STATUTORY INSTRUMENTS

2015 No. 798

NATIONAL CRIME AGENCY PROCEEDS OF CRIME NORTHERN IRELAND

The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015

Made - - - -	*19th March 2015*
Coming into force - -	*20th March 2015*

The Secretary of State makes this Order in exercise of the powers conferred by section 59(1), (2) and (3) of, paragraphs 2, 3, 5 and 7(1) of Schedule 24 to, and paragraphs 3, 4, 7(1) and (2), 10, 11 and 14(1) of Schedule 25 to, the Crime and Courts Act 2013(**1**).

In accordance with paragraph 6(1) of Schedule 24 to that Act, and paragraphs 6(1) and 13(1) of Schedule 25 to that Act, the Northern Ireland Assembly has consented to the making of transferred provision (as defined in that Act) by this Order.

In accordance with section 58(4)(j) and (l) and (6) of that Act, a draft of this Order has been laid before and approved by resolution of each House of Parliament.

PART 1

GENERAL

Citation, commencement and extent

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015.

(2) Subject to paragraph (3), this Order comes into force on the day after the day on which it is made.

(3) Articles 4, 5(1) and 6 and Schedules 1, 2 and 3 come into force at the end of the period of two months beginning with the day on which this Order is made.

(**1**) 2013 c. 22.

(4) Accordingly, a provision of CCA 2013 that is extended to Northern Ireland by article 3, 4 or 7 comes into force in Northern Ireland—

(a) at the same time as the article which extends the provision, so far as the provision has come into force before that time outside Northern Ireland;

(b) otherwise, on such day or days as may be appointed by order under section 61(2) of CCA 2013.

(5) An amendment, repeal or revocation made by this Order has the same extent as the provision amended, repealed or revoked.

Interpretation

2. In this Order—

"CCA 2013" means the Crime and Courts Act 2013;

"relevant NCA provisions" has the same meaning as in Schedule 24 to CCA 2013.

PART 2

THE NATIONAL CRIME AGENCY

Relevant NCA provisions to extend to Northern Ireland initially

3.—(1) The following relevant NCA provisions extend to Northern Ireland—

(a) section 3(2)(a) so far as it requires consultation with the Department of Justice in Northern Ireland;

(b) in section 4—

(i) subsection (6)(a) so far as it requires consultation with the Department of Justice in Northern Ireland;

(ii) subsection (7)(b);

(iii) subsection (8)(c);

(c) in Schedule 1—

(i) paragraph 7(1)(b);

(ii) paragraph 8(3)(b);

(d) in Schedule 2—

(i) paragraph 5(b);

(ii) paragraph 6(2)(b)(ii), (4) and (5);

(iii) paragraph 8(4) and (5).

(2) In section 4 of CCA 2013 (operations)—

(a) in subsection (6)(a), after "partners" insert "and the Northern Ireland Policing Board";

(b) in subsection (7)(b), after the first "Ireland" insert "and the Northern Ireland Policing Board";

(c) in subsection (8)(c), after the first "Ireland" insert "and the Northern Ireland Policing Board".

Other relevant NCA provisions to extend to Northern Ireland subsequently

4.—(1) The following relevant NCA provisions extend to Northern Ireland—

(a) section 11(8);

(b) in Schedule 3—

(i) paragraph 1(2) so far as it imposes a duty on a member of the Police Service of Northern Ireland or a person operating in Northern Ireland who falls within paragraph 1(3)(f);

(ii) paragraph 3 so far as it relates to the Chief Constable of the Police Service of Northern Ireland;

(iii) paragraph 25;

(iv) paragraph 26(3)(b);

(c) in Schedule 5—

(i) paragraph 11(1)(c);

(ii) paragraph 11(6) to (8);

(iii) in paragraph 11(9), the definitions of "Northern Ireland general authorisation" and "Northern Ireland operational authorisation";

(iv) paragraph 13;

(v) in paragraph 30, the definition of "powers and privileges of a Northern Ireland constable";

(d) in Schedule 6, paragraph 19.

(2) Schedule 1 (extension of relevant NCA provisions: consequential and connected provision) has effect.

