
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 1

THE NCA & NCA OFFICERS

PART 2

NCA OFFICERS

Selection and appointment of the Director General

- 7 (1) The Secretary of State is to select and appoint the Director General, after consultation with—
- (a) the Scottish Ministers, and
 - (b) the Department of Justice in Northern Ireland.
- (2) A person may not be appointed as Director General unless the Secretary of State is satisfied that the person—
- (a) is capable of effectively exercising operational powers; and
 - (b) is a suitable person to exercise operational powers.
- (3) A person need not be an NCA officer before appointment as the Director General.
- (4) The Director General is to hold and vacate office in accordance with the terms and conditions of the appointment (subject to paragraph 8).
- (5) The terms and conditions of an appointment as Director General are to be determined by the Secretary of State.
- (6) The terms and conditions of an appointment as Director General must provide for that appointment to last for a period which does not exceed 5 years; and a person who has previously been, or currently is, Director General may be appointed again as Director General.
- (7) Sections 10 to 14 of the Constitutional Reform and Governance Act 2010 (appointments of civil servants) do not apply to the appointment of the Director General.

Extent Information

- E1** Sch. 1 para. 7(1)(b): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2
- E2** Sch. 1 para. 7(1)(b) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **3(1)(c)(i)**

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

Commencement Information

I1 Sch. 1 para. 7 in force at 27.5.2013 by [S.I. 2013/1042](#), [art. 3\(i\)](#)

Resignation or retirement of the Director General at request of Secretary of State

- 8 (1) The Secretary of State may call upon the Director General to resign or retire—
- (a) in the interests of efficiency or effectiveness, or
 - (b) because of misconduct by the Director General.
- (2) The Secretary of State must comply with sub-paragraphs (3) and (4) before calling upon the Director General to resign or retire.
- (3) The Secretary of State must consult—
- (a) the Scottish Ministers, and
 - (b) the Department of Justice in Northern Ireland.
- (4) The Secretary of State must—
- (a) give the Director General a written explanation of the reasons why the Secretary of State is proposing to call for the resignation or retirement;
 - (b) give the Director General the opportunity to make written representations about the proposal to call for the resignation or retirement; and
 - (c) consider any written representations made by the Director General.
- (5) The Director General must resign or retire if called upon to do so in accordance with this paragraph.

Extent Information

- E3** Sch. 1 para. 8(3)(b): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2
- E4** Sch. 1 para. 8(3)(b) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [3\(1\)\(c\)\(ii\)](#)

Commencement Information

I2 Sch. 1 para. 8 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(b\)](#)

Selection of other NCA officers for appointment

- 9 (1) The Director General is to select other persons for appointment as National Crime Agency officers.
- (2) The terms and conditions of an appointment as an NCA officer (other than as Director General) are to be determined by the Director General with the agreement of the Minister for the Civil Service.
- (3) This paragraph does not apply to NCA specials.

Commencement Information

I3 Sch. 1 para. 9 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(b\)](#)

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

Delegation of Director General's functions

- 10 (1) The Director General may arrange for any function of the Director General to be exercised by a senior NCA officer who is designated for the purpose by the Director General.
- (2) A designation under this paragraph may provide for a function to be exercised by—
- (a) one or more senior NCA officers specified in the designation, or
 - (b) one or more senior NCA officers of a description specified in the designation.
- (3) The Director General's powers of direction under section 5(5) and paragraph 11 of Schedule 3 may not be delegated under this paragraph.
- (4) But those powers of direction may, in the absence of the Director General for any reason, be exercised by a senior NCA officer nominated for this purpose by the Director General.
- (5) In this paragraph “senior NCA officer” means an NCA officer who is at, or above, a grade specified for this purpose by the Secretary of State in the framework document.

Modifications etc. (not altering text)

- C1** Sch. 1 para. 10 excluded by 2000 c. 23, s. 55(3A) (as substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 93\(3\)](#); S.I. 2013/1682, art. 3(v))

Commencement Information

- I4** Sch. 1 para. 10 in force at 7.10.2013 by [S.I. 2013/1682](#), art. 3(b)

Continuity

- 11 (1) Anything done by or in relation to the Director General may be continued by or in relation to the Director General regardless of which individual holds that office at any time.
- (2) Anything done by or in relation to one NCA officer (except the Director General) may be continued by or in relation to any other such NCA officer.

