

Criminal Justice Act

Graham McBain

Received: March 21, 2025 Accepted: April 23, 2025 Online Published: April 26, 2025
doi:10.5539/par.v14n1p205 URL: <http://dx.doi.org/10.5539/par.v14n1p205>

Six previous articles have shown how c.300 pieces of criminal legislation can be consolidated into 6 Acts. Then, these into one Criminal Code comprising 3 Parts. Remaining criminal matter would be placed into a Criminal Justice Act (CJA) and a Criminal Procedure Act (CPA). This article deals with the contents of a CJA.

Six previous articles have looked at the consolidation of English criminal law (legislation and common law) into 6 Crime Acts (articles on the above have now been published, see *Appendix 2*) viz.

- Sex Crimes Act
- Property and Finance Crimes Act
- State Crimes Act
- Weapons Act
- Public Order Crimes Act
- Crimes against the Person Act

If this is done, of the c. 300 pieces (snippets) of criminal legislation not in the above, the remainder can be consolidated into: (a) a Criminal Justice (**CJA**) and; (b) a Criminal Procedure Act (**CPA**) - with anything over going into specific legislation which deals with the same (see **14**). This is all very simple. And, it will save huge sums for the taxpayer as well as modernize the criminal law which badly needs it. This article, therefore, considers what would be the content of a CJA. It would contain the following legislation on:

- Law Officers (AG, SG, DPP)
- Law Bodies (CPS, SFO, NCA, CPSI)
- Commissions & Commissioners (LC's, CCRC *etc*)
- Regulators & Agencies (Forensic Science, Infected Blood)
- Coroners
- Crime Prevention
- Domestic Abuse
- Youth Justice (inc. youth courts and detention)
- Victims (inc. infected blood victims)
- Offenders (inc. probation & rehabilitation)
- Legal Aid
- International Courts (ICC, Sierra Leone)
- International Crime Co-operation

1. Law Officers

From early times, the sovereign appointed his own legal officials (law officers of the Crown) to represent him in court. These were the *Attorney General* (AG) and the *Solicitor-General* (SG). Presently, the Law Officers Act 1997 states:

- s 1. **The [AG] and the [SG].** (1) Any function of the [A-G] may be exercised by the [SG]. (2) Anything done by or in relation to the [S-G] in the exercise of or in connection with a function of the [A-G] has effect as if done by or in relation to the [A-G]. (3) The validity of anything done in relation to the [A-G], or done by or in relation to the [S-G], is not affected by a vacancy in the office of [A-G]. (4) Nothing in this [s] (a) prevents anything being done by or in relation to the [A-G] in the exercise of or in connection with any function of his; or (b) requires anything done by the [S-G] to be done in the name of the [S-G] instead of the name of the [A-G]. (5) It is immaterial for the purposes of this [s] whether a function of the [A-G] arises under an enactment or otherwise.

s 2. **The [Advocate General, AG] for [NI] and the [SG].** (1) Any function of the [AG] for [NI] may be exercised by the [SG] for [E&W]. (2) Anything done by or in relation to the [SG] in the exercise of or in connection with a function of the [AG] has effect as if done by or in relation to the [AG]. (3) The validity of anything done in relation to the [AG], or done by or in relation to the [SG], is not affected by a vacancy in the office of [AG]. (4) Nothing in this [s] (a) prevents anything being done by or in relation to the [AG] in the exercise of or in connection with any function of his; or (b) requires anything done by the [SG] to be done in the name of the [SG] instead of the name of the [AG]. (5) It is immaterial for the purposes of this [s] whether a function of the [AG] arises under an enactment or otherwise. (6) In this [s] “[AG]” means the [AG] for [NI].

The above 2 sections (which could easily be merged) should be placed in a CJA. Further, the name ‘*Solicitor General*’ (formerly, the ‘*King’s solicitor*’, until 1515) means nothing now, since the same is the deputy of the AG and performs his job when there is a vacancy in the AG. Also, he/she does not have to be a solicitor. Thus, the name should be changed to ‘*Deputy Attorney General*’ in order to modernize things. Finally, there is no need for separate offices, the two should be merged administratively.¹

As for the *Director of Public Prosecutions* (DPP) the same is appointed and superintended by the AG, since the AG and SG originally handled criminal work for the Crown, until a DPP was first appointed in 1879 (having his own department from 1908). Legislation applying to the DPP (and the CPS) is to be found in the Prosecution of Offences Act 1985, ss 1-15. See also the Serious Organised Crime and Police Act 2005, ss 60-70 (*investigative powers of the DPP*). In conclusion, the above material should be inserted in a CJA (with administrative matter in an Appendix to the CJA).

2. Law Bodies

These comprise the following:

- **Crown Prosecution Service (CPS).** This legal body was established pursuant to the Prosecution of Offences Act 1985, ss 1-15, see *Appendix 1*;
- **Serious Fraud Office (SFO).** This legal body was established pursuant to the Criminal Justice 1987, ss 1-3, see *Appendix 1*;
- **National Crime Agency (NCA).** This legal body was established pursuant to the Crime and Courts 2013, ss 1-16, see *Appendix 1*;
- **Crown Prosecution Service Inspectorate (CPSI).** This legal body was established pursuant to the CPSI Act, ss 1-2 see *Appendix 1*. It inspects the CPS and the SFO.

The above material should be placed in a CJA. As an aside, consideration should be given to merging the SFO into the NCA, in order for both to be more effective.

3. Commissions & Commissioners

These comprise the following:

- **Law Commissions (LC’s).** This organization (including the Scottish Law Commission) was established pursuant to the Law Commissions Act 1965, ss 1-6 (as amended in 2019). See *Appendix 1*;
- **Criminal Cases Review Commission (CCRC).** This organization was established pursuant to the Criminal Appeal Act 1995, ss 1-25, see *Appendix 1*. Amendment to this Act was made by the Criminal Cases Review Commission (Information) Act 2016;
- **Commissioner for the Retention and Use of Biometric Material.** See Protection of Freedoms Act 2012, ss 20-1. Other material in this Act should be placed in an *Appendix*, see ss 22, 25-8, 87-91 (*biometric provisions*);
- **Independent Slavery Commissioner.** See Modern Slavery Act 2015, ss 40-4;
- **Domestic Abuse Commissioner.** See Domestic Abuse Act 2021, ss 4-21;
- **Commissioner for Victims and Witnesses.** See Domestic Violence, Crime and Victims Act 2004, ss 48-56.

This material should be inserted in a CJA (with administrative matter placed in an Appendix to the CJA).

4. Regulators & Agencies

See:

- **Forensic Science Regulator.** See Forensic Science Regulator Act 2021, ss 1-12;
- **Infected Blood Compensation Authority.** See Victims and Prisons Act 2024, ss 48-57, 67.

This material should be inserted in a CJA (with administrative matter placed in an Appendix to the CJA).

¹ See also GS McBain, *Modernising the Constitution - A Government Act* (2022) International Law Research, vol 11, no 1, p 84 (*free online*).

5. Coroners

The coroner, who investigates suspicious deaths, is an ancient legal office. Provision is made for it in the Coroners and Criminal Justice Act 2009, ss 1-48 as well as the Coroners Act 1988, s 13 (*order to hold investigation*), see *Appendix 1*. This material should be inserted in a CJA (with administrative matter placed in an Appendix to the CJA).

6. Crime Prevention

The Police, Crime, Sentencing and Courts Act 2022 contains material on general crime prevention (ss 8-19, 22-3, 24-44, 55-56, 60-1, 71-2). This material should be placed in a CJA (with administrative matter in an Appendix to the CJA).

7. Domestic Abuse

See:

- Domestic Abuse Act 2021, ss 22-61
- Preventing and Combatting Violence against Women *etc* Act 2017, ss 1-2.

The 2021 Act, also, has material on the Domestic Abuse Commissioner (ss 4-20). The 2017 Act provides for the implementation of the Istanbul Convention. This material should be placed in a CJA (with administrative matter in an Appendix to the CJA).

8. Youth Justice

There are general provisions on young offenders in the following legislation:

- *Children & Young Persons Act 1969, ss 30, 32,46 (detention of young offenders)*²
- Crime and Disorder Act 1998, ss 5-18, 37-52,114-5
- Police, Crime, Sentencing & Courts Act 2022, ss 113-4 (*secure children's homes*)

This material should be placed in a CJA (with administrative matter placed in an Appendix to the CJA). It may be noted that there are some sections which appear to be still extant on remand homes (See Criminal Justice 1948, ss 27 & 40) and on approved schools (Criminal Justice Act 1961, ss 18-9), see *Appendix 1*. These are obsolete since both remand homes and approved schools no longer exist.

9. Victims

There are general provisions on victims in the following legislation:

- Criminal Injuries (Compensation) Act 1995 (*compensation*)
- Domestic Violence, Crime and Victims Act 2004, ss 32-56 (*victims code*)
- Crime and Security Act 2010, ss 47-54 (*compensation of victims of overseas terrorism*)
- Victims and Prisons Act 2024, ss 1-47 (*victim's code, major incidents*)

This material should be placed in a CJA (with administrative matter placed in an Appendix to the CJA).

10. Offenders

General provisions on offenders in criminal legislation should be placed in a CJA, including the:

- Rehabilitation of Offenders Act 1974, ss 1-11
- Offender Management Act 2007, ss 1-15, 28-35 (*probation*)
- Domestic Abuse Act 2021, ss 75-84 (*management of offenders etc*)

This material should be placed in a CJA (with administrative matter placed in an Appendix to the CJA).

11. Legal Aid

General provisions on criminal legal aid (and litigation funds) are in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, ss 1-43, 55-62. They should be placed in a CJA. It may be noted that the Legal Aid Agency replaced the Legal Services Commission (provision for which had been made in the Access to Justice Act 1999, ss 1-26). This material should be placed in a CJA (with administrative matter in an Appendix to the CJA).

12. International Courts

See:

- **International Criminal Court**. This international body was established pursuant to the International Criminal Court Act 2001, ss 1-69,75-81 (*not printed in Appendix 1 for reasons of space*).

² These provisions appear to be obsolete.

- **Special Court (Sierra Leone).** This international court was established in 2002, to deal with atrocities committed in Sierra Leone during its civil war. Provision for it was made in the International Tribunals (Sierra Leone) Act 2007 which amended the ICC Act 2001 (see above).³ This court was disbanded in 2013. However, a Residual Court handles witness protection, contempt of court proceedings *etc*;

This material should be inserted in a CJA (with administrative matter placed in an Appendix to the CJA).

13. International Crime Co-operation

Certain Acts on criminal legislation contain sections on international (cross border) co-operation, *viz*.

- Criminal Justice and Public Order Act 1994 ss 93-128A
- Crime (International) Co-operation Act 2003 c. 90 ss, though a number of ss only amend⁴
- Crime (Overseas Production Orders) Act 2019 ss 1-18 (relates to international crime co-operation).

This material should be inserted in a CJA (with administrative matter placed in an Appendix to the CJA).

14. Criminal Legislation to Place in Specific Acts

Mixed up in present criminal legislation is material which should - much more appropriately - be placed in the following specific legislation, that on: (a) Prisons; (b) Police; (c) Courts; (d) Animals, *viz*.

| | | |
|--|--|---|
| Prisons | Criminal Justice Act 1988, s 167 | <i>(easements under Prison Act 1952)</i> |
| | Crime (Int. Co-operation) Act 1990, ss 47-8 | <i>(prison transfer)</i> |
| | Criminal Justice Act 1991, ss 80-92 | <i>(prison escorts etc)</i> |
| | Criminal Justice and Public Order Act 1994, ss 93-128A | <i>(prison services)</i> |
| | Offender Management Act 2007, ss 16-26 | <i>(prisons)</i> |
| | Serious Crime Act 2015, s 80 | <i>(communication devices of prisoners)</i> |
| Courts | Perjury Act 1911, ss 1-8,12-6 | <i>(perjury)</i> |
| | Judicial Review and Courts Act 2022, ss 19-33, 49 | <i>(online court procedure)</i> |
| | Crime and Courts Act 2013, ss 17-32 | <i>(courts and justice)</i> |
| Police | Criminal Justice and Police Act 2001, ss 97-101 | |
| | Police and Justice Act 2006, ss 6,13 | <i>(courts and justice)</i> |
| | Counter Terrorism Act 2008, ss 85-90 | <i>(policing costs at gas facilities)</i> |
| | Anti-Social <i>etc</i> Policing Act 2014, s 143 | <i>(powers of local policing boards)</i> |
| | Criminal Justice and Courts Act 2015, s 26 | <i>(corrupt exercise of police powers)</i> |
| | Policing and Crimes Act 2017, ss 1-51, 84-115 | <i>(police and crime c-ers, discipline etc)</i> |
| | Public Order Act 2023, s 17 | <i>(journalists)</i> |
| Police, Crime, Sentencing and Courts Act 2022, s 1 | <i>(police covenant report)</i> | |
| Animals | Police, Crime, Sentencing and Courts Act 2022, ss 62-7 | <i>(hares)</i> |

15. Form of a CJA

Criminal Justice Act

Contents

Part 1 - Law Officers

1. Attorney General (AG)
2. Deputy Attorney General (DAG)⁵

³ *viz* ‘After [s] 77 of the International Criminal Court Act 2001 (c. 17) (the title to which becomes “International Tribunals established by UN Security Council resolution”), insert “**77A The Special Court for Sierra Leone** (1) [HM] may by Order in Council make in relation to the Special Court for Sierra Leone provision (a) having effect in [E&W], and (b) corresponding to that made in relation to the ICC by sections 42 to 48 (*enforcement of sentences of imprisonment*), with any necessary modifications. (2) An Order in Council made under this [s] must be laid before Parliament after it is made.’

⁴ e.g. 52-3,80-9. Ss 47-8 relating to prisoner transfer should be in a **Prisons Act** and ss 54-79 in a **Road Traffic Act**.

⁵ This should replace the name ‘*Solicitor General*’.

| | |
|--|--------------------|
| 3. Director of Public Prosecutions | (DPP) |
| Part 2 - Law Bodies | |
| 1. Crown Prosecution Service | (CPS) |
| 2. Serious Fraud Office | (SFO) |
| 3. National Crime Agency | (NCA) |
| 4. Crown Prosecution Service Inspectorate | (CPSI) |
| Part 3 - Commissions & Commissioners | |
| 1. Law Commission | |
| 2. Scottish Law Commission | (LC's) |
| 3. Criminal Cases Review Commission | (CCRC) |
| 4. C-er, Retention and Use of Biometric Material | (CBM) ⁶ |
| 5. Independent Slavery Commissioner | (ISC) |
| 6. Domestic Abuse Commissioner | (DAC) |
| 7. Commissioner for Victims and Witnesses | (CVW) |
| Part 4 - Regulators and Agencies | |
| 1. Forensic Science Regulator | (FSR) |
| 2. Infected Blood Compensation Authority | (IBCA) |
| Part 5 - Coroners | |
| Part 6 - Crime Prevention | |
| Part 7 - Domestic Abuse | |
| Part 8 - Youth Justice (inc. youth courts and detention) | |
| Part 9 - Victims (inc. those with infected blood) | |
| Part 10 - Offenders (inc. rehabilitation & probation) | |
| Part 11 - Legal Aid | |
| Part 12 - International Courts | |
| 1. International Criminal Court | (ICC) |
| 2. Special Court | (Sierra Leone) |
| Part 13 - International Co-Operation | |

16. Conclusion

As can be seen (and the task is very simple) anything *not* in the 6 pieces of legislation dealing with crimes - and *not* in a CPA - should be placed in a CJA. Thus, the effect is to consolidate some 300 pieces (snippets) of criminal legislation into 6 Acts as well as a CJA and a CPA. Nothing difficult here.

