

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 6. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6 **U.K.**

Section 11

#### INSPECTIONS AND COMPLAINTS

#### PART 1 **U.K.**

##### INSPECTIONS

###### *Inspections in Scotland*

- 1 (1) Before making a request for an inspection that would fall to be carried out wholly or partly in Scotland, the Secretary of State must consult the Scottish Ministers.
- (2) HMIC may carry out an inspection jointly with the Scottish inspectors—
  - (a) if it is carried out wholly in Scotland, or
  - (b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.
- (3) Before deciding whether or not to carry out such an inspection jointly with the Scottish inspectors, HMIC must consult the Scottish inspectors.

#### Commencement Information

**11** Sch. 6 para. 1 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

###### *Inspections in Northern Ireland*

- 2 Before making a request for an inspection that would fall to be carried out wholly or partly in Northern Ireland, the Secretary of State must consult the Department of Justice in Northern Ireland.

#### Commencement Information

**12** Sch. 6 para. 2 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

###### *Publication of HMIC reports*

- 3 (1) The Secretary of State must arrange for every HMIC report received to be published in such manner as the Secretary of State considers appropriate.
- (2) But the Secretary of State may exclude from publication any part of an HMIC report if, in the Secretary of State's opinion, the publication of that part—
  - (a) would be against the interests of national security,

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- (b) could prejudice the prevention or detection of crime, the apprehension of offenders, or the prosecution of offences, or
  - (c) might jeopardise the safety of any person.
- (3) The Secretary of State must send a copy of the published report—
- (a) to the NCA; and
  - (b) if the inspection was carried out wholly or partly in Scotland, to the Scottish Ministers; and
  - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.

#### Commencement Information

**I3** Sch. 6 para. 3 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

#### *NCA response*

- 4 (1) The Director General must—
- (a) prepare comments on each HMIC report as published by the Secretary of State; and
  - (b) arrange for those comments to be published in such manner as the Director General considers appropriate.
- [<sup>F1</sup>(1A) The comments must be published before the end of the period of 56 days beginning with the day on which the HMIC report is published by the Secretary of State.
- (1B) If the HMIC report includes a recommendation, the comments must include an explanation of—
- (a) the action the Director General has taken or proposes to take in response to the recommendation, or
  - (b) why the Director General has not taken, or does not propose to take, any action in response.]
- (2) The Director General must send a copy of any document published under subparagraph (1)(b)—
- (a) to the Secretary of State; and
  - (b) if the inspection was carried out wholly or partly in Scotland, to the Scottish Ministers; and
  - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.

#### Textual Amendments

**F1** Sch. 6 para. 4(1A)(1B) inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 37(6), 183(1)(5)(e); S.I. 2017/399, reg. 4(a) (with reg. 8)

#### Commencement Information

**I4** Sch. 6 para. 4 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

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### *Disclosure of information*

- 5 (1) The Director General must—
- (a) provide to a policing inspectorate such information and documents specified or described in a notification given by the inspectorate to the Director General, and
  - (b) produce or deliver up to the inspectorate all such evidence and other things so specified or described,
- as appear to the inspectorate to be required for the purposes of the exercise of an NCA inspection function.
- (2) Anything that the Director General is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—
- (a) in the notification imposing the requirement, or
  - (b) in any subsequent notification given by the inspectorate to the Director General.
- (3) Nothing in this paragraph requires the Director General—
- (a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or
  - (b) to comply at all with any such obligation if it never becomes practicable to do so.
- (4) An NCA officer may disclose information to any policing inspectorate for the purposes of the exercise by any policing inspectorate of an NCA inspection function.
- (5) The Secretary of State may, by regulations, make—
- (a) further provision about the disclosure of information under sub-paragraph (1) or (4);
  - (b) provision about the further disclosure of information that has been disclosed under sub-paragraph (1) or (4).
- (6) Such regulations may, in particular—
- (a) modify any provision of Schedule 7 in its application to such a disclosure, or
  - (b) disapply any such provision from such a disclosure.

#### **Commencement Information**

**I5** Sch. 6 para. 5(1)-(4) in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

**I6** Sch. 6 para. 5(5)(6) in force at 8.5.2013 by S.I. 2013/1042, art. 2(m)

### *Access to premises*

- 6 (1) The Director General must secure that a policing inspectorate is given access to premises occupied for the purposes of the NCA and access to documents and other things on those premises if—
- (a) the inspectorate requires such access, and
  - (b) the requirement is imposed for the purposes of the exercise of an NCA inspection function.

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- (2) Where there are reasonable grounds for not allowing the inspectorate to have the required access at the time at which the inspectorate seeks to have it, the obligation under sub-paragraph (1) has effect as an obligation to secure that the required access is allowed to the inspectorate at the earliest practicable time specified by the inspectorate after there cease to be any such grounds.

**Commencement Information**

**I7** Sch. 6 para. 6 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

*Interpretation*

- 7 In this Part of this Schedule—
- “HMIC” means Her Majesty's Inspectors of Constabulary;
  - “HMIC report” means a report under section 11(3);
  - “document” means anything in which information of any description is recorded;
  - “inspection” means an inspection under section 11(1) or (2);
  - “NCA inspection function” means a function in relation to the inspection of the NCA;
  - “policing inspectorate” means—
    - (a) HMIC or any person carrying out the functions of the HMIC, and
    - (b) the Scottish inspectors or any person carrying out the functions of the Scottish inspectors.
  - “request” means a request under section 11(2) for an inspection;
  - “Scottish inspectors” means the inspectors of constabulary for which Part 1 of the Police and Fire Reform (Scotland) Act 2012 provides.

