

SCHEDULES

SCHEDULE 8

Section 15

ABOLITION OF SOCA AND NPIA

PART 1

TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Transfer schemes

- 1 (1) The Secretary of State may make—
 - (a) one or more staff transfer schemes, and
 - (b) one or more property transfer schemes.
- (2) The Secretary of State may include—
 - (a) provision under paragraph 2(1)(a)(iv) in a staff transfer scheme, or
 - (b) provision under paragraph 3(1)(c) in a property transfer scheme,only if the Secretary of State considers that the provision is appropriate in connection with an order under section 2 (modification of NCA functions).
- (3) The Secretary of State must lay before Parliament each staff transfer scheme and each property transfer scheme that is made.
- 2 (1) A staff transfer scheme is a scheme which provides—
 - (a) for—
 - (i) a designated member of the staff of SOCA,
 - (ii) a designated constable in an England and Wales police force,
 - (iii) a designated member of the civilian staff of an England and Wales police force, or
 - (iv) a designated member of the personnel or staff of any other person, to become an NCA officer and, accordingly, to become employed in the civil service of the state;
 - (b) for a designated member of the staff of the NPIA to become employed in the civil service of the state—
 - (i) as an NCA officer, or
 - (ii) in the Home Office;
 - (c) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the designated transferee's employment to have effect as the person's terms and conditions of employment as an NCA officer or in the Home Office;
 - (d) for the transfer to the NCA or the Secretary of State of the rights, powers, duties and liabilities of the employer under or in connection with the designated transferee's contract of employment;

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- (e) for anything done (or having effect as if done) before that transfer by or in relation to the employer in respect of such a contract or the designated transferee to be treated as having been done by or in relation to the NCA or the Secretary of State.
- (2) A staff transfer scheme may provide for a period before a person became employed in the civil service of the state under a staff transfer scheme to count as a period during which the person was employed in the civil service of the state (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).
 - (3) A staff transfer scheme may provide for a person who would otherwise become employed in the civil service of the state under a staff transfer scheme not to become so employed if the person gives notice objecting to the operation of the scheme in relation to the person.
 - (4) A staff transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
 - (5) A staff transfer scheme may provide for a person to become employed in the civil service of the state despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.
 - (6) A staff transfer scheme may provide for a person’s secondment to SOCA or the NPIA to continue as a secondment of that person to the NCA.
 - (7) In the application of this paragraph to the transfer of a constable—
 - (a) a reference to employment (other than employment in the civil service of the state) is a reference to service as a constable;
 - (b) a reference to a contract of employment is a reference to the terms and conditions of service as a constable;
 - (c) a reference to the employer is a reference to the chief officer of the police force, and the policing body for the police force, in which the constable serves.
- 3
- (1) A property transfer scheme is a scheme providing for the transfer to the NCA of designated property, rights or liabilities from—
 - (a) SOCA,
 - (b) the chief officer of, or the policing body for, an England and Wales police force, or
 - (c) any other person,
 or for the transfer to the NCA or the Secretary of State of designated property, rights or liabilities from the NPIA.
 - (2) A property transfer scheme may—
 - (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
 - (b) provide for anything done by or in relation to a transferor in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the NCA or the Secretary of State;
 - (c) provide for anything done by a transferor which gives rise to criminal liability to be treated as done by the NCA or the Secretary of State and,

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- in such a case, provide that Crown immunity does not affect the criminal liability of the NCA or Secretary of State;
- (d) apportion property, rights and liabilities;
 - (e) make provision about the continuation of legal proceedings.
- (3) The things that may be transferred by a property transfer scheme include—
- (a) property, rights and liabilities that could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- 4 (1) A staff transfer scheme or a property transfer scheme may make—
- (a) provision for any reference to a transferor in any document or other instrument, contract or legal proceedings to have effect as, or as including, a reference to the NCA or the Secretary of State;
 - (b) supplementary, incidental, transitional and consequential provision.
- (2) A staff transfer scheme may make provision which is the same or similar as provision made by the TUPE regulations (if those regulations do not apply to the transfer).
- 5 In paragraphs 2 to 4—
- “civilian staff”, in relation to an England and Wales police force, means a person employed by the policing body for that force;
 - “designated”, in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;
 - “designated transferee” means a person in respect of whom a staff transfer scheme makes provision of the kind referred to in paragraph 2(1)(a) or (b);
 - “Home Office” means the department of the Secretary of State having responsibility for policing;
 - “instrument” includes a designation, authorisation, warrant, or order of any court;
 - “transferor”, in relation to a staff transfer scheme or a property transfer scheme, means any of the following to which the scheme relates—
 - (a) SOCA;
 - (b) the NPIA;
 - (c) the chief officer of, or the policing body, for an England and Wales police force;
 - (d) any other person;
 - “TUPE regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Continuity in relation to functions

- 6 (1) The abolition of SOCA or the NPIA does not affect the validity of anything done before the abolition.
- (2) The transfer of a function does not affect the validity of anything done before the transfer.
- (3) Sub-paragraphs (4) to (6) apply in relation to the transfer of a function.
- (4) Where anything—
- (a) relates to the transferred function, and

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- (b) is in the process of being made or done by or in relation to the transferor immediately before the transfer takes effect,
it may be continued afterwards by or in relation to the transferee.
- (5) Where anything—
- (a) relates to the transferred function,
 - (b) has been made or done by or in relation to the transferor, and
 - (c) is in effect immediately before the transfer takes effect,
- it has effect afterwards as if made or done by or in relation to the transferee.
- (6) The transferee is to be substituted for the transferor in any documents and other instruments, contracts or legal proceedings which—
- (a) relate to the transferred function, and
 - (b) are made or commenced before the transfer takes effect.
- (7) The Secretary of State may, by direction, determine any question under this paragraph as to—
- (a) whether there has been a transfer of a particular function, or
 - (b) the person to whom there has been a transfer of a particular function.
- (8) The preceding provisions of this paragraph are without prejudice to the powers under section 60 (transitional, transitory or saving provision).
- (9) The following provisions of this paragraph apply for the purposes of this paragraph.
- (10) A reference to—
- (a) the abolition of SOCA includes a reference to the ending of a person’s membership of SOCA or membership of the staff of SOCA;
 - (b) the abolition of the NPIA includes a reference to the ending of a person’s membership of the NPIA or membership of the staff of the NPIA.
- (11) A reference to the transfer of a function is a reference to—
- (a) the transfer of a SOCA function by or under this Act,
 - (b) the transfer of an NPIA function by or under this Act, and
 - (c) the assumption of a third party function by the NCA.
- (12) For that purpose—
- (a) the reference to the transfer of a SOCA function or NPIA function by or under this Act includes a reference to a case where—
 - (i) a SOCA function or NPIA function is abolished, and
 - (ii) a corresponding function is conferred on another person,
by or under this Act;
 - (b) the reference to the assumption of a third party function by the NCA is a reference to the case where—
 - (i) a function (other than a SOCA function or an NPIA function) is exercisable before the changeover by a person (the “third party”),
 - (ii) a corresponding function is included in the NCA functions, and
 - (iii) a person employed by, or otherwise serving, the third party wholly or partly for the purpose of the exercise of the function becomes an NCA officer;

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and references to the transferred function, the transferor and the transferee are to be read accordingly.

- (13) A reference to a thing being, or having been, made or done includes—
- (a) a reference to—
 - (i) a document or other instrument being, or having been, made or otherwise produced,
 - (ii) a contract being, or having been, agreed, and
 - (iii) legal proceedings being, or having been, brought; and
 - (b) a reference to a thing being, or having been, made or done under—
 - (i) a document or other instrument,
 - (ii) a contract, or
 - (iii) legal proceedings.
- (14) A reference to a thing which relates to a transferred function includes a reference to a thing made or done for the purposes of, or otherwise in connection with, a transferred function.
- (15) These expressions have the meanings given—
- “instrument” includes a designation, authorisation, warrant, or order of any court;
 - “NPIA functions” means functions of—
 - (a) the NPIA,
 - (b) a member of the NPIA, or
 - (c) a member of the staff of the NPIA;
 - “SOCA functions” means functions of—
 - (a) SOCA,
 - (b) a member of SOCA, or
 - (c) a member of the staff of SOCA.