Graham McBain

Appendix 1

Criminal Justice Act 1948

*S 27. **Remand of persons aged 18 to 20.** (1) Where a court remands a person charged with or convicted of an offence or commits him for trial or sends him to the Crown Court for trial or commits him there for sentence and he is not less than [18] but under [21] years old and is not released on bail, then, if the court has been notified by the [SS] that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison. (2) Where a person is committed to a remand centre in pursuance of this [s], the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law. (3) In this [s] "court" includes a justice; and nothing in this [s] affects the provisions of [s] 128(7) of the Magistrates' Courts Act 1980 (which provides for remands to the custody of a [PO]).*

*S 49. **Remand homes.** (1) As from such date as may be specified in an order made by [SI] by the [SS], no premises shall be used as a remand home unless a certificate of approval has been issued by the [SS]. (2) The [SS] may by rules made under this Act apply to remand homes, with such adaptations and modifications as he thinks fit, the provisions of [s 79] and [ss] (3) of [s 106] of the [CYP A] 1933 (which relate to the approval of schools for the purposes of that Act and the evidence of such approval). (3) No person shall be appointed after the commencement of this Act to be in charge of a remand home established by a county council or a county borough council unless his appointment has been approved*

⁶ It would be simpler for the title to be reduced to 'Commissioner for Biometric Material'.

by the [SS]. (4) Councils of counties and county boroughs may provide in remand homes provided for their areas facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case, or may, if facilities for observation are available at any other institution or place, arrange for the use of those facilities for the observation of any such person as aforesaid. (6) Any expenses incurred by the council of a county or county borough in giving effect to arrangements made under [ss] (4) of this [s], and any sums paid by such a council under [ss](4) of the last foregoing [s], shall be treated for the purposes of any grant under [s 104] of the [CYPA] 1933, as expenses of the council in respect of remand homes.⁷

Criminal Justice Act 1961

S 18. **Directions as to management of approved schools.** (1) If it appears to the [SS] that the provision made in any approved school with regard to any matter relating to (a) the premises or equipment of the school, (b) the number or grades of the staff employed in the school, or (c) the education, training or welfare of persons under the care of the managers, is inadequate or unsuitable, he may give to the managers such directions as he thinks necessary for securing that proper provision is made with respect thereto. (2) Where it appears to the [SS] that the managers of an approved school have failed to give effect to any directions under this [s], [ss] (2) of [s 79] of the [CYPA] 1933 (which empowers the [SS] in certain circumstances to withdraw his certificate of approval) shall apply as it applies where he is dissatisfied as mentioned in that [s].

S 19. **Constitution of managers.** (1) The [SS] may by order make provision for regulating the constitution and proceedings of the managers of any approved school other than a school provided by a local authority or by a joint committee representing [2] or more local authorities; and any such order shall have effect notwithstanding anything in any trust deed relating to the school. (2) Before making an order under the foregoing [ss] in respect of any school, the [SS] shall afford to the managers of the school an opportunity for making representations with respect to the proposed order; and in making any such order the [SS] shall have regard to all the circumstances of the school, and to the manner in which it has been managed theretofore. (3) If in the case of an approved school, other than a school provided by a local authority or by a joint committee representing two or more local authorities, the [SS] is satisfied that by reason of special circumstances it is necessary to do so in the interests of the efficient management of the school, he may appoint one or more persons as additional members of the body constituting the managers of the school; and any person so appointed shall, notwithstanding anything in any trust deed relating to the school or in any order made in respect of the school under [ss] (1) of this [s], be one of the managers of the school until such time as his appointment is terminated by the [SS] or under [ss] (4) of this [s]. (4) Any order or appointment made under this [s] in respect of an approved school shall cease to have effect if that school ceases to be an approved school; but nothing in this [ss] shall affect the validity of anything done while the order or appointment was in force. (5) In this [s] "trust deed", in relation to any school, includes any instrument (not being an order under this [s]) regulating the constitution of the school, or its maintenance, management or conduct, or the constitution or proceedings of its managers.⁸

Law Commissions Act 1965

S 1. **The Law Commission.** (1) For the purpose of promoting the reform of the law of [E&W] there shall be constituted in accordance with this [s] a body of Commissioners, to be known as the Law Commission, consisting (except during any temporary vacancy) of a Chairman and [4] other Commissioners appointed by the Lord Chancellor. (1A) The person appointed to be the Chairman shall be a person who holds office as a judge of the High Court or Court of Appeal in [E&W]. (2) The persons appointed to be the other Commissioners shall be persons appearing to the Lord Chancellor to be suitably qualified by the holding of judicial office or by experience as a person having a general qualification (within the meaning of [s] 71 of the Courts and Legal Services Act 1990) or as a teacher of law in a university. (3) A person appointed to be a Commissioner shall be appointed for such term (not exceeding [5] years) and subject to such conditions as may be determined by the Lord Chancellor at the time of his appointment; but a Commissioner may at any time resign his office and a person who ceases to be a Commissioner shall be eligible for reappointment. (4) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission.

S 2. **The Scottish Law Commission.** (1) For the purpose of promoting the reform of the law of Scotland, there shall be constituted in accordance with this [s] a body of Commissioners, to be known as the Scottish Law Commission, consisting of a Chairman and not more than [4] other Commissioners appointed by the Scottish Ministers. (2) The persons appointed to be Commissioners shall be persons appearing to the Scottish Ministers to be suitably qualified by the holding of judicial office or by experience as an advocate or solicitor or as a teacher of law in a university. (3) A person appointed to be a Commissioner shall be appointed for such term (not exceeding [5] years) and subject to such conditions as may be determined by the Scottish Ministers at the time of his appointment; but a Commissioner may at any time resign his office, and a person who ceases to be a Commissioner shall be eligible for reappointment. (4) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office, but shall not (unless otherwise provided by the terms of his appointment) be required to perform his duties as the holder of that office while he remains a member of the Commission. (5) [ss] (4) above shall have effect, in relation to a salaried sheriff, notwithstanding anything in [s] 6 of the Sheriff Courts (Scotland) Act 1971 (which among other things prohibits such a sheriff from being appointed to any office except such office as shall be by statute attached to the office of sheriff).

S 3. **Functions of the Commissions.** (1) It shall be the duty of each of the Commissions to take and keep under review all the law with which they are respectively concerned with a view to its systematic development and reform, including in particular the codification of such law, the

⁷ Almost certainly these ss are spent, since remand homes were re-designated in 1969.

⁸ Ibid.

elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law, and for that purpose (a) to receive and consider any proposals for the reform of the law which may be made or referred to them; (b) to prepare and submit to the Minister from time to time programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency (whether the Commission or another body) by which any such examination should be carried out; (c) to undertake, pursuant to any such recommendations approved by the Minister, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein; (d) to prepare from time to time at the request of the Minister comprehensive programmes of consolidation and statute law revision, and to undertake the preparation of draft Bills pursuant to any such programme approved by the Minister; (e) to provide advice and information to government departments and other authorities or bodies concerned at the instance of the Government of the [UK] or the Scottish Administration with proposals for the reform or amendment of any branch of the law; (ea) in the case of the Law Commission, to provide advice and information to the Welsh Ministers; (f) to obtain such information as to the legal systems of other countries as appears to the Commissioners likely to facilitate the performance of any of their functions. (2) The Minister shall lay before Parliament any programmes prepared by the Commission and approved by him and any proposals for reform formulated by the Commission pursuant to such programmes. (3) Each of the Commissions shall make an annual report to the Minister on their proceedings, and the Minister shall lay the report before Parliament with such comments (if any) as he thinks fit. (3A) (*amends*). (4) In the exercise of their functions under this Act the Commissions shall act in consultation with each other and the [NI] Law Commission.

3A. Reports on implementation of Law Commission proposals (1) As soon as practicable after the end of each reporting year, the Lord Chancellor must prepare a report on (a) the Law Commission proposals implemented (in whole or in part) during the year; (b) the Law Commission proposals that have not been implemented (in whole or in part) as at the end of the year, including (i) plans for dealing with any of those proposals; (ii) any decision not to implement any of those proposals (in whole or in part) taken during the year and the reasons for the decision. (2) The Lord Chancellor must lay the report before Parliament. (3) The first reporting year is the year starting with the day on which [s] 1 of the Law Commission Act 2009 comes into force; and the second reporting year is the year after that and so on. (4) If a decision not to implement a Law Commission proposal (in whole or in part) is taken in a reporting year, [ss] (1)(b) does not require a report for a later reporting year to deal with the proposal so far as it is covered by that decision. (5) If a decision not to implement a Law Commission proposal (in whole or in part) has been taken before the first reporting year, [ss] (1)(b) does not require any report to deal with the proposal so far as it is covered by that decision. (6) “*Law Commission proposal*” means (a) a proposal formulated by the Law Commission as mentioned in [s] 3(1)(c); (b) a proposal for consolidation or statute law revision for which a draft Bill has been prepared by the Law Commission as mentioned in [s] 3(1)(d). (7) This [s] does not require the Lord Chancellor to prepare reports on Law Commission proposals on which the Welsh Ministers are required to report (see [s] 3C).

3B. Protocol about the Law Commission's work (1) The Lord Chancellor and the Law Commission may agree for the purposes of this [s] a statement (a “*protocol*”) about the Law Commission's work. (2) The protocol may include (among other things) provision about (a) principles and methods to be applied in deciding the work to be carried out by the Law Commission and in the carrying out of that work; (b) the assistance and information that Ministers of the Crown and the Law Commission are to give each other; (c) the way in which Ministers of the Crown are to deal with the Law Commission's proposals for reform, consolidation or statute law revision. (3) The Lord Chancellor and the Law Commission must from time to time review the protocol and may agree to revise it. (4) The Lord Chancellor must lay the protocol (and any revision of it) before Parliament. (5) Ministers of the Crown and the Law Commission must have regard to the protocol.

3C. Report on implementation of Law Commission proposals: Wales (1) The Welsh Ministers must prepare a report each year on (a) the Law Commission proposals relating to Welsh devolved matters that have been implemented since the preparation of the previous report under this [s]; (b) the Law Commission proposals relating to Welsh devolved matters that have not been implemented as at the preparation of the report. (2) The report required under [ss](1)(b) must include (a) plans for dealing with any of the proposals described in that [para]; (b) any decision not to implement any of those proposals taken since the preparation of the previous report under this [s]; (c) the reasons for any such decision. (3) The Welsh Ministers must lay the report before the National Assembly for Wales. (4) The Welsh Ministers must prepare a report under this [s] (a) before the first anniversary of the day on which this [s] comes into force, and (b) thereafter, before each subsequent anniversary of that day. (5) In the case of the first report, the references in [ss] (1) and (2) to the period since the preparation of the previous report are to be read as references to the period since the coming into force of this [s]. (6) If a decision not to implement a Law Commission proposal is dealt with in a report under this [s], [ss] (1)(b) does not require a later report to deal with the proposal so far as it is covered by that decision. (7) If a decision not to implement a Law Commission proposal has been taken before the coming into force of this [s], [ss] (1)(b) does not require any report to deal with the proposal so far as it is covered by that decision. (8) In this [s] (a) “*Law Commission proposal*” means any proposal or recommendation for the reform of the law that has been published in a report by the Law Commission, and (b) references to the implementation of a Law Commission proposal are to its implementation in whole or in part. (9) Whether a Law Commission proposal relates to Welsh devolved matters is to be determined in accordance with [s] 3D (8).

3D. Protocol about the Law Commission's work: Wales (1) The Welsh Ministers and the Law Commission may agree for the purposes of this [s] a statement (a “*protocol*”) about the Law Commission's work relating to Welsh devolved matters. (2) The protocol may include (among other things) provision about (a) the principles and methods to be applied in deciding the work relating to such matters to be carried out by the Law Commission and in the carrying out of that work; (b) the assistance and information that the Welsh Ministers and the Law Commission are to give to each other; (c) the way in which the Welsh Ministers are to deal with Law Commission proposals so far as they relate to Welsh devolved matters. (3) The Welsh Ministers and the Law Commission must from time to time review the protocol and may agree to revise it. (4) The Law

Commission must not agree the protocol (or any revision of it) without the Lord Chancellor's approval. (5) The Welsh Ministers must lay the protocol (and any revision of it) before the National Assembly for Wales. (6) The Welsh Ministers and the Law Commission must have regard to the protocol. (7) "*Law Commission proposal*" has the meaning given in [s] 3C(8)(a). (8) In this [s] and [s] 3C, the Law Commission's work (including any of their proposals) relates to Welsh devolved matters so far as it relates to (a) any matter provision about which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly, or (b) (so far as it is not within [para] (a)), any matter functions with respect to which are exercisable by the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or the National Assembly for Wales Commission.

S 4. Remuneration and pensions of Commissioners. (1) There shall be paid to the Commissioners of the Law Commission, other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined, with the approval of the Treasury, by the Lord Chancellor (1A) There shall be paid to the Commissioners of the Scottish Law Commission, other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined by the Scottish Ministers. (2) In the case of any such holder of the office of Commissioner as may be so determined, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined. (3) As soon as may be after the making of any determination under [ss] (2) of this [s], a statement of the amount of the pension, allowance or gratuity, or contributions or other payments towards the pension, allowance or gratuity, payable in pursuance of the determination. (a) in the case of the Law Commission, the Lord Chancellor shall lay before each House of Parliament; and (b) in the case of the Scottish Law Commission, the Scottish Ministers shall lay before the Scottish Parliament, (4) In the case of the Law Commission, the salaries or remuneration of the Commissioners, and any sums payable to or in respect of the Commissioners under [ss] (2) of this [s], shall be paid out of moneys provided by Parliament. (5) In the case of the Scottish Law Commission, the salaries or remuneration of the Commissioners, and any sums payable to or in respect of the Commissioners under [ss] (2) of this [s], shall be paid by the Scottish Ministers.

S 5. Staff and expenses. (1) The Lord Chancellor may appoint such officers and servants of the Law Commission, as he may, with the approval of the Treasury as to number and conditions of service, determine. (1A) The Scottish Ministers may appoint such officers and servants of the Scottish Law Commission as they may determine. (2) The Treasury may make regulations providing for the counting of service as an officer or servant of either of the Commissions as pensionable service in any other capacity under the Crown and *vice versa*. (3) The power of the Treasury to make regulations under [ss] (2) of this [s] shall be exercisable by [SI], and any [SI] made by virtue of that [ss] shall be subject to annulment in pursuance of a resolution of either House of Parliament. (4) The expenses of the Law Commission, including the remuneration of officers and servants appointed under this [s], shall be defrayed out of moneys provided by Parliament (except to the extent that those expenses are met by the Welsh Ministers). (5) The expenses of the Scottish Law Commission, including the remuneration of its officers and servants appointed under this section, shall be paid by the Scottish Ministers.

S 6. Supplemental. (2) In this Act "*high judicial office*" means such office within the meaning of Part 3 of the Constitutional Reform Act 2005 or membership of the Judicial Committee of the Privy Council; and "*the Minister*" means, in relation to the Law Commission the Lord Chancellor and in relation to the Scottish Law Commission the Scottish Ministers.

Prosecution of Offences Act 1985

S 1. The [CPS]. (1) There shall be a prosecuting service for [E & W] (to be known as the "*Crown Prosecution Service*") consisting of (a) the [DPP], who shall be head of the Service; (b) the Chief Crown Prosecutors, designated under [ss] (4) below, each of whom shall be the member of the Service responsible to the Director for supervising the operation of the Service in his area; and (c) the other staff appointed by the [DPP] under this [s]. (2) The [DPP] shall appoint such staff for the Service as, with the approval of the Treasury as to numbers, remuneration and other terms and conditions of service, he considers necessary for the discharge of his functions. (3) The [DPP] may designate any member of the Service who has a general qualification (within the meaning of [s] 71 of the Courts and Legal Services Act 1990) for the purposes of this [ss], and any person so designated shall be known as a Crown Prosecutor. (4) The [DPP] shall divide [E&W] into areas and, for each of those areas, designate a Crown Prosecutor for the purposes of this [ss] and any person so designated shall be known as a Chief Crown Prosecutor. (5) The [DPP] may, from time to time, vary the division of [E&W] made for the purposes of [ss] (4) above. (6) Without prejudice to any functions which may have been assigned to him in his capacity as a member of the Service, every Crown Prosecutor shall have all the powers of the [DPP] as to the institution and conduct of proceedings but shall exercise those powers under the direction of the [DPP]. (7) Where any enactment (whenever passed) (a) prevents any step from being taken without the consent of the [DPP] or without his consent or the consent of another; or (b) requires any step to be taken by or in relation to the [DPP]; any consent given by or, as the case may be, taken by or in relation to, a Crown Prosecutor shall be treated, for the purposes of that enactment, as given by or, as the case may be, taken by or in relation to the [DPP].

S 2. The [DPP]. (1) The [DPP] shall be appointed by the [A-G]. (2) The [DPP] must be a person who has a [10] year general qualification, within the meaning of [s] 71 of the Courts and Legal Services Act 1990. (3) There shall be paid to the [DPP] such remuneration as the [AG] may, with the approval of the Treasury, determine.

