
EXPLANATORY NOTE

(This note is not part of the Order)

Under Schedule 24 to the Crime and Courts Act 2013, certain provisions of Part 1 of that Act (relating to the National Crime Agency or “NCA”) do not extend to Northern Ireland. In Schedule 24 these provisions are described as the “relevant NCA provisions”. Paragraph 2(2)(a) of Schedule 24 gives the Secretary of State power (exercisable by order) to provide for any relevant NCA provision to extend to Northern Ireland.

The relevant NCA provisions in Parts 2 and 3 of Schedule 8 to the Crime and Courts Act 2013 have already been extended to Northern Ireland, by the National Crime Agency (Limitation of Extension to Northern Ireland) Order 2013 ([S.I. 2013/2326](#)). Articles 3(1) and 4(1) of this Order provide for most of the remaining relevant NCA provisions to extend to Northern Ireland. (After those articles have come into force, the only relevant NCA provisions not extending to Northern Ireland will be paragraphs 14 and 15 of Schedule 3 to the Crime and Courts Act 2013.)

Articles 3(2) of, and Schedules 1 and 2 to, this Order contain various amendments of existing legislation (including some which are amendments of relevant NCA provisions extended to Northern Ireland by this Order). These amendments are intended to change the law in connection with the operation of the National Crime Agency in Northern Ireland.

The National Crime Agency (Limitation of Extension to Northern Ireland) Order 2013 imposed restrictions on the exercise (in Northern Ireland) of some of the relevant NCA provisions which it extended to Northern Ireland. The restrictions concerned the exercise of functions relating to civil recovery investigations which the National Crime Agency has under Part 8 of the Proceeds of Crime Act 2002. Article 5(2) of this Order removes those restrictions by revoking articles 4 and 5 of the 2013 Order.

Article 6 of, and Schedule 3 to, this Order provide for the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)) to apply to the exercise of police powers in Northern Ireland by National Crime Agency officers.

Schedule 25 to the Crime and Courts Act 2013 operates in the same way as Schedule 24, but secures that certain provisions of Part 2 of that Act (relating to proceeds of crime) do not extend to Northern Ireland. In Schedule 25 these provisions are described as the “relevant civil recovery provisions” (Part 1 of Schedule 25) and the “relevant investigation provisions” (Part 2 of Schedule 25). Paragraphs 3 and 10 of Schedule 25 give the Secretary of State power (exercisable by order) to provide for any of the relevant civil recovery provisions or relevant investigation provisions to extend to Northern Ireland.

Article 7 of this Order provides for all of the relevant civil recovery provisions and all of the relevant investigation provisions to extend to Northern Ireland.

Articles 8 and 9 of this Order amend provisions extended to Northern Ireland by article 7. These amendments are intended to ensure that the wording of the provisions reflects their extension to Northern Ireland.

Article 1 of this Order includes provision about commencement. Article 1(4) concerns commencement of the provisions that are extended to Northern Ireland. These provisions can be considered (for the purposes of commencement) in three different groups.

One group consists of provisions that have already come fully into force in Great Britain. At the time when such a provision is extended to Northern Ireland, it will come fully into force in Northern Ireland (article 1(4)(a)).

Another group consists of provisions that have not come into force at all in Great Britain. These provisions will fall to be fully commenced in Northern Ireland by order under section 61(2) of the Crime and Courts Act 2013 (article 1(4)(b)).

The third group consists of provisions which have been partially commenced in Great Britain (for example, commenced only for a particular purpose). At the time when such a provision is extended to Northern Ireland, it will be partially commenced in Northern Ireland (its partial commencement in Northern Ireland will match its partial commencement in Great Britain – article 1(4)(a)). If such a provision is to be further commenced in Northern Ireland, this will fall to be done by order under section 61(2) of the Crime and Courts Act 2013 (article 1(4)(b)).