



# Crime and Courts Act 2013

## 2013 CHAPTER 22

### PART 1

#### THE NATIONAL CRIME AGENCY

##### *The NCA and its officers*

## **1 The National Crime Agency**

- (1) A National Crime Agency, consisting of the NCA officers, is to be formed.
- (2) The NCA is to be under the direction and control of one of the NCA officers, who is to be known as the Director General of the National Crime Agency.
- (3) The NCA is to have—
  - (a) the functions conferred by this section;
  - (b) the functions conferred by the Proceeds of Crime Act 2002; and
  - (c) the other functions conferred by this Act and by other enactments.
- (4) The NCA is to have the function (the “crime-reduction function”) of securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies, or other persons).
- (5) The NCA is to have the function (the “criminal intelligence function”) of gathering, storing, processing, analysing, and disseminating information that is relevant to any of the following—
  - (a) activities to combat organised crime or serious crime;
  - (b) activities to combat any other kind of crime;
  - (c) exploitation proceeds investigations (within the meaning of section 341(5) of the Proceeds of Crime Act 2002), exploitation proceeds orders (within the meaning of Part 7 of the Coroners and Justice Act 2009), and applications for such orders.

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- (6) The NCA must discharge the crime-reduction function in the following ways (in particular).
- (7) The first way is by the NCA itself—
- (a) preventing and detecting organised crime and serious crime,
  - (b) investigating offences relating to organised crime or serious crime, and
  - (c) otherwise carrying out activities to combat organised crime and serious crime, including by instituting criminal proceedings in England and Wales and Northern Ireland.
- (8) The second way is by the NCA securing that activities to combat organised crime or serious crime are carried out by persons other than the NCA.
- (9) The third way is by the NCA securing improvements—
- (a) in co-operation between persons who carry out activities to combat organised crime or serious crime, and
  - (b) in co-ordination of activities to combat organised crime or serious crime.
- (10) The crime-reduction function does not include—
- (a) the function of the NCA itself prosecuting offences; or
  - (b) the function of the NCA itself instituting criminal proceedings in Scotland.
- (11) In this Part, a reference to activities to combat crime (or a particular kind of crime, such as organised crime or serious crime) is a reference to—
- (a) the prevention and detection of crime (or that kind of crime),
  - (b) the investigation and prosecution of offences (or offences relating to that kind of crime),
  - (c) the reduction of crime (or that kind of crime) in other ways, and
  - (d) the mitigation of the consequences of crime (or that kind of crime);
- and references to the carrying out of activities to combat crime (or a particular kind of crime) are to be construed accordingly.
- (12) Schedule 1 (the NCA & NCA officers) has effect.

#### Commencement Information

- I1** S. 1(1)(2) in force at 27.5.2013 by [S.I. 2013/1042](#), **art. 3(a)**
- I2** S. 1(3)-(11) in force at 7.10.2013 by [S.I. 2013/1682](#), **art. 3(a)**
- I3** S. 1(12) in force at 27.5.2013 for specified purposes by [S.I. 2013/1042](#), **art. 3(b)**
- I4** S. 1(12) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682](#), **art. 3(b)**

## 2 Modification of NCA functions

- (1) The Secretary of State may, by order, make—
- (a) provision about NCA counter-terrorism functions (and, in particular, may make provision conferring, removing, or otherwise modifying such functions); and
  - (b) other provision which the Secretary of State considers necessary in consequence of provision made under paragraph (a) (and, in particular, may make provision about the functions of any person other than the NCA,

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including provision conferring or otherwise modifying, but not removing, such functions).

- (2) If an order under this section confers an NCA counter-terrorism function, an NCA officer may only carry out activities in Northern Ireland for the purpose of the discharge of the function if the NCA officer does so with the agreement of the Chief Constable of the Police Service of Northern Ireland.
- (3) That includes cases where an order under this section confers an NCA counter-terrorism function by the modification of a function.
- (4) An order under this section may amend or otherwise modify this Act or any other enactment.
- (5) An order under this section is subject to the super-affirmative procedure (see section 58 and Schedule 23).
- (6) In this section “NCA counter-terrorism function” means an NCA function relating to terrorism (and for this purpose “terrorism” has the same meaning as in the Terrorism Act 2000 — see section 1 of that Act).

