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NATIONAL CRIME AGENCY-NCA

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Abstract: *In this paper, the author, in addition to reviewing the existing police organization in the UK and reviewing reform measures within the security sector, paid special attention to the analysis of facts that contributed to the formation of the National Anti-Crime Agency. He states that the NCA is the central, umbrella agency for the fight against crime, with the task of creating a unified picture of criminal activities on the entire territory of Great Britain, to analyze the manifestations of crime and to propose measures for its suppression, which is its intelligence function. However, it also has the task of coordinating work, investigations and improving methods of fighting all types of crime, which are its operational-executive and scientific-research functions. Through the NCA, as well as through its predecessor SOCA, international cooperation is carried out. The author points out the fact that in addition to executive police powers and the right to exercise their powers throughout the UK, the Director General of the agency is given authority, which in fact sets the NCA as a hierarchical central agency in the fight against serious and organized crime, to order any police chief in the United Kingdom to assist the agency in its work.*

In the end, the author concludes that the formation of the NCA is the adequate response to modern forms of crime, which, along with terrorism and corruption, are one of the most dangerous non-military security threats.

Keywords: *United Kingdom, Home Office, Police, Metropolitan Police, Security*

Service-SS (MI5), National Crime Agency (NCA), Serious Organized Crime Agency - SOCA.

INTRODUCTION:

At the beginning of the third millennium, there has been differentiated a whole set of modern security challenges, risks and threats, among which the most important are international terrorism, proliferation (uncontrolled spread) of nuclear, chemical and biological weapons of mass destruction, illicit drug trafficking, transnational organized crime and cybercrime¹. which, although cited separately, are often inextricably linked.

These global security challenges-threats act, both domestically and internationally, as strong integrative forces, demanding stronger connections and cooperation, because the fact is that no state, no matter how powerful, can cope on its own with that problem. It is crystal clear that the fight against “global crime” can only be achieved through well-coordinated, intra-agency cooperation within national borders with regional and global cooperation at the international level. This need has been imposed today, more than ever before, by the process of globalization, which makes events in remote parts of the world have physical, social and economic consequences for the country's security.²

In line with these principles, the United Kingdom, which has traditionally nurtured a decentralized police system, consisting of an entire network of local and regional police forces, had to embark on security sector reform. Namely, in that country there are 43 such police organizations in England and Wales, eight in Scotland and a special police organization for Northern Ireland, the Military Police, etc. The large number of local and regional police forces, their jurisdiction, as well as the different ways of keeping operational records, have created serious difficulties in coordinating data exchange, especially for crimes such as terrorism and organized

1 An article was published on the Europol website on January 23, 2019, stating that a citizen of Great Britain, suspected of serious fraud in the value of 10 million euros, was arrested in cooperation with the police of Germany and Great Britain. Namely, he stole IOTA cryptocurrencies from their crypto wallets out of 85 people around the world.

² The Minister of Internal Affairs of the Republic of Serbia, Ivica Dačić, in an interview for “Politika, April 3, 2010. stated: “Operation” Niva “is the result of cooperation with the SOC, a specialized agency within the British security system that deals with the fight against serious crime. More than 60 people have been arrested so far, led by Ivan Pavlovic, aka Iker, who has also been arrested, seizing large quantities of narcotics and more than 200 kilograms of drugs.

crime, which are not limited to one region or city. Also, since the Secret Service and the Security Service do not have executive police powers, it was necessary to create a single central police organization in the United Kingdom, with executive police powers and the right to exercise its powers throughout the UK, to oppose the perpetrators of criminal offenses of serious and organized crime.

