



Crime and Courts Act 2013

2013 CHAPTER 22

PART 1

THE NATIONAL CRIME AGENCY

General

11 Inspections and complaints

- (1) Her Majesty's Inspectors of Constabulary ("HMIC") must carry out inspections of the NCA.
- (2) HMIC must also carry out an inspection of the NCA if requested to do so by the Secretary of State either—
 - (a) generally, or
 - (b) in respect of a particular matter.

[^{F1}(2A) The Secretary of State must consult the Department of Justice in Northern Ireland before requesting HMIC to carry out an inspection in respect of a particular matter which relates only to the exercise of NCA functions in Northern Ireland.

(2B) The Department of Justice may request that HMIC carry out an inspection in respect of a particular matter that relates only to the exercise of NCA functions in Northern Ireland, but only with the consent of the Secretary of State.]

- (3) Following an inspection under this section, HMIC must report to the Secretary of State on the efficiency and effectiveness of the NCA 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.
- (4) HMIC must carry out such other duties for the purpose of furthering the efficiency and effectiveness of the NCA as the Secretary of State may from time to time direct.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: General. (See end of Document for details)

- (5) Paragraphs 2 and 5 of Schedule 4A to the Police Act 1996 (inspection programmes and inspection frameworks) apply to functions of inspection and reporting under this section as they apply to other such functions.
- (6) In the Police Reform Act 2002, after section 26B insert—

“26C The National Crime Agency

- (1) The Secretary of State must make regulations conferring functions on the Independent Police Complaints Commission in relation to the exercise of functions by the Director General and other National Crime Agency officers.
- (2) Regulations under this section may, in particular—
- (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part of this Act;
 - (b) make provision for payment by the National Crime Agency to, or in respect of, the Independent Police Complaints Commission.
- (3) Regulations under this section must relate only to the exercise of functions in, or in relation to, England and Wales.
- (4) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
- (a) the Independent Police Complaints Commission has functions by virtue of this section, and
 - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (5) A National Crime Agency officer may disclose information to the Independent Police Complaints Commission, or to a person acting on the Commission's behalf, for the purposes of the exercise by the Commission, or by any person acting on the Commission's behalf, of an NCA complaints function.
- (6) The Independent Police Complaints Commissioner and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
- (a) by virtue of this section, or
 - (b) under the Parliamentary Commissioner Act 1967.
- (7) Regulations under this section may, in particular, make—
- (a) further provision about the disclosure of information under subsection (5) or (6);
 - (b) provision about the further disclosure of information that has been so disclosed;
- including provision which applies (with or without modifications), or is similar to, any provision of Schedule 7 to the Crime and Courts Act 2013.
- (8) Except as provided for in regulations under this section, that Schedule to that Act does not apply to—
- (a) the disclosure of information under subsection (5) or (6), or
 - (b) the further disclosure of information so disclosed.

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- (9) In this section “NCA complaints function” means a function in relation to the exercise of functions by the Director General or any other National Crime Agency officer.”
- (7) In the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007, in article 4(4) (agreements to establish complaints procedures)—
- (a) for “SOCA” (in the first place) substitute “ the National Crime Agency ”;
 - (b) for “SOCA and members of the staff of SOCA” substitute “ the National Crime Agency and National Crime Agency officers ”.
- (8) In section 60ZA of the Police (Northern Ireland) Act 1998 (Serious Organised Crime Agency: complaints)—
- (a) in the title, for “Serious Organised Crime Agency” substitute “ The National Crime Agency ”;
 - (b) in subsection (1), for “members of the staff of the Serious Organised Crime Agency” substitute “ National Crime Agency officers ”;
 - (c) in subsection (6), for “member of the staff of the Agency” substitute “ National Crime Agency officer ”;
 - (d) omit subsection (7).
- (9) Schedule 6 (inspections and complaints) has effect.