Commencement Information

- I5** Sch. 1 para. 11 in force at 7.10.2013 by [S.I. 2013/1682](#), art. 3(b)

Persons with operational powers who become NCA officers

- 12 (1) If a person holds a relevant office when the person becomes an NCA officer (the “existing office”), the person's holding of the existing office—
- (a) is suspended from the time when the person becomes an NCA officer;
 - (b) but is revived if the person—
 - (i) ceases to be an NCA officer, and
 - (ii) returns to service as holder of the existing office.
- (2) Sub-paragraph (1) ceases to apply to a person who resigns from, or otherwise ceases to hold, the other office.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

- (3) In this paragraph “relevant office”, in relation to a person who is an NCA officer, means any other office by virtue of which that person has operational powers (such as the office of constable, officer of Revenue and Customs, or immigration officer), apart from the office of special constable or constable in the Police Service of Northern Ireland Reserve.

Commencement Information

I6 Sch. 1 para. 12 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(b\)](#)

Secondments to NCA

- 13 (1) The Director General may make arrangements for persons to be seconded to the NCA to serve as National Crime Agency officers.
- (2) A member of a police force on temporary service with the NCA is to be under the direction and control of the Director General.
- (3) Paragraph 12(1) does not apply to a member of a special police force who is an NCA officer by virtue of a secondment.

Commencement Information

I7 Sch. 1 para. 13 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(b\)](#)

Secondments by NCA

- 14 (1) The Director General may make arrangements for NCA officers to be seconded to a UK police force.
- (2) An NCA officer who is seconded to a UK police force is, whilst on secondment, under the direction and control of the chief officer of the police force (but is not a member of the police force).

Commencement Information

I8 Sch. 1 para. 14 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(b\)](#)

NCA specials

- 15 (1) The Director General may select and appoint persons as National Crime Agency officers on a part-time unpaid basis (and such persons are referred to in this Part of this Act as “NCA specials”).
- (2) The terms and conditions of an appointment as an NCA special are to be determined by the Director General.
- (3) Sub-paragraph (1) does not prevent NCA specials from working otherwise than on a part-time basis if the Director General considers that it is appropriate for them to do so because of exceptional circumstances.
- (4) Sub-paragraph (1) does not prevent provision being made for—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

- (a) the reimbursement of the expenses of NCA specials,
 - (b) the subsistence, accommodation or training of NCA specials, and
 - (c) the payment of sums to, or in respect of, current or former NCA specials to compensate for loss attributable to injury or death resulting from the performance of duties as NCA specials.
- (5) The Director General—
- (a) may designate an NCA special under section 10 as a person having the powers and privileges of a constable; but
 - (b) may not so designate an NCA special as a person having the powers of an officer of Revenue and Customs or the powers of an immigration officer.
- (6) If an NCA special is designated as a person having the powers and privileges of a constable, paragraph 11(1)(b) to (d) of Schedule 5 (powers and privileges in Scotland, Northern Ireland and outside the UK) do not apply in relation to the NCA special.
- (7) The Director General may not—
- (a) under paragraph 10, arrange for any function to be exercised by an NCA special or nominate an NCA special to exercise a power of direction;
 - (b) provide an NCA special by way of assistance under Part 3 of Schedule 3 (whether in response to a request or a direction).
- (8) The Secretary of State may not appoint an NCA special to be a member of an advisory panel under paragraph 4 of Schedule 5 to make recommendations about the operational powers of the Director General.
- (9) The no-strike provisions in section 13 do not apply in relation to NCA specials.
- (10) No determination under regulations under section 14 may be made in relation to the pay and allowances and other terms and conditions of employment of NCA specials.
- (11) If a person is both—
- (a) an NCA special designated as a person having the powers and privileges of a constable, and
 - (b) a special constable or a member of the Police Service of Northern Ireland Reserve,
- none of the operational powers which the person has as an NCA special are exercisable at any time when the person is exercising any power or privilege which the person has as a special constable or as a member of the Police Service of Northern Ireland Reserve.
- (12) A person is not a civil servant by virtue of being an NCA special.

Commencement Information

19 Sch. 1 para. 15 in force at 7.10.2013 by [S.I. 2013/1682](#), [art. 3\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2.