1. ORGANIZATIONAL STRUCTURE OF THE GREAT BRITAIN POLICE

Organizational structure of the British police The United Kingdom of Great Britain and Northern Ireland has a complex, decentralized, coordinated police system that involves the division of territorial jurisdiction between individual police forces. In addition, it should be emphasized that the police system is not the same in all parts of the country. England, Wales and Scotland have a local police force that is usually thought of when talking about the English model of policing. The police are usually organized in counties, cities, districts and parishes.³ The police in the counties have jurisdiction within the borders of the counties and are under the direct supervision of the Chief of Constable. The county chief is elected and controlled by a special county police committee. City and Borough Forces are formed in cities with more than 75,000 inhabitants. The Chief of Police is elected and controlled by the Watch Committee. There are also Combined Police Forces that are formed by merging several county or city police forces. Parish police are based on the traditional constable institution and usually consist of one or more police officers. In addition to regular police forces, there are also specialized police forces on docks, railways, rivers, airports, prison security forces, university campuses, etc.⁴

England and Wales are divided into nine police regions in which 43 police structures operate. These areas have about 190,000 police officers, of which 124,000 are in permanent employment. The rest are citizens-volunteers, cadets and civilians in the logistics services.

There is no Ministry of the Interior in Scotland, but the management of police affairs of general interest, such as organized crime, criminal intelligence, forensics, police education, is the responsibility of the six-member Scottish Police Directorate - SPSA, which is accountable to the Scottish Minister of Justice. The territorial struc-

3 There are now 43 county, city and combined police forces in England and Wales.

4 See more in: Milosavljević, Bogoljub, *Nauka o policiji*, Policijska akademija, 1997, crp. 380–386.

ture of the decentralized police force is similar to that in England and Wales, except that Scotland is divided into eight regional police areas. The Scottish police number about 19,000 professional officers, assisted by civilians.

In Northern Ireland, oversight of policing is done by the National Police Board. The Northern Ireland Police Service - PSNI is responsible for personal and property security in the territory of Northern Ireland. This service also has a primary role in the fight against terrorism. In addition to the PSNI, the Northern Ireland Police Force consists of the Central Headquarters and 29 district-level police headquarters. The police staff includes about 9,200 police officers and about 4,000 members of the reserve.⁵

1.2 Metropolitan Police Forces

The Metropolitan Police Forces (Scotland Yard) is the city's police force for the London area and the surrounding area, but also the most important police organization in the country. It was founded in 1829 and covers an area of 1,250 km². The Metropolitan Police is better known as Scotland Yard, after the location where the first headquarters of this service was. As the building was owned by the Scottish nobility, it was called the Scotland Yard. It has a rich history and its organization consisted of a large number of intelligence and surveillance units. Among them is the Scientific Intelligence Unit, which deals with behaviorism and DNA analysis in the processing of unresolved cases. In 1986, this unit became the first police unit in the world to use DNA analysis to identify the perpetrator of a crime, in this case the crime of rape and murder. Scotland Yard also established the first anti-terrorist unit in 1883, the Special Irish Branch. This department was later known as the Special Branch and dealt with security, first for Queen Victoria, and later for other holders of the British crown and the closest members of the royal family. The Special Department also provided assistance to the MI5 Security Service, in activities such as covert surveillance, arrests and court testimony.

It is estimated that today the Metropolitan Police has about 30,000 employees. Even today, in addition to regular police tasks, the fight against classic crime and the preservation of public order and peace, property security, etc., the Metropolitan Police provides members of the royal family, government, diplomatic and consular missions, foreign officials visiting Great Britain, collects intelligence on perpetrators

5 Milošević, Milan, Srećković Zoran, *Bezbednosne službe sveta*, Vojnoizdavački zavod, Beograd, 2010, str. 192-193.

of criminal acts, conducts scientific research, keeps records and organizes training for the needs of all police, opposes terrorism and, at the request of local police, investigates serious crimes in their area, so that in a way it has the role of central police organization.

The Minister of the Interior is directly responsible for the work of the Metropolitan Police to the Parliament, and the operational management belongs to the Commissioner. The Commissioner and his five assistants are appointed by the Queen, at the suggestion of the Minister of the Interior.

