

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 6

INSPECTIONS AND COMPLAINTS

PART 1

INSPECTIONS

Inspections in Scotland

- 1 (1) Before making a request for an inspection that would fall to be carried out wholly or partly in Scotland, the Secretary of State must consult the Scottish Ministers.
- (2) HMIC may carry out an inspection jointly with the Scottish inspectors—
 - (a) if it is carried out wholly in Scotland, or
 - (b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.
- (3) Before deciding whether or not to carry out such an inspection jointly with the Scottish inspectors, HMIC must consult the Scottish inspectors.

Commencement Information

I1 Sch. 6 para. 1 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

Inspections in Northern Ireland

- 2 Before making a request for an inspection that would fall to be carried out wholly or partly in Northern Ireland, the Secretary of State must consult the Department of Justice in Northern Ireland.

Commencement Information

I2 Sch. 6 para. 2 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

Publication of HMIC reports

- 3 (1) The Secretary of State must arrange for every HMIC report received to be published in such manner as the Secretary of State considers appropriate.
- (2) But the Secretary of State may exclude from publication any part of an HMIC report if, in the Secretary of State's opinion, the publication of that part—
 - (a) would be against the interests of national security,

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- (b) could prejudice the prevention or detection of crime, the apprehension of offenders, or the prosecution of offences, or
 - (c) might jeopardise the safety of any person.
- (3) The Secretary of State must send a copy of the published report—
- (a) to the NCA; and
 - (b) if the inspection was carried out wholly or partly in Scotland, to the Scottish Ministers; and
 - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.

Commencement Information

I3 Sch. 6 para. 3 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

NCA response

- 4 (1) The Director General must—
- (a) prepare comments on each HMIC report as published by the Secretary of State; and
 - (b) arrange for those comments to be published in such manner as the Director General considers appropriate.
- [^{F1}(1A) The comments must be published before the end of the period of 56 days beginning with the day on which the HMIC report is published by the Secretary of State.
- (1B) If the HMIC report includes a recommendation, the comments must include an explanation of—
- (a) the action the Director General has taken or proposes to take in response to the recommendation, or
 - (b) why the Director General has not taken, or does not propose to take, any action in response.]
- (2) The Director General must send a copy of any document published under subparagraph (1)(b)—
- (a) to the Secretary of State; and
 - (b) if the inspection was carried out wholly or partly in Scotland, to the Scottish Ministers; and
 - (c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.

Textual Amendments

F1 Sch. 6 para. 4(1A)(1B) inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 37(6), 183(1)(5)(e); S.I. 2017/399, reg. 4(a) (with reg. 8)

Commencement Information

I4 Sch. 6 para. 4 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

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Disclosure of information

- 5 (1) The Director General must—
- (a) provide to a policing inspectorate such information and documents specified or described in a notification given by the inspectorate to the Director General, and
 - (b) produce or deliver up to the inspectorate all such evidence and other things so specified or described,
- as appear to the inspectorate to be required for the purposes of the exercise of an NCA inspection function.
- (2) Anything that the Director General is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—
- (a) in the notification imposing the requirement, or
 - (b) in any subsequent notification given by the inspectorate to the Director General.
- (3) Nothing in this paragraph requires the Director General—
- (a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or
 - (b) to comply at all with any such obligation if it never becomes practicable to do so.
- (4) An NCA officer may disclose information to any policing inspectorate for the purposes of the exercise by any policing inspectorate of an NCA inspection function.
- (5) The Secretary of State may, by regulations, make—
- (a) further provision about the disclosure of information under sub-paragraph (1) or (4);
 - (b) provision about the further disclosure of information that has been disclosed under sub-paragraph (1) or (4).
- (6) Such regulations may, in particular—
- (a) modify any provision of Schedule 7 in its application to such a disclosure, or
 - (b) disapply any such provision from such a disclosure.

Commencement Information

- I5** Sch. 6 para. 5(1)-(4) in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)
I6 Sch. 6 para. 5(5)(6) in force at 8.5.2013 by S.I. 2013/1042, art. 2(m)

Access to premises

- 6 (1) The Director General must secure that a policing inspectorate is given access to premises occupied for the purposes of the NCA and access to documents and other things on those premises if—
- (a) the inspectorate requires such access, and
 - (b) the requirement is imposed for the purposes of the exercise of an NCA inspection function.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

- (2) Where there are reasonable grounds for not allowing the inspectorate to have the required access at the time at which the inspectorate seeks to have it, the obligation under sub-paragraph (1) has effect as an obligation to secure that the required access is allowed to the inspectorate at the earliest practicable time specified by the inspectorate after there cease to be any such grounds.

Commencement Information

I7 Sch. 6 para. 6 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

Interpretation

- 7 In this Part of this Schedule—
- “HMIC” means Her Majesty's Inspectors of Constabulary;
 - “HMIC report” means a report under section 11(3);
 - “document” means anything in which information of any description is recorded;
 - “inspection” means an inspection under section 11(1) or (2);
 - “NCA inspection function” means a function in relation to the inspection of the NCA;
 - “policing inspectorate” means—
 - (a) HMIC or any person carrying out the functions of the HMIC, and
 - (b) the Scottish inspectors or any person carrying out the functions of the Scottish inspectors.
 - “request” means a request under section 11(2) for an inspection;
 - “Scottish inspectors” means the inspectors of constabulary for which Part 1 of the Police and Fire Reform (Scotland) Act 2012 provides.

Commencement Information

I8 Sch. 6 para. 7 in force at 7.10.2013 by S.I. 2013/1682, art. 3(q)

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