
STATUTORY INSTRUMENTS

2013 No. 2326

The National Crime Agency (Limitation of Extension to Northern Ireland) Order 2013

Interpretation

2.—(1) In this Order—

“CCA 2013” means the Crime and Courts Act 2013;

“NCA civil recovery functions” means NCA functions under Part 8 of POCA 2002 relating to civil recovery investigations;

“Part 8 order or warrant” means an order made, or warrant issued, by a court or judge under any provision of Part 8 of POCA 2002;

“POCA 2002” means the Proceeds of Crime Act 2002(1);

“relevant property”, in relation to NCA civil recovery functions, means—

- (a) recoverable property, and
- (b) any other property in relation to which NCA civil recovery functions are exercisable.

(2) Expressions used in this Order and in Part 8 of POCA 2002 have the same meanings in this Order as in that Part of that Act.

(3) For the purposes of this Order unlawful conduct constitutes a “transferred offence” if—

- (a) the conduct occurs in Northern Ireland,
- (b) the conduct is unlawful under the criminal law of Northern Ireland, and
- (c) the criminal law of Northern Ireland under which the conduct is unlawful is a transferred matter.

(4) For the purposes of this Order unlawful conduct constitutes a “non-transferred offence” if—

- (a) the conduct occurs in Northern Ireland,
- (b) the conduct is unlawful under the criminal law of Northern Ireland, and
- (c) the criminal law of Northern Ireland under which the conduct is unlawful is a reserved matter or excepted matter.

(5) In determining for the purposes of paragraph (4)(c) whether or not the criminal law of Northern Ireland under which conduct is unlawful is a reserved matter or excepted matter, particular regard is to be had to all the circumstances relevant to the conduct.