Continuity in relation to subordinate legislation

- 7 (1) After the changeover, the subordinate legislation specified in an entry in the first column of the following table—
- (a) continues to have effect (subject to any subsequent amendment or revocation) as if made under the powers conferred by the provision of this Act specified in the corresponding entry in the second column; and
 - (b) may be amended or revoked by (in particular) the exercise of the powers conferred by that provision.

| <i>Subordinate legislation</i> | <i>Provision of this Act</i> |
|---|-----------------------------------|
| The Serious Organised Crime and Police Act 2005 (Application and Modification of Certain Enactments to Designated Staff of SOCA) Order 2006 (S.I. 2006/987) | Paragraphs 27 to 29 of Schedule 5 |
| The International Joint Investigation Teams (International Agreement) Order 2009 (S.I. 2009/3269), insofar as it is made under powers | Paragraph 5(1)(c) of Schedule 4 |

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| <i>Subordinate legislation</i> | <i>Provision of this Act</i> |
|---|---|
| conferred by the Serious Organised Crime and Police Act 2005 | |
| The Serious Organised Crime and Police Act 2005 (Disclosure of Information by SOCA) Order 2010 (S.I. 2010/1955) | Paragraph (p) of the definition of “permitted purpose” in section 16(1) |

(2) Insofar as subordinate legislation continues to have effect by virtue of subparagraph (1), it does so subject to the following modifications.

*THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005
(APPLICATION AND MODIFICATION OF CERTAIN ENACTMENTS
TO DESIGNATED STAFF OF SOCA) ORDER 2006 (S.I. 2006/987)*

| | |
|--|---|
| Articles 2 and 4(4) and paragraph 21 of Schedule 1 | The reference to section 43(1)(a) of the Serious Organised Crime and Police Act 2005 has effect as a reference to section 9 or 10 of this Act |
| Articles 3(b) and 4(1)(b) | The reference to Chapter 2 of Part 1 of the Serious Organised Crime and Police Act 2005 has effect as a reference to Part 1 of this Act |
| Article 4(3) | The reference to section 46 of the Serious Organised Crime and Police Act 2005 has effect as a reference to Part 4 of Schedule 5 to this Act |
| Article 5 and Paragraph 6 of Schedule 2 | The reference to section 43(1)(c) of the Serious Organised Crime and Police Act 2005 has effect as a reference to section 9 or 10 of this Act |
| Articles 6(b) and 7(1)(b) | The reference to Chapter 2 of Part 1 of the Serious Organised Crime and Police Act 2005 has effect as a reference to Part 1 of this Act |
| Schedule 1 | Each reference to a SOCA office has effect as a reference to a place for the time being occupied by the National Crime Agency |

*THE INTERNATIONAL JOINT INVESTIGATION TEAMS
(INTERNATIONAL AGREEMENT) ORDER 2009 (S.I. 2009/3269)*

| | |
|--------------|---|
| Article 2(d) | The reference to sections 30(5)(c) and 57(6)(c) of the Serious Organised Crime and Police Act 2005 has effect as a reference to paragraph 5(1)(c) of Schedule 4 to this Act |
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*THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005
(DISCLOSURE OF INFORMATION BY SOCA) ORDER 2010 (S.I. 2010/1955)*

| | |
|-----------|--|
| Article 2 | The reference to section 33 of the Serious Organised Crime and Police Act 2005 has effect as a reference to the definition of “permitted purpose” in section 16(1) of this Act |
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(3) The modifications applicable to any subordinate legislation by virtue of subparagraph (2) are in addition to any other modifications applicable to that subordinate legislation (whether by virtue of Part 4 of this Schedule or otherwise).

- (4) The preceding provisions of this paragraph are without prejudice to sections 59 (consequential amendments) and 60 (transitional, transitory or saving provision).

Members of SOCA

- 8 (1) The Secretary of State may pay such amount (if any) as the Secretary of State thinks appropriate to a person who ceases to be a SOCA board member at the changeover.
- (2) In this paragraph “SOCA board member” means a person who is a member of SOCA by virtue of paragraph 1(1)(a) or (c) of Schedule 1 to the Serious Organised Crime and Police Act 2005 (the chairman and ordinary members).

SOCA annual reports and accounts

- 9 (1) The repeal of sections 7 and 20 of the Serious Organised Crime and Police Act 2005 (annual reports and accounts) by this Act does not affect the application of those sections, after the changeover, in relation to times before the changeover.
- (2) Sections 7 and 20 of the 2005 Act apply in relation to the final period as they apply to any financial year of SOCA (and, accordingly, references in those sections to a financial year of SOCA include references to the final period).
- (3) After the changeover, the duties imposed on SOCA by sections 7 and 20 of the 2005 Act are to be discharged by the Director General of the National Crime Agency.
- (4) In this paragraph “final period” means the period which—
- (a) begins with the last 1 April to fall before the changeover, and
 - (b) ends with the changeover.

Saving of accrued pension rights etc

- 10 (1) The amendments of the Superannuation Act 1972 made by Part 2 of this Schedule do not affect the operation of that Act in relation to employment of any of the following kinds by any person—
- (a) employment by SOCA;
 - (b) employment as a member of the staff of the NPIA.
- (2) The amendments of the Police Pensions Act 1976 made by Part 2 of this Schedule do not affect the operation of that Act in relation to service of any of the following kinds by any person—
- (a) service as an employee of SOCA;
 - (b) relevant service within paragraph (ca) or (cb) of section 97(1) of the Police Act 1996;
 - (c) relevant service within section 38A(1)(ba) of the Police (Scotland) Act 1967;
 - (d) service as a member of the staff of NPIA.

Scottish police reform

- 11 (1) The power conferred by section 60 may, in particular, be exercised to make provision to secure that the NCA provisions have full effect despite the coming into force of particular NCA provisions before the coming into force of particular Scottish police reform provisions.

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- (2) Such provision may, in particular, modify a reference in any of the NCA provisions to any person, body or other thing created by the Scottish police reform provisions.
- (3) That includes the modification of a reference—
- (a) to the Police Service of Scotland, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—
 - (i) an existing Scottish police force;
 - (ii) the Scottish Crime and Drugs Enforcement Agency;
 - (b) to the chief constable of the Police Service of Scotland, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—
 - (i) the chief constable of an existing Scottish police force;
 - (ii) the Scottish Crime and Drugs Enforcement Agency;
 - (iii) the Director General of that Agency;
 - (c) to the Scottish Police Authority, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—
 - (i) an existing Scottish police authority;
 - (ii) the Scottish Crime and Drugs Enforcement Agency;
 - (iii) the Director General of that Agency;
 - (iv) the Scottish Police Services Authority;
 - (d) to constables in the Police Service of Scotland, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—
 - (i) constables in existing Scottish police forces;
 - (ii) police members of the Scottish Crime and Drugs Enforcement Agency;
 - (iii) support staff members of the Scottish Crime and Drugs Enforcement Agency.
- (4) In this paragraph—
- “existing Scottish police authority” means a body which is a police authority by virtue of section 2 of the Police (Scotland) Act 1967 or a joint police board constituted in accordance with an amalgamation scheme made under that Act;
 - “existing Scottish police force” means a police force maintained under, or by virtue of, section 1 of the Police (Scotland) Act 1967;
 - “NCA provisions” means the provisions of this Part of this Act (including any amendments of other enactments made by this Part of this Act);
 - “Scottish police reform provisions” means the provisions of Part 1 of the Police and Fire Reform (Scotland) Act 2012.