S 3. Functions of the Director. (1) The [DPP] shall discharge his functions under this or any other enactment under the superintendence of the [A-G]. (2) It shall be the duty of the [DPP], subject to any provisions contained in the Criminal Justice Act 1987 (a) to take over the conduct of all criminal proceedings, other than specified proceedings, instituted on behalf of a police force (whether by a member of that force or by any other person); (aa) to take over the conduct of any criminal proceedings instituted by an immigration officer (as defined for the purposes of the Immigration Act 1971) acting in his capacity as such an officer; (ab) to take over the conduct of any criminal proceedings instituted in [E&W] by the Revenue and Customs; (ac) to take over the conduct of any criminal proceedings instituted on behalf of the [NCA]; (ad) to take over the conduct of any criminal proceedings instituted in [E&W] by the ICIR; (b) to institute and have the conduct of criminal proceedings in any case

where it appears to him that (i) the importance or difficulty of the case makes it appropriate that proceedings should be instituted by him; or (ii) it is otherwise appropriate for proceedings to be instituted by him; (ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under [para] 23 or 24 of [sch] 3 to the Police Reform Act 2002 (c. 30) (*reports on investigations into conduct of persons serving with the police*); (bb) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings in [E&W] relating to a criminal investigation by the Revenue and Customs; (bc) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings relating to a criminal investigation by the [NCA]; (bd) where it appears to the Director appropriate to do so, to institute and have the conduct of any criminal proceedings in [E&W] relating to a review by the ICRIR; (c) to take over the conduct of all binding over proceedings instituted on behalf of a police force (whether by a member of that force or by any other person); (d) to take over the conduct of all proceedings begun by summons issued under [s] 3 of the Obscene Publications Act 1959 (*forfeiture of obscene articles*); (e) to give, to such extent as he considers appropriate, advice to police forces on all matters relating to criminal offences; (ea) to have the conduct of any extradition proceedings; (eb) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on any matters relating to extradition proceedings or proposed extradition proceedings; (ec) to give, to such extent as he considers appropriate, advice to immigration officers on matters relating to criminal offences; (ed) to give advice, to such extent as he considers appropriate and to such person as he considers appropriate, in relation to (i) criminal investigations by the [NCA], or (ii) criminal proceedings arising out of such investigations; (ee) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to (i) a criminal investigation by the Revenue and Customs; or (ii) criminal proceedings instituted in [E&W] relating to a criminal investigation by the Revenue and Customs; (ef) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to (i) a review by the ICRIR; or (ii) criminal proceedings instituted in [E&W] relating to a review by the ICRIR; (f) to appear for the prosecution, when directed by the court to do so, on any appeal under (i) [s] 1 of the Administration of Justice Act 1960 (*appeal from the High Court in criminal cases*); (ii) Part I or Part II of the Criminal Appeal Act 1968 (*appeals from the Crown Court to the criminal division of the Court of Appeal and thence to the Supreme Court*); or (iii) [s]108 of the Magistrates' Courts Act 1980 (*right of appeal to Crown Court*) as it applies, by virtue of [ss] (5) of [s] 12 of the Contempt of Court Act 1981, to orders made under [s] 12 (*contempt of magistrates' courts*); (fa) to have the conduct of applications for orders under [ch] 1 of Part 11 of the Sentencing Code (*criminal behaviour orders made on conviction*) and [s] 14A of the Football Spectators Act 1989 (*banning orders made on conviction of certain offences*); (faa) where it appears to him appropriate to do so, to have the conduct of applications made by him for orders under [s] 14B of the Football Spectators Act 1989 (*banning orders made on complaint*); (fb) where it appears to him appropriate to do so, to have the conduct of applications under [s] 336 of the Sentencing Code for the variation or discharge of orders made under [ch] 1 of Part 11 of that Code; (fc) where it appears to him appropriate to do so, to appear on any application under [s] 27 of that Act made by a person subject to an order under [s] 22 of that Act for the variation or discharge of the order. (ff) to discharge such duties as are conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (*civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations*); (fg) to have the conduct of applications for orders under [s] 19 of the Offensive Weapons Act 2019 (*knife crime prevention orders made on conviction*); (fh) to have the conduct of applications for orders under [s] 342A of the Sentencing Code (*serious violence reduction orders*); (fi) to have the conduct of applications for orders under [s] 20(1)(b) of the Public Order Act 2023 (*serious disruption prevention orders on conviction*); (g) to discharge such other functions as may from time to time be assigned to him by the [AG] in pursuance of this [para]. (2A) [ss] (2)(ea) above does not require the [DPP] to have the conduct of any extradition proceedings in respect of a person if he has received a request not to do so and (a) in a case where the proceedings are under Part 1 of the Extradition Act 2003, the request is made by the authority which issued the Part 1 warrant in respect of the person; (b) in a case where the proceedings are under Part 2 of that Act, the request is made on behalf of the territory to which the person's extradition has been requested. (3) In this [s] "the court" means (a) in the case of an appeal to or from the criminal division of the Court of Appeal, that division; (b) in the case of an appeal from a Divisional Court of the Queen's Bench Division, the Divisional Court; and (c) in the case of an appeal against an order of a magistrates' court, the Crown Court; "ICRIR" means the Independent Commission for Reconciliation and Information Recovery; "criminal investigation" means any process (i) for considering whether an offence has been committed; (ii) for discovering by whom an offence has been committed; or (iii) as a result of which an offence is alleged to have been committed; "police force" means any police force maintained by a local policing body and any other body of constables for the time being specified by order made by the [SS] for the purposes of this [s]; and "specified proceedings" means proceedings which fall within any category for the time being specified by order made by the [AG] for the purposes of this [s]. (3A) In this [s] a reference to the Revenue and Customs is a reference to (a) the Commissioners for [HMs] [R&C]; (b) an officer of [R&C]; or (c) a person acting on behalf of the Commissioners or an officer of [R&C]. (4) The power to make orders under [ss] (3) above shall be exercisable by [SI] subject to annulment in pursuance of a resolution of either House of Parliament. S 4. **Crown Prosecutors** (*amends*)

S 5. **Conduct of prosecutions on behalf of the Service.** (1) The [DPP] may at any time appoint a person who is not a Crown Prosecutor but who has a general qualification (within the meaning of [s] 71 of the Courts and Legal Services Act 1990) to institute or take over the conduct of such criminal proceedings or extradition proceedings as the [DPP] may assign to him. (1A) The [DPP] may at any time appoint such a person (a) to exercise a function of the [DPP] under [s] 3(2)(ab) or (bb) in relation to a class or description of criminal proceedings specified in the appointment; (b) to exercise a function of the [DPP] under [s] 3(2) (ee) in relation to (i) such criminal proceedings as are specified in the appointment, or (ii) a class or description of criminal proceedings specified in the appointment; or (c) to appear in (i) [R&C] cash recovery proceedings specified in the appointment, or (ii) a class or description of [R&C] cash recovery proceedings specified in the appointment. (1B) In [ss] (1A) "[R&C] cash recovery proceedings" means proceedings in which the [DPP] or a Crown Prosecutor would otherwise appear by virtue of [s] 302A(2) of the Proceeds of Crime Act 2002 (*cash recovery proceedings relating to revenue and customs matters*). (2) Any person conducting

proceedings assigned to him under [ss](1) or exercising functions by virtue of an appointment made under [ss] (1A) shall have all the powers of a Crown Prosecutor but shall exercise those powers subject to any instructions given to him by a Crown Prosecutor.

S 6. **Prosecutions instituted and conducted otherwise than by the Service.** (1) Subject to [s] (2) below, nothing in this Part shall preclude any person from instituting any criminal proceedings or conducting any criminal proceedings to which the [DPP's] duty to take over the conduct of proceedings does not apply. (2) Where criminal proceedings are instituted in circumstances in which the [DPP] is not under a duty to take over their conduct, he may nevertheless do so at any stage.

S 7. **Delivery of recognizances etc. to [DPP].** (1) Where the [DPP] or any Crown Prosecutor gives notice to any [JP] that he has instituted, or is conducting, any criminal proceedings, the justice shall (a) at the prescribed time and in the prescribed manner; or (b) in a particular case, at the time and in the manner directed by the [AG]; send him every recognizance, information, certificate, deposition, document and thing connected with those proceedings which the justice is required by law to deliver to the appropriate officer of the Crown Court. (2) The [AG] may make regulations for the purpose of supplementing this [s]; and in [ss] (1) above "*prescribed*" means prescribed by the regulations. (3) The [DPP] or, as the case may be, Crown Prosecutor shall (a) subject to the regulations, cause anything which is sent to him under [ss] (1) above to be delivered to the appropriate officer of the Crown Court; and (b) be under the same obligation (on the same payment) to deliver to an applicant copies of anything so sent as that officer. (4) It shall be the duty of the designated officer for every magistrates' court to send to the [DPP], in accordance with the regulations, a copy of the information and of any depositions and other documents relating to any case in which (a) a prosecution for an offence before the magistrates' court is withdrawn or is not proceeded with within a reasonable time; (b) the [DPP] does not have the conduct of the proceedings; and (c) there is some ground for suspecting that there is no satisfactory reason for the withdrawal or failure to proceed.

7A. **Powers of non-legal staff.** (1) The [DPP] may designate under this [ss] members of the staff of the [CPS] who are not Crown Prosecutors. (2) Subject to such exceptions (if any) as may be specified in the designation under [ss] (1), a person so designated shall have such of the following as may be so specified, namely (a) the powers and rights of audience of a Crown Prosecutor in relation to (i) applications for, or relating to, bail in criminal proceedings; (ii) the conduct of criminal proceedings in magistrates' courts other than trials of offences triable either way or offences which are punishable with imprisonment in the case of persons aged 21 or over; (iii) the conduct of applications or other proceedings relating to preventative civil orders; (iv) the conduct of proceedings (other than criminal proceedings) in, or in connection with, the discharge of functions assigned to the [DPP] under [s] 3(2)(g) above. (b) any powers of a Crown Prosecutor that do not involve the exercise of such rights of audience as are mentioned in [para] (a) above but are exercisable in relation to the conduct of (i) criminal proceedings in magistrates' courts, or (ii) applications or proceedings falling within [para] (a)(iii) or (iv). (2A) The Director may designate under this [ss] members of the staff of the [CPS] who are not Crown Prosecutors. (2B) A person designated under [ss] (2A) has the powers and rights of audience of a Crown Prosecutor in relation to (a) [R&C] cash recovery proceedings specified in the designation under [ss] (2A), or (b) a class or description of Revenue and Customs cash recovery proceedings specified in the designation under [ss] (2A). (3) A person designated under [ss] (1) or (2A) shall exercise any powers so conferred subject to instructions given to him by the [DPP]. (4) Any such instructions may be given so as to apply generally. (5) In this [s] "*bail in criminal proceedings*" has the same meaning as in the Bail Act 1976 (see [s] 1 of that Act); "*preventative civil orders*" means (a) orders within [s] 3(2)(fa) to (fe) above; (b) orders under [s] 360 of the Sentencing Code or [s] 5A of the Protection from Harassment Act 1997 (*restraining orders*); or (c) orders under [s] 8 of the Crime and Disorder Act 1998 or [s] 366 or 369 of the Sentencing Code (*parenting orders*). "*[R&C] cash recovery proceedings*" has the meaning given by [s] 5(1B). (5A) For the purposes of this [s] a trial begins with the opening of the prosecution case after the entry of a plea of not guilty and ends with the conviction or acquittal of the accused. (7) Details of the following for any year, namely (a) the criteria applied by the [DPP] in determining whether to designate persons under [ss] (1) or (2A); (b) the training undergone by persons so designated; and (c) any general instructions given by the Director under [ss] (4) above, shall be set out in the [DPP's] report under [s] 9 of this Act for that year. (8) As from 1 May 2011 nothing in this [s] confers on persons designated under [ss] (1) or (2A)] (a) any rights of audience, or (b) any right to conduct litigation, for the purposes of Part 3 of the Legal Services Act 2007 (*reserved legal activities*). (9) As from that date the following provisions of that Act accordingly do not apply to persons designated under [ss] (1) or (2A) (a) [para] 1(3) of [sch] 3 (*exemption for persons with statutory rights of audience*), and (b) [para] 2(3) of that [sch] (*exemption for persons with statutory right to conduct litigation*). (10) The [AG] may by order make such modifications in the application of any enactment (including this [s]) in relation to persons designated under [ss] (1) or (2A) as the [AG] considers appropriate in consequence of, or in connection with, the matters provided for by [ss] (8) and (9). (11) The [AG] may also by order amend [ss] (2)(a)(ii) so as to omit the words "*or offences which are punishable with imprisonment in the case of persons aged 21 or over*". (12) *The power to make an order under [ss] (10) or (11) is exercisable by [SI], but a [SI] containing such an order may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.* *

S 8. **Reports to [DPP] by [CPO's].** (1) The [AG] may make regulations requiring the [CPO] of any police force to which the regulations are expressed to apply to give to the Director information with respect to every offence of a kind prescribed by the regulations which is alleged to have been committed in his area and in respect of which it appears to him that there is a *prima facie* case for proceedings. (2) The regulations may also require every such [CPO] to give to the [DPP] such information as the Director may require with respect to such cases or classes of case as he may from time to time specify.

S 9. **Reports by [DPP] to [AG].** (1) As soon as practicable after 4th April in any year the [DPP] shall make to the [AG] a report on the discharge of his functions during the year ending with that date. (2) The [AG] shall lay before Parliament a copy of every report received by him under [ss] (1) above and shall cause every such report to be published. (3) The [DPP] shall, at the request of the [AG] report to him on such matters as the [AG] specify.

S 10. **Guidelines for Crown Prosecutors.** (1) The [DPP] shall issue a Code for Crown Prosecutors giving guidance on general principles to be applied by them (a) in determining, in any case (i) whether proceedings for an offence should be instituted or, where proceedings have been

instituted, whether they should be discontinued; or (ii) what charges should be preferred; and (b) in considering, in any case, representations to be made by them to any magistrates' court about the mode of trial suitable for that case. (2) The [DPP] may from time to time make alterations in the Code. (3) The provisions of the Code shall be set out in the [DPP's] report under [s] 9 of this Act for the year in which the Code is issued; and any alteration in the Code shall be set out in his report under that [s] for the year in which the alteration is made.

S 11. **Transfer of staff.** (1) The [AG] may, with the approval of the Treasury, by regulations make such provision as he considers appropriate in relation to the transfer to the staff of the [DPP] of such persons employed by any authority wholly or mainly in connection with the discharge of prosecution functions as may be specified in the regulations. (2) The regulations may, in particular, make provision (a) as to the method by which any staff or group of staff are transferred; (b) as to the terms and conditions of the transfer; and (c) for the termination of the employment with the authorities concerned of persons to whom the regulations apply (whether or not they are transferred in accordance with the regulations) and as to the consequences of that termination; and (without prejudice to [s] 29(2) of this Act) may make different provision with respect to staff employed in different areas. (3) The regulations may include provision for the determination of questions arising under them and may make such modifications in the application of any enactment as the [AG] considers appropriate in connection with any provision of the regulations of a kind mentioned in [ss] (2)(c) above. (4) Staff transferred in accordance with the regulations shall be exempt from any requirement to the effect that before a person is appointed to [HMs] Home Civil Service a certificate of qualification must be issued in respect of him by the Civil Service Commissioners. (5) For the purposes of Chapter I of Part XIV of the Employment Rights Act 1996 (as it applies for the purposes of computing an employee's period and continuity of employment for the purposes of that Act and any other enactment) in its application to a person who is transferred to the staff of the Director as a result of this Part (a) the period of his employment in the employment from which he is transferred shall count as a period of Crown employment; and (b) the change of employment shall not break the continuity of his employment. (6) Where a person ceases to be a member of the staff of an authority (a) on becoming a member of the staff of the Service in consequence of any regulations made under this [s]; or (b) having unreasonably refused to be transferred in pursuance of the regulations; he shall not, on ceasing to be a member of the staff of the authority, be treated for the purposes of any regulations or scheme made under the Superannuation Act 1972 as having ceased to hold his employment by reason of redundancy. (7) In this [s] "authority" means any police authority or other authority or body mentioned in [s] 17(6)(c) or (d) of this Act; and "police authority", in relation to the [MPD], means the Commissioner of Police of the Metropolis.