#### Commencement Information

**I5** S. 2 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(c\)](#)

### 3 Strategic priorities

- (1) The Secretary of the State must determine strategic priorities for the NCA.
- (2) In determining strategic priorities for the NCA (including deciding whether there should be such priorities), the Secretary of State must consult—
  - (a) the strategic partners,
  - (b) the Director General, and
  - (c) any other persons whom the Secretary of State considers it is appropriate to consult.

#### Extent Information

**E1** S. 3(2)(a): "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

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

**C1** [S. 3\(2\)\(a\)](#) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), [arts. 1\(2\)](#), [3\(1\)\(a\)](#)

#### Commencement Information

**I6** S. 3 in force at 27.5.2013 by [S.I. 2013/1042](#), [art. 3\(c\)](#)

### 4 Operations

- (1) The Director General has (by virtue of the function of direction and control of the NCA) the power to decide—

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- (a) which particular operations are to be mounted by NCA officers, and
  - (b) how such operations are to be conducted.
- (2) In exercising functions, the Director General must have regard to—
- (a) any strategic priorities for the NCA (see section 3);
  - (b) the annual plan (see below); and
  - (c) the framework document (see Part 1 of Schedule 2).
- (3) Before the beginning of each financial year, the Director General must issue a document (the “annual plan”) setting out how the Director General intends that NCA functions are to be exercised during that year (including how they are to be exercised in Scotland and Northern Ireland).
- (4) The annual plan for a financial year must include—
- (a) a statement of any strategic priorities for the NCA,
  - (b) a statement of the operational priorities for the NCA, and
  - (c) in relation to each of the strategic and operational priorities, an explanation of how the Director General intends that the priority will be given effect to.
- (5) The Director General must determine operational priorities for the NCA; and those priorities may relate—
- (a) to matters to which current strategic priorities also relate, or
  - (b) to other matters;
- but operational priorities must, in any event, be framed so as to be consistent with the current strategic priorities.
- (6) In preparing any annual plan, the Director General must consult—
- (a) the strategic partners [<sup>F1</sup>and the Northern Ireland Policing Board], and
  - (b) any other persons whom the Director General considers it is appropriate to consult.
- (7) The Director General is required by subsection (6)(a)—
- (a) to consult the Scottish Ministers about the annual plan only as it relates to activities in Scotland; and
  - (b) to consult the Department of Justice in Northern Ireland [<sup>F2</sup>and the Northern Ireland Policing Board] about the annual plan only as it relates to activities in Northern Ireland.
- (8) Before issuing any annual plan, the Director General must obtain—
- (a) the consent of the Secretary of State to the plan,
  - (b) the consent of the Scottish Ministers to the plan as it relates to activities in Scotland, and
  - (c) the consent of the Department of Justice in Northern Ireland [<sup>F3</sup>and the Northern Ireland Policing Board] as it relates to activities in Northern Ireland.
- (9) The Director General must arrange for each annual plan to be published in the manner which the Director General considers appropriate.
- (10) Schedule 2 (the framework document & annual report) has effect.

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*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)*

#### Extent Information

- E2** S. 4(6)(a)(7)(b)(8)(c): "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

#### Textual Amendments

- F1** Words in s. 4(6)(a) inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(2)(a)**
- F2** Words in s. 4(7)(b) inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(2)(b)**
- F3** Words in s. 4(8)(c) inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(2)(c)**

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

- C2** S. 4(6)(a) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(1)(b)(i)**
- C3** S. 4(7)(b) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(1)(b)(ii)**
- C4** S. 4(8)(c) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(1)(b)(iii)**

