

SCHEDULE 1

Article 4(2)

Extension of relevant NCA provisions: consequential and connected provision

Police (Northern Ireland) Act 1998

1. In section 60ZA of the Police (Northern Ireland) Act 1998 (Police Ombudsman for Northern Ireland and the National Crime Agency)(1) (as amended by section 11(8) of CCA 2013), at the end insert—

“(8) The Director General of the National Crime Agency shall supply the Ombudsman with such information and documents as the Ombudsman may require for the purposes of, or in connection with, the exercise of any of the Ombudsman’s functions under procedures established by virtue of this section.”

CCA 2013

2.—(1) Paragraph 11 of Schedule 5 to CCA 2013 (police, customs and immigration powers) is amended as follows.

(2) For sub-paragraphs (6) to (8) substitute—

“(6) An NCA officer may only exercise the powers and privileges of a Northern Ireland constable if—

- (a) a Northern Ireland general authorisation is in force,
- (b) the powers and privileges are exercised in accordance with that authorisation, and
- (c) one or both of the following conditions is met—
 - (i) the NCA officer exercises the powers and privileges with the agreement of the Chief Constable of the Police Service of Northern Ireland;
 - (ii) the NCA officer exercises the powers and privileges in relation to the conduct of a police officer.

(7) The Chief Constable may arrange for a member of the Police Service of Northern Ireland at the rank of Superintendent or above to give agreement for the purposes of sub-paragraph (6)(c)(i) (whether in all cases or in cases specified in the arrangements).”

(3) In sub-paragraph (9), omit the definition of “Northern Ireland operational authorisation”.

SCHEDULE 2

Article 5(1)

Amendments relating to NCA functions

Police (Northern Ireland) Act 2000

1. The Police (Northern Ireland) Act 2000(2) is amended as follows.

2.—(1) In section 3 (general functions of the Board)(3), after subsection (3) insert—

“(3A) The Board shall—

(1) 1998 c. 32; section 60ZA is inserted by section 55(2) of the Serious Organised Crime and Police Act 2005 (c. 15), amended by paragraph 157 of Schedule 8 to the Serious Crime Act 2007 (c. 27).

(2) 2000 c. 32.

(3) Section 3 is amended by section 20(2) of the Police (Northern Ireland) Act 2003 (c. 6) and S.I. 2010/976, and partially repealed by Part 2 of Schedule 8 to the Justice Act (Northern Ireland) 2011 (c. 24).

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- (a) monitor the exercise of the functions of the National Crime Agency in Northern Ireland;
- (b) assess the level of public satisfaction with the performance of the National Crime Agency in exercising functions in Northern Ireland;
- (c) make arrangements for obtaining the co-operation of the public with the National Crime Agency in the prevention of organised crime and serious crime.

(3B) Nothing in subsection (3A) shall have effect in relation to anything done by the National Crime Agency outside Northern Ireland.”

(2) If the repeal of section 3(3)(d)(ii) of the Police (Northern Ireland) Act 2000 (made by the Justice Act (Northern Ireland) 2011) comes into force, paragraph (b) of subsection (3A) (inserted into section 3 of the Police (Northern Ireland) Act 2000 by this paragraph) is also repealed.

3.—(1) Section 31A (core policing principles)(**4**) is amended in accordance with this paragraph.

- (2) In subsection (1), after “officers” insert “and National Crime Agency officers”;
- (3) In subsection (2), after “officers” insert “and National Crime Agency officers”;
- (4) After subsection (2) insert—

“(3) Nothing in this section shall have effect in relation to anything done by a National Crime Agency officer outside Northern Ireland.”

4. In section 33A (provision of information to Board)(**5**), after subsection (6) insert—

“(7) This section applies to the Director General of the National Crime Agency as it applies to the Chief Constable.

(8) In the application of this section to the Director General of the National Crime Agency—

- (a) each reference to the Chief Constable is to be read as a reference to the Director General;
- (b) the reference in subsection (1) to the exercise of any of the Board’s functions is to be read as a reference to the exercise of any of the Board’s functions in relation to the National Crime Agency;
- (c) if subsection (6) applies, the Director General must inform the Secretary of State of the matters set out in subsection (6)(a) and (b) (in addition to informing the Minister of Justice, in the case of subsection (6)(a) and (b), and the Board, in the case of subsection (6)(b));
- (d) nothing in this section shall have effect in relation to anything done by the National Crime Agency outside Northern Ireland.”

