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

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## SCHEDULES

### SCHEDULE 8

#### ABOLITION OF SOCA AND NPIA

**Modifications etc. (not altering text)**

- C1** Sch. 8 modified (7.10.2013) by [The National Crime Agency \(Limitation of Extension to Northern Ireland\) Order 2013 \(S.I. 2013/2326\)](#), arts. 1, **arts. 3-5**

#### PART 1

##### TRANSITIONAL, TRANSITORY AND SAVING PROVISION

###### *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
  - (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.

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- (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;
 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—

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“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.

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**Commencement Information**

**II** Sch. 8 para. 6 in force at 7.10.2013 by S.I. 2013/1682, art. 3(v)

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