

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: The National Crime Agency

Schedule 6: Inspections and complaints

226. *Paragraph 1* requires the Secretary of States to consult Scottish Ministers before requesting an HMIC inspection of NCA activities in Scotland. *Sub-paragraph (2)* provides that, in relation to any inspection wholly or partly in Scotland, HMIC may conduct the inspection jointly with the Scottish inspectors following consultation with the Scottish inspectors on whether a joint inspection is appropriate (*sub-paragraph (3)*).
227. *Paragraph 2* requires the Secretary of State to consult the Department of Justice in Northern Ireland before requesting an HMIC inspection of NCA activities in Northern Ireland.
228. *Paragraph 3* places a duty on the Secretary of State to arrange for every HMIC report to be published. However, *sub-paragraph (2)* provides that parts of an HMIC report may be excluded from publication if the Secretary of State believes that publication would be against the interests of national security, impede the prevention or detection of crime, or jeopardise the safety of any person. Reports must be sent to the NCA and the appropriate Devolved Administration, should the inspection have been carried out in Scotland or Northern Ireland (*sub-paragraph (3)*).
229. *Paragraph 4* places a duty on the Director General of the NCA to comment on each HMIC report, to publish those comments and to send a copy to the Secretary of State and to the Devolved Administrations where they have an interest.
230. *Paragraph 5* requires the Director General of the NCA to disclose information and documents to HMIC or Scottish inspectors as specified in any notification given by them for the purposes of their exercise of inspection functions in relation to the NCA. *Sub-paragraph (4)* enables an NCA officer to disclose information to HMIC or Scottish inspectors for the purposes of their exercise of inspection functions in relation to the NCA. *Sub-paragraphs (5) and (6)* enable the Secretary of State to make regulations to make further provision about the disclosure of information under *paragraph 5*, or in relation to the onward disclosure of information by HMIC or Scottish inspectors of information provided to them by the NCA, and disapplies Schedule 7 (unless provision is made to the contrary).
231. *Paragraph 6* requires the Director General to give HMIC or Scottish inspectors access to NCA premises and other things on such premises for the purposes of their exercise of inspection functions in relation to the NCA.
232. *Paragraph 7* contains definitions of various expressions used in Schedule 6.
233. *Paragraphs 8 to 17* make consequential amendments to the Police Reform Act 2002, arising from the abolition of the NPIA and SOCA, and the conferral of functions on the IPCC in respect of its oversight of the NCA by virtue of section 10(6).

*These notes refer to the Crime and Courts Act 2013
(c.22) which received Royal Assent on 25 April 2013*

234. *Paragraph 18* makes consequential amendments to articles 2 and 4 of the Police, Public Order and Criminal Justice (Scotland) Act (Consequential Provisions and Modifications) Order 2007 (“the 2007 Order”) arising from the provisions in section 11(7) in relation to the oversight of the NCA by the Police Complaints Commissioner for Scotland. *Sub-paragraph (4)* preserves the powers in the Scotland Act 1998, under which the 2007 Order was made, to amend or revoke the amendments made to the 2007 Order by section 11 and Schedule 6.
235. *Paragraph 19* makes a consequential amendment to section 61 of the Police (Northern Ireland) Act 1998, requiring the Office of the Police Ombudsman for Northern Ireland to send a copy of its annual report on the discharge of its functions to the NCA if the report concerns the NCA.