S 14. **Control of certain fees and expenses etc. paid by the Service.** (1) The [AG] may, with the approval of the Treasury, by regulations make such provision as he considers appropriate in relation to (a) the fees of any legal representative briefed to appear on behalf of the Service in any criminal proceedings or extradition proceedings; and (b) the costs and expenses of witnesses attending to give evidence at the instance of the Service and, subject to [ss] (1A) below, of any other person who in the opinion of the Service necessarily attends for the purpose of the case otherwise than to give evidence. (1A) The power conferred on the [AG] by ss (1)(b) above only relates to the costs and expenses of an interpreter if the interpreter is required because of the lack of English of a person attending to give evidence at the instance of the Service. (1B) In [ss] (1)(b) above "attending" means attending at the court or elsewhere. (2) The regulations may, in particular (a) prescribe scales or rates of fees, costs or expenses; and (b) specify conditions for the payment of fees, costs or expenses. (3) Regulations made under [ss] (1)(b) above may provide that scales or rates of costs and expenses shall be determined by the [AG] with the consent of the Treasury.

S 15. **Interpretation of Part I.** (1) In this Part "binding over proceedings" means any proceedings instituted (whether by way of complaint under [s] 115 of the Magistrates' Courts Act 1980 or otherwise) with a view to obtaining from a magistrates' court an order requiring a person to enter into a recognizance to keep the peace or to be of good behaviour; "Director" means the [DPP]; "extradition proceedings" means proceedings under the Extradition Act 2003; "legal representative" means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act); "police force" has the same meaning as in [s] 3 of this Act; "prosecution functions" means functions which by virtue of this Part become functions of the [DPP]; "public authority" has the same meaning as in [s] 17 of this Act; "relevant prosecutor", "requisition", "single justice procedure notice" and "written charge" have the same meaning as in [s] 29 of the Criminal Justice Act 2003; "Service" means [CPS]; (2) For the purposes of this Part, proceedings in relation to an offence are instituted (a) where a [JP] issues a summons under [s] 1 of the Magistrates' Courts Act 1980, when the information for the offence is laid before him; (b) where a [JP] issues a warrant for the arrest of any person under that [s], when the information for the offence is laid before him; (ba) where a relevant prosecutor issues a written charge and requisition for the offence, when the written charge and requisition are issued; (bb) where a relevant prosecutor issues a written charge and single justice procedure notice, when the written charge and single justice procedure notice are issued; (c) where a person is charged with the offence after being taken into custody without a warrant, when he is informed on the particulars of the charge; (d) where a bill of indictment is preferred under [s] 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 in a case falling within [para] (b) or (ba) of [ss] (2) of that [s], when the bill of indictment is preferred before the court; and where the application of this [ss] would result in there being more than one time for the institution of the proceedings, they shall be taken to have been instituted at the earliest of those times. (3) For the purposes of this Part, references to the conduct of any proceedings include references to the proceedings being discontinued and to the taking of any steps (including the bringing of appeals and making of representations in respect of applications for bail) which may be taken in relation to them. (4) For the purposes of sections 3(2)(b), 5, 6, 7(1) and 7A of this Act, binding over proceedings shall be taken to be criminal proceedings. (5) For the purposes of [s] 5 of this Act, proceedings begun by summons issued under [s] 3 of the Obscene Publications Act 1959 (*forfeiture of obscene articles*) shall be taken to be criminal proceedings. (6) The functions which become functions of the [DPP] by virtue of this Part shall not be treated as transferred functions for the purposes of [para] 1(2) of [sch] 3 to the Pensions (Increase) Act 1971 (meaning of "last employing authority").

Criminal Justice Act 1987

S 1. **The Serious Fraud Office.** (1) A [SFO] shall be constituted for [E&W] and [NI]. (2) The [AG] shall appoint a person to be the Director of the [SFO] (referred to in this Part of this Act as “*the Director*”),⁹ and he shall discharge his functions under the superintendence of the [A-G]. (3) The [DPP] may investigate any suspected offence which appears to him on reasonable grounds to involve serious or complex fraud. (4) The [DPP] may, if he thinks fit, conduct any such investigation in conjunction either with the police or with any other person who is, in the opinion of the [DPP], a proper person to be concerned in it. (5) The [DPP] may (a) institute and have the conduct of any criminal proceedings which appear to him to relate to such fraud; and (b) take over the conduct of any such proceedings at any stage. (6) The [DPP] shall discharge such other functions in relation to fraud as may from time to time be assigned to him by the [AG]. (6A) The Director has the functions conferred on him by, or in relation to, Part 2, 4, 5, 7 or 8 of the Proceeds of Crime Act 2002 (c. 29) (*confiscation proceedings in [E&W] and [NI], civil recovery proceedings, money laundering and investigations*). (7) The [DPP] may designate for the purposes of [ss] (5) above any member of the [SFO] who is (a) a barrister in [E&W] or [NI]; (b) a solicitor of the Senior Courts; or (c) a solicitor of the Court of Judicature of [NI]. (8) Any member so designated shall, without prejudice to any functions which may have been assigned to him in his capacity as a member of that Office, have all the powers of the [DPP] as to the institution and conduct of proceedings but shall exercise those powers under the direction of the [DPP]. (12) Any member so designated who is a barrister in [NI] or a solicitor of the Court of Judicature of [NI] shall have (a) in any court the rights of audience enjoyed by solicitors of the Court of Judicature of [NI] and, in the Crown Court in [NI], such additional rights of audience as may be given by virtue of [ss] (14) below; and (b) in the Crown Court in [NI], the rights of audience enjoyed by barristers employed by the [DPP] for [NI]. (13) Subject to [ss] (14) below, the reference in [ss] (12)(a) above to rights of audience enjoyed by solicitors of the Court of Judicature of [NI] is a reference to such rights enjoyed in the Crown Court in [NI] as restricted by any direction given by the Lord Chief Justice of [NI] under [s] 50 of the Judicature ([NI]) Act 1978. (14) For the purpose of giving any member so designated who is a barrister in [NI] or a solicitor of the Court of Judicature of [NI] additional rights of audience in the Crown Court in [NI], the [LCJ] of [NI] may direct that any direction given by him under the said [s] 50 shall not apply to such members. (15) [sch] 1 to this Act shall have effect. (16) For the purposes of this [s] (including that [sch]) references to the conduct of any proceedings include references to the proceedings being discontinued and to the taking of any steps (including the bringing of appeals and making of representations in respect of applications for bail) which may be taken in relation to them. (17) In the application of this [s] (including that [sch]) to [NI] references to the [AG] are to be construed as references to him in his capacity as [AG] for [NI].

S 2. **Director’s investigation powers.** (1) The powers of the [DPP] under this [s] shall be exercisable, but only for the purposes of an investigation under [s] 1 above, or, on a request made by the [AG] of the Isle of Man, Jersey or Guernsey, under legislation corresponding to that section and having effect in the Island whose an authority entitled to make such a request, in any case in which it appears to him that there is good reason to do so for the purpose of investigating the affairs, or any aspect of the affairs, of any person. (1ZA) The powers of the [DPP] under this [s] are also exercisable in any case in which it is necessary to exercise them for the purpose of complying with a direction given under [s] 5(5)(c) of the Crime and Courts Act 2013 (*NCA’s power to direct persons to perform specified tasks*). (1A) The authorities mentioned in [ss] (1) which are entitled to request the [DPP] to exercise his powers under this [s] are (a) the [AG] of the Isle of Man, Jersey or Guernsey, acting under legislation corresponding to [s] 1 of this Act and having effect in the Island whose [AG] makes the request; and (b) the [SS] acting under [s] 15(2) of the Crime (International Co-operation) Act 2003, in response to a request received from a person mentioned in [s] 13(2) of that Act (an “*overseas authority*”). (1B) The Director shall not exercise his powers on a request from the [SS] acting in response to a request received from an overseas authority within [ss] (1A) (b) above unless it appears to the [DPP] on reasonable grounds that the offence in respect of which he has been requested to obtain evidence involves serious or complex fraud. (2) The [DPP] may by notice in writing require the person whose affairs are to be investigated (“*the person under investigation*”) or any other person whom he has reason to believe has relevant information to answer questions or otherwise furnish information with respect to any matter relevant to the investigation at a specified place and either at a specified time or forthwith. (3) The [DPP] may by notice in writing require the person under investigation or any other person to produce at such place as may be specified in the notice and either forthwith or at such time as may be so specified, any specified documents which appear to the [DPP] to relate to any matter relevant to the investigation or any documents of a specified description which appear to him so to relate; and (a) if any such documents are produced, the [DPP] may (i) take copies or extracts from them; (ii) require the person producing them to provide an explanation of any of them; (b) if any such documents are not produced, the [DPP] may require the person who was required to produce them to state, to the best of his knowledge and belief, where they are. (4) Where, on information on oath laid by a member of the [SFO], a [JP] is satisfied, in relation to any documents, that there are reasonable grounds for believing (a) that (i) a person has failed to comply with an obligation under this [s] to produce them; (ii) it is not practicable to serve a notice under [ss] (3) above in relation to them; or (iii) the service of such a notice in relation to them might seriously prejudice the investigation; and (b) that they are on premises specified in the information, he may issue such a warrant as is mentioned in [ss] (5) below. (5) The warrant referred to above is a warrant authorising any constable (a) to enter (using such force as is reasonably necessary for the purpose) and search the premises, and (b) to take possession of any documents appearing to be documents of the description specified in the information or to take in relation to any documents so appearing any other steps which may appear to be necessary for preserving them and preventing interference with them. (6) Unless it is not practicable in the circumstances, a [PO] executing a warrant issued under [ss] (4) above shall be accompanied by an appropriate person. (6A) Where an appropriate person accompanies a [PO], he may exercise the powers conferred by [ss] (5) but only in the company, and under the supervision, of the [PO]. (7) In this [s] “*appropriate person*” means (a) a member of the [SFO]; or (b) some person who is not a member of that Office but whom the [DPP] has authorised to accompany the [PO]. (8) A statement by a person in response to a requirement imposed by virtue of this [s] may only be used in evidence against him (a) on a prosecution for

⁹ It is much shorter to refer to the ‘DPP’, as can be shown here.

an offence under [ss] (14) below; or (b) on a prosecution for some other offence where in giving evidence he makes a statement inconsistent with it. (8AA) However, the statement may not be used against that person by virtue of [para] (b) of [ss] (8) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of that person in the proceedings arising out of the prosecution. (8A) Any evidence obtained by the [DPP] for use by an overseas authority shall be given to the overseas authority which requested it or given to the [SS] for forwarding to that overseas authority. (8C) Where any evidence obtained by the [DPP] for use by an overseas authority consists of a document the original or a copy shall be forwarded, and where it consists of any other article the article itself or a description, photo [] or other representation of it shall be forwarded, as may be necessary in order to comply with the request of the overseas authority. (8D) The references in [ss] (8A) to (8C) above to evidence obtained by the [DPP] include references to evidence obtained by him by virtue of the exercise by a [PO] or by an appropriate person, in the course of a search authorised by a warrant issued under [ss] (4) above, of powers conferred by [s] 50 of the Criminal Justice and Police Act 2001. (9) A person shall not under this [s] be required to disclose any information or produce any document which he would be entitled to refuse to disclose or produce on grounds of legal professional privilege in proceedings in the High Court, except that a lawyer may be required to furnish the name and address of his client. (10) A person shall not under this [s] be required to disclose information or produce a document in respect of which he owes an obligation of confidence by virtue of carrying on any banking business unless (a) the person to whom the obligation of confidence is owed consents to the disclosure or production; or (b) the [DPP] has authorised the making of the requirement or, if it is impracticable for him to act personally, a member of the [SFO] designated by him for the purposes of this [ss] has done so. (11) Without prejudice to the power of the [DPP] to assign functions to members of the [SFO], the Director may authorise any competent investigator (other than a [PO]) who is not a member of that Office to exercise on his behalf all or any of the powers conferred by this [s], but no such authority shall be granted except for the purpose of investigating the affairs, or any aspect of the affairs, of a person specified in the authority. (12) No person shall be bound to comply with any requirement imposed by a person exercising powers by virtue of any authority granted under [ss] (11) above unless he has, if required to do so, produced evidence of his authority. (13) Any person who without reasonable excuse fails to comply with a requirement imposed on him under this [s] shall be guilty of an offence and liable on [SC] to imprisonment for a term not exceeding [6] months or to a fine not exceeding level 5 [] or to both. (14) A person who, in purported compliance with a requirement under this [s] (a) makes a statement which he knows to be false or misleading in a material particular; or (b) recklessly makes a statement which is false or misleading in a material particular, shall be guilty of an offence. (15) A person guilty of an offence under [ss] (14) above shall (a) on conviction on indictment, be liable to imprisonment for a term not exceeding [2] years or to a fine or to both; and (b) on [SC], be liable to imprisonment for a term not exceeding [6] months or to a fine not exceeding the statutory maximum, or to both. (16) Where any person (a) knows or suspects that an investigation by the police or the [SFO] into serious or complex fraud is being or is likely to be carried out; and (b) falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of documents which he knows or suspects are or would be relevant to such an investigation, he shall be guilty of an offence unless he proves that he had no intention of concealing the facts disclosed by the documents from persons carrying out such an investigation. (17) A person guilty of an offence under [ss] (16) above shall (a) on conviction on indictment, be liable to imprisonment for a term not exceeding 7 years or to a fine or to both; and (b) on [SC], be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both.¹⁰ (18) In this [s] “documents” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form; “evidence”, in relation to [ss] (1B), (8A) and (8C) above, includes documents and other articles. (19) In the application of this [s] to Scotland, the reference to a [JP] is to be construed as a reference to the sheriff; and in the application of this [s] to [NI], [ss] (4) above shall have effect as if for the references to information there were substituted references to a complaint.

2A. Director's pre-investigation powers. (1) The powers of the [DPP] under [s] 2 are also exercisable for the purpose of enabling him to determine whether to start an investigation under [s] 1 (2) But (a) the power under [ss] (2) of [s] 2 is so exercisable only if it appears to the [DPP] that for the purpose of enabling him to make that determination it is expedient to require any person appearing to him to have relevant information to do as mentioned in that [ss], and (b) the power under [ss] (3) of that [s] is so exercisable only if it appears to the [DPP] that for that purpose it is expedient to require any person to do as mentioned in that [ss]. (3) Accordingly, where the powers of the [DPP] under [s] 2 are exercisable in accordance with [ss] (1) and (2) above (a) the reference in [ss] (2) of that [s] to the person under investigation or any other person whom the [DPP] has reason to believe has relevant information is to be read as a reference to any such person as is mentioned in [ss] (2)(a) above, (b) the reference in [ss] (3) of that [s] to the person under investigation or any other person is to be read as a reference to any such person as is mentioned in [ss] (2)(b) above, and (c) any reference in [ss] (2), (3) or (4) of that [s] to the investigation is to be read as a reference to the making of any such determination as is mentioned in [ss] (1) above. (4) Any reference in [s] 2(16) to the carrying out of an investigation by the [SFO] into serious or complex fraud includes a reference to the making of any such determination as is mentioned in [ss] (1) above.