Director of Revenue and Customs Prosecutions

- 12 (1) This paragraph applies if, before the changeover, there has been no merger of the offices of—
- (a) the Director of Public Prosecutions, and
 - (b) the Director of Revenue and Customs Prosecutions.

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- (2) In relation to the DRCP transitional period, the reference to the Director of Public Prosecutions in paragraph (i)(i) of the definition of permitted purpose in section 16(1) has effect as if it included a reference to the Director of Revenue and Customs Prosecutions.
- (3) In this paragraph—
- (a) a reference to a merger of offices is a reference to a Minister merging the offices by order under section 2 of the Public Bodies Act 2011;
 - (b) “DRCP transitional period” means the period which—
 - (i) begins with the changeover, and
 - (ii) ends when there is a merger of the offices of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions.

Interpretation

- 13 In this Part of this Schedule—
- “changeover” means the time when section 1 comes into force;
 - “NPIA” means the National Policing Improvement Agency;
 - “SOCA” means the Serious Organised Crime Agency.

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Explosives Act 1875 (c. 17)

- 14 (1) Section 75 of the Explosives Act 1875 is amended in accordance with this paragraph.
- (2) In subsection (1), for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- (3) In subsection (2), for the words from “means” to “2005” substitute “means a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013”.

Police (Property) Act 1897 (c. 30)

- 15 (1) Section 2A of the Police (Property) Act 1897 (application to SOCA) is amended in accordance with this paragraph.
- (2) In the heading, for “SOCA” substitute “**the National Crime Agency**”.
- (3) In subsection (1), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (4) In subsection (2)—
- (a) for “Serious Organised Crime Agency” substitute “National Crime Agency”;
 - (b) in paragraph (a) for “member of staff of that Agency” substitute “National Crime Agency officer”.

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- (5) In subsection (3), for “Serious Organised Crime Agency” substitute “National Crime Agency”.

Public Records Act 1958 (c. 51)

- 16 In Schedule 1 to the Public Records Act 1958, in Part 2 of the table at the end of paragraph 3, omit—
- (a) the entry relating to the National Policing Improvement Agency;
 - (b) the entry relating to the Serious Organised Crime Agency.

Offices, Shops and Railway Premises Act 1963 (c. 41)

- 17 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (4)(d), for the words from “Serious” to the end substitute “National Crime Agency to serve as a National Crime Agency officer”.

Parliamentary Commissioner Act 1967 (c. 13)

- 18 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) is amended in accordance with this paragraph.
- (2) In the list of departments etc subject to investigation—
- (a) insert at the appropriate place—
“National Crime Agency.”;
 - (b) omit—
 - (i) the entry relating to the National Policing Improvement Agency;
 - (ii) the entry relating to the Serious Organised Crime Agency.
- (3) In the notes after that list, in the note relating to the Serious Organised Crime Agency—
- (a) for the title substitute “**National Crime Agency**”;
 - (b) in the note, for “Serious Organised Crime Agency” substitute “National Crime Agency”.

Firearms Act 1968 (c. 27)

- 19 In the Firearms Act 1968, in section 54 (application of Parts 1 and 2 to Crown Servants), in subsection (3), omit paragraph (c) (and the word “or” at the end of paragraph (b)).

Superannuation Act 1972 (c. 11)

- 20 In the Superannuation Act 1972, in Schedule 1 (kinds of employment etc referred to in section 1)—
- (a) omit the entry for employment by the Serious Organised Crime Agency;
 - (b) omit the entry for employment as a member of the staff of the National Policing Improvement Agency.

Health and Safety at Work etc. Act 1974 (c. 37)

- 21 (1) Section 51A of the Health and Safety at Work etc. Act 1974 (application of Part 1 to police) is amended in accordance with this paragraph.
- (2) In subsection (2)(b), for “Serious Organised Crime Agency to serve as a member of its staff” substitute “National Crime Agency to serve as a National Crime Agency officer”.
- (3) In subsection (2E), for paragraph (f) substitute—
“(f) paragraph 2 of Schedule 4 to the Crime and Courts Act 2013;”.

House of Commons Disqualification Act 1975 (c. 24)

- 22 In the House of Commons Disqualification Act 1975, in Schedule 1 (offices disqualifying for membership)—
- (a) in Part 2 (bodies of which all members are disqualified), omit—
(i) the entry for the National Policing Improvement Agency;
(ii) the entry for the Serious Organised Crime Agency;
- (b) in Part 3 (other disqualifying offices), omit the entry for members of the staff of the Serious Organised Crime Agency.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 23 In the Northern Ireland Assembly Disqualification Act 1975, in Schedule 1 (offices disqualifying for membership)—
- (a) in Part 2 (bodies of which all members are disqualified), omit—
(i) the entry for the National Policing Improvement Agency;
(ii) the entry for the Serious Organised Crime Agency;
- (b) in Part 3 (other disqualifying offices), omit the entry for members of the staff of the Serious Organised Crime Agency.

Police Pensions Act 1976 (c. 35)

- 24 The Police Pensions Act 1976 is amended as follows.
- 25 In section 7 (payment of pensions and contributions), in subsection (2)—
- (a) omit—
(i) paragraphs (ca) to (cd);
(ii) paragraph (cf);
- (b) after paragraph (d) insert—
“(da) a National Crime Agency officer whose service as such is eligible service;”
- 26 (1) Section 11 (interpretation) is amended in accordance with this paragraph.
- (2) In subsection (1)—
- (a) omit—
(i) paragraphs (ba) to (bd);
(ii) paragraph (bf);
- (b) in paragraph (bfa) (inserted by Schedule 1 to the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order

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2013), in sub-paragraph (vi), for “member of staff of SOCA” substitute “National Crime Agency officer”;

- (c) after paragraph (c) insert—
“ (ca) eligible service as a National Crime Agency officer.”

(3) In subsection (2A)—

- (a) for paragraph (c) substitute—
“ (c) in relation to any such service as is mentioned in subsection (1)(bfa)(vi) or subsection (1)(ca) above, or any service of the kind described in section 97(1)(cj) of the Police Act 1996, “police pension authority” means the Director General of the National Crime Agency and “pension supervising authority” means the Secretary of State;”;

- (b) omit paragraph (f).

(4) In subsection (5), omit the definition of “SOCA”.

(5) After subsection (8) insert—

“(9) A person’s service as a National Crime Agency officer is “eligible service” for the purposes of this Act in any of the following cases.

(10) The first case is where—

- (a) the person’s service as a National Crime Agency officer is—
(i) service as the Director General, or
(ii) service that is designated for this purpose by the Director General, and
(b) the person is (immediately before beginning that service) a member, or eligible to be a member, of a police pension scheme.

(11) The second case is where—

- (a) immediately before beginning the service as a National Crime Agency officer, the person—
(i) is serving as a member of the staff of the Serious Organised Crime Agency, and
(ii) by virtue of that service is, or is eligible to be, a member of a police pension scheme, and
(b) the person becomes a National Crime Agency officer by virtue of a scheme under paragraph 2 of Schedule 8 to the Crime and Courts Act 2013.

(12) The third case is where—

- (a) immediately before beginning the service as a National Crime Agency officer, the person—
(i) is serving as a member of a police force, and
(ii) by virtue of that service is, or is eligible to be, a member of a police pension scheme, and
(b) the person becomes a National Crime Agency officer by virtue of a scheme under paragraph 2 of Schedule 8 to the Crime and Courts Act 2013.

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- (13) In subsections (10) to (12) “police pension scheme” means a pension scheme provided for under—
- (a) section 1 above, or
 - (b) section 25(2)(k) or 26(2)(g) of the Police (Northern Ireland) Act 1998.”

