

SCHEDULES

SCHEDULE 3

Section 5

RELATIONSHIPS BETWEEN NCA AND OTHER AGENCIES

PART 1

CO-OPERATION

Duty to co-operate

- 1 (1) It is the duty of NCA officers to co-operate with the persons listed in sub-paragraph (3) for the purpose of assisting those persons in their activities to combat crime.
- (2) It is the duty of—
- (a) the persons listed in sub-paragraph (3),
 - (b) members of Her Majesty's armed forces, and
 - (c) members of Her Majesty's coastguard,
- to co-operate with NCA officers for the purpose of assisting NCA officers in the discharge of any NCA function.
- (3) The persons mentioned in sub-paragraphs (1) and (2)(a) are—
- (a) constables in UK police forces;
 - (b) officers of Revenue and Customs;
 - (c) immigration officers;
 - (d) designated customs officials (within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009);
 - (e) members of the Serious Fraud Office;
 - (f) any other persons operating in England, Scotland, Northern Ireland or Wales charged with the duty of investigating organised crime or serious crime.

Co-operation arrangements

- 2 For the purposes of the discharge of any function of the NCA, the NCA may enter into arrangements for co-operating with other persons (in the United Kingdom or elsewhere).

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PART 2

EXCHANGE OF INFORMATION

Duty to keep NCA informed & disclose information: police forces

- 3 (1) The chief officers of each UK police force must keep the Director General informed of any information held by that police force which appears to the chief officer to be relevant to the exercise by the NCA of—
- (a) the crime-reduction function,
 - (b) the criminal intelligence function, or
 - (c) functions conferred by the Proceeds of Crime Act 2002.
- (2) Where the chief officer of such a police force informs the Director General of such information, the chief officer must disclose to the NCA any of that information which the Director General requests the chief officer to disclose.
- (3) This paragraph does not require the chief officer of a police force to keep the Director General informed of information which appears to the chief officer to be information obtained (whether directly or indirectly) from the NCA.

Duty to keep police forces informed

- 4 (1) The Director General must keep the chief officers of each UK police force informed of any information obtained by the NCA in the exercise of any NCA function which appears to the Director General to be relevant to the exercise by that chief officer or any other member of that police force of any functions.
- (2) This paragraph does not require the Director General to keep the chief officer of a police force informed of information which appears to the Director General to be information obtained (whether directly or indirectly) from that chief officer or any other member of that police force.

Duty to keep NCA informed: government bodies

- 5 (1) Each specified body must keep the Director General informed of any information held by that body which—
- (a) is held in connection with the exercise of a relevant function of that body, and
 - (b) appears to that body to be relevant to the exercise by the NCA of—
 - (i) the crime-reduction function,
 - (ii) the criminal intelligence function, or
 - (iii) functions conferred by the Proceeds of Crime Act 2002.
- (2) Where a specified body informs the Director General of such information, that body must disclose to the NCA any of that information which the Director General requests that body to disclose.
- (3) This paragraph does not require a specified body to keep the Director General informed of information which appears to that body to be information obtained (whether directly or indirectly) from the NCA.
- (4) This paragraph does not require the Director of the Serious Fraud Office to keep the Director General informed of, or to disclose to the NCA, any information obtained

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under section 2(2) or (3) of the Criminal Justice Act 1987 (information which the Director of the SFO may require a person to produce etc).

Duty to keep government bodies informed

- 6 (1) The Director General must keep each specified body informed of any information obtained by the NCA in the exercise of any NCA function which appears to the Director General to be relevant to the exercise by that specified body of any relevant function for the purposes of carrying out activities to combat crime.
- (2) This paragraph does not require the Director General to keep a specified body informed of information which appears to the Director General to be information obtained (whether directly or indirectly) from that body.

Meaning of “specified body” & “relevant function”

- 7 In paragraphs 5 and 6—
- (a) “specified body” means a body specified in the first column of this table;
- (b) “relevant function”, in relation to such a body, means a function that falls within the functions specified in relation to that body in the second column of this table.

<i>Specified bodies</i>	<i>Relevant functions</i>
The Secretary of State.	Functions relating to immigration, nationality or customs.
The Director of Border Revenue.	All functions.
The Director of the Serious Fraud Office.	Investigatory functions (but not any prosecution functions).