S 3. Disclosure of information. (1) Where any information to which [s] 18 of the Commissioners for Revenue and Customs Act 2005 would apply but for [s] 18(2)] has been disclosed by [HMs] Revenue and Customs to any member of the [SFO] for the purposes of any prosecution of an offence relating to a former [IR] matter, that information may be disclosed by any member of the [SFO] (a) for the purposes of any prosecution of which that Office has the conduct; (b) to the [CPS] for the purposes of any prosecution of an offence relating to a former [IR] matter; (c) to the [DPP] for [NI] for the purposes of any prosecution of an offence relating to a former [IR] matter and (d) in order to comply with a requirement imposed under [para] 7 of the [sch] to the [CPS] Inspectorate Act 2000, but not otherwise. (2) Where the [SFO] has the conduct of any prosecution of an offence which does not relate to inland revenue, the court may not prevent the prosecution from relying on any evidence under [s] 78 of the Police and Criminal Evidence Act 1984 (*discretion to exclude unfair evidence*) by reason only of the fact that the information

¹⁰ Sentences should be placed in a Table at the back of the Act.

concerned was disclosed by [HMs] Revenue and Custom for the purposes of any prosecution of an offence relating to a former [IR] matter. (3) Where any information is subject to an obligation of secrecy imposed by or under any enactment other than an enactment contained in the Taxes Management Act 1970, the obligation shall not have effect to prohibit the disclosure of that information to any person in his capacity as a member of the [SFO] but any information disclosed by virtue of this [ss] may only be disclosed by a member of the [SFO] (a) for the purposes of any prosecution in [E&W], [NI] or elsewhere, or (b) in order to comply with a requirement imposed under [para] 7 of the [sch] to the [CPS] Inspectorate Act 2000, and may only be disclosed by such a member if he is designated by the [DPP] for the purposes of this [ss]. (4) Without prejudice to his power to enter into agreements apart from this [ss], the [DPP] may enter into a written agreement for the supply of information to or by him subject, in either case, to an obligation not to disclose the information concerned otherwise than for a specified purpose. (5) Subject to [ss] (1) and (3) above and to any provision of an agreement for the supply of information which restricts the disclosure of the information supplied, information obtained by any person in his capacity as a member of the [SFO] may be disclosed by any member of that Office designated by the [DPP] for the purposes of this [ss] (a) to any government department or [NI] department or other authority or body discharging its functions on behalf of the Crown (including the Crown in right of [HMs] Government in [NI]); (b) to any competent authority; (c) for the purposes of any criminal investigation or criminal proceedings, whether in the [UK] or elsewhere (d) for the purposes of assisting any public or other authority for the time being designated for the purposes of this [para] by an order made by the [SS] to discharge any functions which are specified in the order. (6) The following are competent authorities for the purposes of [ss] (5) above (a) an inspector appointed under Part XIV of the Companies Act 1985; (b) an Official Receiver; (c) the Accountant in Bankruptcy; (d) the official receiver for [NI]; (e) a person appointed under (i) [s] 167 of the Financial Services and Markets Act 2000 (general investigations), (ii) [s] 168 of that Act (investigations in particular cases), (iii) [s] 169(1)(b) of that Act (*investigation in support of overseas regulator*), (iv) [s] 284 of that Act (investigations into affairs of certain collective investment schemes), or (v) regulations made as a result of [s] 262(2)(k) of that Act (investigations into open-ended investment companies), to conduct an investigation; (f) a body corporate established in accordance with [s] 212(1) of the Financial Services and Markets Act 2000 (*compensation scheme manager*); (l) any body having supervisory, regulatory or disciplinary functions in relation to any profession or any area of commercial activity; (m) any person or body having, under the law of any country or territory outside the [UK], functions corresponding to any of the functions of any person or body mentioned in any of the foregoing [paras]. (n) any person or body having, under a treaty to which the [UK] is a party, the function of receiving information of the kind in question, (o) any person or body having, under the law of any country or territory outside the [UK], the function of receiving information relating to the proceeds of crime (7) An order under [ss] (5)(d) above may impose conditions subject to which, and otherwise restrict the circumstances in which, information may be disclosed under that [para] (8) In [ss] (1) and (2) "*former Inland Revenue matter*" means a matter listed in [sch] 1 to the Commissioners for Revenue and Customs Act 2005 except for [paras] 2, 10, 13, 14, 15, 17, 19, 28, 29 and 30.

Coroners Act 1988

S 13. **Order to hold investigation.** (1) This [s] applies where, on an application by or under the authority of the [AG], the High Court is satisfied as respects a coroner ("*the coroner concerned*") either (a) that he refuses or neglects to hold an inquest or an investigation which ought to be held; or (b) where an inquest or an investigation has been held by him, that (whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or otherwise) it is necessary or desirable in the interests of justice that an investigation (or as the case may be, another investigation) should be held. (2) The High Court may (a) order an investigation under Part 1 of the Coroners and Justice Act 2009 to be held into the death either (i) by the coroner concerned; or (ii) by a senior coroner, area coroner or assistant coroner in the same coroner area; (b) order the coroner concerned to pay such costs of and incidental to the application as to the court may appear just; and (c) where an inquest has been held, quash any inquisition on, or determination or finding made at that inquest. (4) For the purposes of this [s], '*coroner*' means a coroner appointed under [s] 1 of this Act, or a senior coroner, area coroner or assistant coroner appointed under the Coroners and Justice Act 2009. (5) This [s] does not apply in relation to a death that resulted directly from the Troubles (which has the same meaning as in [sch] 1A to the Coroners and Justice Act 2009 - see [para] 4 of that [sch]).¹¹

Criminal Appeal Act 1995

S 8. **The Commission.** (1) There shall be a body corporate to be known as the Criminal Cases Review Commission [CCRC]. (2) The [CCRC] shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the [CCRC's] property shall not be regarded as property of, or held on behalf of, the Crown. (3) The [CCRC] shall consist of not fewer than [11] members. (4) The members of the Commission shall be appointed by [HM] on the recommendation of the [PM](5) At least one third of the members of the [CCRC] shall be persons who are legally qualified; and for this purpose a person is legally qualified if (a) he has a [10] year general qualification, within the meaning of [s] 71 of the Courts and Legal Services Act 1990, or (b) he is a member of the Bar of [NI], or solicitor of the Court of Judicature of [NI], of at least [10] years' standing. (6) At least two thirds of the members of the [CCRC] shall be persons who appear to the [PM] to have knowledge or experience of any aspect of the criminal justice system and of them at least one shall be a person who appears to him to have knowledge or experience of any aspect of the criminal justice system in [NI]; and for the purposes of this [ss] the criminal justice system includes, in particular, the investigation of offences and the treatment of offenders. (7) [sch] 1 (*further provisions with respect to the Commission*) shall have effect.

S 9. **Cases dealt with on indictment in [E&W].** (1) Where a person has been convicted of an offence on indictment in [E&W], the [CCRC] (a) may at any time refer the conviction to the Court of Appeal, and (b) (whether or not they refer the conviction) may at any time refer to the Court of Appeal any sentence (*not being a sentence fixed by law*) imposed on, or in subsequent proceedings relating to, the conviction. (2) A reference

¹¹ If still required this should be inserted in a CJA along with other material on coroners in the 2009 Act (see text).

under [ss] (1) of a person's conviction shall be treated for all purposes as an appeal by the person under [s] 1 of the 1968 Act against the conviction. (3) A reference under [ss] (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction on an indictment shall be treated for all purposes as an appeal by the person under [s] 9 of the 1968 Act against (a) the sentence, and (b) any other sentence (not being a sentence fixed by law) imposed on, or in subsequent proceedings relating to, the conviction or any other conviction on the indictment. (4) On a reference under [ss] (1) of a person's conviction on an indictment the [CCRC] may give notice to the Court of Appeal that any other conviction on the indictment which is specified in the notice is to be treated as referred to the Court of Appeal under [ss] (1). (5) Where a verdict of not guilty by reason of insanity has been returned in [E&W] in the case of a person, the [CCRC] may at any time refer the verdict to the Court of Appeal; and a reference under this [ss] shall be treated for all purposes as an appeal by the person under [s]12 of the 1968 Act against the verdict. (6) Where in [E&W] there have been findings that a person is under a disability and that he did the act or made the omission charged against him, the [CCRC] may at any time refer either or both of those findings to the Court of Appeal; and a reference under this [ss] shall be treated for all purposes as an appeal by the person under [s] 15 of the 1968 Act against the finding or findings referred.

S 10. Cases dealt with on indictment in [NI]. (1) Where a person has been convicted of an offence on indictment in [NI], the [CCRC] (a) may at any time refer the conviction to the Court of Appeal, and (b) (whether or not they refer the conviction) may at any time refer to the Court of Appeal any sentence (not being a sentence fixed by law) imposed on, or in subsequent proceedings relating to, the conviction. (2) A reference under [ss] (1) of a person's conviction shall be treated for all purposes as an appeal by the person under [s]1 of the 1980 Act against the conviction. (3) A reference under [ss] (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction on an indictment shall be treated for all purposes as an appeal by the person under [s] 8 or 9 (as the case may be) of the 1980 Act against (a) the sentence, and (b) any other sentence (not being a sentence fixed by law) imposed on, or in subsequent proceedings relating to, the conviction or any other conviction on the indictment. (4) On a reference under [ss] (1) of a person's conviction on an indictment the [CCRC] may give notice to the Court of Appeal that any other conviction on the indictment which is specified in the notice is to be treated as referred to the Court of Appeal under [ss] (1). (5) On a reference under [ss] (1) the Court of Appeal may not pass any sentence more severe than that passed by the Crown Court.

(6) Where a finding of not guilty on the ground of insanity has been recorded in [NI] in the case of a person, the [CCRC] may at any time refer the finding to the Court of Appeal; and a reference under this [ss] shall be treated for all purposes as an appeal by the person under [s] 12 of the 1980 Act against the finding. (7) Where in [NI] there has been a finding that a person is unfit to be tried, the [CCRC] may at any time refer the finding to the Court of Appeal; and a reference under this [ss] shall be treated for all purposes as an appeal by the person under [s] 13A of the 1980 Act against the finding.

S 11. Cases dealt with summarily in [E&W]. (1) Where a person has been convicted of an offence by a magistrates' court in [E&W], the [CCRC] (a) may at any time refer the conviction to the Crown Court, and (b) (whether or not they refer the conviction) may at any time refer to the Crown Court any sentence imposed on, or in subsequent proceedings relating to, the conviction. (2) A reference under [ss] (1) of a person's conviction shall be treated for all purposes as an appeal by the person under [s]108(1) of the Magistrates' Courts Act 1980 against the conviction (whether or not he pleaded guilty). (3) A reference under [ss] (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction shall be treated for all purposes as an appeal by the person under [s] 108(1) of the Magistrates' Courts Act 1980 against (a) the sentence, and (b) any other sentence imposed on, or in subsequent proceedings relating to, the conviction or any related conviction. (4) On a reference under [ss] (1) of a person's conviction the [CCRC] may give notice to the Crown Court that any related conviction which is specified in the notice is to be treated as referred to the Crown Court under [ss] (1). (5) For the purposes of this [s] convictions are related if they are convictions of the same person by the same court on the same day. (6) On a reference under this [s] the Crown Court may not award any punishment more severe than that awarded by the court whose decision is referred. (7) The Crown Court may grant bail to a person whose conviction or sentence has been referred under this [s]; and any time during which he is released on bail shall not count as part of any term of imprisonment or detention under his sentence.

S 12. Cases dealt with summarily in [NI]. (1) Where a person has been convicted of an offence by a magistrates' court in [NI], the [CCRC] (a) may at any time refer the conviction to a county court, and (b) (whether or not they refer the conviction) may at any time refer to a county court any sentence imposed on, or in subsequent proceedings relating to, the conviction. (2) A reference under [ss] (1) of a person's conviction shall be treated for all purposes as an appeal by the person under [art] 140(1) of the Magistrates' Courts ([NI]) Order 1981 against the conviction (whether or not he pleaded guilty). (3) A reference under [ss] (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction shall be treated for all purposes as an appeal by the person under [art] 140(1) of the Magistrates' Courts ([NI]) Order 1981 against (a) the sentence, and (b) any other sentence imposed on, or in subsequent proceedings relating to, the conviction or any related conviction. (4) On a reference under [ss] (1) of a person's conviction the [CCRC] may give notice to the county court that any related conviction which is specified in the notice is to be treated as referred to the county court under [ss] (1). (5) For the purposes of this [s] convictions are related if they are convictions of the same person by the same court on the same day. (6) On a reference under this [s] a county court may not award any punishment more severe than that awarded by the court whose decision is referred. (7) The High Court may grant bail to a person whose conviction or sentence has been referred to a county court under this [s]; and any time during which he is released on bail shall not count as part of any term of imprisonment or detention under his sentence.

S 12A. Cases dealt with by the Court Martial. (1) Where a person has been convicted by the Court Martial (including on an appeal brought from the Service Civilian Court), the [CCRC] (a) may at any time refer the conviction to the Court Martial Appeal Court [CMAC] and (b) (whether or not they refer the conviction) may at any time refer to the [CMAC] any sentence (other than one fixed by law) imposed by the Court Martial on, or in subsequent proceedings relating to, the conviction. (2) Where a person has been convicted by the Service Civilian Court and sentenced by the Court Martial on an appeal against sentence only, the [CCRC] may at any time refer to the [CMAC] that sentence of the Court

Martial and any other sentence imposed by the Court Martial in respect of a connected conviction within the meaning given by [s]12B (6). (3) A reference under [ss] (1) of a person's conviction shall be treated for all purposes as an appeal by the person under [s] 8 of the Court Martial Appeals Act against the conviction. (4) On a reference under [ss] (1) of a person's conviction, the Commission may give notice to the Court Martial Appeal Court that any related conviction specified in the notice is to be treated as referred to that court under [ss] (1). (5) A reference under [ss] (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction shall be treated for all purposes as an appeal by the person under [s] 8 of the [CMAC] against (a) the sentence, and (b) any other sentence (other than one fixed by law) imposed by the Court Martial on, or in subsequent proceedings relating to, the conviction or any related conviction. (6) A reference under [ss] (2) of a person's sentence shall be treated for all purposes as an appeal by the person under [s] 8 of the Court Martial Appeals Act against (a) the sentence, and (b) any other sentence imposed by the Court Martial in respect of a connected conviction within the meaning given by [s] 12B (6). (7) Where a finding of not guilty by reason of insanity has been made by the Court Martial in the case of a person, the Commission may at any time refer the finding to the [CMAC]; and a reference under this subsection shall be treated for all purposes as an appeal by the person under [s] 21 of the Court Martial Appeals Act against the finding. (8) Where the Court Martial has found that a person is under a disability and that he did the act or made the omission charged against him, the Commission may at any time refer either or both of those findings to the [CMAC]; and a reference under this [ss] shall be treated for all purposes as an appeal by the person under [s] 24 of the Court Martial Appeals Act against the finding or findings referred. (9) For the purposes of this [s] convictions are "related" if they are of the same person in the same proceedings.

S 12B. Cases dealt with by the Service Civilian Court (1) Where a person has been convicted of an offence by the Service Civilian Court, the [CCRC] (a) may at any time refer the conviction to the Court Martial; and (b) (whether or not they refer the conviction) may at any time refer to the Court Martial any sentence imposed by the Service Civilian Court on, or in subsequent proceedings relating to, the conviction. (2) A reference under [ss] (1) of a person's conviction shall be treated for all purposes as an appeal by the person under [s] 285 of the Armed Forces Act 2006 against the conviction (whether or not he pleaded guilty). (3) A reference under [ss] (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction shall be treated for all purposes as an appeal by the person under [s] 285 of the Armed Forces Act 2006 against (a) the sentence, and (b) any other sentence imposed by the Service Civilian Court on, or in subsequent proceedings relating to, the conviction or any connected conviction. (4) On a reference under [ss] (1) of a person's conviction, the [CCRC] may give notice to the Court Martial that any connected conviction which is specified in the notice is to be treated as referred to the Court Martial under [ss] (1). (5) On a reference under this [s] the Court Martial may not impose a sentence more severe than that imposed by the Service Civilian Court. (6) For the purposes of this [s] convictions are "connected" if they are of the same person by the same court on the same day.

S 13. Conditions for making of references. (1) A reference of a conviction, verdict, finding or sentence shall not be made under any of sections 9 to 12B unless (a) the [CCRC] consider that there is a real possibility that the conviction, verdict, finding or sentence would not be upheld were the reference to be made, (b) the [CCRC] so consider (i) in the case of a conviction, verdict or finding, because of an argument, or evidence, not raised in the proceedings which led to it or on any appeal or application for leave to appeal against it, or (ii) in the case of a sentence, because of an argument on a point of law, or information, not so raised, and (c) an appeal against the conviction, verdict, finding or sentence has been determined or leave to appeal against it has been refused. (2) Nothing in [ss] (1)(b)(i) or (c) shall prevent the making of a reference if it appears to the [CCRC] that there are exceptional circumstances which justify making it.

S 14. Further provisions about references. (1) A reference of a conviction, verdict, finding or sentence may be made under any of sections 9 to 12B either after an application has been made by or on behalf of the person to whom it relates or without an application having been so made. (2) In considering whether to make a reference of a conviction, verdict, finding or sentence under any of sections 9 to 12B the [CCRC] shall have regard to (a) any application or representations made to the [CCRC] by or on behalf of the person to whom it relates, (b) any other representations made to the [CCRC] in relation to it, and (c) any other matters which appear to the [CCRC] to be relevant. (3) In considering whether to make a reference under [s] 9, 10 or 12A the [CCRC] may at any time refer any point on which they desire the assistance of the Court of Appeal or, as the case may be, of the [CMAC] to that Court for the Court's opinion on it; and on a reference under this [ss] the court to which the reference is made shall consider the point referred and furnish the [CCRC] with the Court's opinion on the point. (4) Where the [CCRC] make a reference under any of sections 9 to 12B the [CCRC] shall (a) give to the court to which the reference is made a statement of the [CCRC's] reasons for making the reference, and (b) send a copy of the statement to every person who appears to the [CCRC] to be likely to be a party to any proceedings on the appeal arising from the reference. (4A) Subject to [ss] (4B), where a reference under [s] 9, 10 or 12A is treated as an appeal against any conviction, verdict, finding or sentence, the appeal may not be on any ground which is not related to any reason given by the [CCRC] for making the reference. (4B) The Court of Appeal or, as the case may be, the [CMAC] may give leave for an appeal mentioned in [ss] (4A) to be on a ground relating to the conviction, verdict, finding or sentence which is not related to any reason given by the [CCRC] for making the reference.] (5) Where a reference under [s] 11, 12 or 12B is treated as an appeal against any conviction, verdict, finding or sentence, the appeal may be on any ground relating to the conviction, verdict, finding or sentence (whether or not the ground is related to any reason given by the [CCRC] for making the reference). (6) In every case in which (a) an application has been made to the [CCRC] by or on behalf of any person for the reference under any of sections 9 to 12B] of any conviction, verdict, finding or sentence, but (b) the [CCRC] decide not to make a reference of the conviction, verdict, finding or sentence, the [CCRC] shall give a statement of the reasons for their decision to the person who made the application.