#### Commencement Information

- I7** S. 4(1) in force at 7.10.2013 by [S.I. 2013/1682](#), **art. 3(d)**
- I8** S. 4(2)-(9) in force at 27.5.2013 by [S.I. 2013/1042](#), **art. 3(d)**
- I9** S. 4(10) in force at 27.5.2013 for specified purposes by [S.I. 2013/1042](#), **art. 3(e)**
- I10** S. 4(10) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682](#), **art. 3(e)**

*Other functions etc.*

## 5 Relationships between NCA and other agencies: tasking etc

- (1) Any of the following persons may perform a task if the Director General requests the person to perform it—
- the chief officer of a UK police force;
  - a UK law enforcement agency.
- (2) A request under subsection (1)—
- may be made only if the Director General considers that performance of the task would assist the NCA to exercise functions;
  - must explain how performance of the requested task would so assist the exercise of functions.
- (3) The Director General may perform a task if any of the following persons requests the Director General to perform it—
- the chief officer of a UK police force;
  - a UK law enforcement agency.
- (4) A request under subsection (3)—
- may be made only if the person making it considers that performance of the task would assist that person — or, in a case where that person is the chief

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- officer of a police force, would assist that person or police force — to exercise functions;
- (b) must explain how performance of the requested task would so assist the exercise of functions.
- (5) The Director General may direct any of the following persons to perform a task specified in the direction—
- (a) the chief officer of an England and Wales police force;
- (b) the Chief Constable of the British Transport Police.
- (6) The Director General may give a direction under subsection (5) only if the Director General considers that—
- (a) performance of the task would assist the NCA to exercise functions;
- (b) it is expedient for the directed person to perform that task; and
- (c) satisfactory arrangements cannot be made, or cannot be made in time, under subsection (1).
- (7) A person given a direction under this section must comply with it.
- (8) If a person is requested or directed under this section to perform a task, the person may comply with that request or direction by securing that the task is performed by another person.
- (9) The Director General may give a direction under this section to the Chief Constable of the British Transport Police only if the Secretary of State consents.
- (10) Schedule 3 (relationships between NCA and other agencies) has effect.
- (11) This section has effect subject to Part 5 (payment for tasks etc) of Schedule 3.
- (12) Paragraph 33 of Schedule 3 gives the Secretary of State power to amend this section.

#### **Commencement Information**

- I11** S. 5(1)-(9) (11) (12) in force at 7.10.2013 by [S.I. 2013/1682, art. 3\(f\)](#)
- I12** S. 5(10) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042, art. 2\(a\)](#)
- I13** S. 5(10) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682, art. 3\(g\)](#)

## **6 Duty to publish information**

- (1) The Director General must—
- (a) make arrangements for publishing information about the exercise of NCA functions and other matters relating to the NCA, and
- (b) publish information in accordance with those arrangements.
- (2) The framework document may impose on the Director General requirements in relation to performance of the duties imposed by subsection (1) (including requirements about what information is not to be published).
- (3) The Director General must comply with any such requirements in the framework document (and accordingly the duty in section 4(2)(c) to have regard to that document does not apply in relation to such requirements).
- (4) This section is subject to Schedule 7 (information: restrictions on disclosure).

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#### Commencement Information

