Draft Order laid before Parliament under section 172(5) of the Serious Organised Crime and Police Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

SERIOUS ORGANISED CRIME AGENCY

The Serious Organised Crime and Police Act 2005 (Application and Modification of Certain Enactments to Designated Staff of SOCA) Order 2006

Made - - - -	*2006*
Coming into force - -	*2006*

This Order is made in exercise of the powers conferred by sections 52(1) and 172(2) of the Serious Organised Crime and Police Act 2005(**1**).

The Secretary of State has consulted the Scottish Ministers in accordance with section 52(6) of that Act.

A draft of this instrument has been approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order:—

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Serious Organised Crime and Police Act 2005 (Application and Modification of Certain Enactments to Designated Staff of SOCA) Order 2006 and shall come into force either on 1st April 2006 or the day after the day on which it is made, whichever is the later.

(2) In this Order, the "2005 Act" means the Serious Organised Crime and Police Act 2005.

(**1**) 2005 c. 15; the powers in section 52(1) are extended by section 52(2).

PART 2

DESIGNATION WITH THE POWERS OF A CONSTABLE

Interpretation of Part 2

2. In this Part "designated person" means a member of the staff of SOCA designated as having the powers of a constable under section 43(1)(a) of the 2005 Act.

Application of the Police and Criminal Evidence Act 1984 to designated persons

3. The Police and Criminal Evidence Act 1984(**2**) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Chapter 2 of Part 1 of the 2005 Act,

with the modifications set out in Schedule 1.

Application of the Anti-social Behaviour Act 2003 to designated persons

4.—(1) Part 1 of the Anti-social Behaviour Act 2003 (premises where drugs are used unlawfully)(**3**) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Chapter 2 of Part 1 of the 2005 Act,

with the modifications set out in this article.

(2) In sections 1(1) (closure notice) and 5(2) (extension and discharge of closure order) for the words "a police officer not below the rank of superintendent" there is substituted "a designated person not below grade 2".

(3) For section 9(2) (exemption from liability for certain damages) there is substituted—

"(2) SOCA is not liable for relevant damages in respect of anything done or omitted to be done by a designated person under its direction or control in the performance or purported performance of the designated person's functions (by virtue of section 46 of the Serious Organised Crime and Police Act 2005) under this Part.".

(4) After section 11(10) (interpretation) insert—

"(10A) In this Part "designated person" means a member of the staff of SOCA designated as having the powers of a constable under section 43(1)(a) of the Serious Organised Crime and Police Act 2005.".

PART 3

DESIGNATION AS HAVING THE POWERS OF AN IMMIGRATION OFFICER

Interpretation of Part 3

5. In this Part "designated person" means a member of the staff of SOCA designated as having the powers of an immigration officer under section 43(1)(c) of the 2005 Act.

(**2**) 1984 c. 60.
(**3**) 2003 c. 38.

Application of the Immigration Act 1971 to designated persons

6. The Immigration Act 1971(**4**) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Chapter 2 of Part 1 of the 2005 Act,

with the modifications set out in Schedule 2.

Application of the Immigration and Asylum Act 1999 to designated persons

7.—(1) The Immigration and Asylum Act 1999(**5**) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Chapter 2 of Part 1 of the 2005 Act,

with the modifications set out in this article.

(2) In section 141(11) and (12)(b) (fingerprinting) for the words "chief immigration officer" there is substituted "designated person of grade 4".

(3) In section 143(11) and (12) (destruction of fingerprints) for "Secretary of State" there is substituted "Director General of SOCA".

(4) In section 167(2) (interpretation)—

(a) after "certificate of entitlement" insert "designated person", and

(b) after "port" insert "SOCA".

Home Office
2006

Parliamentary Under-Secretary of State

(**4**) 1971 c. 77.
(**5**) 1999 c. 33.