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

- 27 In the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Schedule 1 (ineligibility for and disqualification and excusal from jury service), in Group B in Part 1 (others concerned with the administration of justice), for paragraph (nc) substitute—
- “(nc) National Crime Agency officers;”.

Limitation Act 1980 (c. 58)

- 28 (1) In section 27A of the Limitation Act 1980 (actions for recovery of property obtained through unlawful conduct etc), in subsection (8), for paragraph (a) substitute—
- “(a) the National Crime Agency;”.
- (2) In section 27B of that Act (actions for recovery of property for purposes of an external order), in subsection (8), for paragraph (a) substitute—
- “(a) the National Crime Agency;”.

Road Traffic Regulation Act 1984 (c. 27)

- 29 (1) Section 87 of the Road Traffic Regulation Act 1984 (exemptions from speed limits) is amended in accordance with this paragraph.
- (2) In that section (before its amendment by the Road Safety Act 2006), in subsection (2) (a) and (b), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (3) In that section (after its amendment by the Road Safety Act 2006), in subsection (1) (a), for “Serious Organised Crime Agency” substitute “National Crime Agency”.

Prosecution of Offences Act 1985 (c. 23)

- 30 In section 3 of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), in subsection (2)—
- (a) before paragraph (b) insert—

“(ac) to take over the conduct of any criminal proceedings instituted on behalf of the National Crime Agency;”;
 - (b) before paragraph (c) insert—

“(bc) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings relating to a criminal investigation by the National Crime Agency;”;
 - (c) after paragraph (ec) insert—

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- “(ed) to give advice, to such extent as he considers appropriate and to such person as he considers appropriate, in relation to—
- (i) criminal investigations by the National Crime Agency, or
 - (ii) criminal proceedings arising out of such investigations;”.

Ministry of Defence Police Act 1987 (c. 4)

- 31 (1) Section 2C of the Ministry of Defence Police Act 1987 (constables serving with SOCA) is amended in accordance with this paragraph.
- (2) In the title, for “**Serious Organised Crime Agency**” substitute “**National Crime Agency**”.
- (3) In subsection (1)—
- (a) for “Serious Organised Crime Agency” (in the first place) substitute “National Crime Agency”;
 - (b) in paragraph (a), for “Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- (4) In subsection (2)(a), for “Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.

Road Traffic Act 1988 (c. 52)

- 32 (1) In section 124 of the Road Traffic Act 1988, subsection (1A) is amended in accordance with this paragraph.
- (2) In the first sentence—
- (a) for “SOCA instructor” substitute “NCA instructor”;
 - (b) for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (3) In the second sentence—
- (a) for “SOCA” substitute “NCA”;
 - (b) for “a member of staff of the Serious Organised Crime Agency” substitute “an NCA officer”;
 - (c) for “members of the Agency’s staff” substitute “NCA officers”.

Security Service Act 1989 (c. 5)

- 33 The Security Service Act 1989 is amended as follows.
- 34 In section 1 (the Security Service), in subsection (4), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- 35 In section 2 (the Director General), in subsection (2)(c)—
- (a) for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”;
 - (b) for “Serious Organised Crime Agency” (in the second place) substitute “National Crime Agency”.

Official Secrets Act 1989 (c. 6)

- 36 In the Official Secrets Act 1989, in section 12 (meanings of “crown servant” and “government contractor”), in subsection (1)(e), for “of the Serious Organised Crime Agency” substitute “an NCA special (within the meaning of Part 1 of the Crime and Courts Act 2013)”.

Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

- 37 In Article 72A of the Limitation (Northern Ireland) Order 1989 (actions for recovery of property obtained through unlawful conduct etc), in paragraph (8), for subparagraph (a) substitute—
“(a) the National Crime Agency,”.

Police Act 1996 (c. 16)

- 38 The Police Act 1996 is amended as follows.
- 39 In section 57 (common services), in subsections (3A) and (4)(c), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- 40 In section 59 (police federations), omit subsection (7A).
- 41 In section 61 (the Police Negotiating Board for Great Britain), in subsection (1), omit paragraph (bb).
- 42 (1) Section 62 (functions of the Police Negotiating Board with respect to regulations) is amended in accordance with this paragraph.
- (2) In subsection (1), omit paragraph (d) (and the word “or” at the end of paragraph (c)).
- (3) Omit subsections (1D) and (1E).
- (4) In subsection (2), for “(1A), (1D) or (1E)” substitute “or (1A)”.
- 43 In section 63 (Police Advisory Boards for England and Wales and for Scotland), omit subsections (1C) and (3)(c).
- 44 In section 64 (membership of trade unions), omit subsections (4C) and (4D).
- 45 In section 88 (liability for wrongful acts of constables), in subsection (5A), for the words from “section 23” to “Agency” substitute “Part 3 of Schedule 3 to the Crime and Courts Act 2013, a National Crime Agency officer”.
- 46 In section 90 (impersonation etc), omit subsection (4)(ab).
- 47 In section 91 (causing disaffection), omit subsection (2)(aa).
- 48 (1) Section 97 (police officers engaged on service outside their force) is amended in accordance with this paragraph.
- (2) In subsection (1)—
- (a) omit—
- (i) paragraph (cf);
- (ii) paragraph (cg);
- (b) after paragraph (ci) insert—
- “(cj) temporary service as a National Crime Agency officer on which a person is engaged with the consent of the appropriate authority;”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (6)(a)—
 - (a) omit “(cf), (cg)”;
 - (b) after “(ci)” insert “, (cj)”.
- (4) In subsection (8), omit “(cf), (cg)”.
- (5) After subsection (8) insert—

“(8A) A person who is member of a police force engaged on relevant service within paragraph (cj) of subsection (1) shall be treated for the purposes of sections 59, 60 and 64 as if the person were a member of that police force.”

Employment Rights Act 1996 (c. 18)

- 49 The Employment Rights Act 1996 is amended as follows.
- 50 In section 43KA (application of this Part and related provisions to police), in subsection (2)(b), for “Serious Organised Crime Agency to serve as a member of its staff” substitute “National Crime Agency to serve as a National Crime Agency officer”.
- 51 In section 134A (application to police), in subsection (3), for “Serious Organised Crime Agency” substitute “National Crime Agency”.

Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9))

- 52 The Proceeds of Crime (Northern Ireland) Order 1996 is amended as follows.
- 53 (1) Article 49 (additional investigation powers) is amended in accordance with this paragraph.
 - (2) In paragraph (1A), for “a senior member of staff of the Serious Organised Crime Agency” substitute “a senior National Crime Agency officer”.
 - (3) In paragraph (1B), for “a member of staff of the Serious Organised Crime Agency” substitute “a National Crime Agency officer”.
 - (4) In paragraph (5), in the definition of “senior member of staff of the Serious Organised Crime Agency”—
 - (a) for “a senior member of staff of the Serious Organised Crime Agency” substitute “a senior National Crime Agency officer”;
 - (b) in paragraph (a), for “Serious Organised Crime Agency” substitute “National Crime Agency”;
 - (c) in paragraph (b), for “any member of staff of the Agency” substitute “any National Crime Agency officer”.
- 54 In Schedule 2 (financial investigations), in paragraph 3A(4)(a), for “member of staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.

Police Act 1997 (c. 50)

- 55 The Police Act 1997 is amended as follows.
- 56 (1) Section 93 (authorisations to interfere with property etc) is amended in accordance with this paragraph.

Status: This is the original version (as it was originally enacted).

- (2) In subsections (1B) and (3)(b), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- (3) In subsection (5), for paragraph (f) substitute—
- “(f) the Director General of the National Crime Agency, or any other National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;”.
- 57 In section 94 (authorisations given in absence of authorising officer), in subsection (2)(e), for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- 58 In section 97 (authorisations requiring approval), in subsection (6B)(b), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 59 In section 107 (supplementary provisions relating to Commissioners), in subsection (4)(b), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- 60 In section 113B (enhanced criminal record certificates)—
- (a) in subsection (10), omit paragraphs (f) and (g);
- (b) in subsection (11)(b), for “Serious Organised Crime Agency” substitute “National Crime Agency”.