S 15. Investigations for Court of Appeal and [CMCA]. (1) Where a direction (a relevant direction)] is given by the Court of Appeal under [s] 23A (1) of the 1968 Act or [s] 25A(1) of the 1980 Act or by the [CMAC] under [s] 29A(1) of the Court Martial Appeals Act, the [CCRC] shall investigate the matter specified in the direction in such manner as the [CCRC] think fit. (2) Where, in investigating a matter specified in such a direction, it appears to the [CCRC] that (a) another matter (a "related matter") which is relevant to the determination of the appeal or application

for leave to appeal by the relevant Court ought, if possible, to be resolved before the appeal or application for leave to appeal is determined by that Court, and (b) an investigation of the related matter is likely to result in the Court's being able to resolve it, the [CCRC] may also investigate the related matter. (3) The [CCRC] shall (a) keep the relevant Court informed as to the progress of the investigation of any matter specified in a relevant direction, and (b) if they decide to investigate any related matter, notify the relevant Court of their decision and keep the Court informed as to the progress of the investigation. (4) The [CCRC] shall report to the relevant Court on the investigation of any matter specified in a relevant direction when (a) they complete the investigation of that matter and of any related matter investigated by them, or (b) they are directed to do so by the relevant Court, whichever happens first. (5) A report under [ss] (4) shall include details of any inquiries made by or for the Commission in the investigation of the matter specified in the direction or any related matter investigated by them. (6) Such a report shall be accompanied (a) by any statements and opinions received by the [CCRC] in the investigation of the matter specified in the direction or any related matter investigated by them, and (b) subject to [ss] (7), by any reports so received. (7) Such a report need not be accompanied by any reports submitted to the [CCRC] under [s] 20(6) by an investigating officer. (8) In this [s] "relevant Court", in relation to a direction, means the court that gave the direction.

S 16. Assistance in connection with prerogative of mercy. (1) Where the [SS] refers to the [CCRC] any matter which arises in the consideration of whether to recommend the exercise of [HMs] prerogative of mercy in relation to a conviction and on which he desires their assistance, the [CCRC] shall (a) consider the matter referred, and (b) give to the [SS] a statement of their conclusions on it; and the [SS] shall, in considering whether so to recommend, treat the [CCRC's] statement as conclusive of the matter referred. (2) Where in any case the [CCRC] are of the opinion that the [SS] should consider whether to recommend the exercise of [HMs] prerogative of mercy in relation to the case they shall give him the reasons for their opinion. (2A) Where the Minister in charge of the Department of Justice in [NI] refers to the Commission any matter which arises in the consideration of whether [HMs] prerogative of mercy should be exercised on Her behalf under [s] 23(2) of the [NI] Act 1998 in relation to a conviction and on which the Minister desires the [CCRC's] assistance, the Commission shall (a) consider the matter referred, and (b) give to the Minister a statement of their conclusions on it; and for the purposes of the consideration of whether [HMs] prerogative of mercy should be so exercised, the Commission's statement shall be treated as conclusive of the matter referred. (2B) Where in any case the [CCRC] are of the opinion that [HMs] prerogative of mercy should be so exercised, they shall give the Minister reasons for their opinion. (3) In [ss] (1) "conviction" includes a conviction by the Court Martial or the Service Civilian Court, and in [ss] (2) "case" includes the case of such a conviction.

S 17. Power to obtain documents etc. from those serving in public bodies. (1) This [s] applies where the [CCRC] believe that a person serving in a public body has possession or control of a document or other material which may assist the [CCRC] in the exercise of any of their functions. (2) Where it is reasonable to do so, the [CCRC] may require the person who is the appropriate person in relation to the public body (a) to produce the document or other material to the [CCRC] or to give the [CCRC] access to it, and (b) to allow the [CCRC] to take away the document or other material or to make and take away a copy of it in such form as they think appropriate, and may direct that person that the document or other material must not be destroyed, damaged or altered before the direction is withdrawn by the [CCRC]. (3) The documents and other material covered by this [s] include, in particular, any document or other material obtained or created during any investigation or proceedings relating to (a) the case in relation to which the [CCRC's] function is being or may be exercised, or (b) any other case which may be in any way connected with that case (whether or not any function of the [CCRC] could be exercised in relation to that other case). (4) The duty to comply with a requirement under this [s] is not affected by any obligation of secrecy or other limitation on disclosure (including any such obligation or limitation imposed by or by virtue of an enactment) which would otherwise prevent the production of the document or other material to the [CCRC] or the giving of access to it to the [CCRC].

S 18. Government documents etc. relating to current or old cases. (1) [s] 17 does not apply to any document or other material in the possession or control of a person serving in a government department if the document or other material (a) is relevant to a case to which this [ss] applies, and (b) is in the possession or control of the person in consequence of the [SS's] consideration of the case. (2) [ss] (1) applies to a case if the [SS] (a) is, immediately before the day on which the repeal by this Act of [s] 17 of the 1968 Act or of [s] 14 of the 1980 Act comes into force, considering the case with a view to deciding whether to make a reference under that [s] or whether to recommend the exercise of [HMs] prerogative of mercy in relation to a conviction by a magistrates' court, or (b) has at any earlier time considered the case with a view to deciding whether to make such a reference or whether so to recommend or (c) is considering the case, or has at any earlier time considered the case, with a view to deciding whether to make a reference under [s] 34 of the Court Martial Appeals Act or whether to recommend the exercise of [HMs] prerogative of mercy in relation to a conviction by the Court Martial or the Service Civilian Court. (3) The [SS] shall give to the Commission any document or other material which (a) contains representations made to him in relation to any case to which this [ss] applies, or (b) was received by him in connection with any such case otherwise than from a person serving in a government department, and may give to the [CCRC] any document or other material which is relevant to any such case but does not fall within [para] (a) or (b). (4) [ss] (3) applies to a case if (a) the [SS] is, immediately before the day on which the repeal by this Act of [s] 17 of the 1968 Act or of [s] 14 of the 1980 Act comes into force, considering the case with a view to deciding whether to make a reference under that [s] or whether to recommend the exercise of [HMs] prerogative of mercy in relation to a conviction by a magistrates' court, or (b) the [SS] has at any earlier time considered the case with a view to deciding whether to make such a reference, or whether so to recommend, and the Commission at any time notify him that they wish [ss] (3) to apply to the case. (5) The [SS] shall, if required by the [CCRC] to do so, give to the [CCRC] any document or other material which (a) contains representations made to him in relation to any case to which this [ss] applies, or (b) was received by him in connection with any such case otherwise than from a person serving in a government department, and may give to the Commission any document or other material which is relevant to any such case but does not fall within [para] (a) or (b). (6) [ss] (5) applies to a case if the [SS] is considering the case, or has at any earlier time considered the case, as mentioned in [ss] (2)(c).

S 18A. **Obtaining documents etc from those not serving in public bodies** (1) The Crown Court may, on an application by the [CCRC], order a person to give the Commission access to a document or other material that is in the person's possession or control. (2) The court may make an order only if it thinks that the document or other material may assist the [CCRC] in the exercise of any of their functions. (3) An order under this section may include provision about the manner in which access must be given, including provision allowing the [CCRC] to take away a document or other material or make copies. (4) An order under this [s] may direct the person against whom it is made not to destroy, damage or alter the document or other material before the direction is withdrawn by the court. (5) An order under this [s] may not be made against a person on whom the Commission could impose a requirement under [s] 17 (*person serving in a public body*). (6) [ss] (3) and (4) of [s] 17 apply for the purposes of this [s] as they apply for the purposes of that [s].

S 19. **Power to require appointment of investigating officers.** (1) Where the [CCRC] believe that inquiries should be made for assisting them in the exercise of any of their functions in relation to any case they may require the appointment of an investigating officer to carry out the inquiries. (2) Where any offence to which the case relates was investigated by persons serving in a public body, a requirement under this [s] may be imposed (a) on the person who is the appropriate person in relation to the public body, or (b) where the public body has ceased to exist, on any chief officer of police or on the person who is the appropriate person in relation to any public body which appears to the [CCRC] to have functions which consist of or include functions similar to any of those of the public body which has ceased to exist. (2A) Where the Commission has power to impose a requirement under [para] (a) of [ss] (2) and the public body referred to in that [para] is mentioned in [s] 22(4A), that power includes power to impose the requirement on the Provost Marshal for serious crime (instead of the person who is the appropriate person in relation to the public body). (3) Where no offence to which the case relates was investigated by persons serving in a public body, a requirement under this [s] may be imposed on any [CPO] or Provost Marshal. (4) A requirement under this [s] imposed on a [CPO] may be (a) a requirement to appoint a person serving in the police force in relation to which he is the [CPO], or (b) a requirement to appoint a person serving in a body selected by the [CPO] which is (i) another police force, (ii) a service police force, or (iii) the tri-service serious crime unit. (4A) A requirement under this [s] imposed on the Provost Marshal of a service police force may be (a) a requirement to appoint a person serving in that service police force, or (b) a requirement to appoint a person serving in a body selected by the Provost Marshal which is (i) a police force, (ii) another service police force, or (iii) the tri-service serious crime unit. (4B) A requirement under this [s] imposed on the Provost Marshal for serious crime may be (a) a requirement to appoint a person serving in the tri-service serious crime unit, or (b) a requirement to appoint a person serving either in a police force selected by the Provost Marshal or in a service police force selected by the Provost Marshal. (5) A requirement under this [s] imposed otherwise than on a [CPO] or a Provost Marshal may be (a) a requirement to appoint a person serving in the public body in relation to which the person on whom the requirement is imposed is the appropriate person, or (b) a requirement to appoint a person serving in a body selected by the appropriate person which is (i) a police force, a service police force or the tri-service serious crime unit, or (ii) a public body (not falling within [sub-para] (i)) having functions which consist of or include the investigation of offences. (6) The Commission may direct (a) that a person shall not be appointed, or (b) that a body mentioned in [ss] (4)(b), (4A) (b), (4B)(b) or (5)(b)] shall not be selected, under [ss] (4), (4A), (4B) or (5) without the approval of the Commission. (7) Where an appointment is made under this [s] by the person who is the appropriate person in relation to any public body or by the Provost Marshal for serious crime, that person shall inform the Commission of the appointment; and if the Commission are not satisfied with the person appointed they may direct that (a) the person who is the appropriate person in relation to the public body or (as the case requires) the Provost Marshal for serious crime shall, as soon as is reasonably practicable, select another person in his place and notify the Commission of the proposal to appoint the other person, and (b) the other person shall not be appointed without the approval of the Commission (8) In this [s] "*tri-service serious crime unit*" means the unit described in [s] 375(1A) of the Armed Forces Act 2006.

S 20. **Inquiries by investigating officers.** (1) A person appointed as the investigating officer in relation to a case shall undertake such inquiries as the [CCRC] may from time to time reasonably direct him to undertake in relation to the case. (2) A person appointed as an investigating officer shall be permitted to act as such by the person who is the appropriate person in relation to the public body in which he is serving. (2A) In the application of [ss] (2) in relation to an investigating officer who is serving in a public body mentioned in [s] 22(4A), the reference in [ss] (2) to the person who is the appropriate person in relation to that public body is to be read as including (so far as necessary) a reference to the Provost Marshal for serious crime. (3) Where the [CPO] of an [E&W] police force appoints a member of the [RUC] as an investigating officer, the member appointed shall have in [E&W] the same powers and privileges as a member of the police force has there as a constable; and where the [CC] of the [RUC] appoints a member of an [E&W] police force as an investigating officer, the member appointed shall have in [NI] the same powers and privileges as a member of the [RUC] has there as a constable. (4) The [CCRC] may take any steps which they consider appropriate for supervising the undertaking of inquiries by an investigating officer. (5) The [CCRC] may at any time direct that a person appointed as the investigating officer in relation to a case shall cease to act as such; but the making of such a direction shall not prevent the [CCRC] from imposing a requirement under [s] 19 to appoint another investigating officer in relation to the case. (6) When a person appointed as the investigating officer in relation to a case has completed the inquiries which he has been directed by the Commission to undertake in relation to the case, he shall (a) prepare a report of his findings, (b) submit it to the [CCRC], and (c) send a copy of it to the person by whom he was appointed. (7) When a person appointed as the investigating officer in relation to a case submits to the [CCRC] a report of his findings he shall also submit to them any statements, opinions and reports received by him in connection with the inquiries which he was directed to undertake in relation to the case.

S 21. **Other powers.** Sections 17 to 20 are without prejudice to the taking by the [CCRC] of any steps which they consider appropriate for assisting them in the exercise of any of their functions including, in particular (a) undertaking, or arranging for others to undertake, inquiries, and (b) obtaining, or arranging for others to obtain, statements, opinions and reports.

S 22. **Meaning of "public body" etc.** (1) In sections 17, 19 and 20 and this [s] "*public body*" means (a) any police force, (b) any government department, local authority or other body constituted for purposes of the public service, local government or the administration of justice, or (c)

any other body whose members are appointed by [HM], any Minister or any government department or whose revenues consist wholly or mainly of money provided by Parliament or appropriated by Measure of the [NI] Assembly. (2) In sections 19 and 20 and this [s] (a) “*police force*” includes the [RUC] and the [RUC] Reserve and any body of constables maintained otherwise than by a local policing body, (b) references to the [CPO] (i) in relation to the Police Service of [NI] and the Police Service of [NI] Reserve, are to the [CC] of the Constabulary, and (iii) in relation to any other police force maintained otherwise than by a local policing body, are to the [CC], and (c) references to an [E&W] police force are to a police force maintained under [s] 2 of the Police Act 1996, the metropolitan police force or the City of London police force. (3) In [s] 18 and this [s] (a) references to a government department include a [NI] department and the Public Prosecution Service for [NI] and (b) “*Minister*” means a Minister of the Crown as defined by [s] 8 of the Ministers of the Crown Act 1975 but also includes the head of a [NI] department. (4) In sections 17, 19 and 20 “*the appropriate person*” means, subject to [ss] (4B) (a) in relation to a police force, the [CPO], (aa) in relation to the [NCA] the Director General of that Agency, (b) in relation to the [CPS], the [DPP] (c) in relation to the Public Prosecution Service for [NI], the Director of Public Prosecutions for [NI], (d) in relation to the [SFO], the Director of the [SFO], (e) in relation to [HM’s]’ Revenue and Customs, the Commissioners for [HM’s] [R&C], (g) in relation to any government department not within any of the preceding [paras], the Minister in charge of the department, and (h) in relation to any public body not within any of the preceding [paras], the public body itself (if it is a body corporate) or the person in charge of the public body (if it is not). (4A) [ss] (4B) applies in relation to (a) the Royal Navy, the Royal Marines, the Royal Fleet Reserve, the Royal Naval Reserve and the Royal Marines Reserve (b) the regular army (within the meaning of the Armed Forces Act 2006), the Regular Reserve and the Army Reserve, and (c) the Royal Air Force, the Royal Air Force Reserve and the Royal Auxiliary Air Force. (4B) In relation to a public body mentioned in [ss] (4A), “*the appropriate person*” means (a) in [s] 17, the [SS]; (b) in sections 19 and 20 (i) in the case of a body mentioned in [ss] (4A)(a), the Provost Marshal for the Royal Navy Police, (ii) in the case of a body mentioned in [ss] (4A)(b), the Provost Marshal for the Royal Military Police, (iii) in the case of a body mentioned in [ss] (4A)(c), the Provost Marshal for the Royal Air Force Police. (4C) in [s] 19 “*service police force*” has the same meaning as in the Armed Forces Act 2006.