The Metropolitan Police has five directorates: the Local London Police Directorate, the Specialist Crime Directorate, the Administration and Support Directorate and the Directorate for Other Police Operations in London (airport, rail, etc.) and the Special Operations Directorate. Within these directorates, there are 22 branches.

2. NATIONAL CRIME AGENCY- NCA

The National Crime Agency is the central criminal intelligence agency, which has executive powers throughout the United Kingdom, with minor restrictions in Northern Ireland and Scotland. Its formation put an end to many years of attempts to unite certain police functions, primarily in the fight against organized and serious crime, a decentralized police system that was jealously nurtured and guarded by the United Kingdom. Because of its role and competencies, it is also called the British FBI in Great Britain.

For the first time, the Minister of the Interior, Theresa May, on July 26, 2010, during her regular address to the deputies of the Lower House of Parliament, announced the possibility of forming an agency. Then the decision was confirmed in June 2011, so the UK government announced that the Serious Organized Crime Agency (SOCA), the Organized Crime Command, the Center for Combating Child Exploitation and Child Protection on the Internet - CEOP, the Economic Crime Command, the Border Police Command and the National Cybercrime Unit, to be incorporated into the National Crime Agency (NCA). The establishment of the new agency is envisaged by the Crime and Courts Act 2013. The agency became operational on October 7, 2013. After its establishment, it also included the National Policing Improvement Agency.⁶

6 Crime and Courts Act 2013, Chapter 22, Preamble.

The above mentioned law stipulates that the NCA functions as an autonomous government agency, subordinate to the Secretary of State, who is empowered to determine the agency's strategic priorities, after consultation with NCA partners, the Director General and persons deemed necessary by the Secretary of State to be consulted⁷, and it gives its approval to the Director General to issue orders to police chiefs, as well as to issue an order to engage the Agency in processing specific cases.⁸

The tasks of the NCA are to fight against: organized crime, terrorism⁹, human trafficking, drugs and weapons, cybercrime, economic crime with elements of foreignness, but it can be tasked with investigating any type of crime, if the order is issued by the Secretary of State.

The Law on Crime and Courts of 2013, in Article 1, item 4, stipulates that the NCA's task is to reduce the crime rate, and to perform this role through the implementation of purposeful and effective activities in the fight against organized and serious crime (either through NCA activities, other law enforcement agencies or individuals). This article set the NCA as the umbrella agency in the fight against serious and organized crime.

The same law in Article 1, item 7, more specifically lists the activities to fulfill this function: (a) prevention and detection of serious and organized crime (b) investigation of acts related to organized and serious crime and (c) and conducting other activities in the fight against organized and serious crime, including conducting operational investigations in England, Wales and Northern Ireland.

Article 1 item 8 stipulates that the NCA shall ensure that activities are carried out in the fight against organized and serious crime by persons who are not employed by the agency.

The third way is the obligation of the NCA to ensure the improvement of (a) cooperation between persons who are responsible for the fight against organized and serious crime and (b) the coordination of the activities themselves in the fight against organized and serious crime.¹⁰

The same law provides in Article 1 item 5 for the criminal intelligence function

7 Ibid, čl.3. т.1 и 2.

8 Ibid, čl.5, т 12.

9 There are still discussions whether to include the NCA and the Counter-Terrorism Command SO15, from the Metropolitan Police, which has 1,500 operatives. Opinions are that then the organization would be too cumbersome, as well as that the priorities would change, so that the NCA would then be more oriented towards the fight against terrorism than towards the suppression of organized and serious crime.