Police (Northern Ireland) Act 1998 (c. 32)

- 61 The Police (Northern Ireland) Act 1998 is amended as follows.
- 62 In section 27 (members of the Police Service of Northern Ireland engaged on other police service), in subsection (1)—
- (a) in paragraph (cb), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”;
- (b) omit paragraph (cc).

Northern Ireland Act 1998 (c. 47)

- 63 In the Northern Ireland Act 1998, in Schedule 3 (reserved matters), in paragraph 9(1), for sub-paragraph (g) substitute—
- “(g) the National Crime Agency;”.

Immigration and Asylum Act 1999 (c. 33)

- 64 The Immigration and Asylum Act 1999 is amended as follows.
- 65 In section 20 (supply of information to Secretary of State), in subsection (1)(b), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- 66 (1) Section 21 (supply of information by Secretary of State) is amended in accordance with this paragraph.
- (2) In subsection (2), for paragraph (b) substitute—
- “(b) the National Crime Agency, for use in connection with the discharge of any function of that Agency;”.

Status: This is the original version (as it was originally enacted).

(3) Omit subsection (4).

Terrorism Act 2000 (c. 11)

- 67 The Terrorism Act 2000 is amended as follows.
- 68 In section 19 (disclosure of information: duty), in subsection (7B), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 69 In section 20 (disclosure of information: permission), in subsection (5), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 70 In section 21ZA (arrangements with prior consent), in subsection (5), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 71 In section 21ZB (disclosure after entering into arrangements), in subsection (4), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 72 In section 21A (failure to disclosure: regulated sector), in subsection (14), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 73 In section 21B (protected disclosures), in subsection (7), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 74 (1) Section 21C (disclosures to SOCA) is amended in accordance with this paragraph.
- (2) In the title for “SOCA” substitute “**the National Crime Agency**”.
- (3) In subsections (1) and (2), for “member of staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 75 In section 21D (tipping off: regulated sector), in subsection (2)(d), for “member of staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 76 In Schedule 14 (exercise of officers’ powers), in paragraph 4 (information), for subparagraph (1)(d) substitute—
- “(d) to the National Crime Agency;”.

Regulation of Investigatory Powers Act 2000 (c. 23)

- 77 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 78 In section 6 (application for issue of an interception warrant), in subsection (2), for paragraph (d) substitute—
- “(d) the Director General of the National Crime Agency;”.
- 79 In section 17 (exclusion of matters from legal proceedings), in subsection (3), omit paragraph (c).
- 80 In section 19 (offence for unauthorised disclosures), in subsection (2), omit paragraph (c).

Status: This is the original version (as it was originally enacted).

- 81 (1) Section 25 (interpretation of Chapter 2) is amended in accordance with this paragraph.
- (2) In subsection (1), in the definition of “relevant public authority”, for paragraph (b) substitute—
- “(b) the National Crime Agency;”.
- (3) In subsection (3A), for the words from “Serious” to the end substitute “National Crime Agency include references to any National Crime Agency officer.”.
- 82 In section 32 (authorisation of intrusive surveillance), in subsection (6), for paragraph (k) substitute—
- “(k) the Director General of the National Crime Agency and any National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;”.
- 83 (1) Section 33 (rules of grant of authorisations) is amended in accordance with this paragraph.
- (2) In subsection (1A), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (3) In subsection (3A)—
- (a) for “The Director General of the Serious Organised Crime Agency” substitute “The Director General of the National Crime Agency”;
- (b) for “member of staff of the Agency” substitute “National Crime Agency officer”.
- (4) In subsection (5)(a), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 84 (1) Section 34 (grant of authorisation in the senior officer’s absence) is amended in accordance with this paragraph.
- (2) In subsection (1)(a), for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- (3) In subsection (4)(j), for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- 85 (1) Section 35 (notifications of authorisations for intrusive surveillance) is amended in accordance with this paragraph.
- (2) In subsection (1), for “SOCA” substitute “the National Crime Agency”.
- (3) In subsection (10)—
- (a) for “SOCA” substitute “the National Crime Agency”;
- (b) in paragraph (a), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- 86 (1) Section 36 (approval required for authorisations to take effect) is amended in accordance with this paragraph.
- (2) In subsection (1), for paragraph (b) substitute—
- “(b) a National Crime Agency officer;”.
- (3) In subsection (6)(b) and (d), for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.

Status: This is the original version (as it was originally enacted).

- 87 In section 37 (quashing of police and Revenue and Customs authorisations etc), in subsection (1), for paragraph (b) substitute—
“(b) a National Crime Agency officer;”.
- 88 In section 40 (information to be provided to Surveillance Commissioners), for paragraph (b) substitute—
“(b) every National Crime Agency officer;”.
- 89 In section 46 (restrictions on authorisations extending to Scotland), in subsection (3), for paragraph (db) substitute—
“(db) the National Crime Agency;”.
- 90 In section 49 (notices requiring disclosure), in subsection (1)(e), for “SOCA” (in each place) substitute “the National Crime Agency”.
- 91 (1) Section 51 (cases in which key required) is amended in accordance with this paragraph.
- (2) In subsection (2)—
(a) for “SOCA” (in the first place) substitute “the National Crime Agency”;
(b) in paragraph (aa)—
(i) for “SOCA” substitute “the National Crime Agency”;
(ii) for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- (3) In subsections (3) and (6), for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- 92 In section 54 (tipping-off), in subsection (3)(a) and (b), for “SOCA” substitute “the National Crime Agency”.
- 93 (1) Section 55 (general duties of specified authorities) is amended in accordance with this paragraph.
- (2) In subsection (1), for paragraph (ba) substitute—
“(ba) the Director General of the National Crime Agency;”.
- (3) For subsection (3A) substitute—
“(3A) The power of the Director General of the National Crime Agency to delegate functions under paragraph 10 of Schedule 1 to the Crime and Courts Act 2013 does not apply in relation to the Director General’s duties under this section.”.
- 94 In section 56 (interpretation of Part 3), in subsection (1)—
(a) in paragraph (a) of the definition of “the police”, for “member of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”;
(b) omit the definition of SOCA.
- 95 In section 58 (co-operation with and reports by section 57 Commissioner), in subsection (1), omit paragraph (b).
- 96 In section 65 (the Tribunal), in subsection (6), for paragraph (d) substitute—
“(d) the National Crime Agency;”.
- 97 In section 68 (Tribunal procedure), in subsection (7), omit paragraph (b).

Status: This is the original version (as it was originally enacted).

- 98 (1) Section 76A (foreign surveillance operations) is amended in accordance with this paragraph.
- (2) In subsection (6)(a), for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- (3) In subsection (11), in the definition of “United Kingdom officer”, for paragraph (b) substitute—
- “(b) a National Crime Agency officer;”.
- 99 In Schedule 1 (relevant public authorities), in Part 1 (relevant authorities for purposes of sections 28 and 29), for paragraph 2 substitute—
- “2 The National Crime Agency.”.
- 100 (1) Schedule 2 (persons having the appropriate permission) is amended in accordance with this paragraph.
- (2) In paragraph 2 (data obtained under warrant etc), in sub-paragraphs (3) and (5), for “SOCA” substitute “the National Crime Agency”.
- (3) In paragraph 4 (data obtained under statute by other persons but without a warrant), in sub-paragraph (2), for “SOCA” (in each place) substitute “the National Crime Agency”.
- (4) In paragraph 5 (data obtained without the exercise of statutory powers), in sub-paragraph (3)(b), for “SOCA” substitute “the National Crime Agency”.
- (5) In paragraph 6 (general requirements relating to the appropriate permission), in sub-paragraphs (3A) and (6), for “member of staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.