Other provision relating to NCA functions

5.—(1) Schedule 2 (amendments relating to NCA functions) has effect.

(2) Articles 4 and 5 of the National Crime Agency (Limitation of Extension to Northern Ireland) Order 2013(**2**) are revoked.

The Police and Criminal Evidence (Northern Ireland) Order 1989

6.—(1) The Police and Criminal Evidence (Northern Ireland) Order 1989(**3**) applies in relation to—

(a) designated persons, and

(b) the exercise of powers by such persons under Part 1 of CCA 2013,

with the modifications set out in Schedule 3.

(2) In article 63A of that Order (fingerprints and samples: supplementary provisions)(**4**), in paragraph (1A)(b), for "Serious Organised Crime Agency" substitute "National Crime Agency".

(3) In this article "designated person" means an NCA officer designated as a person having the powers and privileges of a constable under section 10(1)(a) of CCA 2013.

(**2**) S.I. 2013/2326.
(**3**) S.I. 1989/1341 (N.I. 12).
(**4**) Article 63A is inserted by article 12 of the Police (Amendment) (Northern Ireland) Order 1995, S.I. 1995/2993 (N.I. 17), and amended by article 34 of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007, S.I. 2007/288 (N.I. 2) and paragraph 190 of Schedule 8 to the Crime and Courts Act 2013 ("CCA 2013"); there is another amendment to article 63A that is not relevant to this instrument.

PART 3

PROCEEDS OF CRIME

Proceeds of crime provisions to extend to Northern Ireland

7. The following extend to Northern Ireland—

(a) the relevant civil recovery provisions, as defined in paragraph 1 of Schedule 25 to CCA 2013, and

(b) the relevant investigation provisions, as defined in paragraph 8 of that Schedule.

Extension of relevant civil recovery provisions: consequential provision

8.—(1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct)(**5**) is amended as follows.

(2) In section 282A (scope of powers)(**6**)—

(a) in subsection (1), omit "in England and Wales",

(b) in subsection (2), omit "in England and Wales",

(c) in subsection (4), omit "and" at the end of paragraph (a), and

(d) at the end of that subsection insert—

", and

(c) in relation to an order made by the High Court in Northern Ireland, Northern Ireland.".

(3) In section 282B (enforcement abroad before recovery order: enforcement authority)(**7**)—

(a) in subsection (1)(c), omit "in relation to England and Wales and Scotland", and

(b) in subsection (2)(a), after "Wales" insert "and Northern Ireland".

(4) In section 282C (enforcement abroad before recovery order: receiver or administrator)(**8**)—

(a) in subsection (1)(a), omit "made by the High Court in England and Wales", and

(b) in subsection (2)(a), omit "made by the High Court in England and Wales".

(5) In section 282D (evidence overseas: interim receiver or interim administrator)(**9**)—

(a) in subsection (1)(a), omit "made by the High Court in England and Wales", and

(b) in subsection (3), omit "in England and Wales".

(6) In section 282F(1)(a) (enforcement abroad: after recovery order)(**10**), omit "made by the High Court in England and Wales or the Court of Session".

(7) In section 316(8B) (general interpretation)(**11**), for "England and Wales or Scotland" substitute "a part of the United Kingdom".

(8) The amendments made by this article are deemed always to have had effect.

(**5**) 2002 c. 29.
(**6**) Section 282A is inserted by section 48(2) of CCA 2013.
(**7**) Section 282B is inserted by paragraph 6 of Schedule 18 to CCA 2013.
(**8**) Section 282C is inserted by paragraph 6 of Schedule 18 to CCA 2013.
(**9**) Section 282D is inserted by paragraph 6 of Schedule 18 to CCA 2013.
(**10**) Section 282F is inserted by paragraph 6 of Schedule 18 to CCA 2013.
(**11**) Subsection (8B) of section 316 is inserted by section 48(5) of CCA 2013.

Extension of relevant investigation provisions: consequential provision

9. In Part 1 of Schedule 19 to CCA 2013 (proceeds of crime: civil recovery investigations), in the headings before paragraphs 4, 6, 8, 10 and 12, at the end insert "and Northern Ireland".

Karen Bradley
Parliamentary Under Secretary of State
Home Office

19th March 2015