S 23. **Offence of disclosure.** (1) A person who is or has been a member or employee of the [CCRC] shall not disclose any information obtained by the [CCRC] in the exercise of any of their functions unless the disclosure of the information is excepted from this [s] by [s] 24. (2) A person who is or has been an investigating officer shall not disclose any information obtained by him in his inquiries unless the disclosure of the information is excepted from this[s] by [s] 24. (3) A member of the [CCRC] shall not authorize (a) the disclosure by an employee of the [CCRC] of any information obtained by the [CCRC] in the exercise of any of their functions, or (b) the disclosure by an investigating officer of any information obtained by him in his inquiries, unless the authorisation of the disclosure of the information is excepted from this [s] by [s] 24. (4) A person who contravenes this [s] is guilty of an offence and liable on [SC] to a fine of an amount not exceeding level 5 [I].

S 24. **Exceptions from obligations of non-disclosure.** (1) The disclosure of information, or the authorisation of the disclosure of information, is excepted from [s] 23 by this [s] if the information is disclosed, or is authorised to be disclosed (a) for the purposes of any criminal, disciplinary or civil proceedings, (b) in order to assist in dealing with an application made to the [SS] or the Department of Justice in [NI] for compensation for a miscarriage of justice, (c) by a person who is a member or an employee of the Commission either to another person who is a member or an employee of the Commission or to an investigating officer, (d) by an investigating officer to a member or an employee of the [CCRC], (e) in any statement or report required by this Act, (f) in or in connection with the exercise of any function under this Act, or (g) in any circumstances in which the disclosure of information is permitted by an order made by the [SS]. (2) The disclosure of information is also excepted from [s] 23 by this section if the information is disclosed by an employee of the [CCRC], or an investigating officer, who is authorised to disclose the information by a member of the [CCRC]. (3) The disclosure of information, or the authorisation of the disclosure of information, is also excepted from [s] 23 by this [s] if the information is disclosed, or is authorised to be disclosed, for the purposes of (a) the investigation of an offence, or (b) deciding whether to prosecute a person for an offence, unless the disclosure is or would be prevented by an obligation of secrecy or other limitation on disclosure (including any such obligation or limitation imposed by or by virtue of an enactment) arising otherwise than under that [s]. (4) Where the disclosure of information is excepted from [s] 23 by [ss] (1) or (2), the disclosure of the information is not prevented by any obligation of secrecy or other limitation on disclosure (including any such obligation or limitation imposed by or by virtue of an enactment) arising otherwise than under that [s]. (5) The power to make an order under [ss] (1)(g) is exercisable by [SI] which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

S 25. **Consent to disclosure.** (1) Where a person on whom a requirement is imposed under [s] 17 or by an order under [s] 18A notifies the Commission that any information contained in any document or other material to which the requirement relates is not to be disclosed by the Commission without his prior consent, the Commission shall not disclose the information without such consent. (2) Such consent may not be withheld unless (a) (apart from [s] 17 or 18A) the person would have been prevented by any obligation of secrecy or other limitation on disclosure from disclosing the information to the [CCRC], and (b) it is reasonable for the person to withhold his consent to disclosure of the information by the [CCRC]. (3) An obligation of secrecy or other limitation on disclosure which applies to a person only where disclosure is not authorised by another person shall not be taken for the purposes of [ss] (2)(a) to prevent the disclosure by the person of information to the Commission unless (a) reasonable steps have been taken to obtain the authorisation of the other person, or (b) such authorisation could not reasonably be expected to be obtained.

Criminal Injuries (Compensation) Act 1995

S 1. **The Criminal Injuries Compensation Scheme [CICS].** (1) The [SS] shall make arrangements for the payment of compensation to, or in respect of, persons who have sustained one or more criminal injuries. (2) Any such arrangements shall include the making of a scheme providing, in particular, for (a) the circumstances in which awards may be made; and (b) the categories of person to whom awards may be made. (3) The scheme shall be known as the [CICS]. (4) In this Act “*award*” means an award of compensation made in accordance with the provisions of the

Scheme; “*claims officer*” means a person appointed by the [SS] under [s] 3(4)(b); “*compensation*” means compensation payable under an award; “*criminal injury*”, “*loss of earnings*” and “*special expenses*” have such meaning as may be specified; “*the Scheme*” means the [CICS]; “*Scheme manager*” means a person appointed by the [SS] to have overall responsibility for managing the provisions of the Scheme (other than those to which [s] 5(2) applies); and “*specified*” means specified by the Scheme.

S 2. **Basis on which compensation is to be calculated.** (1) The amount of compensation payable under an award shall be determined in accordance with the provisions of the Scheme. (2) Provision shall be made for (a) a standard amount of compensation, determined by reference to the nature of the injury; (b) in such cases as may be specified, an additional amount of compensation calculated with respect to loss of earnings; (c) in such cases as may be specified, an additional amount of compensation calculated with respect to special expenses; and (d) in cases of fatal injury, such additional amounts as may be specified or otherwise determined in accordance with the Scheme. (3) Provision shall be made for the standard amount to be determined (a) in accordance with a table (“*the Tariff*”) prepared by the [SS] as part of the Scheme and such other provisions of the Scheme as may be relevant; or (b) where no provision is made in the Tariff with respect to the injury in question, in accordance with such provisions of the Scheme as may be relevant. (4) The Tariff shall show, in respect of each description of injury mentioned in the Tariff, the standard amount of compensation payable in respect of that description of injury. (5) An injury may be described in the Tariff in such a way, including by reference to the nature of the injury, its severity or the circumstances in which it was sustained, as the [SS] considers appropriate. (6) The [SS] may at any time alter the Tariff (a) by adding to the descriptions of injury mentioned there; (b) by removing a description of injury; (c) by increasing or reducing the amount shown as the standard amount of compensation payable in respect of a particular description of injury; or (d) in such other way as he considers appropriate. (7) The Scheme may (a) provide for amounts of compensation not to exceed such maximum amounts as may be specified; (b) include such transitional provision with respect to any alteration of its provisions relating to compensation as the [SS] considers appropriate.

S 3. **Claims and awards.** (1) The Scheme may, in particular, include provision (a) as to the circumstances in which an award may be withheld or the amount of compensation reduced; (b) for an award to be made subject to conditions; (c) for the whole or any part of any compensation to be repayable in specified circumstances; (d) for compensation to be held subject to trusts, in such cases as may be determined in accordance with the Scheme; (e) requiring claims under the Scheme to be made within such periods as may be specified by the Scheme; and (f) imposing other time limits. (2) Where, in accordance with any provision of the Scheme, it falls to one person to satisfy another as to any matter, the standard of proof required shall be that applicable in civil proceedings. (3) Where, in accordance with any provision of the Scheme made by virtue of subsection (1)(c), any amount falls to be repaid it shall be recoverable as a debt due to the Crown. (4) The Scheme shall include provision for claims for compensation to be determined and awards and payments of compensation to be made (a) if a Scheme manager has been appointed, by persons appointed for the purpose by the Scheme manager; but (b) otherwise by persons (“*claims officers*”) appointed for the purpose by the [SS]. (5) A claims officer (a) shall be appointed on such terms and conditions as the [SS] considers appropriate; but (b) shall not be regarded as having been appointed to exercise functions of the [SS] or to act on his behalf. (6) No decision taken by a claims officer shall be regarded as having been taken by, or on behalf of, the [SS]. (7) If a Scheme manager has been appointed (a) he shall not be regarded as exercising functions of the [SS] or as acting on his behalf; and (b) no decision taken by him or by any person appointed by him shall be regarded as having been taken by, or on behalf of, the [SS].

S 4. **Reviews.** (1) The Scheme shall include provision for the review, in such circumstances as may be specified, of any decision taken in respect of a claim for compensation. (2) Any such review must be conducted by a person other than the person who made the decision under review.

S 5. **Appeals.** (1) The Scheme shall include provision for rights of appeal to the First-tier Tribunal against decisions taken on reviews under provisions of the Scheme made by virtue of [s] 4. (8) (*amends*). (9) The power conferred by [s] 3(1)(a) to provide for the reduction of an amount of compensation includes power to provide for a reduction where, in the opinion of the First-tier Tribunal determining an appeal, the appeal is frivolous or vexatious.

S 6. **Reports, accounts and financial records.** (1) Subject to [ss](2A) below, the Scheme shall include provision (a) for such person or persons as the [SS] considers appropriate to make an annual report to him and the Scottish Ministers; and (b) for the report (i) to be made as soon as possible after the end of each financial year; and (ii) to cover the operation of, and the discharge of functions conferred by, the Scheme during the year to which it relates. (2) The [SS] shall lay before each House of Parliament a copy of every such annual report and the Scottish Ministers shall lay before the Scottish Parliament a copy of every such annual report. (2A) In place of the provision referred to in [ss] (1) above, the Scheme may include provision (a) for such person or persons as the [SS] considers appropriate to make separate annual reports to him and the Scottish Ministers in accordance with the provision in [ss](1)(b)(i) above; and (b) for the report to be made to the [SS] to cover the operation of, and the discharge of functions conferred by, the Scheme in relation to criminal injuries sustained otherwise than in Scotland during the year to which it relates; and (c) for the report to be made to the Scottish Ministers to cover the operation of, and the discharge of functions conferred by, the Scheme in relation to criminal injuries sustained in Scotland during the year to which it relates. (2B) Where provision is made in accordance with [ss] (2A) above, the [SS] shall lay before each House of Parliament a copy of the annual report submitted to him and the Scottish Ministers shall lay before the Scottish Parliament a copy of the annual report submitted to them. (3) The Scheme shall also include provision (a) for such person or persons as the [SS] considers appropriate (i) to keep proper accounts and proper records in relation to the accounts; (ii) to prepare a statement of accounts in each financial year in such form as the [SS] may direct; (b) requiring such a statement of accounts to be submitted to the [SS] at such time as the [SS] may direct. (4) Where such a statement of accounts is submitted to the [SS], he shall send a copy of it to the Comptroller and Auditor General as soon as is reasonably practicable. (5) The Comptroller and Auditor General shall (a) examine, certify and report on any statement of accounts sent to him under [ss] (4); and (b) lay copies of the statement and of his report before each House of Parliament and the

Scottish Parliament. (6) In this [s] “*financial year*” means the period beginning with the day on which this [s] comes into force and ending with the following 31st March and each successive period of 12 months.

S 7. **Inalienability of awards.** (1) Every assignment (or, in Scotland, assignation) of, or charge on, an award and every agreement to assign or charge an award shall be void. (2) On the bankruptcy of a person in whose favour an award is made (or, in Scotland, on the sequestration of such a person’s estate), the award shall not pass to any trustee or other person acting on behalf of his creditors.

S 8. **Financial provisions.** (1) The [SS] may pay such remuneration, allowances or gratuities to or in respect of claims officers and other persons appointed by him under this Act as he considers appropriate. (4) Sums required for the payment of compensation in accordance with the Scheme shall be provided by the [SS] out of money provided by Parliament. (5) Where a Scheme manager has been appointed, the [SS] may make such payments to him, in respect of the discharge of his functions in relation to the Scheme, as the [SS] considers appropriate. (6) Any expenses incurred by the [SS] under this Act shall be paid out of money provided by Parliament. (6A) Any expenses incurred by the [SS] under [ss] (6) above as regards Scotland shall be reimbursed to the [SS] by the Scottish Ministers. (7) Any sums received by the [SS] under any provision of the Scheme made by virtue of [s] 3(1)(c) shall be paid by him into the Consolidated Fund.

S 10. **Parliamentary control.** (1) Before making the Scheme, the [SS] shall lay a draft of it before Parliament. (2) The [SS] shall not make the Scheme unless the draft has been approved by a resolution of each House. (3) Before making any alteration to the Tariff or to any provision of the Scheme as to (a) any additional amount mentioned in [s] 2(2), (b) the circumstances in which compensation may be payable with respect to a criminal injury of a kind for which no provision is made by the Tariff, (c) the calculation of compensation in respect of multiple injuries, (d) compensation payable in respect of children conceived as a result of rape or an offence under [s] 30 of the Sexual Offences Act 2003, (e) the circumstances in which an award may be withheld or compensation reduced, (f) any limit on compensation imposed by a provision made by virtue of [s]2(7)(a), the [SS] shall lay before Parliament a draft of the provision as proposed to be altered. (4) Before making any alteration to a provision of the Scheme which (a) gives a right of appeal, (b) the [SS] shall lay before Parliament a draft of the provision as proposed to be altered. (5) Where the [SS] is required to lay a draft before Parliament under [ss] (3) or (4) he shall not give effect to the proposal concerned unless the draft has been approved by a resolution of each House. (6) Whenever any other provision of the Scheme is altered, the [SS] shall lay a statement of the altered provision before Parliament. (7) If any statement laid before either House of Parliament under [ss] (6) is disapproved by a resolution of that House passed before the end of the period of 40 days beginning with the date on which the statement was laid, the [SS] shall (a) make such alterations in the Scheme as appear to him to be required in the circumstances; and (b) before the end of the period of 40 days beginning with the date on which the resolution was made, lay a statement of those alterations before Parliament. (8) In calculating the period of 40 days mentioned in [ss] (7), any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days shall be disregarded. (8A) No regulations under [s] 7A (1) or order under [s] 7B (3) shall be made unless a draft of the regulations or order has been laid before, and approved by a resolution of, the Scottish Parliament. (9) In [ss] (3) “*rape*”, in relation to anything done in [E&W], means an offence under [s] 1 or 5 of the Sexual Offences Act 2003, and in relation to anything done in Scotland means rape (whether at common law or under [s] 1(1) of the Sexual Offences (Scotland) Act 2009 (asp 9)) and rape of a young child (under [s] 18 of that Act).

Crown Prosecution Service Inspectorate Act 2000

S 1. **Inspectorate.** (1) The [AG] shall appoint a person as [HMs] Chief Inspector [CI] of the [CPS]. (2) The [CI] may appoint inspectors and other staff to assist him in the discharge of his functions. (3) There shall be paid out of money provided by Parliament (a) such sums in respect of salary, pension, allowances and compensation for the [CI] as the [AG] may determine, and (b) expenditure incurred by the [CI] in the discharge of his functions, including expenditure on payments to or in respect of staff.

S 2. **Functions.** (1) The [CI] shall (a) inspect or arrange for the inspection of the operation of the [CPS], (b) report to the [AG] on any matter connected with the operation of the Service which the [AG] refers to him, and (c) submit an annual report to the [AG] on the operation of the Service. (2) The [AG] shall lay before Parliament a copy of any report which he receives under [ss] (1)(c). (3) The [CI] may designate an inspector to discharge his functions during any period when he is absent or unable to act. (3A) This [s] applies to the [SFO] as it applies to the [CPS]. (5) The [sch] to this Act (which makes further provision about the [CI]) has effect.

Domestic Violence, Crime and Victims Act 2004

S 48. **Commissioner for Victims and Witnesses** (1) The [SS] for Justice must appoint a Commissioner for Victims and Witnesses (referred to in this Part as the Commissioner). (2) Before appointing the Commissioner the [SS] for Justice must consult the Attorney General and the [SS] for the Home Department as to the person to be appointed. (6) The [SS] may pay to, or in respect of, the Commissioner amounts (a) by way of remuneration, pensions, allowances or gratuities, or (b) by way of provision for any such benefits. (7) The [SS] may pay sums in respect of the expenses of the Commissioner.

S 49. **General functions of Commissioner** (1) The Commissioner must (a) promote the interests of victims and witnesses; (b) take such steps as he considers appropriate with a view to encouraging good practice in the treatment of victims and witnesses; (c) keep under review the operation of the code of practice issued under [s] 32. (2) The Commissioner may, for any purpose connected with the performance of his duties under [ss] (1) (a) make proposals to the [SS] Justice for amending the code (at the request of the [SS] for Justice or on his own initiative); (b) make a report to the [SS] for Justice; (c) make recommendations to an authority within his remit (whether or not made by way of inclusion in a report prepared under [para] (b) or [ss](4)); (e) consult any person he thinks appropriate. (3) If the Commissioner makes a report to the [SS] for Justice under [ss] (2)(b) (a) the Commissioner must send a copy of the report to the [AG] and the [SS] for the Home Department; (4) The Commissioner must prepare in respect of each calendar year a report on the carrying out of the functions of the Commissioner during the year. (4A) A report prepared under [ss] (2)(b) or (4) may include provision making recommendations to any authority within the Commissioner’s remit. (5) The Commissioner

must send a copy of each report prepared under [ss] (4) to (a) the [SS] for Justice, (b) the [AG], and (c) the [SS] for the Home Department. (5A) The Commissioner must arrange for each report prepared under [ss] (4) to be laid before Parliament. (6) Reports under subsection (2)(b) or (4) must be published by the Commissioner. (7) If [s] 48 comes into force after the beginning of a calendar year, the first report under [ss] (4) may relate to a period beginning with the day on which that section comes into force and ending with the end of the next calendar year.

