

# CRIME AND COURTS ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: The National Crime Agency**

#### *Schedule 5: Police, customs and immigration powers*

#### **Part 8: General**

209. *Paragraph 25* provides that the Director General must pay all proceeds of forfeitures under the customs and excise Acts to the Commissioners for Revenue and Customs.
210. *Paragraph 26* provides that, where an enactment relates to a power or privilege of a constable, or a power of an officer of Revenue and Customs, the Commissioners for Her Majesty's Revenue and Customs or an immigration officer and the enactment refers to a constable, an officer of Revenue and Customs, the Commissioners for Her Majesty's Revenue and Customs or an immigration officer, those references should be read as being, or including a reference to, the Director General or other NCA officer as appropriate.
211. *Paragraph 27* confers an order-making power on the 'relevant national authority' (as defined in *paragraph 30*) to make such provision as considered appropriate in consequence of the Director General having the powers of the Commissioners under section 9 or designated offices having operational powers.
212. *Paragraph 28* confers an order-making power on the 'relevant national authority' to amend by order the functions of a person so that they can be exercised by that person in relation to the NCA, the Director General or NCA officers.
213. The order-making powers in *paragraphs 27 and 28* are subject to the affirmative resolution procedure where they amend primary legislation, but are otherwise subject to the negative resolution procedure.
214. *Paragraph 29* provides that before the Secretary of State exercises a power under *paragraph 27 or 28* in relation to enactments that confer any functions on the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, the Commissioners for Her Majesty's Revenue and Customs must be consulted (*sub-paragraph (2)(a)*). Before the Secretary of State exercises the power in relation to an enactment which extends to Scotland or Northern Ireland, the Secretary of State must consult the Scottish Ministers or the Department of Justice in Northern Ireland respectively (*sub-paragraphs (2)(b) and (c)*).
215. *Paragraph 30* sets out and defines the various terms that have been used in this Schedule.