

# **CRIME AND COURTS ACT 2013**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT AND APPLICATION**

85. With the exception of certain provisions in Part 2 and section 57 which extend to England and Wales only, and section 56 and Schedule 22 (drugs and driving) which extend to Great Britain, the Act extends to the whole of the United Kingdom. However, the application to Northern Ireland of the provisions in respect of the National Crime Agency (Part 1), and the amendments made to the Proceeds of Crime Act 2002 (by sections 48 and 49 and Schedules 18 and 19), is circumscribed by Schedules 24 and 25; and, as a result of the provisions in those Schedules, the provisions in the Act as a whole relate to non-devolved matters in Northern Ireland. In relation to Wales the provisions largely relate to non-devolved matters. In relation to Scotland the Act addresses both devolved and non-devolved matters.
86. The following provisions in the Act which extend to Scotland relate to matters which are reserved or otherwise not within the legislative competence of the Scottish Parliament:
- Certain consequential amendments arising from the creation of the single county court and single family court in England and Wales (Schedules 9 to 11);
  - The amendments to the Constitutional Reform Act 2005 relating to the UK Supreme Court (sections 20 and 29 to 31, and Parts 1 and 2 of Schedule 13);
  - The amendments to the Constitutional Reform Act 2005 in respect of the procedure for judicial appointments (section 20 and Parts 2 to 4 of Schedule 13);
  - The provisions in respect of the flexible deployment of judges and members of tribunals (section 21 and Schedule 14);
  - Provision for the transfer of immigration and nationality judicial reviews from the Court of Session to the Upper Tribunal (section 22);
  - Restoration of the second-tier appeal test in Scotland (section 23);
  - The creation of information gateways (sections 27 and 28, and Part 7 of Schedule 16);
  - The amendments to the Extradition Act 2003 (section 50 and Schedule 20);
  - Amendments to immigration legislation, including in respect of appeal rights, deportation on national security grounds and the enforcement powers of immigration officers (sections 51 to 55 and Schedule 21); and
  - The creation of a specific offence of drug driving (section 56 and Schedule 22).
87. In relation to Scotland, the provisions in Part 1 of the Act relate to a mix of reserved and devolved matters. The amendments to the Proceeds of Crime Act 2002 made by sections 48 and 49 and Schedules 18 and 19 concern, to some extent, matters within the legislative competence of the Scottish Parliament. The provisions extending the

*These notes refer to the Crime and Courts Act 2013  
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enforcement powers of immigration officers and in respect of drug driving alter the executive competence of Scottish Ministers.

88. In relation to Wales the provisions of the Act do not relate to devolved matters or confer functions on the Welsh Ministers.
89. The following provisions in the Act which extend to Northern Ireland relate to matters which are excepted, reserved or otherwise not within the legislative competence of the Northern Ireland Assembly:
- The National Crime Agency (Part 1 as modified by Schedule 24);
  - The amendments to the Constitutional Reform Act 2005 relating to the UK Supreme Court (section 20 and Parts 1 and 2 of Schedule 13, and sections 29 to 31);
  - The amendments to the Constitutional Reform Act 2005 in respect of the procedure for judicial appointments (section 20 and Parts 2 to 4 of Schedule 13);
  - The provisions in respect of the flexible deployment of judges and members of Tribunals (section 21 and Schedule 14);
  - Provision for the transfer of immigration and nationality judicial reviews from the High Court to the Upper Tribunal (section 22);
  - The creation of information gateways (sections 27 and 28, and Part 7 of Schedule 16);
  - The amendments to the Proceeds of Crime Act 2002 made by sections 48 and 49 and Schedules 18 and 19, as modified by Schedule 25;
  - The amendments to the Extradition Act 2003 (section 50 and Schedule 20); and
  - Amendments to immigration legislation, including in respect of appeal rights, deportation on national security grounds and the enforcement powers of immigration officers (sections 51 to 55 and Schedule 21);
90. [Schedule 24](#) and [25](#) contain a number of order-making powers which enable certain provisions in Part 1, sections 48 and 49 and Schedules 18 and 19 to be extended to Northern Ireland with the consent of the Northern Ireland Assembly.