PART 3

ASSISTANCE WITHIN THE UK

Voluntary assistance by NCA: the UK, the Channel Islands & the Isle of Man

- 8 (1) The Director General may provide assistance to—
- (a) a UK police force, or
- (b) an Island police force;
- if the chief officer of the police force requests assistance to be provided.
- (2) The Director General may provide assistance to—
- (a) a UK law enforcement agency, or
- (b) an Island law enforcement agency,
- if the agency requests assistance to be provided.
- (3) A request may be made under this paragraph only if the chief officer, or agency, considers that the police force, or agency, has a special need for the Director General to provide assistance.

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- (4) A request under this paragraph must—
 - (a) state the special need for assistance, and
 - (b) specify the assistance that is wanted.
- (5) If a request is made under this paragraph, the Director General may provide such assistance as the Director General considers appropriate in all the circumstances.

Voluntary assistance to NCA: the UK

- 9 (1) The chief officer of a UK police force may provide assistance to the NCA if the Director General requests assistance to be provided.
- (2) A UK law enforcement agency may provide assistance to the NCA if the Director General requests assistance to be provided.
- (3) A request may be made under this paragraph only if the Director General considers that the NCA has a special need for the chief officer, or agency, to provide assistance.
- (4) A request under this paragraph must—
 - (a) state the special need for assistance, and
 - (b) specify the assistance that is wanted.
- (5) If a request is made under this paragraph, a chief officer, or law enforcement agency, may provide such assistance as the chief officer, or agency, considers appropriate in all the circumstances.

Directed assistance by NCA: England and Wales police etc

- 10 (1) The Secretary of State may direct the Director General to provide specified assistance to—
 - (a) an England and Wales police force,
 - (b) a special police force,
 - (c) the Commissioners for Her Majesty’s Revenue and Customs;
 - (d) the Director of the Serious Fraud Office;
 - (e) the Director of Border Revenue;
 - (f) any other person operating—
 - (i) in England, or
 - (ii) in England and in Scotland, Northern Ireland or Wales (or two or more of those parts of the United Kingdom),
 charged with the duty of investigating or prosecuting offences (apart from a UK police force).
- (2) A direction may be given under this paragraph only if it appears to the Secretary of State that it is appropriate for the police force or other persons or person to receive directed assistance from the Director General.

Directed assistance to NCA: England and Wales police etc

- 11 (1) The Director General may direct any of the following to provide specified assistance to the NCA—
 - (a) the chief officer of an England and Wales police force;
 - (b) the Chief Constable of the British Transport Police;

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- (c) the Commissioners for Her Majesty’s Revenue and Customs;
 - (d) the Director of the Serious Fraud Office;
 - (e) the Director of Border Revenue.
- (2) A direction may be given under this paragraph only if—
- (a) it appears to the Director General that it is appropriate for the NCA to receive directed assistance from the chief officer of the police force or from the other persons or person; and
 - (b) the appropriate consent is given to the direction.
- (3) For that purpose “appropriate consent” means—
- (a) the consent of the Secretary of State (in the case of a direction to the chief officer of an England and Wales police force or a direction to the Chief Constable of the British Transport Police);
 - (b) the consent of the Secretary of State and the consent of the Treasury (in the case of a direction to the Commissioners or the Director of Border Revenue);
 - (c) the consent of the Secretary of State and the consent of the Attorney General (in the case of a direction to the Director of the Serious Fraud Office).

Directed assistance by NCA: Scotland

- 12 (1) The Scottish Ministers may direct the Director General to provide specified assistance to the Police Service of Scotland.
- (2) A direction may be given under this paragraph only if—
- (a) it appears to the Scottish Ministers that it is appropriate for the Police Service to receive directed assistance from the Director General; and
 - (b) the Secretary of State consents to the direction.

Directed assistance to NCA: Scotland

- 13 The Scottish Ministers may direct the chief constable of the Police Service of Scotland to provide specified assistance to the NCA if it appears to the Scottish Ministers that it is appropriate for the NCA to receive directed assistance from the chief constable.