Extent Information

- E1** S. 11(8): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2
- E2** S. 11(8) extended (N.I.) (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(3), **4(1)(a)**

Textual Amendments

- F1** S. 11(2A)(2B) inserted (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), art. 1(3), **Sch. 2 para. 14**

Commencement Information

- I1** S. 11(1)-(5)(7)-(8) in force at 7.10.2013 by [S.I. 2013/1682](#), **art. 3(o)**
- I2** S. 11(6) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), **art. 2(d)**
- I3** S. 11(6) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682](#), **art. 3(p)**
- I4** S. 11(9) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), **art. 2(e)**
- I5** S. 11(9) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682](#), **art. 3(q)**

12 Information: restrictions on disclosure etc

- (1) Schedule 7 (information: restrictions on disclosure) has effect.
- (2) Schedule 7 applies to disclosures made for the purposes of the criminal intelligence function.
- (3) Any duty to disclose information imposed on an NCA officer (including the duty of the Director General under paragraph 4 or 6 of Schedule 3 to disclose information by keeping other persons informed of information obtained by the NCA), and any power of an NCA officer to disclose information, has effect subject to Schedule 7.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: General. (See end of Document for details)

(4) Subsections (2) and (3) do not limit Schedule 7.

Commencement Information

I6 S. 12 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(r\)](#)

13 NCA officers with operational powers: labour relations

- (1) A person must not induce the Director General or any NCA officer designated under section 10 to withhold (or to continue to withhold) services as an NCA officer.
- (2) The duty imposed by subsection (1) is a duty owed to the Secretary of State.
- (3) A breach of that duty which causes the Secretary of State to sustain loss or damage is to be actionable, at the Secretary of State's suit or instance, against the person in breach.
- (4) Subsection (3) is without prejudice to the right of the Secretary of State, by virtue of subsections (1) and (2), to bring civil proceedings in respect of any apprehended contravention of subsection (1).
- (5) The no-strike provisions must be disregarded in determining for the purposes of any of the relevant employment legislation whether any trade union is an independent trade union.
- (6) Nothing in the relevant employment legislation is to affect the rights of the Secretary of State by virtue of the no-strike provisions.
- (7) The Secretary of State may, by order, suspend, or later revive, the operation of the no-strike provisions.
- (8) In this section—
 - “no-strike provisions” means subsections (1) to (3) of this section;
 - “relevant employment legislation” means—
 - (a) the Trade Union and Labour Relations (Consolidation) Act 1992;
 - (b) the Employment Rights Act 1996;
 - (c) the Trade Union and Labour Relations (Northern Ireland) Order 1995;
 - (d) the Employment Rights (Northern Ireland) Order 1996.

Commencement Information

I7 S. 13 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(s\)](#)

14 NCA officers with operational powers: pay and allowances

- (1) The Secretary of State may, by regulations, provide for the establishment, maintenance and operation of procedures for the determination from time to time of—
 - (a) the rates of pay and allowances to be applied to the Director General and to NCA officers designated under section 10; and
 - (b) other associated terms and conditions of employment as the Director General or as an NCA officer designated under section 10.

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- (2) Regulations under this section may—
- (a) provide for determinations with respect to matters to which the regulations relate to be made wholly or partly by reference to such factors, and the opinion or recommendations of such persons, as may be specified or described in the regulations;
 - (b) authorise the matters considered and determined in pursuance of the regulations to include matters applicable to times and periods before they are considered or determined.
- (3) In this section “associated terms and conditions” means such terms and conditions as may appear to the Secretary of State to fall to be determined in association with the determination of rates of pay and allowances.

Commencement Information

I8 S. 14 in force at 8.5.2013 by [S.I. 2013/1042, art. 2\(f\)](#)

15 Abolition of SOCA and NPIA

- (1) The Serious Organised Crime Agency is abolished.
- (2) The National Policing Improvement Agency is abolished.
- (3) Schedule 8 (abolition of SOCA and NPIA) has effect.

