

CRIME AND COURTS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 24: The NCA: Northern Ireland

687. The provisions in Part 1 of the Act are subject to Schedule 24 which provides that specified “relevant NCA provisions” do not extend to Northern Ireland, except by order and with the consent of the Northern Ireland Assembly (insofar as they make transferred provision).
688. *Paragraph 1(2)* enables the Secretary of State to provide that any other provision of Part 1 of the Act (that is, a provision which is not a specified ‘relevant NCA provision’) is not to extend to Northern Ireland. *Paragraph 2* enables the Secretary of State to reverse the effect of an order under *paragraph 1* or to provide that a relevant NCA provision will extend to Northern Ireland. *Paragraph 3* enables the Secretary of State to make such provision as she considers appropriate, in consequence of, or in connection with a provision in the Act extending to Northern Ireland by virtue of an order under paragraph 2. *Paragraph 4* enables the Secretary of State to make such provision as she considers appropriate, in consequence of, or in connection with, a provision in the Act not extending to Northern Ireland by virtue of paragraph 1(1) or an order under paragraph 1(2). *Paragraph 5* enables the Secretary of State to modify the ways in which (a) the NCA’s functions are exercised in Northern Ireland; or (b) the exercise of NCA functions in Northern Ireland is planned or supervised.
689. *Paragraph 6* provides that any order made under this Schedule which makes transferred provision may only be made with consent of the Northern Ireland Assembly. *Paragraph 7* provides that an order under paragraph 2, 3, 4 or 5 may include provision: (a) conferring, removing or otherwise modifying a function (which includes an NCA function and a function of the Secretary of State), or (b) amending, repealing, revoking or otherwise modifying any enactment. This means that any order made under paragraphs 2 to 5 of the new Schedule may, in particular, make textual amendments to Part 1 of the Act to modify its application to Northern Ireland, or modify one or more of the enactments amended in Parts 2 and 3 of Schedule 8 to the Act. An order made under paragraph 5 is subject to affirmative resolution procedure. Orders made under paragraphs 1 to 4 are subject to the negative resolution procedure.
690. *Paragraph 9* lists those provisions in Part 1 of the Act which are “relevant NCA provisions” and which do not extend to Northern Ireland. Notable amongst the relevant NCA provisions is that NCA officers cannot be designated with the powers and privileges of a Northern Ireland constable (under paragraph 11(1)(c) of Schedule 5). So whilst the arrangements in Part 1 – under section 10 and paragraph 11 of Schedule 5 – provide that an NCA officer can be designated with the powers and privileges of a constable, paragraph 9 of Schedule 24 removes the ability to designate an NCA officer with the powers and privileges of an Northern Ireland constable.