**I14** S. 6(1)(3)(4) in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(h\)](#)

**I15** S. 6(2) in force at 27.5.2013 by [S.I. 2013/1042](#), [art. 3\(f\)](#)

## 7 Information gateways

- (1) A person may disclose information to the NCA if the disclosure is made for the purposes of the exercise of any NCA function.
- (2) Subsection (1) does not authorise any of the following to disclose information to the NCA—
  - (a) a person serving in the Security Service;
  - (b) a person serving in the Secret Intelligence Service;
  - (c) a person serving in GCHQ;but this does not affect the disclosures which such a person may make to the NCA in accordance with intelligence service disclosure arrangements.
- (3) Information obtained by the NCA in connection with the exercise of any NCA functions may be used by the NCA in connection with the exercise of any other NCA function.
- (4) An NCA officer may disclose information obtained by the NCA in connection with the exercise of any NCA function if the disclosure is for any permitted purpose.
- (5) Subsection (4) authorises an NCA officer to disclose information for the purpose of the exercise of—
  - (a) the functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (“PCA 2002”), or
  - (b) the functions of the Scottish Ministers under, or in relation to, Part 5 of PCA 2002,only where the information has been obtained by the NCA in connection with the exercise of a function under PCA 2002 (other than a function under Part 6 of that Act).
- (6) Where information has been obtained by the NCA in connection with the exercise of a function under Part 6 of PCA 2002 (revenue functions), subsection (4) does not authorise an NCA officer to disclose the information.
- (7) But an NCA officer may disclose the information if the disclosure is—
  - (a) to the Commissioners for Her Majesty's Revenue and Customs,
  - (b) to the Lord Advocate for the purposes of the exercise by the Lord Advocate of the Lord Advocate's functions under Part 3 of PCA 2002 (confiscation: Scotland),
  - (c) to any person for 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, or
  - (d) to any person for the purposes of compliance with an order of a court or tribunal (whether or not in the United Kingdom).
- (8) A disclosure of information which is authorised or required by this Part does not breach—
  - (a) an obligation of confidence owed by the person making the disclosure, or

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- (b) any other restriction on the disclosure of information (however imposed).
- (9) This section is subject to Schedule 7 (information: restrictions on disclosure).
- (10) In this section—
- “GCHQ” has the same meaning as in the Intelligence Services Act 1994;  
 “intelligence service disclosure arrangements” means—
- (a) arrangements made by the Director-General of the Security Service under section 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service,
  - (b) arrangements made by the Chief of the Intelligence Service under section 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of information by that Service, or
  - (c) arrangements made by the Director of GCHQ under section 4(2)(a) of that Act about the disclosure of information by GCHQ.

#### Commencement Information

**I16** S. 7 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(i\)](#)

## 8 Other functions etc

- (1) In section 11 of the Children Act 2004 (arrangements to safeguard and promote welfare of children: England), in subsection (1), after paragraph (i) insert—  
 “(ia) the National Crime Agency;”.
- (2) In section 28 of the Children Act 2004 (arrangements to safeguard and promote welfare of children: Wales), in subsection (1), after paragraph (e) insert—  
 “(ea) the National Crime Agency;”.
- (3) The Director General may provide assistance to—
  - (a) a government in a country or territory outside the British Islands, or
  - (b) another overseas body exercising functions of a public nature in a country or territory outside the British Islands,
 if the government, or the body, requests assistance to be provided.
- (4) If such a request is made, the Director General may provide such assistance as the Director General considers appropriate in all the circumstances.
- (5) Subsection (3) does not apply to any request for assistance which could be made under section 13 of the Crime (International Co-operation) Act 2003, unless the NCA has functions under that section in relation to the request by virtue of an order under section 27(2) of that Act.
- (6) Schedule 4 (NCA: general) has effect.

#### Commencement Information

**I17** S. 8(1)-(5) in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(j\)](#)

**I18** S. 8(6) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), [art. 2\(b\)](#)

**I19** S. 8(6) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682](#), [art. 3\(k\)](#)



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## 9 Director General: customs powers of Commissioners & operational powers

- (1) The Director General has, in relation to any customs matter, the same powers as the Commissioners for Her Majesty's Revenue and Customs would have.
- (2) The Secretary of State may designate the Director General as a person having one or more of the following—
  - (a) the powers and privileges of a constable;
  - (b) the powers of an officer of Revenue and Customs;
  - [<sup>F4</sup>(ba) the powers of a general customs official;]
  - (c) the powers of an immigration officer.
- (3) The Secretary of State may modify or withdraw a designation of the Director General by giving notice of the modification or withdrawal to the Director General.
- (4) Schedule 5 (police, customs and immigration powers) has effect.
- (5) If, in accordance with paragraph 4 of Schedule 5, recommendations are made to the Secretary of State as to the operational powers which the Director General should have, the Secretary of State must exercise the powers of designation to give effect to those recommendations (unless the recommendations are already given effect to by a previous exercise of the powers of designation).
- (6) The Secretary of State may not exercise the powers of designation unless—
  - (a) required to do so by subsection (5); or
  - (b) required or otherwise authorised to do so by regulations under paragraph 5 of Schedule 5.
- (7) In this section “powers of designation” means the powers conferred by subsections (2) and (3).
- (8) In this Part—

