



# Crime and Courts Act 2013

## 2013 CHAPTER 22

### PART 1

#### THE NATIONAL CRIME AGENCY

##### *General*

#### **11 Inspections and complaints**

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

[<sup>F1</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.]

- (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.

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*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 11. (See end of Document for details)*

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

**“26C The National Crime Agency**

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

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

#### Extent Information

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

#### Textual Amendments

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

#### Commencement Information

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

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 11.