**Commencement Information**

**I8** Sch. 6 para. 7 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

**PART 2 U.K.**

COMPLAINTS: OTHER AMENDMENTS

*Police Reform Act 2002*

- 8 The Police Reform Act 2002 is amended as follows.

**Commencement Information**

**I9** Sch. 6 para. 8 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 9 (1) Section 10 (general functions of the IPCC) is amended in accordance with this paragraph.
- (2) In subsection (1)—

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- (a) in paragraph (g), for “Serious Organised Crime Agency” substitute “National Crime Agency”;
  - (b) omit paragraph (h).
- (3) In subsection (3), for paragraphs (ba) and (bb) substitute—  
“(bc) any regulations under section 26C of this Act (the National Crime Agency);”.
- (4) Omit subsection (9).

#### Commencement Information

**I10** Sch. 6 para. 9 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 10 (1) Section 11 (reports to the Secretary of State) is amended in accordance with this paragraph.
- (2) In subsection (6)—
- (a) omit paragraphs (b) and (e);
  - (b) after paragraph (e) insert—  
“(f) to the National Crime Agency.”.
- (3) In subsection (8), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (4) Omit subsection (9A).
- (5) In subsection (10)—
- (a) omit paragraphs (d) and (h);
  - (b) in paragraph (g), omit “and”;
  - (c) after paragraph (h) insert “; and  
(i) the National Crime Agency.”.

#### Commencement Information

**I11** Sch. 6 para. 10 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 11 (1) Section 15 (general duties) is amended in accordance with this section.
- (2) In subsection (1A), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (3) Omit subsection (1B).
- (4) In subsection (3)(c)—
- (a) for “Serious Organised Crime Agency” substitute “National Crime Agency”;
  - (b) for “member of the staff of that Agency” substitute “National Crime Agency officer”.
- (5) In subsections (4)(c) and (5)(c), for “Serious Organised Crime Agency” substitute “National Crime Agency”.
- (6) In subsection (6)—

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- (a) for “Serious Organised Crime Agency” substitute “ National Crime Agency ”;
  - (b) in paragraph (a), for “member of the staff of the Agency” substitute “ a National Crime Agency officer ”.
- (7) In subsection (7), for “member of the staff of the Serious Organised Crime Agency” substitute “ National Crime Agency officer ”.
- (8) In subsection (8), for “member of the staff of the Serious Organised Crime Agency” substitute “ National Crime Agency officer ”.
- (9) Omit subsection (8A).
- (10) In subsection (9)—
- (a) in paragraph (a), for “member of the staff of the Serious Organised Crime Agency” substitute “ National Crime Agency officer ”;
  - (b) in paragraph (b), for “member of the staff of the Agency” substitute “ National Crime Agency officer ”.
- (11) In subsection (10), omit paragraph (b) (and the word “and” at the end of paragraph (a)).

**Commencement Information**

**I12** Sch. 6 para. 11 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 12 (1) Section 16 (payment for assistance with investigations) is amended in accordance with this paragraph.
- (2) In subsection (5)(a), for “Serious Organised Crime Agency” substitute “ National Crime Agency ”.
- (3) In subsection (6), for “Serious Organised Crime Agency” substitute “ National Crime Agency ”.

**Commencement Information**

**I13** Sch. 6 para. 12 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 13 Omit section 16A (investigations: NPIA involvement).

**Commencement Information**

**I14** Sch. 6 para. 13 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 14 In section 17, omit subsection (6).

**Commencement Information**

**I15** Sch. 6 para. 14 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 15 Omit sections 26A and 26B (agreements about complaints about the Serious Organised Crime Agency or the National Policing Improvement Agency).

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#### Commencement Information

**I16** Sch. 6 para. 15 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 16 In section 29 (interpretation of Part 2), in subsection (3), for paragraphs (b) and (c) substitute—  
“(ca) a National Crime Agency officer; or”.

#### Commencement Information

**I17** Sch. 6 para. 16 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

- 17 (1) Schedule 3 (handling of complaints and conduct matters etc) is amended in accordance with this paragraph.  
(2) In paragraph 16(3), for paragraphs (b) and (c) substitute—  
“(d) a National Crime Agency officer.”  
[<sup>F2</sup>(3) In paragraph 17(2), for paragraphs (b) and (c) substitute—  
“(d) a National Crime Agency officer.”.]

#### Textual Amendments

**F2** Sch. 6 para. 17(3) omitted (E.W.) (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 53

#### Commencement Information

**I18** Sch. 6 para. 17 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

#### *Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007*

- 18 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (the “2007 Order”) is amended in accordance with this paragraph.  
(2) In article 2 (interpretation), for paragraph (d) substitute—  
“(d) NCA” means the National Crime Agency;  
(e) “NCA officer” means a National Crime Agency officer.”.  
(3) In article 4 (agreements to establish complaints procedures), in paragraph (7)—  
(a) omit sub-paragraph (b)(iv);  
(b) omit sub-paragraph (c)(iii);  
(c) after sub-paragraph (c) insert—  
“(d) any statement made by a person who is, or has been, an NCA officer about the terms and conditions of their service;”.  
(4) The amendments of the 2007 Order made by section 11 and this Schedule may be amended or revoked as if made in the exercise of the powers under which the 2007 Order was made.

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**Commencement Information**

**I19** Sch. 6 para. 18 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

*Police (Northern Ireland) Act 1998*

19 In section 61 of the Police (Northern Ireland) Act 1998 (reports), in subsection (5) (c), for “Serious Organised Crime Agency” substitute “ National Crime Agency ”.

**Extent Information**

**E1** Sch. 6 para. 19: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

**E2** Sch. 6 para. 19 extended (N.I.) (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(3), **4(1)(d)**

**Commencement Information**

**I20** Sch. 6 para. 19 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)



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