

Policing and Crime Bill

National Crime Agency

Background

1. The Crime and Courts Act 2013 (“the 2013 Act”) provided for the creation of the National Crime Agency (NCA). The NCA leads the UK’s response to serious and organised crime.
2. The Bill amends legislation affecting the NCA to reflect the experience of the first two years of the Agency’s operation.

Collaborative Working

3. Presently, section 22A of the Police Act 1996 (“the 1996 Act”) provides that a collaboration agreement may only be made between an ‘other person’ (including the NCA), one or more police forces, and at least two policing bodies. This effectively requires there to be two or more police forces to the agreement and is unnecessarily restrictive. The Bill amends the 1996 Act to allow ‘other persons’ including the NCA to enter into a collaboration agreement with one or more police forces and one or more policing bodies. This brings the NCA into line with existing police practice.
4. The Bill also makes consequential amendments to the Police Act 1997 and the Regulation of Investigatory Powers Act 2000 to enable the NCA, where it is part of a collaborative unit, to grant authorisations for the use of covert surveillance, covert human intelligence sources and property interference to an officer from a collaborative police force who is also part of that unit, and vice versa.

Powers of NCA Officers

5. Under section 10 of the Crime and Courts Act 2013, NCA officers can currently be designated with three different sets of powers:
 - the powers and privileges of a constable;
 - the powers of an officer of Revenue and Customs; and
 - the powers of an immigration officer.
6. However, since new powers in relation to general customs matters are now conferred on “general customs officials”, the automatic conferral on NCA officers of “the powers of an officer of Revenue and Customs” is no longer the most effective mechanism by which to ensure NCA officers have access to any new powers (in relation to general customs matters) which are required to carry out NCA functions.

7. The Bill amends the 2013 Act to provide the NCA with access to these powers and also ensures that this is done in a way that is consistent with previous legislation. This amendment will provide that a suitably designated NCA officer will only be able to access the powers a general customs official that they need to carry out an NCA function in relation to “customs matter”, they will not be given the status of a general customs official.
8. Enabling NCA officers to be designated with the powers of a “general customs official” will allow them to access the powers they need. The use of these powers will be limited to “customs matters” only (as defined in 2013 Act) which includes the importation / exportation of prohibited goods, the regulation of firearms and the misuse of drugs (for example: drug cutting agents and psychoactive substances).

Home Office
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