Directed assistance by NCA: Northern Ireland

- 14 (1) The Department of Justice in Northern Ireland may direct the Director General to provide specified assistance to the Police Service of Northern Ireland.
- (2) A direction may be given under this paragraph only if—
- (a) it appears to the Department of Justice that it is appropriate for the Police Service to receive directed assistance from the Director General; and
 - (b) the Secretary of State consents to the direction.

Directed assistance to NCA: Northern Ireland

- 15 (1) The Department of Justice in Northern Ireland may direct the Chief Constable of the Police Service of Northern Ireland to provide specified assistance to the NCA if

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it appears to the Department that it is appropriate for the NCA to receive directed assistance from the Chief Constable.

- (2) Before giving such a direction, the Department of Justice must consult—
- (a) the Northern Ireland Policing Board, and
 - (b) any other persons the Department considers it appropriate to consult.

When is it appropriate for a person to receive directed assistance?

- 16 For the purposes of this Part of this Schedule, it is appropriate for a person (“R”) to receive directed assistance from another person (“P”) if—
- (a) R has a special need for assistance from P,
 - (b) it is expedient for P to provide the assistance, and
 - (c) satisfactory arrangements for P to provide assistance to R cannot be made, or cannot be made in time, under paragraph 8 or 9.

Voluntary or directed assistance: particular assistance that may be provided

- 17 (1) A person may provide any of the following in response to a request for assistance, and a direction may require the provision of any of the following—
- (a) equipment;
 - (b) NCA officers (if assistance is to be provided by the Director General);
 - (c) constables (if assistance is to be provided by the chief officer of a police force);
 - (d) members of staff of a UK law enforcement agency (if assistance is to be provided by such an agency).
- (2) That does not limit the kinds of assistance that may be provided or required.
- (3) In this paragraph—
- “direction” means a direction under any provision of this Part of this Schedule;
 - “request for assistance” means such a request under any provision of this Part of this Schedule.

Voluntary or directed assistance: control of individuals provided for assistance

- 18 (1) An individual who is provided under this Part of this Schedule—
- (a) to assist the NCA is, whilst so provided, under the direction and control of the Director General;
 - (b) to assist a UK police force is, whilst so provided, under the direction and control of the chief officer of the police force;
 - (c) to assist a UK law enforcement agency is, whilst so provided, under the direction and control of the agency.
- (2) That rule applies despite anything contained in—
- (a) any other enactment, or
 - (b) any agreement made under any other enactment.
- (3) In this paragraph “individual” includes—
- (a) an NCA officer;

- (b) a constable;
- (c) a member of the staff of a law enforcement agency.

PART 4

USE OF POLICE FACILITIES ETC BY NCA

Voluntary arrangements: police forces outside London

- 19 (1) The Director General and a relevant body (or both those bodies) may make arrangements for the NCA to use facilities made available by the police force maintained for a police area listed in Schedule 1 to the Police Act 1996 (police areas in England and Wales outside London).
- (2) In this paragraph “relevant body”, in relation to the police force maintained for a police area, means—
- (a) the police and crime commissioner for that police area, or
 - (b) the chief constable of that police force.

Voluntary arrangements: the metropolitan police force

- 20 (1) The Director General and a relevant metropolitan body (or both those bodies) may make arrangements for the NCA to use facilities made available by the metropolitan police force.
- (2) In this paragraph “relevant metropolitan body” means—
- (a) the Mayor’s Office for Policing and Crime, or
 - (b) the Commissioner of Police of the Metropolis.

Voluntary arrangements: the City of London police force

- 21 The Director General and the Common Council of the City of London (in its capacity as police authority for the City of London police area) may make arrangements for the NCA to use facilities made available by the City of London police force.

Voluntary arrangements: immigration or customs facilities

- 22 (1) The Director General and the Secretary of State may make arrangements for the NCA to use immigration facilities made available by the Secretary of State.
- (2) The Director General and a relevant person (or both those persons) may make arrangements for the NCA to use customs premises made available by the relevant person (or both those persons).
- (3) In this paragraph—
- “customs premises” means premises wholly or partly occupied by persons designated under section 3 (general customs officials) or section 11 (customs revenue officials) of the Borders, Citizenship and Immigration Act 2009;
 - “immigration facilities” means facilities provided in connection with the exercise of—
- (a) functions of the Secretary of State relating to immigration, asylum or nationality, or

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- (b) functions of an immigration officer;
- “relevant person” means—
- (a) the Secretary of State, or
- (b) the Director of Border Revenue.

