

SCHEDULES

SCHEDULE 5

POLICE, CUSTOMS AND IMMIGRATION POWERS

PART 8

GENERAL

Payment of revenue to the Commissioners

- 25 (1) The Director General must pay to the Commissioners any money received by way of proceeds of forfeitures—
- (a) by the Director General in the exercise of any power of the Commissioners, or
 - (b) by the Director General or any other NCA officer in the exercise of any power of an officer of Revenue and Customs.
- (2) In this section “proceeds of forfeitures” means—
- (a) the proceeds of forfeitures made under the customs and excise Acts (within the meaning of section 1 of the Customs and Excise Management Act 1979), and
 - (b) a sum paid, or the proceeds of sale, under paragraph 16 of Schedule 3 to that Act.

Modification of references

- 26 If, in accordance with section 9(1) or any provision of this Schedule—
- (a) a power of the Commissioners is exercisable by the Director General, a reference to the Commissioners in any enactment which relates to that power is to be taken to be, or to include, a reference to the Director General;
 - (b) a power or privilege of a constable is exercisable by any NCA officer, a reference to a constable in any enactment which relates to that power or privilege is to be taken to be, or to include, a reference to any NCA officer by whom that power or privilege is exercisable;
 - (c) a power of an officer of Revenue and Customs is exercisable by any NCA officer, a reference to an officer of Revenue and Customs in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable;
 - (d) a power of an immigration officer is exercisable by any NCA officer, a reference to an immigration officer in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable.

Status: This is the original version (as it was originally enacted).

Power to make further provision

- 27 (1) The relevant national authority may, by order, make such provision as that authority considers appropriate in consequence of—
- (a) the Director General having the powers of the Commissioners under section 9(1), or
 - (b) designated officers having operational powers.
- (2) An order under this paragraph may, in particular—
- (a) provide for the Director General or designated officers to benefit from exemptions or other protection in respect of the exercise of operational powers;
 - (b) provide for the disclosure of information to, or the doing of other things in relation to, the Director General or designated officers;
 - (c) confer functions on the Director General or any other person;
 - (d) provide for a class of NCA officers (whether identified by reference to a grade or pay scale or otherwise) to be treated as the equivalent of—
 - (i) one or more ranks in a UK police force;
 - (ii) one or more grades of, or pay scales applicable to, officers of Revenue and Customs;
 - (iii) one or more grades of, or pay scales applicable to, immigration officers.
- (3) In this paragraph “designated officers” includes a description of such officers.

Functions of third parties relating to constables etc: extension to NCA

- 28 (1) The relevant national authority may, by order, provide for a relevant function of a person to be exercisable by that person in relation to—
- (a) the NCA,
 - (b) the Director General, or
 - (c) NCA officers (or any description of NCA officers).
- (2) In this paragraph “relevant function” means a function exercisable by any person in relation to—
- (a) a constable,
 - (b) a UK police force,
 - (c) an officer of Revenue and Customs,
 - (d) the Commissioners, or
 - (e) an immigration officer.

General provision about orders

- 29 (1) The power to make an order under paragraph 27 or 28 may, in particular, be exercised by—
- (a) amending, repealing, revoking or otherwise modifying any provision made by or under an enactment, or
 - (b) applying an enactment (with or without modifications).
- (2) The Secretary of State must consult—

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- (a) the Commissioners before exercising the power conferred by paragraph 27 or 28 in relation to an enactment which (expressly or otherwise) confers any function on the Commissioners or an officer of Revenue and Customs;
- (b) the Scottish Ministers before exercising the power conferred by paragraph 27 or 28 in relation to an enactment which extends to Scotland;
- (c) the Department of Justice in Northern Ireland before exercising the power conferred by paragraph 27 or 28 in relation to an enactment which extends to Northern Ireland.

(3) In this paragraph “enactment” includes a description of enactments.

Interpretation

30 In this Schedule—

“Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“designated officer” means the Director General or any other NCA officer if designated as having operational powers;

“designation” means—

- (a) a designation of the Director General under section 9, or
- (b) a designation of any other NCA officer under section 10;

and “designated” and cognate expressions are to be construed accordingly;

“limitation” means a limitation included in a designation under paragraph 6;

“Northern Ireland devolved provision”, in relation to provision of an order under this Schedule, means provision which would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of the Northern Ireland Assembly;

“powers and privileges of a constable that are exercisable overseas” means the powers and privileges of a constable if, and to the extent that, they are exercisable outside the United Kingdom and the United Kingdom waters;

“powers and privileges of an English and Welsh constable” means the powers and privileges of a constable if, and to the extent that, they are exercisable in England and Wales or the adjacent United Kingdom waters;

“powers and privileges of a Northern Ireland constable” means the powers and privileges of a constable if, and to the extent that, they are exercisable in Northern Ireland or the adjacent United Kingdom waters;

“powers and privileges of a Scottish constable” means the powers and privileges of a constable if, and to the extent that, they are exercisable in Scotland or the adjacent United Kingdom waters;

“relevant national authority”, in relation to a power to make an order under this Schedule, means—

- (a) the Secretary of State, except in relation to Scottish devolved provision and Northern Ireland devolved provision;
- (b) the Scottish Ministers, in relation to Scottish devolved provision;
- (c) the Department of Justice in Northern Ireland, in relation to Northern Ireland devolved provision;

“Scottish devolved provision”, in relation to provision of an order under this Schedule, means provision that would be within the legislative competence of the Scottish Parliament if contained in an Act of the

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Scottish Parliament, except for any provision of the kind referred to in paragraph [27\(2\)\(d\)](#);

“United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.