“customs matter” means any matter other than—

  - (a) a matter to which section 7 of the Commissioners for Revenue and Customs Act 2005 applies (former Inland Revenue matters), or
  - (b) any tax or duty not mentioned in Schedule 1 to that Act (which lists such matters);

“operational power” means any of the following—

  - (a) a power or privilege of a constable;
  - (b) a power of an officer of Revenue and Customs;
  - (ba) [<sup>F5</sup>a power of a general customs official;]
  - (c) a power of an immigration officer.

### Textual Amendments

- F4** S. 9(2)(ba) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 158\(2\)\(a\)](#), [183\(5\)\(e\)\(6\)\(c\)](#)
- F5** Words in s. 9(8) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 158\(2\)\(b\)](#), [183\(5\)\(e\)\(6\)\(c\)](#)

### Commencement Information

- I20** S. 9(1)-(3)(5)-(8) in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(I\)](#)
- I21** S. 9(4) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), [art. 2\(c\)](#)

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- I22** S. 9(4) in force at 27.5.2013 for specified purposes by [S.I. 2013/1042, art. 3\(g\)](#)  
**I23** S. 9(4) in force at 7.10.2013 in so far as not already in force by [S.I. 2013/1682, art. 3\(m\)](#)

## 10 Operational powers of other NCA officers

- (1) The Director General may designate any other NCA officer as a person having one or more of the following—
  - (a) the powers and privileges of a constable;
  - (b) the powers of an officer of Revenue and Customs;
  - [<sup>F6</sup>(ba) the powers of a general customs official;]
  - (c) the powers of an immigration officer.
- (2) The Director General may not designate an NCA officer under this section as having particular operational powers unless the Director General is satisfied that the officer—
  - (a) is capable of effectively exercising those powers;
  - (b) has received adequate training in respect of the exercise of those powers; and
  - (c) is otherwise a suitable person to exercise those powers.
- (3) The Director General may modify or withdraw a designation of an NCA officer by giving notice of the modification or withdrawal to the officer.
- (4) For further provision about designations under this section, see Schedule 5.

### Textual Amendments

- F6** S. 10(1)(ba) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 158\(3\), 183\(5\)\(e\)\(6\)\(c\)](#)

### Commencement Information

- I24** S. 10 in force at 7.10.2013 by [S.I. 2013/1682, art. 3\(n\)](#)

## 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.
- [<sup>F7</sup>(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.]

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- (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.
- (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);

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- (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.
- (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

- E3** 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
- E4** 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

- F7** 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

- I25** S. 11(1)-(5)(7)-(8) in force at 7.10.2013 by [S.I. 2013/1682](#), **art. 3(o)**
- I26** S. 11(6) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), **art. 2(d)**
- I27** 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)**
- I28** S. 11(9) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), **art. 2(e)**
- I29** 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)**

*Status: Point in time view as at 31/03/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)*

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

### **Commencement Information**

**I30** 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**

**I31** S. 13 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(s\)](#)

*Status: Point in time view as at 31/03/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)*

## 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.
- (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

**I32** 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

**I33** S. 15(1)(2) in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(t\)](#)

**I34** S. 15(3) in force at 8.5.2013 for specified purposes by [S.I. 2013/1042](#), [art. 2\(g\)](#)

**I35** S. 15(3) in force at 27.5.2013 for specified purposes by [S.I. 2013/1042](#), [art. 3\(h\)](#)

**I36** 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;

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- (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;

“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,

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- (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—
  - (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—



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- (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;
- (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;

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- (d) a special police force.
- (2) In this Part—
- (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                                  |

#### **Commencement Information**

**I37** S. 16 in force at 8.5.2013 by [S.I. 2013/1042](#), [art. 2\(h\)](#)

**Status:**

Point in time view as at 31/03/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1.