10 Ibid čl.1, т. 9

of the NCA, by giving it the authority to “collect, store, process, analyze and provide information relevant to any of the following: (a) activities to combat organized and serious crime; (b) activities to combat any other type of crime; (c) the exploitation of an ongoing investigation (in accordance with the meaning of Article 341 (5) of the Proceeds of Crime Act 2002).¹¹

By analyzing these articles of the law, we can conclude that the NCA is a central, umbrella agency for the fight against crime, with the task of creating a unified picture of criminal activities throughout the UK, to analyze emerging forms of crime and to propose measures to combat it which makes its intelligence function. However, it also has the task of coordinating work, investigations and improving methods of fighting all types of crime, which are its operational-executive and scientific-research functions. Through the NCA, as well as through its predecessor SOCA, international cooperation and data exchange with Interpol, Europol, the Schengen Information System and other international bodies for the fight against crime is carried out. It also provides liaison officers, coordinates cross-border covert surveillance with EU partners and has a Refugee Unit tasked with enforcing European Arrest Warrants (EAWs).

2.1 Police organizations and other constituent agencies that are included in the National Crime Agency NCA through the Agency for the Fight against Serious and Organized Crime SOCA

The first agency to be incorporated into the National Anti-Crime Agency (NCA) was the Serious Organized Crime Agency (SOCA) established in 2005 under the Serious Organized Crime Act. and Police Act 2005 (SOCAP), and was created by merging the National Intelligence Service - NCIS and the National Anti-Crime Squad - NCS, the National Hi-Tech Crime Unit (NHTCU), as well as parts of the Customs and the tax service, which fought drug trafficking and money laundering, and those of the Immigration Service, which fought organized immigration crime. In accordance with the same law, in March 2008 SOCA included the Asset Recovery Agency (ARA).

Due to the specifics of the British police system, ie its decentralization on the formation of an agency that would exercise its powers on the territory of the entire United Kingdom, a serious public debate was held. It was attended by parliament, the media, the professional public, NGOs and interested individuals.

11 Ibid čl. 1, τ 4 i 5.

The service was placed within the Ministry of the Interior, and was accountable directly to the Minister of the Interior. The Minister of the Interior set strategic tasks in the work of the service and evaluated its work. Within these guidelines, SOCA has established its priorities and the ways in which it will achieve them.

Although it is within the Ministry of the Interior, it was not a sector service, but an executive public body.

The service was managed by the Director General and the Board of Directors. The Board of Directors was responsible for fulfilling the statutory obligations of the agency, and for ensuring that SOCA adheres to the priorities established by the Minister of the Interior in its work. The Board of Directors had eleven members including the Director General, the directors of the four management boards of SOCA and the six non-executive directors.

The SOCA headquarters was divided into four directorates, each of which was narrowly specialized in the area it covered. If the problem that the agency was facing was a multidisciplinary one, then the employees from the three directorates faced it together, in teams.

The Directorates of SOCA were:

- *Intelligence*. The employees of this directorate were in charge of collecting and evaluating information, whether it came from open or secret sources. This information is used to better understand organized crime, as well as to establish service priorities and share information with other law enforcement services.

- *Executive*, which provided a flexible operational response to a particular threat, collecting quality evidence for court proceedings, against key targets in organized criminal groups. In its work, this directorate uses new methods in order to undermine the financial power of criminal groups. Also, the Executive Directorate has a wide range of experts in the field of criminology, providing support to various organizations and partners.

- *Intervention* directorate aimed to make life difficult for criminals, revealing property acquired through criminal activities and cooperation with the private sector. International cooperation is also carried out through this directorate.

- *Directorate for Corporate Services* provides logistics for SOCA and further develops its capabilities.¹²

12 See more in: Goran Nikolić, “Tajne službe Velike Britanije”, Službeni glasnik, Beograd, 2013., Str. 72-75

In order to better understand the organization, competencies and role of SOCA in the British intelligence and security system, it is necessary to address the various police organizations, as well as other constituent agencies, which are part of SOCA and through which we can follow the UK's aspiration to reconcile the need to create a police service that is ready to respond to modern forms of crime, both throughout the UK and on a regional and global scale, without at the same time arousing suspicion in the multinational United Kingdom.

First of all, there was the *National Criminal Intelligence Service - NCIS*.