Freedom of Information Act 2000 (c. 36)

- 101 The Freedom of Information Act 2000 is amended as follows.
- 102 In section 23 (information supplied by, or relating to, bodies dealing with security matters), in subsection (3), after paragraph (m) insert—
- “(n) the National Crime Agency.”.
- 103 In section 84 (interpretation), in the definition of “government department”—
- (a) omit “or” at the end of paragraph (b);
- (b) after paragraph (b) insert—
- “(ba) the National Crime Agency, or”.
- 104 In Schedule 1 (public authorities), in Part 6 (other public bodies and offices: general), omit the entry relating to the National Policing Improvement Agency.

Criminal Justice and Court Services Act 2000 (c. 43)

- 105 (1) Section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records) is amended in accordance with this paragraph.
- (2) In subsection (1)—
- (a) omit “to the National Policing Improvement Agency”;
- (b) for “members of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officers”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2)—
- (a) omit “to the National Policing Improvement Agency”;
 - (b) in paragraph (a)—
 - (i) after “which” insert “information may be made available to”;
 - (ii) for “members of the staff of the Serious Organised Crime Agency” substitute “National Crime Agency officers”;
 - (iii) omit “may be given access to the information”;
 - (c) in paragraph (b), for “to which they have been given access” substitute “made available to them”.

Vehicles (Crime) Act 2001 (c. 3)

- 106 In section 18 of the Vehicles (Crime) Act 2001 (register of registration plate suppliers), in subsection (7) omit “to the National Policing Improvement Agency”.

Criminal Justice and Police Act 2001 (c. 16)

- 107 In section 97 of the Criminal Justice and Police Act 2001 (regulations for police forces), in subsection (4), omit paragraph (a).

Proceeds of Crime Act 2002 (c. 29)

- 108 The Proceeds of Crime Act 2002 is amended as follows.
- 109 In section 2A (contribution to the reduction of crime), in subsections (2)(a) and (3) (a), for “SOCA” substitute “the National Crime Agency”.
- 110 (1) Section 2B (SOCA and members of SOCA’s staff) is amended in accordance with this paragraph.
- (2) For the title substitute “**The National Crime Agency and its officers**”.
 - (3) Omit subsection (1).
 - (4) In subsection (2)—
 - (a) for “SOCA” (in the first place) substitute “the National Crime Agency”;
 - (b) for “SOCA” (in each other place) substitute “that Agency”.
 - (5) Omit subsection (3).
- 111 (1) Section 3 (accreditation and training of financial investigators) is amended in accordance with this paragraph.
- (2) In subsection (1), for “National Policing Improvement Agency” substitute “National Crime Agency”.
 - (3) In subsection (2), at the end of paragraph (b) insert “, and
 - (c) securing that decisions under that system which concern—
 - (i) the grant or withdrawal of accreditations, or
 - (ii) the monitoring of the performance of accredited financial investigators,
 are taken without regard to their effect on operations by the National Crime Agency or any other person.”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (7), for “National Policing Improvement Agency” substitute “National Crime Agency”.
- 112 In section 41A (restraint orders: power to retain seized property etc), in subsection (3), for paragraph (d) substitute—
“(d) a National Crime Agency officer.”
- 113 In section 55 (sums received by designated officer), in subsection (8), for paragraph (h) substitute—
“(h) a National Crime Agency officer.”
- 114 In section 72 (serious default in England and Wales), in subsection (9)(ba)—
(a) for “member of staff of SOCA” substitute “National Crime Agency officer”;
(b) for “SOCA” (in the second place) substitute “the National Crime Agency”.
- 115 In section 120A (restraint orders: power to retain seized property etc), in subsection (3), for paragraph (c)—
“(c) a National Crime Agency officer.”
- 116 In section 139 (serious default in Scotland), in subsection (9)(ca)—
(a) for “member of staff of SOCA” substitute “National Crime Agency officer”;
(b) for “SOCA” (in the second place) substitute “the National Crime Agency”.
- 117 In section 190A (restraint orders: power to retain seized property etc — Northern Ireland), in subsection (3), for paragraph (d)—
“(d) a National Crime Agency officer.”
- 118 In section 195S (Codes of practice: Secretary of State), in subsection (1)(c), for “members of staff of SOCA” substitute “NCA officers”.
- 119 In section 203 (sums received by chief clerk), in subsection (8), for paragraph (h)—
“(h) a National Crime Agency officer.”
- 120 In section 220 (serious default in Northern Ireland), in subsection (9)(ba)—
(a) for “member of staff of SOCA” substitute “National Crime Agency officer”;
(b) for “SOCA” (in the second place) substitute “the National Crime Agency”.
- 121 In section 316 (general interpretation), in subsection (1), in paragraphs (a) and (c) of the definition of “enforcement authority”, for “SOCA” substitute “the National Crime Agency”.
- 122 (1) Section 317 (SOCA’s general Revenue functions) is amended in accordance with this paragraph.
(2) In the title, for “SOCA’s” substitute “**The National Crime Agency’s**”.
(3) For “SOCA” (in each place) substitute “the National Crime Agency”.
- 123 In section 318 (revenue functions regarding employment), for “SOCA” (in each place) substitute “the National Crime Agency”.
- 124 In section 319 (source of income), for “SOCA” (in each place) substitute “the National Crime Agency”.

Status: This is the original version (as it was originally enacted).

- 125 (1) Section 321 (SOCA’s functions: transfers of value) is amended in accordance with this paragraph.
- (2) In the title, for “**SOCA’s**” substitute “**The National Crime Agency’s**”.
- (3) For “SOCA” (in each place) substitute “the National Crime Agency”.
- 126 (1) Section 322 (SOCA’s functions: certain settlements) is amended in accordance with this paragraph.
- (2) In the title, for “**SOCA’s**” substitute “**The National Crime Agency’s**”.
- (3) For “SOCA” (in each place) substitute “the National Crime Agency”.
- 127 In section 324 (exercise of Revenue functions), for “SOCA” (in each place) substitute “the National Crime Agency”.
- 128 (1) In section 325 (declarations), in subsection (2)—
- (a) for “member of SOCA’s staff” substitute “National Crime Agency officer”;
- (b) for “any of SOCA’s functions” substitute “any function of the National Crime Agency”;
- (c) for “Director General of SOCA” substitute “Director General of the National Crime Agency”.
- 129 In section 330 (failure to disclose; regulated sector), in subsection (4)(b), for “the Director General of SOCA” substitute “the Director General of the National Crime Agency”.
- 130 In section 331 (failure to disclose: nominated officers in the regulated sector), in subsection (4), for “the Director General of SOCA” substitute “the Director General of the National Crime Agency”.
- 131 In section 332 (failure to disclose: other nominated officers), in subsection (4), for “the Director General of SOCA” substitute “the Director General of the National Crime Agency”.
- 132 In section 333A (tipping off: regulated sector), in subsection (2)(d), for “member of staff of the Serious Organised Crime Agency” substitute “National Crime Agency officer”.
- 133 In section 336 (nominated officer: consent), in subsections (2)(a), (3)(a) and (4)(a), for “Director General of SOCA” substitute “Director General of the National Crime Agency”.
- 134 In section 339ZA (disclosures to SOCA)—
- (a) in the title, for “**SOCA**” substitute “**the NCA**”;
- (b) for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
- 135 In section 340 (interpretation), in subsection (13), for “Director General of SOCA” substitute “Director General of the National Crime Agency”.
- 136 In section 351 (applications for orders: supplementary), in subsection (5), for “member of SOCA’s staff” (in each place) substitute “National Crime Agency officer”.
- 137 In section 352 (search and seizure warrants), in subsection (5)—
- (a) in paragraph (b), for “member of SOCA’s staff or” substitute “National Crime Agency officer or a member”;

