
STATUTORY INSTRUMENTS

2014 No. 1704

The Crime and Courts Act 2013 (Application and Modification of Certain Enactments) Order 2014

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Application and Modification of Certain Enactments) Order 2014 and comes into force on 4th August 2014.

(2) In this Order—

“the 2013 Act” means the Crime and Courts Act 2013;

“NCA” means the National Crime Agency.

PART 2

DESIGNATION WITH THE POWERS AND PRIVILEGES OF A CONSTABLE

Interpretation of Part 2

2. In this Part “designated person” means a NCA officer designated as a person having the powers and privileges of a constable under section 9(2)(a) or 10(1)(a) of the 2013 Act.

Application of the Police and Criminal Evidence Act 1984 to designated persons

3. The Police and Criminal Evidence Act 1984(1) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Part 1 of the 2013 Act,

with the modifications set out in Schedule 1.

Application of the Anti-social Behaviour Act 2003 to designated persons

4.—(1) Part 1 of the Anti-social Behaviour Act 2003 (premises where drugs are used unlawfully)(2) applies in relation to—

(a) designated persons, and

(1) 1984 c.60, applied with modifications by S.I. 2006/987; there are other instruments which apply provisions of the Act with modifications but none are relevant to this Order. Amendments relevant to this Order were made by the Protection of Freedoms Act 2012 (c. 9).

(2) 2003 c.38.

(b) the exercise of powers by such persons under Part 1 of the 2013 Act, with the modifications set out in this article.

(2) In sections 1(1) (closure notice) and 5(2) (extension and discharge of closure order) for “a police officer not below the rank of superintendent” substitute “a designated person not below grade 2”.

(3) For section 9(2) (exemption from liability for certain damages) substitute—

“(2) The National Crime Agency is not liable for relevant damages in respect of anything done or omitted to be done by a designated person under its direction or control in the performance or purported performance of the designated person’s functions (by virtue of Part 4 of Schedule 5 to the Crime and Courts Act 2013) under this Part.”.

(4) After section 11(10) (interpretation) insert—

“(10A) In this Part “designated person” means a NCA officer designated as a person having the powers and privileges of a constable under section 9(2)(a) or 10(1)(a) of the Crime and Courts Act 2013.”.

Application of the Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013 to the NCA

5.—(1) The Protection of Freedoms Act 2012 (Destruction, Retention and Use of Biometric Data) (Transitional, Transitory and Saving Provisions) Order 2013(3) applies with the modifications set out in this article.

(2) In article 5(b)(i) for “the police”, in the first place, substitute “a NCA officer designated as a person having the powers and privileges of a constable under section 9(2)(a) or 10(1)(a) of the Crime and Courts Act 2013” and in the second place substitute “the designated person”.

PART 3

DESIGNATION WITH THE POWERS OF AN IMMIGRATION OFFICER

Interpretation of Part 3

6. In this Part “designated person” means a NCA officer designated as a person having the powers of an immigration officer under section 9(2)(c) or 10(1)(c) of the 2013 Act.

Application of the Immigration Act 1971 to designated persons

7. The Immigration Act 1971(4) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Part 1 of the 2013 Act,

with the modifications set out in Schedule 2.

Application of the Immigration and Asylum Act 1999 to designated persons

8.—(1) The Immigration and Asylum Act 1999(5) applies in relation to—

(3) [S.I. 2013/1813](#), to which there are amendments not relevant to this Order.

(4) [1971 c.77](#), applied with modifications by [S.I. 2006/987](#); there are other instruments which apply and extend provisions of the Act with modifications but none are relevant to this Order.

(5) [1999 c.33](#).

- (a) designated persons, and
 - (b) the exercise of powers by such persons under Part 1 of the 2013 Act,
- with the modifications set out in this article.
- (2) In section 141(11) and (12)(b) (fingerprinting) for “chief immigration officer” substitute “designated person who is grade 4”.
 - (3) In section 143(11) and (12) (destruction of fingerprints) for “Secretary of State” substitute “Director General of the National Crime Agency”.
 - (4) In section 167(1) (interpretation) after the definition of “country” insert—
““designated person” means a NCA officer designated as a person having the powers of an immigration officer under section 9(2)(c) or 10(1)(c) of the Crime and Courts Act 2013;”.

PART 4

REVOCATION AND CONSEQUENTIAL AMENDMENTS

9. The Serious Organised Crime and Police Act 2005 (Application and Modification of Certain Enactments to Designated Staff of SOCA) Order 2006(6) is revoked.

30th June 2014

Karen Bradley
Parliamentary Under Secretary of State
Home Office