
EXPLANATORY NOTE

(This note is not part of the Order)

Section 5(5) of the Crime and Courts Act 2013 (c. 22) (“the Act”) gives the Director General of the National Crime Agency (the “NCA”) the power to direct that certain persons perform a task.

Article 3 of this Order amends section 5(5) of the Act to add the Director of the Serious Fraud Office (the “SFO”) to the list of persons who can be directed under this power. Article 4 specifies that a direction can only be given to the Director of the SFO if it appears to the Director General of the NCA that the matter involves serious or complex fraud. Article 5 specifies that a direction cannot be made in respect of the prosecution functions of the Director of the SFO.

Article 6 makes supplementary provision to ensure that the Director General of the NCA meets the costs of the Director of the SFO in complying with a direction. This follows the approach taken in paragraph 29 of Schedule 3 to the Act, which requires the Director General of the NCA to make a payment to a UK law enforcement agency if the agency performs a task in response to a request under section 5(5) of the Act.

Article 7 makes a consequential amendment to section 2 of the Criminal Justice Act 1987 (c. 38) to ensure that the powers of the Director of the SFO are exercisable for the purposes of following a direction given by the Director General of the NCA.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.