Directed arrangements: England and Wales police forces

- 23 (1) If it appears to the Secretary of State that—
- (a) it is expedient for relevant parties to make arrangements under paragraph 19, 20 or 21, and
 - (b) satisfactory arrangements cannot be made, or cannot be made in time, under that paragraph,
- the Secretary of State may direct those relevant parties to make specified arrangements under that paragraph.
- (2) In this paragraph “relevant parties”, in relation to arrangements under paragraph 19, 20 or 21, means—
- (a) the Director General, and
 - (b) any other person or persons who may make arrangements under that paragraph.

Voluntary arrangements: Police Service of Northern Ireland

- 24 The Director General may make arrangements with the Northern Ireland Policing Board for the NCA to use facilities made available by the Police Service of Northern Ireland.

Directed arrangements: Police Service of Northern Ireland

- 25 If it appears to the Department of Justice in Northern Ireland—
- (a) that it is expedient for the Director General and the Northern Ireland Policing Board to make arrangements under paragraph 24, and
 - (b) that satisfactory arrangements cannot be made, or cannot be made in time, under paragraph 24,
- the Department of Justice may, with the consent of the Secretary of State, direct the Director General and the Policing Board to make specified arrangements under paragraph 24.

Arrangements: terms, variation and termination

- 26 (1) Facility-sharing arrangements must specify or describe the facilities which are to be made available for use by the NCA under the arrangements.
- (2) Facility-sharing arrangements may be varied or terminated by the parties.
- (3) But the arrangements may not be terminated without the consent of—
- (a) the Secretary of State (if the arrangements have been made in compliance with a direction by the Secretary of State), or
 - (b) the Department of Justice in Northern Ireland (if the arrangements have been made in compliance with a direction by that Department).

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- (4) In this paragraph “facility-sharing arrangements” means arrangements under any other provision of this Part of this Schedule.

Consultation before direction

- 27 Before a person (“D”) gives a direction under this Part of this Schedule to another person (“P”), D must—
- (a) notify P of the proposal to give the direction, and
 - (b) consider any representations made by P.

Facilities

- 28 In this Part of this Schedule “facilities” means—
- (a) premises,
 - (b) equipment, and
 - (c) other material, facilities and services.

PART 5

PAYMENT FOR TASKS, ASSISTANCE OR FACILITIES

Payments by Director General

- 29 (1) The Director General must pay the appropriate amount to the fundholding body for a UK police force if—
- (a) the chief officer of that police force performs a task—
 - (i) in response to a request under section 5, or
 - (ii) in accordance with a direction under that section;
 - (b) the chief officer of that police force provides the NCA with assistance—
 - (i) in response to a request under Part 3 of this Schedule, or
 - (ii) in accordance with a direction under Part 3 of this Schedule; or
 - (c) facility-sharing arrangements are made under Part 4 of this Schedule (whether voluntarily or in accordance with a direction) for the NCA to use facilities made available by that police force.
- (2) The Director General must pay the appropriate amount to a UK law enforcement agency if—
- (a) that agency performs a task in response to a request under section 5;
 - (b) that agency provides the NCA with assistance—
 - (i) in response to a request under Part 3 of this Schedule, or
 - (ii) in accordance with a direction under Part 3 of this Schedule; or
 - (c) facility-sharing arrangements are made under Part 4 of this Schedule (whether voluntarily or in accordance with a direction) for the NCA to use facilities made available by that agency.

Payments by police

- 30 The fundholding body for a UK police force must pay the appropriate amount to the Director General if—

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- (a) the Director General performs a task in response to a request by the chief officer of that police force under section 5; or
- (b) the Director General provides that police force with assistance—
 - (i) in response to a request under Part 3 of this Schedule, or
 - (ii) in accordance with a direction under Part 3 of this Schedule.