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (d), for “member of SOCA’s staff” substitute “National Crime Agency officer”.
- 138 In section 353 (requirements where production order not available), in subsection (10)—
- (a) in paragraph (b), for “member of SOCA’s staff or” substitute “National Crime Agency officer or a member”;
 - (b) in paragraph (d), for “member of SOCA’s staff” substitute “National Crime Agency officer”.
- 139 In section 357 (disclosure orders), for “member of SOCA’s staff” (in each place) substitute “National Crime Agency officer”.
- 140 In section 362 (supplementary), in subsection (4A), for “member of SOCA’s staff” (in each place) substitute “National Crime Agency officer”.
- 141 In section 369 (supplementary), for “member of SOCA’s staff” (in each place) substitute “National Crime Agency officer”.
- 142 In section 375 (supplementary), in subsection (4), for “member of SOCA’s staff” (in each place) substitute “National Crime Agency officer”.
- 143 In section 377 (code of practice of Secretary of State etc), in subsection (1), for paragraphs (a) and (b) substitute—
- “(a) the Director General of the National Crime Agency;
 - (b) other National Crime Agency officers;”.
- 144 (1) Section 378 (officers) is amended in accordance with this paragraph.
- (2) In subsection (1), for paragraph (a) substitute—
- “(a) a National Crime Agency officer;”.
- (3) In subsection (2), for paragraph (a) substitute—
- “(a) a senior National Crime Agency officer;”.
- (4) In subsection (3)—
- (a) in paragraph (a), for “member of SOCA’s staff” substitute “National Crime Agency officer”;
 - (b) in paragraph (b), for “senior member of SOCA’s staff” substitute “senior National Crime Agency officer”.
- (5) In subsection (5), for “Director General of SOCA” substitute “Director General of the National Crime Agency”.
- (6) In subsection (6A), for “a member of SOCA’s staff” substitute “a National Crime Agency officer”.
- (7) In subsection (8)—
- (a) for “senior member of SOCA’s staff” substitute “senior National Crime Agency officer”;
 - (b) in paragraph (a), for “Director General of SOCA” substitute “Director General of the National Crime Agency”;
 - (c) in paragraph (b), for “member of SOCA’s staff” substitute “other National Crime Agency officer”.
- 145 In section 416 (other interpretative provisions), in subsection (2), for “member of SOCA’s staff” substitute “National Crime Agency officer”.

Status: This is the original version (as it was originally enacted).

- 146 In section 438 (disclosure of information by certain directors), in subsection (1)(fa), for “SOCA” substitute “the National Crime Agency”.
- 147 In section 439 (disclosure of information to Lord Advocate and to Scottish Ministers), in subsection (5)(b), for “SOCA” substitute “the National Crime Agency”.
- 148 In section 443 (enforcement in different parts of the United Kingdom), in subsection (3), for “SOCA” substitute “the National Crime Agency or its officers”.
- 149 In section 444 (external requests and orders), in subsection (4), for paragraph (d) substitute—
 “(d) the National Crime Agency;”.
- 150 In section 445 (external investigations), for “SOCA” substitute “the National Crime Agency or its officers”.
- 151 (1) In section 449 (SOCA’s staff: pseudonyms) is amended in accordance with this paragraph.
- (2) In the title, for “**SOCA’s staff**” substitute “**NCA officers**”.
- (3) In subsection (1)—
- (a) in the words before paragraph (a), for “member of SOCA’s staff” substitute “National Crime Agency officer”;
- (b) in paragraph (a), for “by SOCA to do anything” substitute “to do anything on behalf of the National Crime Agency”;
- (c) in paragraph (b), for “member of SOCA’s staff” substitute “National Crime Agency officer”.
- (4) In subsection (2), for “member of the SOCA’s staff” substitute “National Crime Agency officer”.
- (5) In subsections (3) (in each place) and (4), for “member of SOCA’s staff” substitute “National Crime Agency officer”.
- (6) In subsection (6)—
- (a) for “a member of SOCA’s staff” substitute “an NCA officer”;
- (b) for “SOCA” substitute “the Director General of the NCA”.
- 152 In Schedule 8 (forms of declarations)—
- (a) for “SOCA” (in the first place) substitute “the National Crime Agency”;
- (b) for “SOCA” (in the second place) substitute “that Agency”;
- (c) for “its” substitute “that Agency’s”.

Police Reform Act 2002 (c. 30)

- 153 (1) In section 9 of the Police Reform Act 2002 (the Independent Police Complaints Commission), in subsection (3)—
- (a) in paragraph (da), omit “is or”;
- (b) in paragraph (db), omit “is or”;
- (c) after paragraph (db) substitute—
 “(dc) the person is, or has been, a National Crime Agency officer;”.

Status: This is the original version (as it was originally enacted).

- (2) In Schedule 3 to that Act (handling of complaints and conduct matters etc), in paragraph 19F(7), for paragraph (b) substitute—
“(b) the National Crime Agency.”

Sexual Offences Act 2003 (c. 42)

- 154 In section 94 of the Sexual Offences Act 2003 (Part 2: supply of information to Secretary of State etc for verification), in subsection (3), for paragraphs (b) and (c) substitute—
“(b) the Director General of the National Crime Agency.”

Energy Act 2004 (c. 20)

- 155 (1) Section 59A of the Energy Act 2004 (constables serving with SOCA) is amended in accordance with this paragraph.
(2) In the title, for “**Serious Organised Crime Agency**” substitute “**National Crime Agency**”.
(3) In subsection (1)—
(a) for “Serious Organised Crime Agency” (in the first place) substitute “National Crime Agency”;
(b) in paragraph (a), for “Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.
(4) In subsection (2), for “Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”.

Commissioners for Revenue and Customs Act 2005 (c. 11)

- 156 In section 20 of the Commissioners for Revenue and Customs Act 2005, in section 20 (public interest disclosure), in subsection (7)(a), for “national Policing Improvement Agency” substitute “Secretary of State”.

Serious Organised Crime and Police Act 2005 (c. 15)

- 157 The Serious Organised Crime and Police Act 2005 is amended as follows.
158 Omit Part 1 (the Serious Organised Crime Agency).
159 In section 62 (disclosure notices), in subsection (2), for paragraph (b) substitute—
“(b) a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013, or”.
160 In section 82 (protection of persons involved in investigations or proceedings), in subsection (5), for paragraph (d) substitute—
“(d) the Director General of the National Crime Agency;”.
161 (1) Section 153 (disclosure of information about insurance status of vehicles) is amended in accordance with this paragraph.
(2) In subsection (1), for “NPIA for it to process” substitute “the Secretary of State for processing”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (3)(a) and (b), for “NPIA” substitute “the Secretary of State”.
- (4) In subsection (4), omit the definition of “NPIA”.
- 162 (1) Section 172 (orders and regulations) is amended in accordance with this paragraph.
 - (2) In subsection (4), omit “1(3),”.
 - (3) In subsection (5), omit paragraphs (a) and (b).
 - (4) In subsection (8), omit paragraph (a).
 - (5) In subsection (13), omit paragraph (a).
- 163 In section 175 (penalties for offences: transitional modification for England and Wales), in subsection (3), in the table—
 - (a) omit the two entries relating to section 51;
 - (b) omit the two entries relating to section 57.
- 164 In section 177 (interpretation), omit subsection (1).
- 165 In Schedule 5 (persons specified for the purposes of section 82: protection of persons involved in investigations or proceedings), after paragraph 17 insert—
 - “17A A person who is or has been a National Crime Agency officer.”.

Gambling Act 2005 (c. 19)

- 166 In the Gambling Act 2005, in Part 2 of Schedule 6 (exchange of information: enforcement and regulatory bodies)—
 - (a) after the entry for the Horserace Betting Levy Board insert—
“The National Crime Agency”;
 - (b) omit the entry relating to the Serious Organised Crime Agency.