5. In section 52 (code of ethics)(**6**), after subsection (10) insert—

“(10A) The Director General of the National Crime Agency shall take such steps as the Director General considers necessary to ensure—

- (a) that all National Crime Agency officers exercising functions in Northern Ireland have read and understood the code as currently in force; and
- (b) that a record is made and kept of the steps taken in relation to each officer.

(10B) The Director General of the National Crime Agency shall, so far as practicable, ensure that the provisions of the code currently in force under this section are reflected in

(4) Section 31A is inserted by section 20(1) of the Police (Northern Ireland) Act 2003.

(5) Section 33A is inserted by section 22 of the Police (Northern Ireland) Act 2003 and amended by [S.I. 2010/276](#).

(6) Section 52 is amended by section 8(6) of the Justice (Northern Ireland) Act 2004 ([c.4](#)) and [S.I. 2010/976](#).

the disciplinary procedures applicable to National Crime Agency officers in relation to their exercise of functions in Northern Ireland.”

6.—(1) Section 57 (annual and other reports by the Board)(7) is amended in accordance with this paragraph.

(2) In subsection (2), after paragraph (j) insert—

- “(k) the exercise of the functions of the National Crime Agency in Northern Ireland;
- (l) the level of public satisfaction with the performance of the National Crime Agency in exercising functions in Northern Ireland;
- (m) the effectiveness of arrangements made under section 3(3A)(c) for obtaining the co-operation of the public with the National Crime Agency in the prevention of organised crime and serious crime.”

(3) After subsection (2) insert—

“(2A) Nothing in subsection (2)(k), (l) or (m) shall have effect in relation to anything done by the National Crime Agency outside Northern Ireland.”

7. In section 59 (general duty of Chief Constable to report to Board)(8), after subsection (5) insert—

“(6) The Director General of the National Crime Agency shall, whenever so required by the Board, submit to the Board a report on any such relevant NCA matter as may be specified in the requirement.

(7) But the Board may not require the Director General to submit such a report before consulting the Secretary of State .

(8) In this section “relevant NCA matter” means a matter which relates to—

- (a) how the Director General intends that functions of the National Crime Agency are to be exercised in Northern Ireland; or
- (b) whether the exercise of the functions of the National Crime Agency in Northern Ireland is, or was, in accord with their intended exercise.

(9) Subsections (2) to (5) of this section apply to a report under subsection (6) as they apply to a report under subsection (1).

(10) In the application of subsections (2) to (5) to a report under subsection (6), each reference to the Chief Constable is to be read as a reference to the Director General of the National Crime Agency.”

8. In section 60 (inquiry by Board following report by Chief Constable)(9), after subsection (17) insert—

“(18) Where the Board—

- (a) has considered a report on any relevant NCA matter submitted by the Director General of the National Crime Agency under section 59, and
- (b) considers that an inquiry ought to be held under this section into that matter or any related matter disclosed in the report by reason of the gravity of the matter or exceptional circumstances,

(7) Section 57 is amended by section 20(3) of the Police (Northern Ireland) Act 2003, paragraph 8(5) and (6) of Schedule 7 to the Justice Act (Northern Ireland) 2011 and [S.I. 2010/976](#).

(8) Section 59 is amended by sections 10 and 27(2) of the Police (Northern Ireland) Act 2003 and [S.I. 2010/976](#).

(9) Section 60 is amended by section 11 of the Police (Northern Ireland) Act 2003, paragraph 22 of Schedule 2 to the Inquiries Act 2005 (c. 12) and [S.I. 2010/976](#).

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the Board may, after consultation with the Director General and with the Secretary of State, cause such an inquiry to be held.

(19) Subsections (2) to (17) of this section apply to an inquiry which the Board causes to be held under subsection (18) as they apply to an inquiry caused to be held under subsection (1).

(20) In the application of subsections (2) to (17) to an inquiry which the Board causes to be held under subsection (18)—

- (a) each reference to the Chief Constable (except the reference in subsection (16)(a)) is to be read as a reference to the Director General of the National Crime Agency;
- (b) subsection (16) is to be read as including a requirement to send a copy of the report of any inquiry to the Director General (as well as to the persons in subsection (16) (a) to (d)).”

9. In Part 6 of Schedule 1 (procedure of the Northern Ireland Policing Board)(**10**), after paragraph 19 insert—

“Attendance of Director General of NCA at meetings

19A.—(1) The Director General of the National Crime Agency must attend a meeting of the Board if the Board gives the Director General a reasonable period of notice of the meeting.

(2) The Director General may not be given notice under this paragraph of a meeting that is to be held in accordance with—

- (a) paragraph 18, except where section 60 applies in relation to a report on any relevant NCA matter submitted by the Director General of the National Crime Agency under section 59, or
- (b) paragraph 19.”

