2010/507, art. 5(w)
- F4** S. 33(2A)-(2D) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 172(3)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Commencement Information

- I1** S. 33 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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