

**EXPLANATORY MEMORANDUM TO
THE NATIONAL CRIME AGENCY (LIMITATION OF EXTENSION TO
NORTHERN IRELAND) ORDER 2013**

2013 No. 2326

1. This explanatory memorandum has been prepared by the Home Office (“the Department”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order makes provision in relation to the application of the functions of the National Crime Agency (NCA) under the Proceeds of Crime Act 2002 (POCA) to Northern Ireland.

3. Matters of Special Interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The NCA is established by Part 1 of and Schedules 1 to 8 to the Crime and Courts Act 2013 (“the 2013 Act”). The provisions in Part 1 of the 2013 Act are subject to Schedule 24 (The NCA: Northern Ireland) which provides that specified “relevant NCA provisions” do not extend to Northern Ireland.

5. Territorial Extent and Application

5.1 This Order applies to the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 As the Northern Ireland Executive did not take forward a legislative consent motion for the NCA it was necessary to place restrictions on the application of Part 1 of the 2013 Act to ensure that it did not break the Sewel convention. In addition to

restricting the application of certain provisions in Part 1 of the 2013 Act, Schedule 24 of the 2013 Act also limits the extent of the consequential amendments to primary legislation (Schedule 8) in so far as they relate to transferred matters to Great Britain only.

7.2 This Order brings clarity to the transferred provisions caught by the consequential amendments in Schedule 8 limiting them to the investigative powers in Part 8 of the Proceeds of Crime Act 2002.

- **Consolidation**

7.3 Not applicable.

8. Consultation outcome

8.1 The consultation on the establishment of the NCA was completed as part of Policing in the 21st Century published in June 2010 (the government response was published in December 2010). The application of Part 1 of the 2013 Act to Northern Ireland was subject to Parliamentary scrutiny during the passage of the Crime and Courts Bill.

9. Guidance

9.1 Not applicable.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is limited to the NCA.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This Order is intended to ensure that the investigative powers of the NCA in Northern Ireland in relation to POCA are limited to reserved and excepted matters. The effect will be reviewed by the Department.

13. Contact

- 13.1 Kathryn Roe at the United Kingdom Home Office (Tel: 020 7035 3140 or email: kathryn.roe4@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.