Payments by law enforcement agencies

- 31 A UK law enforcement agency must pay the appropriate amount to the Director General if—
- (a) the Director General performs a task in response to a request by that agency under section 5; or
 - (b) the Director General provides that agency with assistance—
 - (i) in response to a request under Part 3 of this Schedule, or
 - (ii) in accordance with a direction under Part 3 of this Schedule.

The “appropriate amount”

- 32 (1) In any provision of this Part of this Schedule which requires one person (“R”) to pay the appropriate amount to another person (“P”), “appropriate amount” means—
- (a) such amount as may be agreed between R and P, or
 - (b) in the absence of agreement, such amount as may be determined by the Secretary of State.
- (2) The Secretary of State must consult the Scottish Ministers before determining the appropriate amount if R or P is a Scottish body.
- (3) The Secretary of State must consult the Department of Justice in Northern Ireland before determining the appropriate amount if R or P is a Northern Ireland body.
- (4) In this paragraph—
- “Northern Ireland body” means—
 - (a) the Police Service of Northern Ireland,
 - (b) a Northern Ireland department, and
 - (c) any other person operating in Northern Ireland, and not operating in any other part of the United Kingdom, charged with the duty of investigating or prosecuting offences;
 - “Scottish body” means—
 - (a) the Scottish Police Authority,
 - (b) the Scottish Administration, and
 - (c) any other person operating in Scotland, and not operating in any other part of the United Kingdom, charged with the duty of investigating or prosecuting offences.

PART 6

GENERAL

Directed tasking or assistance: power to amend those who may be directed

- 33 (1) The Secretary of State may, by order, amend section 5 or paragraph 11 of this Schedule by making any of the following kinds of provision—
- (a) provision adding a person or category of persons to the relevant list;
 - (b) provision imposing on the Director General a requirement to obtain the consent of one or more persons before giving a direction to—
 - (i) a person added to the relevant list by virtue of sub-paragraph (a), or
 - (ii) a person within a category of persons so added;
 - (c) provision removing from the relevant list a person or category of persons added by virtue of sub-paragraph (a);
 - (d) provision removing a requirement for consent imposed by virtue of sub-paragraph (b).
- (2) But the Secretary of State may not add any of the following to the relevant list—
- (a) the Commissioners for Her Majesty’s Revenue and Customs;
 - (b) the Chief Constable of the Police Service of Scotland;
 - (c) any person operating only in Scotland;
 - (d) the Chief Constable of the Police Service of Northern Ireland;
 - (e) any person operating only in Northern Ireland.
- (3) Before making an order under this paragraph which adds a person or category of persons to the relevant list, the Secretary of State must consult that person or the persons within that category.
- (4) In this paragraph “relevant list” means—
- (a) in relation to section 5, the list of persons in subsection (5) to whom the Director General may give directions, or
 - (b) in relation to paragraph 11 of this Schedule, the list of persons in sub-paragraph (1) to whom the Director General may give directions.

Duty to provide information etc: power to amend specified bodies etc

- 34 (1) The Secretary of State may, by order, amend paragraph 7 of this Schedule by making any of the following kinds of provision—
- (a) provision adding a person to the specified bodies in the relevant table;
 - (b) provision specifying in the relevant table one or more relevant functions in relation to—
 - (i) the Secretary of State, or
 - (ii) a person added to the specified bodies by virtue of sub-paragraph (a);
 - (c) provision removing from the relevant table provision made by virtue of sub-paragraph (a) or (b).
- (2) But the Secretary of State may not add any of the following to the specified bodies—
- (a) a person operating only in Scotland;
 - (b) a person operating only in Northern Ireland.

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(3) Before making provision under this paragraph which adds a person to the specified bodies, the Secretary of State must consult that person.

(4) In this paragraph “relevant table” means the table in paragraph 7.

Directions

35 (1) A person given a direction under this Schedule must comply with it.

(2) A direction under this Schedule may not relate to the prosecution functions of any person.

Interpretation

36 In this Schedule—

“fundholding body” means—

(a) the policing body (in relation to any UK police force other than the Police Service of Northern Ireland);

(b) the Police Service of Northern Ireland (in relation to that Police Service);

“specified”, in relation to a direction under any provision of this Schedule, means specified in the direction.