Justice (Northern Ireland) Act 2002

10. The Justice (Northern Ireland) Act 2002(**11**) is amended as follows.

11.—(1) Section 46 (functions of Chief Inspector)(**12**) is amended in accordance with this paragraph.

(2) In subsection (1), after paragraph (a) insert—

“(aa) the National Crime Agency,”.

(3) After subsection (3) insert—

“(3A) An inspection of the National Crime Agency carried out by the Chief Inspector may cover only the exercise of functions of that Agency in Northern Ireland.”

12.—(1) Section 47 (further provisions about functions)(**13**) is amended in accordance with this paragraph.

(2) After subsection (1A)(**14**) insert—

(10) There are amendments to Part 6 but none are relevant to this instrument.

(11) 2002 c. 26.

(12) Section 46 is amended by S.I. 2010/976; there are other amendments but none are relevant to this instrument.

(13) Section 47 is amended by S.I. 2010/976; there are other amendments but none relevant to this instrument.

(14) Subsection (1A) is inserted by S.I. 2010/976.

“(1B) The Chief Inspector must consult the Secretary of State if the Chief Inspector proposes to specify an inspection programme under subsection (1) which includes an inspection of the National Crime Agency.”

(3) After subsection (4) insert—

“(4A) The Department of Justice must consult the Secretary of State before requiring the Chief Inspector to carry out an inspection under subsection (3) of the National Crime Agency .”

CCA 2013

13. CCA 2013 is amended as follows.

14. In section 11 (inspections and complaints), after subsection (2) insert—

“(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.”

15. In Part 1 of Schedule 1 (the NCA) after paragraph 6 insert—

“Investigatory activity in Northern Ireland

6A.—(1) An NCA officer may only carry out relevant investigatory activity in Northern Ireland if one or both of the following conditions is met—

- (a) the NCA officer carries out the relevant investigatory activity with the agreement of the Chief Constable of the Police Service of Northern Ireland;
- (b) the NCA officer carries out the relevant investigatory activity in relation to the conduct of a police officer.

(2) The Chief Constable may arrange for a member of the Police Service of Northern Ireland at the rank of Superintendent or above to give agreement for the purposes of subparagraph (1)(a) (whether in all cases or in cases specified in the arrangements).

(3) In this paragraph “relevant investigatory activity” means any activity which is authorised by an authorisation granted under any of the following provisions—

- (a) in the Regulation of Investigatory Powers Act 2000—
 - (i) section 28 (directed surveillance);
 - (ii) section 29 (conduct or use of a covert human intelligence source);
 - (iii) section 32 (intrusive surveillance);
- (b) section 93 of the Police Act 1997 (authorisation in respect of property).”

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SCHEDULE 3

Article 6(1)

Modifications in the application of the Police and Criminal Evidence (Northern Ireland) Order 1989 to designated persons

1. Except where the contrary intention appears, in the Police and Criminal Evidence (Northern Ireland) Order 1989(15) any reference to a police officer or officer (in the context of a police officer) is to be read as, or including, a reference to a designated person.
2. In article 2 (general interpretation)(16), in paragraph (2)—
 - (a) before the definition of “designated police station” insert—

““designated person” means an NCA officer designated as a person having the powers and privileges of a constable under section 10(1)(a) of CCA 2013;”;
 - (b) after the definition of “items subject to legal privilege” insert—

““NCA office” means a place for the time being occupied by the National Crime Agency;”.
3. In article 4 (provisions relating to search under article 3 and other powers)(17)—
 - (a) for paragraph (2)(i) substitute—

“(i) documentary evidence that he is a designated person; and”;
 - (b) in paragraph (2)(ii) omit “whether he is in uniform or not,”;
 - (c) in paragraphs (4)(a) and (7)(b)—
 - (i) for “police number” substitute “staff number”;
 - (ii) for “of the police station” substitute “and location of the NCA office”;
 - (d) in paragraph (7)(c) for “police station” substitute “NCA office”.
4. In article 5 (duty to make records concerning searches)(18), in paragraph (6)(b) for “police number” substitute “staff number”.
5. Omit article 6 (road checks)(19).
6. In article 18 (execution of warrants)(20)—
 - (a) in paragraphs (3A) and (3B) for “police officer of at least the rank of inspector” substitute “designated person of at least grade 3”;
 - (b) in paragraph (5)(a) for “, if not in uniform, shall produce to him documentary evidence that he is a constable” substitute “shall produce to him documentary evidence that he is a designated person”.
7. In article 20 (entry and search after arrest)(21)—
 - (a) in paragraphs (4) and (6) for “an officer of the rank of inspector or above” substitute “a designated person of at least grade 3”;
 - (b) in paragraph (5A) for “police station” substitute “NCA office”.