Commencement Information

I9 S. 15(1)(2) in force at 7.10.2013 by [S.I. 2013/1682, art. 3\(t\)](#)

I10 S. 15(3) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042, art. 2\(g\)](#)

I11 S. 15(3) in force at 27.5.2013 for specified purposes by [S.I. 2013/1042, art. 3\(h\)](#)

I12 S. 15(3) in force at 7.10.2013 for specified purposes by [S.I. 2013/1682, art. 3\(u\)](#)

16 Interpretation of Part 1

- (1) In this Part—
- “chief officer” means—
- (a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
 - (b) the Commissioner of Police of the Metropolis;
 - (c) the Commissioner of Police for the City of London;
 - (d) the chief constable of the Police Service of Scotland;
 - (e) the Chief Constable of the Police Service of Northern Ireland;
 - (f) the chief constable of the British Transport Police;
 - (g) the chief constable of the Civil Nuclear Constabulary;
 - (h) the chief constable of the Ministry of Defence Police;
- “customs revenue official” has the same meaning as in the Borders, Citizenship and Immigration Act 2009 (see section 11 of that Act);
- “Director General” means the Director General of the National Crime Agency;

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“Director of Border Revenue” means the person designated under section 6 of the Borders, Citizenship and Immigration Act 2009;

“enactment” means any enactment, whenever passed or made, contained in—

- (a) an Act of Parliament;
- (b) an Act of the Scottish Parliament;
- (c) Northern Ireland legislation;
- (d) a Measure or Act of the National Assembly for Wales;
- (e) an instrument made under any such Act, legislation or Measure;
- (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);

“England and Wales police force” means—

- (a) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the metropolitan police force;
- (c) the City of London police force;

“functions” means all functions of any description, including powers and duties, whether conferred by an enactment or arising otherwise;

“general customs official” has the same meaning as in Borders, Citizenship and Immigration Act 2009 (see section 3 of that Act);

“Island law enforcement agency” means any person charged with the duty of investigating or prosecuting offences who operates in any of the Channel Islands or in the Isle of Man (apart from an Island police force);

“Island police force” means—

- (a) the States of Jersey Police Force;
- (b) the salaried police force of the Island of Guernsey;
- (c) the Isle of Man Constabulary;

“local policing body” means—

- (a) a police and crime commissioner;
- (b) the Mayor's Office for Policing and Crime;
- (c) the Common Council of the City of London as police authority for the City of London police area;

“NCA” means the National Crime Agency;

“NCA functions” means—

- (a) functions of the NCA,
- (b) functions of the Director General, and
- (c) functions of other NCA officers;

“NCA officers” means—

- (a) the Director General,
- (b) the other National Crime Agency officers appointed under paragraph 9 of Schedule 1,
- (c) persons who have been seconded to the NCA to serve as National Crime Agency officers under paragraph 13 of Schedule 1 (unless the context otherwise requires), and
- (d) NCA specials;

“permitted purpose” means any of the following purposes—

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- (a) the prevention or detection of crime, whether in the United Kingdom or elsewhere;
- (b) the investigation or prosecution of offences, whether in the United Kingdom or elsewhere;
- (c) 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 the law of any country or territory outside the United Kingdom;
- (d) the exercise of any NCA functions (so far as not falling within any of paragraphs (a) to (c));
- (e) purposes relating to civil proceedings (whether or not in the United Kingdom) which relate to a matter in respect of which the NCA has functions;
- (f) compliance with an order of a court or tribunal (whether or not in the United Kingdom);
- (g) the exercise of any function relating to the provision or operation of the system of accreditation of financial investigators under section 3 of the Proceeds of Crime Act 2002;
- (h) the exercise of any function of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002;
- (i) the exercise of any function of—
 - (i) the Director of Public Prosecutions,
 - (ii) the Director of the Serious Fraud Office,
 - (iii) the Director of Public Prosecutions for Northern Ireland, or
 - (iv) the Scottish Ministers,under, or in relation, to Part 5 or 8 of the Proceeds of Crime Act 2002;
- (j) the exercise of any function of—
 - (i) an officer of Revenue and Customs,
 - (ii) a general customs official,
 - (iii) a customs revenue official,
 - (iv) an immigration officer,
 - (v) an accredited financial investigator, or
 - (vi) a constable,under Chapter 3 of Part 5 of the Proceeds of Crime Act 2002;
- (k) 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 the Proceeds of Crime Act 2002);
- (l) the exercise of any function of any intelligence service (within the meaning of the Regulation of Investigatory Powers Act 2000);
- (m) the exercise of any function under—
 - (i) Part 2 of the Football Spectators Act 1989, or
 - (ii) sections 104 to 106 of the Policing and Crime Act 2009;
- (n) the exercise of any function relating to public health;
- (o) the exercise of any function of the Financial Services Authority;
- (oa) [F²the exercise of any function of OFCOM (the Office of Communications) under the Online Safety Act 2023;]