The National Intelligence Service (NCIS) was established in April 1992 with the aim of consolidating the analysis of all criminal intelligence, as well as improving the work of investigating criminal organizations, and developing the overall British potential and improving the results in the fight against serious crime. and organized crime.¹³

It had started its activities as the *National Drugs Intelligence Unit- NDIU* in 1991.

It was one of the first such services established in Europe. It employed about 500 officers, brought from the police, customs and the Ministry of the Interior. It is engaged in providing intelligence and other support to other agencies in the country and abroad in terms of law enforcement, by processing and providing the necessary information, giving instructions and guidance, as well as analyzing the activities of major criminal organizations and their activities. The main product of NCIS's work was the Annual Threat Assessment to the United Kingdom.

NCIS was made up of three departments: the Headquarters, the United Kingdom department, and the International Division. The Headquarters was organized into units for operational support, intelligence coordination, research and policy, as well as a branch for strategic and specialist intelligence.

NCSI had a close cooperation with *National Crime Squad - NCS*.

This squad was established in 1998 by merging six regional anti-crime detachments. The main tasks of the NCS were to detect and crack down on criminal activities in the context of serious drug, arms trafficking, money laundering, contract killings, counterfeiting, kidnapping and extortion. During its existence, the squad performed over two hundred operations, and its members were the best police offi-

13 The Police Act of 1997 provided for the possibility of centralized analysis of criminal intelligence.

cers, 1333 of them, selected from 43 police organizations from England and Wales. As their support within the NCS there were also 432 officers.

In April 2001, the **National High-Tech Crime Unit** (NHTCU) was formed. This unit was formally part of the NCS, and was the first such organization, formed at the central level, whose primary task was to combat serious and organized cyber-crime, nationally and internationally. Since its founding in October 2001 until its incorporation into SOCA, this unit has conducted over eighty operations, in which over two hundred people have been arrested.

Apart from this unit which was part of the NCS and continued its life within SOCA, there were also the following units:

- **Police unit for the fight against drugs and organized crime** (*Project Reflex*);

- **The Paedophile On Line Investigation Team** **POLIT** was established in January 2003, and

- **The Financial Operational Command Unit** (**FOCU**), established to manage and direct the work of Financial Investigators, from the *Money Laundering Investigation Teams* (MLITs). These teams were part of the Tax and Customs Service before being incorporated into SOCA¹⁴

In January 2002, the **Immigration Crime Team** (**ICT**) was formed. Its task was to fight organized illegal migration to the United Kingdom. The operatives in this team were of mixed composition, ie they were taken over by officers from the NCS and the Immigration Service. By organized illegal migration, ICT police officers meant illegal migration involving at least three people, that criminal activities took place over a long period of time, that the main motive of criminals was money or power, and that a number of crimes were committed. ICT had its units at Heathrow and Gatwick airports.¹⁵

2.2 NCA bodies, structure and area of activity

The agency is run by the CEO, currently Lynne Owens. The director general of the agency has been given a new authorization, he has the power to order, when he has previously obtained the consent of the Secretary of State, any chief of police in Britain, if necessary to carry out NCA tasks, to assist the agency in its work. This

¹⁴ The HMRC Tax and Customs Service was created by merging the Customs and Actions Service and the Tax Administration.

¹⁵ See more in: Goran Nikolić: »Agencija za borbu protiv ozbiljnog i organizovanog kriminala-SOCA, *Međunarodna politika*, Vol. LXIV, No. 114, pp.111-120

authority of the Director General of the NCA puts him at the very top of the British police system. We also assume that the significance of this power would be slightly diminished, which was a huge step for British legislation, and the Secretary of State could order the NCA to provide assistance to the police or another agency in the fight against crime.

The Director General's authority, in addition to the general authority to manage the agency and control its work, is to decide which operations will be conducted by the NCA and how they will be implemented, but he must be guided by established NCA strategic priorities, annual plan, and framework document.

