



Crime and Courts Act 2013

2013 CHAPTER 22

PART 1

THE NATIONAL CRIME AGENCY

General

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;
- (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;

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- (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,
 - (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;

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- (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—
 - (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;

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- (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;
 - (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).

Status: This is the original version (as it was originally enacted).

- (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