(15) S.I. 1989/1341 (N.I. 12).

(16) There are amendments but none relevant to this instrument.

(17) Article 4 is amended by article 4 of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007, S.I. 2007/288 (N.I. 2); there are other amendments but none relevant to this instrument.

(18) Article 5 is amended by article 5 of S.I. 2007/288 (N.I. 2).

(19) There are amendments which are not relevant to this instrument.

(20) Article 18 is amended by article 10 of S.I. 2007/288 (N.I. 2).

(21) Article 20 is amended by article 12 of S.I. 2007/288 (N.I. 2) and paragraph 1 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 2004, S.I. 2004/1500 (N.I. 9).

8. In article 23 (access and copying)(**22**), in paragraph (3)(b) for “police” substitute “National Crime Agency”.

9. In article 24 (retention)(**23**), in paragraph (6) for “police” substitute “National Crime Agency”.

10. In article 29 (fingerprinting of certain offenders)(**24**)—

(a) in paragraph (1)(c)(i) for “police” substitute “National Crime Agency”;

(b) in the words after sub-paragraph (c)(ii) for “police station” substitute “NCA office”.

11. In article 44 (warrants of further detention)(**25**), in paragraphs (7)(b) and (13)(c) for “police” substitute “National Crime Agency”.

12. In article 60 (tape-recording of interviews)(**26**), in paragraph (1)(a) after “police stations” insert “or NCA offices”.

13. In article 60A (visual recording of interviews)(**27**), in sub-paragraph (a) after “police stations” insert “or NCA offices”.

14. In article 61 (fingerprinting)(**28**)—

(a) in paragraphs (3)(b), (4)(b), (4A) and (6C) for “police” substitute “National Crime Agency”;

(b) in paragraph (4AA) for “an officer of at least the rank of inspector” substitute “a designated person of at least grade 3”.

15. In article 61A (impressions of footwear), in paragraphs (3)(b) and (4) for “police” substitute “National Crime Agency”.

16. In article 62 (intimate samples), in paragraphs (1)(a) and (1A) for “a police officer of at least the rank of inspector” substitute “a designated person of at least grade 3”.

17. In article 63 (other samples)—

(a) in paragraphs (2A)(b), (3)(a) and (3A) for “police” substitute “National Crime Agency”;

(b) in paragraph (3)(b) for “an officer of at least the rank of inspector” substitute “a designated person of at least grade 3”.

18. In article 63A (fingerprints and samples: supplementary provisions)—

(a) in paragraphs (4) and (5) after “police station” insert “or NCA office”;

(b) in paragraph (4)(a) for “police” substitute “National Crime Agency”;

(c) in paragraph (8), for sub-paragraph (b) substitute—

“(b) in the case of a person falling within paragraph (4)(b), a designated person of at least grade 3.”

(22) There is an amendment to article 23 which is not relevant to this instrument.

(23) Paragraph (6) of article 24 is inserted by paragraph 90(3) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33); there are other amendments to article 24 but none relevant to this instrument.

(24) Article 29 is amended by article 16 of S.I. 2007/288 (N.I. 2) and S.I. 2010/976.

(25) There is an amendment to article 44 which is not relevant to this instrument.

(26) There is an amendment to article 60 which is not relevant to this instrument.

(27) Article 60A is inserted by section 72 of the Police (Northern Ireland) Act 2000 (c. 32) and amended by article 29 of S.I. 2007/288 (N.I. 2).

(28) Article 61 is amended by article 9 of the Police (Amendment) (Northern Ireland) Order 1995, S.I. 1995/2993 (N.I. 17), paragraph 80(4) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), paragraph 8(11) of Schedule 15 to the Terrorism Act 2000 (c. 11), section 170(3) of the Extradition Act 2003 (c. 41), paragraph 4 of Schedule 3 to the Police (Northern Ireland) Act 2003 (c. 6), article 7 of the Criminal Justice (Northern Ireland) Order 2004, S.I. 2004/1500 (N.I. 9), article 30 of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007, S.I. 2007/288 (N.I. 2), and paragraph 128(2) of Schedule 7 to the Policing and Crime Act 2009 (c. 26).

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19. In article 64 (destruction of fingerprints and samples), in paragraphs (5)(b) and (7) for “Chief Constable” substitute “Director General of the National Crime Agency”.