Before the beginning of each financial year, the Director- -General, in consultation with the partners and persons designated by him, shall draw up an annual plan setting out how the Agency's functions will be performed that year, and in particular how, due to their autonomy, Northern Ireland. Also, the annual plan must contain statements of the strategic and operational priorities of the agency, and the Scottish Ministers and the Department of Justice in Northern Ireland must be consulted on the activities carried out in their territory. After that, it is the duty of the Director General to publish the annual report.¹⁶

The Director General also has the authority to decide on inter-agency cooperation in the country as well as on international cooperation in the field of fight against crime.¹⁷

He is assisted by a Deputy General Manager and five Deputy Directors: for Corporate Affairs, Performance and Risk Planning, Legal Adviser and Deputy Director for Security and Professional Standards.

The structure of the new agency consists of seven commands headed by directors: Command for Operations, Command for the Fight against Organized Crime, Command for the Fight against Economic Crime, Command for Intelligence, Border Police Command, Command for Combating Child Exploitation and Internet Protection -CEOP and Corporate Services Command.

The NCA has full operational capacity in England, Wales and Northern Ireland¹⁸, and to work in Scotland it needs the approval of the Lord Advocate¹⁹ or

16 Ibid, čl.4 r.1-10

17 Ibid čl.8, r.3

18 If the NCA applies covert surveillance measures in Northern Ireland, it needs the consent of the Northern Ireland Police Chief Constable.

19 The Lord Advocate is the head of the police and prosecution in Scotland, is an adviser to the Scottish Government, represents the Government before the courts and performs the functions of the Public Attorney.

through operational cooperation with the Scottish Police.

The Director-General may confer on the NCA officer the powers and privileges of the constable, the powers of the tax and customs officer, the immigration officer, or all three types of authority together.

The external supervision of the work of the NCA is performed by the Inspector constable independently, upon the proposal of the Secretary of State or upon a specific complaint.

The agency's budget is around £ 500 million and has around 4,200 staff, of which around 1,700 are operational, deployed across the UK and at strategic points around the world.

The Headquarters of the Agency are in London, at the address 1 – 6 Citadel Place, Tinworth Street, SE11 5EF.

CONCLUSION

The challenges facing the NCA are the rise in criminal activity. An estimate for 2014 is that there are around 5,800 organized crime groups in the UK, with around 46,000 members. This is a significant increase compared to just a year earlier, when it was estimated that 300 criminal groups with about 3,500 members operate in the UK. The data show that about 50,000 people in the UK download and view inappropriate content from the Internet, while 300 investigations have been opened against 300 suspects, for about 1,400 victims, due to the sexual exploitation of children. In the same year, the Ministry of the Interior stated that there were about 13,000 potential victims of modern slavery, while in 2017, it was announced that there were tens of thousands of people.²⁰

The formation of the NCA is primarily a response to these modern forms of crime, which, along with terrorism and corruption, are one of the most dangerous non-military security threats.

We are of the opinion that it was not the desire of the authorities to centralize the police structure and exercise police powers on the entire territory. Namely, Great Britain, which traditionally nurtured a decentralized police system, which consisted of a whole network of local and regional police forces, had to start reforming the intelligence and security sector. The reason for that is the existence of 43 such police organizations in England and Wales, eight in Scotland and a special police organization

for Northern Ireland, the Military Police, etc. The large number of local and regional police forces, their jurisdiction, as well as the different ways of keeping operational records, have created serious difficulties in coordinating data exchange, especially for crimes such as terrorism and organized crime, which are not limited to one region or city. Also, since the Secret Service and the Security Service do not have executive police powers, it was necessary to create a single central police organization in the United Kingdom, with executive police powers and the right to exercise its powers throughout the UK, to oppose the perpetrators. criminal offenses of serious and organized crime. The formation of such an organization was approached extremely seriously and cautiously, among other things, which is why the NCA functions as an autonomous government agency, subordinate to the Secretary of State.

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