

**EXPLANATORY MEMORANDUM TO**  
**THE CRIME AND COURTS ACT 2013 (CONSEQUENTIAL AMENDMENTS AND**  
**SAVING PROVISION) ORDER 2013**

**2013 No. 2318**

1. This explanatory memorandum has been prepared by the Home Office (“the Department”) and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This Order makes amendments to secondary legislation in consequence of Part 1 of the Crime and Courts Act 2013 i.e. the establishment of the National Crime Agency and the abolition of the Serious Organised Crime Agency and the National Policing Improvement Agency.

**3. Matters of Special Interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 This Order makes amendments to subordinate legislation in consequence of Part 1 of the Crime and Courts Act 2013 (“the Act”), which abolishes the Serious Organised Crime Agency (SOCA) and the National Policing Improvement Agency (NPIA) and establishes the National Crime Agency (NCA).

4.2 Paragraph 190 of Schedule 8 (“the glossing provision”) to the Act provides that in subordinate legislation references to SOCA, the Director General of SOCA, the staff of SOCA and a member of staff of SOCA (“SOCA related references”) are to be read as (or including) the corresponding NCA related reference. This means that, for example, a Regulation that imposes an obligation on SOCA will be read as imposing the same obligation on the NCA. Consequently there are references to SOCA in subordinate legislation where textual amendments are not required.

4.3 Where it has been necessary to achieve a different result to that produced by the glossing provision, this Order amends the subordinate legislation. Where one SOCA related reference in any particular instrument requires amendment, all other references in the instrument are amended without reliance on the glossing provision.

**5. Territorial Extent and Application**

5.1 This Order applies to England & Wales, Scotland and Northern Ireland.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 Part 1 and Schedules 1 to 8 of the Crime and Courts Act 2013 create the NCA and abolish SOCA and the NPIA. As a consequence of this it is necessary to make amendments to references to SOCA and the NPIA in primary and secondary legislation, and where appropriate the references should be amended to reflect the creation of the NCA. Schedule 8 of the Act makes the necessary consequential amendments to primary legislation. This order makes the necessary consequential amendments in relation to secondary legislation.

7.2 Some of the references to SOCA and the NPIA amended by this instrument are to be found in regulations governing the police pension schemes. It is necessary for those regulations to continue to have effect in relation to service with SOCA and the NPIA prior to the abolition of those bodies, and this instrument contains a saving provision which achieves that result. Similar provision is to be found in paragraph 10 of Schedule 8 to the Act, in relation to the amendments made to primary legislation by the Act.

- **Consolidation**

7.3 Not applicable.

## **8. Consultation outcome**

8.1 The consultation on the establishment of the NCA was completed as part of Policing in the 21<sup>st</sup> Century published in June 2010 (the government response was published in December 2010).

## **9. Guidance**

9.1 Not applicable

## **10. Impact**

10.1 There will be no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is limited to the NCA.

10.3 An Impact Assessment has not been prepared for this instrument.

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 Not applicable

**13. Contact**

13.1 Kathryn Roe at the United Kingdom Home Office (Tel: 020 7035 3140 or email: [kathryn.roe4@homeoffice.gsi.gov.uk](mailto:kathryn.roe4@homeoffice.gsi.gov.uk)) can answer any queries regarding the instrument.