



Crime and Courts Act 2013

2013 CHAPTER 22

PART 1

THE NATIONAL CRIME AGENCY

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—
 - (a) the chief officer of a UK police force;
 - (b) a UK law enforcement agency.
- (2) A request under subsection (1)—
 - (a) may be made only if the Director General considers that performance of the task would assist the NCA to exercise functions;
 - (b) 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—
 - (a) the chief officer of a UK police force;
 - (b) a UK law enforcement agency.
- (4) A request under subsection (3)—
 - (a) 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 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.

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- (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.

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).

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;

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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
 - (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.

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.

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;
 - (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;
- (c) a power of an immigration officer.

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;
 - (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.