Police and Justice Act 2006 (c. 48)

- 167 The Police and Justice Act 2006 is amended as follows.
- 168 Omit section 1 (National Policing Improvement Agency).
- 169 In section 13 (supply of information to police etc by Registrar General), in subsection (1)(c), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- 170 Omit Schedule 1 (National Policing Improvement Agency).

Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)

- 171 The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended as follows.
- 172 In Schedule 4 (the Police Complaints Commissioner for Scotland), in paragraph 2(1) (disqualification for appointment as Commissioner)—
 - (a) in sub-paragraph (h)(ii), omit “or”;
 - (b) in sub-paragraph (i)—
 - (i) omit “is or”;
 - (ii) at the end insert “or”;

Status: This is the original version (as it was originally enacted).

- (c) after sub-paragraph (i) insert—
“ (j) is or has been a National Crime Agency officer.”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 173 The Corporate Manslaughter and Corporate Homicide Act 2007 is amended as follows.
- 174 In section 13 (application to police forces), in subsection (3)(g), for the words from “seconded” to “treated” substitute “seconded to the National Crime Agency to serve as a National Crime Agency officer is to be treated”.
- 175 In Schedule 1 (list of Government Departments etc), after the entry relating to the National Archives of Scotland insert—
“National Crime Agency”.

Serious Crime Act 2007 (c. 27)

- 176 The Serious Crime Act 2007 is amended as follows.
- 177 In section 5 (type of provision that may be made by orders), in subsection (7), for paragraph (b) of the definition of “a law enforcement officer”, substitute—
“ (b) a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013;”.
- 178 In section 39 (compliance with orders: authorised monitors), in subsection (10), for paragraph (b) of the definition of “law enforcement agency”, substitute—
“ (b) the National Crime Agency;”.

Crime and Security Act 2010 (c. 17)

- 179 In section 31 of the Crime and Security Act 2010 (guidance), in subsection (3)—
(a) at the end of paragraph (a) insert “and”;
(b) omit paragraph (b).

Equality Act 2010 (c. 15)

- 180 The Equality Act 2010 is amended as follows.
- 181 In section 42 (identity of employer), in subsections (4) and (5), for “SOCA” substitute “NCA”.
- 182 In section 43 (interpretation), for subsection (5) substitute—
“ (5) NCA” means the National Crime Agency; and a reference to a constable at NCA is a reference to a constable seconded to it to serve as an NCA officer.”
- 183 In Schedule 19 (public authorities), in Part 1 (general), omit “The Serious Organised Crime Agency.”

Police Reform and Social Responsibility Act 2011 (c. 13)

- 184 In section 65 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner: police grounds), omit subsection (1)(h)(v).

Status: This is the original version (as it was originally enacted).

Protection of Freedoms Act 2012 (c. 9)

- 185 In section 95 of the Protection of Freedoms Act 2012 (effect on police and other records of disregard of conviction or caution), in subsection (5), in the definition of the names database, for “National Policing Improvement Agency” substitute “Secretary of State”.

PART 3

FURTHER CONSEQUENTIAL AMENDMENTS AND REPEALS

References to SOCA

- 186 In the following enactments, for “Serious Organised Crime Agency” substitute “National Crime Agency” (and, where that expression appears in more than one place in such an enactment, that substitution is made in each such place)—

| | |
|--|---|
| Aviation Security Act 1982 | Section 24AE(4)(f) (aerodrome security plans) Section 24AG(2)(e) (security executive groups) Section 24AI(2)(c) (objections to proposals by security executive groups) |
| Police and Criminal Evidence Act 1984 | Section 63A(1A)(b) (fingerprints and samples: supplementary provision) |
| Dartford-Thurrock Crossing Act 1988 | Section 19(a)(ia) (exemption from tolls) |
| Criminal Appeal Act 1995 | Section 22(4)(aa) (meaning of public body etc) |
| Domestic Violence, Crime and Victims Act 2004 | In Schedule 9 (authorities within Commissioner’s remit), paragraph 13 |
| Commissioners for Revenue and Customs Act 2005 | Section 40(2)(ca)(ii) (confidentiality) |
| Immigration, Asylum and Nationality Act 2006 | Section 39(2)(b) (disclosure to law enforcement agencies) |
| Counter-Terrorism Act 2008 | In section 18E, paragraph (b) of the definition of “law enforcement authority” (sections 18 to 18E: supplementary provisions) |
| Coroners and Justice Act 2009 | Section 75(2)(c) (qualifying criminal investigations) Section 161(2)(a)(i) (applications for exploitation proceeds order) Section 166(9A) (exploitation proceeds orders) effect of conviction being quashed etc |
| Terrorism Prevention and Investigation Measures Act 2011 | In section 10(10) (criminal investigations into terrorism-related activity), paragraph (d) of the definition of “police force” |

Status: This is the original version (as it was originally enacted).

References to the Director General of SOCA

187 In the following enactments, for “Director General of the Serious Organised Crime Agency” substitute “Director General of the National Crime Agency”—

| | |
|--|---|
| Data Protection Act 1998 | In section 56 (prohibition of requirement as to production of certain records), entry 1(d) in the table |
| Criminal Justice Act 2003 | Section 29(5)(cb) (new method of instituting proceedings) |
| Commissioners for Revenue and Customs Act 2005 | Section 41(2)(e) (disclosure of information to Director of Revenue and Customs Prosecutions) |
| Legal Services Act 2007 | Section 169(5)(d) (disclosure of information to the Legal Services Board) |
| Coroners and Justice Act 2009 | Section 81(3) (delegation of functions) |

References to SOCA and its Director General

188 In the following enactments—

- (a) for “Serious Organised Crime Agency” substitute “National Crime Agency”; and
- (b) for “Director General of the Serious Organised Crime Agency” or “Director General of that Agency” substitute “Director General of the National Crime Agency”—

| | |
|--|---|
| Counter-Terrorism Act 2008 | Section 18(3G)(f) (material not subject to existing statutory restrictions) |
| Coroners and Justice Act 2009 | Section 77(1)(c) (applications for investigation anonymity orders) |
| Terrorism Prevention and Investigation Measures Act 2011 | In section 10(10) (criminal investigations into terrorism-related activity), paragraph (d) of the definition of “chief officer” |

Repeals

189 The following enactments are repealed to the extent specified—

| | |
|-------------------------------|---|
| Courts Act 2003 | Section 41(6)(c) (disqualification of lay justices who are members of SOCA etc) |
| Coroners and Justice Act 2009 | Section 170 (amendments of Part 1 of the Serious Organised Crime and Police Act 2005) |

Status: This is the original version (as it was originally enacted).

PART 4

SUBORDINATE LEGISLATION

References to SOCA etc

- 190 (1) In any relevant subordinate legislation—
- (a) a reference (however expressed) of a kind specified in an entry in the first column of the following table is to be read as being, or including, a reference of the kind specified in the corresponding entry in the second column of the table; and
 - (b) related expressions are to be read accordingly.

| <i>A reference to...</i> | <i>...is or includes a reference to...</i> |
|--|---|
| the Serious Organised Crime Agency | the National Crime Agency |
| the Director General of the Serious Organised Crime Agency | the Director General of the National Crime Agency |
| the staff of the Serious Organised Crime Agency | National Crime Agency officers |
| a member of staff of the Serious Organised Crime Agency | a National Crime Agency officer |

- (2) The preceding provision of this paragraph is without prejudice to section 59 (consequential amendments).
- (3) In this paragraph “relevant subordinate legislation” means Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made before the end of the Session of Parliament in which this Act is passed under—
 - (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) an Act of the Northern Ireland Assembly, or
 - (d) a Measure or Act of the National Assembly for Wales.