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- (p) the exercise of any function designated by the Secretary of State by order;

but a function may be designated under paragraph (p) only if the function appears to the Secretary of State to be a function of a public nature;

“policing body” means—

- (a) a police and crime commissioner;
- (b) the Mayor's Office for Policing and Crime;
- (c) the Common Council of the City of London as police authority for the City of London police area;
- (d) the Scottish Police Authority;
- (e) the Northern Ireland Policing Board;
- (f) the British Transport Police Authority;
- (g) the Civil Nuclear Police Authority;
- (h) the Secretary of State, in relation to the Ministry of Defence Police;

“special police force” means—

- (a) the British Transport Police;
- (b) the Civil Nuclear Constabulary;
- (c) the Ministry of Defence Police;

“strategic partners” means—

- (a) the Scottish Ministers;
- (b) the Department of Justice in Northern Ireland;
- (c) such persons as appear to the Secretary of State to represent the views of local policing bodies;
- (d) such persons as appear to the Secretary of State to represent the views of the chief officers of England and Wales police forces;
- (e) the chief constable of the Police Service of Scotland;
- (f) the Chief Constable of the Police Service of Northern Ireland;
- (g) the Commissioners for Her Majesty's Revenue and Customs;
- (h) the Director of the Serious Fraud Office;

“UK law enforcement agency” means—

- (a) the Commissioners for Her Majesty's Revenue and Customs;
- (b) the Director of the Serious Fraud Office;
- (c) the Director of Border Revenue;
- (d) the Scottish Administration;
- (e) a Northern Ireland department;
- (f) any other person operating in England, Scotland, Northern Ireland or Wales charged with the duty of investigating or prosecuting offences (apart from a UK police force);

“UK police force” means—

- (a) an England and Wales police force;
- (b) the Police Service of Scotland;
- (c) the Police Service of Northern Ireland;
- (d) a special police force.

(2) In this Part—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: General. (See end of Document for details)

- (a) a reference to the powers and privileges of a constable is a reference to any powers and privileges of the constable, whether arising under an enactment or otherwise;
 - (b) a reference to the Police Service of Northern Ireland includes a reference to the Police Service of Northern Ireland Reserve.
- (3) In any enactment—
- (a) a reference to a National Crime Agency officer is to be construed as a reference to an NCA officer within the meaning of this Part;
 - (b) a reference to a function of the National Crime Agency is to be construed as a reference to an NCA function within the meaning of this Part (unless the context otherwise requires).
- (4) Definitions of the following terms used in this Part, or other provision relating to the meanings of such terms, are contained in the provisions (outside this section) which are indicated.

<i>Term</i>	<i>Provision containing definition etc</i>
activities to combat crime (or a particular kind of crime)	section 1(11)
annual plan	section 4(3)
annual report	Part 2 of Schedule 2
crime-reduction function	section 1(4)
criminal intelligence function	section 1(5)
customs matter	section 9(8)
framework document	Part 1 of Schedule 2
NCA special	paragraph 15 of Schedule 1
operational power	section 9(8)
strategic priorities	section 3

Textual Amendments

F2 Words in s. 16(1) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), **ss. 68**, 240(1); S.I. 2023/1420, reg. 2(t)

Commencement Information

I13 S. 16 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(h)**

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross
Heading: General.