49A. **Duty to respond to Commissioner's recommendations** (1) This [s] applies where the Commissioner publishes a report under [s] 49(2)(b) or (4) containing recommendations to an authority within the Commissioner's remit. (2) The relevant person must prepare comments on the report. (3) The relevant person is (a) where the authority is a government department in the charge of a Minister of the Crown, the Minister, or (b) in any other case, the authority. (4) The comments must include, in respect of each recommendation made in the report, an explanation of (a) the action which the relevant person has taken, or proposes to take, in response to the recommendation, or (b) why the relevant person has not taken, or does not propose to take, any action in response. (5) The relevant person must arrange for the comments to be published in such manner as the person considers appropriate. (6) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published. (7) The relevant person must send a copy of anything published under [ss] (6) to (a) the Commissioner, and (b) (unless the authority is a government department in the charge of a Minister of the Crown) the [SS].

S 50. **Advice** (1) If he is required to do so by a Minister of the Crown, the Commissioner must give advice to the Minister of the Crown in connection with any matter which (a) is specified by the Minister, and (b) relates to victims or witnesses. (3) In this [s] "*Minister of the Crown*" includes the Treasury.

S 51. **Restrictions on exercise of functions** The Commissioner must not exercise any of his functions in relation to (a) a particular victim or witness; (b) the bringing or conduct of particular proceedings; (c) anything done or omitted to be done by a person acting in a judicial capacity or on the instructions of or on behalf of such a person.

S 51A. **Duty to co-operate with Commissioner** (1) The Commissioner may request a relevant person to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner's functions. (2) A relevant person must comply with a request made to the person under this [s], so far as it is appropriate and reasonably practicable for the person to do so. (3) In this [s] "*relevant person*" means a person who is not an individual and is subject to the duty in [s] 5(1) of the Victims and Prisoners Act 2024 (*duty to provide services in accordance with the code issued under [s] 2 of that Act*).

S 52. **"Victims" and "witnesses"** (1) This [s] applies for the purposes of sections 48 to 51. (2) "*Victim*" means (a) a victim of an offence, or (b) a victim of anti-social behaviour. (3) It is immaterial for the purposes of [ss] (2)(a) that (a) no person has reported the offence; (b) no person has been charged with or convicted of the offence. (4) "*Witness*" means a person (other than a defendant) (a) who has witnessed conduct in relation to which he may be or has been called to give evidence in relevant proceedings; (b) who is able to provide or has provided anything which might be used or has been used as evidence in relevant proceedings; or (c) who is able to provide or has provided anything mentioned in [ss] (5) (whether or not admissible in evidence in relevant proceedings). (5) The things referred to in [ss] (4)(c) are (a) anything which might tend to confirm, has tended to confirm or might have tended to confirm evidence which may be, has been or could have been admitted in relevant proceedings; (b) anything which might be, has been or might have been referred to in evidence given in relevant proceedings by another person; (c) anything which might be, has been or might have been used as the basis for any cross examination in the course of relevant proceedings. (6) For the purposes of [ss] (4) (a) a person is a defendant in relation to any criminal proceedings if he might be, has been or might have been charged with or convicted of an offence in the proceedings; (b) a person is a defendant in relation to any other relevant proceedings if he might be, has been or might have been the subject of an order made in those proceedings. (7) In [ss] (4) to (6) "*relevant proceedings*" means (a) criminal proceedings; (b) proceedings of any other kind in respect of anti-social behaviour. (8) For the purposes of this [s] (a) "*anti-social behaviour*" means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the person; (b) a person is a victim of anti-social behaviour if the behaviour has caused him harassment, alarm or distress and he is not of the same household as the person who engages in the behaviour.

S 53. **Authorities within Commissioner's remit**. (1) For the purposes of this Part the authorities within the Commissioner's remit are those specified in [sch] 9. (2) An authority specified in [sch] 9 that has functions in relation to an area outside [E&W] is within the Commissioner's remit only to the extent that it discharges its functions in relation to [E&W]. (3) [ss] (2) does not apply in relation to the Foreign and Commonwealth Office. (4) The [SS] for Justice may by order amend [sch] 9 by (a) adding an authority appearing to him to exercise functions of a public nature; (b) omitting an authority; (c) changing the description of an authority. (5) In preparing a draft of an order under [ss] (4) the [SS] for Justice must consult the [AG] and the [SS] for the Home Department.

Serious Organised Crime and Police Act 2005

S 60. **Investigatory powers of DPP etc.** (1) This Chapter confers powers on (a) the [DPP], (c) the Lord Advocate, and (d) the [DPP] for [NI], in relation to the giving of disclosure notices in connection with the investigation of offences to which this Chapter applies or in connection with a terrorist investigation. (2) The [DPP] may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Crown prosecutor. (4) The Lord Advocate may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a procurator fiscal. (4A) The [DPP] for [NI] may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Public Prosecutor. (5) In this Chapter "*the Investigating Authority*" means (a) the [DPP], (c) the Lord Advocate, or (d) the [DPP] for [NI]. (6) But, in circumstances where the powers of any of those persons are exercisable by any other person by virtue of [ss] (2), (4) or (4A), references to "*the Investigating Authority*" accordingly include any such other person. (7) In this Chapter "*terrorist investigation*" means an investigation of (a) the commission, preparation or instigation of acts of terrorism, (b) any act or omission which appears to have been for the purposes of terrorism and

which consists in or involves the commission, preparation or instigation of an offence, or (c) the commission, preparation or instigation of an offence under the Terrorism Act 2000 (c. 11) or under Part 1 of the Terrorism Act 2006 other than an offence under [s] 1 or 2 of that Act.

S 61. Offences to which this Chapter applies (1) This Chapter applies to the following offences (a) any offence listed in [sch] 2 to the Proceeds of Crime Act 2002 (c. 29) (lifestyle offences: [E&W]); (b) any offence listed in [sch] 4 to that Act (lifestyle offences: Scotland); (ba) any offence listed in [sch] 5 to that Act (*lifestyle offences: [NI]*); (c) any offence under sections 15 to 18 of the Terrorism Act 2000 (c. 11) (*offences relating to fund-raising, money laundering etc.*); (d) any offence under [s] 170 of the Customs and Excise Management Act 1979 (c. 2) (*fraudulent evasion of duty*) or [s] 72 of the [VAT] Act 1994 (c. 23) (offences relating to VAT) which is a qualifying offence; (e) any offence under [s] 17 of the Theft Act 1968 (c. 60) or [s]17 of the Theft Act ([NI]) 1969 (*false accounting*), or any offence at common law of cheating in relation to the public revenue, which is a qualifying offence; (f) any offence under [s] 1 of the Criminal Attempts Act 1981 (c. 47) or [art] 3 of the Criminal Attempts and Conspiracy ([NI]) Order 1983, or in Scotland at common law, of attempting to commit any offence in [para] (c) or any offence in [para] (d) or (e) which is a qualifying offence; (g) any offence under [s] 1 of the Criminal Law Act 1977 (c. 45) or Article 9 of the Criminal Attempts and Conspiracy ([NI]) Order 1983, or in Scotland at common law, of conspiracy to commit any offence in [para] (c) or any offence in [para] (d) or (e) which is a qualifying offence; (h) any offence under the Bribery Act 2010. (i) any offence under [s] 45 or 46 of the Criminal Finances Act 2017 (*failure to prevent the facilitation of UK tax evasion offences or foreign tax evasion offences*). (j) any offence under regulations under [s] 1 of the Sanctions and Anti-Money Laundering Act 2018 (*sanctions regulations*) which is specified by those regulations by virtue of [s]17(8) of that Act; (k) an offence under [s] 199 of the Economic Crime and Corporate Transparency Act 2023 (*failure to prevent fraud offences*). (2) For the purposes of [ss] (1) an offence in [para] (d) or (e) of that [ss] is a qualifying offence if the Investigating Authority certifies that in his opinion (a) in the case of an offence in [para] (d) or an offence of cheating the public revenue, the offence involved or would have involved a loss, or potential loss, to the public revenue of an amount not less than £5,000; (b) in the case of an offence under [s] 17 of the Theft Act 1968 (c. 60) or [s] 17 of the Theft Act ([NI]) 1969, the offence involved or would have involved a loss or gain, or potential loss or gain, of an amount not less than £5,000. (3) A document purporting to be a certificate under [ss] (2) is to be received in evidence and treated as such a certificate unless the contrary is proved. (4) The [SS] may by order (a) amend [ss] (1), in its application to [E&W] or [NI], so as to remove an offence from it or add an offence to it; (b) amend [ss] (2), in its application to [E&W] or [NI] so as to (i) take account of any amendment made by virtue of [para] (a) above, or (ii) vary the sums for the time being specified in [ss] (2)(a) and (b). (5) The Scottish Ministers may by order (a) amend [ss] (1), in its application to Scotland, so as to remove an offence from it or add an offence to it; (b) amend [ss] (2), in its application to Scotland, so as to (i) take account of any amendment made by virtue of [para] (a) above, or (ii) vary the sums for the time being specified in [ss] (2)(a) and (b).

S 62. Disclosure notices (1) If it appears to the Investigating Authority (a) that there are reasonable grounds for suspecting that an offence to which this Chapter applies has been committed, (b) that any person has information (whether or not contained in a document) which relates to a matter relevant to the investigation of that offence, and (c) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation, he may give, or authorise an appropriate person to give, a disclosure notice to that person. (1A) If it appears to the Investigating Authority (a) that any person has information (whether or not contained in a document) which relates to a matter relevant to a terrorist investigation, and (b) that there are reasonable grounds for believing that information which may be provided by that person in compliance with a disclosure notice is likely to be of substantial value (whether or not by itself) to that investigation, he may give, or authorise an appropriate person to give, a disclosure notice to that person. (2) In this Chapter “*appropriate person*” means (a) a constable, (b) a [NCA] officer who is for the time being designated under [s] 9 or 10 of the Crime and Courts Act 2013, or (c) an officer of Revenue and Customs. But in the application of this Chapter to [NI], this subsection has effect as if paragraph (b) was omitted. (3) In this Chapter “*disclosure notice*” means a notice in writing requiring the person to whom it is given to do all or any of the following things in accordance with the specified requirements, namely (a) answer questions with respect to any matter relevant to the investigation; (b) provide information with respect to any such matter as is specified in the notice; (c) produce such documents, or documents of such descriptions, relevant to the investigation as are specified in the notice. (4) In [ss] (3) “*the specified requirements*” means such requirements specified in the disclosure notice as relate to (a) the time at or by which, (b) the place at which, or (c) the manner in which, the person to whom the notice is given is to do any of the things mentioned in [paras] (a) to (c) of that [ss]; and those requirements may include a requirement to do any of those things at once. (5) A disclosure notice must be signed or counter-signed by the Investigating Authority. (6) This [s] has effect subject to [s] 64 (*restrictions on requiring information etc.*).

S 63. Production of documents (1) This [s] applies where a disclosure notice has been given under [s] 62. (2) An authorised person may (a) take copies of or extracts from any documents produced in compliance with the notice, and (b) require the person producing them to provide an explanation of any of them. (3) Documents so produced may be retained for so long as the Investigating Authority considers that it is necessary to retain them (rather than copies of them) in connection with the investigation for the purposes of which the disclosure notice was given. (4) If the Investigating Authority has reasonable grounds for believing (a) that any such documents may have to be produced for the purposes of any legal proceedings, and (b) that they might otherwise be unavailable for those purposes, they may be retained until the proceedings are concluded. (5) If a person who is required by a disclosure notice to produce any documents does not produce the documents in compliance with the notice, an authorised person may require that person to state, to the best of his knowledge and belief, where they are. (6) In this [s] “*authorised person*” means any appropriate person who either (a) is the person by whom the notice was given, or (b) is authorised by the Investigating Authority for the purposes of this [s]. (7) This [s] has effect subject to [s] 64 (*restrictions on requiring information etc.*).

S 64. Restrictions on requiring information etc. (1) A person may not be required under [s] 62 or 63 (a) to answer any privileged question, (b) to provide any privileged information, or (c) to produce any privileged document, except that a lawyer may be required to provide the name and

address of a client of his. (2) A “*privileged question*” is a question which the person would be entitled to refuse to answer on grounds of legal professional privilege in proceedings in the High Court. (3) “*Privileged information*” is information which the person would be entitled to refuse to provide on grounds of legal professional privilege in such proceedings. (4) A “*privileged document*” is a document which the person would be entitled to refuse to produce on grounds of legal professional privilege in such proceedings. (5) A person may not be required under [s] 62 to produce any excluded material (as defined by [s] 11 of the Police and Criminal Evidence Act 1984 (c. 60) or, in relation to [NI], Article 13 of the Police and Criminal Evidence ([NI]) Order 1989). (6) In the application of this [s] to Scotland (a) [ss] (1) to (5) do not have effect, but (b) a person may not be required under [s] 62 or 63 to answer any question, provide any information or produce any document which he would be entitled, on grounds of legal privilege, to refuse to answer or (as the case may be) provide or produce. (7) In [ss] (6)(b), “*legal privilege*” has the meaning given by [s] 412 of the Proceeds of Crime Act 2002 (c. 29). (8) A person may not be required under [s] 62 or 63 to disclose any information or produce any document in respect of which he owes an obligation of confidence by virtue of carrying on any banking business, unless (a) the person to whom the obligation of confidence is owed consents to the disclosure or production, or (b) the requirement is made by, or in accordance with a specific authorisation given by, the Investigating Authority. (9) Subject to the preceding provisions, any requirement under [s] 62 or 63 has effect despite any restriction on disclosure (however imposed).

S 65. Restrictions on use of statements (1) A statement made by a person in response to a requirement imposed under [s] 62 or 63 (“the relevant statement”) may not be used in evidence against him in any criminal proceedings unless [ss] (2) or (3) applies. (2) This [ss] applies where the person is being prosecuted (a) for an offence under [s] 67 of this Act, or (b) for an offence under [s] 5 of the Perjury Act 1911 (c. 6) (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath), or (c) for an offence under [s] 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39) (*false statutory declarations and other false statements without oath*) or at common law for an offence of attempting to pervert the course, or defeat the ends, of justice, or (d) for an offence under [art] 10 of the Perjury ([NI]) Order 1979 (*false statements made otherwise than on oath*). (3) This [ss] applies where the person is being prosecuted for some other offence and (a) the person, when giving evidence in the proceedings, makes a statement inconsistent with the relevant statement, and (b) in the proceedings evidence relating to the relevant statement is adduced, or a question about it is asked, by or on behalf of the person.

S 66. Power to enter and seize documents (1) A [JP] may issue a warrant under this [s] if, on an information on oath laid by the Investigating Authority, he is satisfied (a) that any of the conditions mentioned in [ss] (2) is met in relation to any documents of a description specified in the information, and (b) that the documents are on premises so specified. (2) The conditions are (a) that a person has been required by a disclosure notice to produce the documents but has not done so; (b) that it is not practicable to give a disclosure notice requiring their production; (c) that giving such a notice might seriously prejudice the investigation of an offence to which this Chapter applies. (3) A warrant under this [s] is a warrant authorising an appropriate person named in it (a) to enter and search the premises, using such force as is reasonably necessary; (b) to take possession of any documents appearing to be documents of a description specified in the information, or to take any other steps which appear to be necessary for preserving, or preventing interference with, any such documents; (c) in the case of any such documents consisting of information recorded otherwise than in legible form, to take possession of any computer disk or other electronic storage device which appears to contain the information in question, or to take any other steps which appear to be necessary for preserving, or preventing interference with, that information; (d) to take copies of or extracts from any documents or information falling within [para] (b) or (c); (e) to require any person on the premises to provide an explanation of any such documents or information or to state where any such documents or information may be found; (f) to require any such person to give the appropriate person such assistance as he may reasonably require for the taking of copies or extracts as mentioned in [para] (d). (4) A person executing a warrant under this [s] may take other persons with him, if it appears to him to be necessary to do so.

(5) A warrant under this [s] must, if so required, be produced for inspection by the owner or occupier of the premises or anyone acting on his behalf. (6) If the premises are unoccupied or the occupier is temporarily absent, a person entering the premises under the authority of a warrant under this [s] must leave the premises as effectively secured against trespassers as he found them. (7) Where possession of any document or device is taken under this [s] (a) the document may be retained for so long as the Investigating Authority considers that it is necessary to retain it (rather than a copy of it) in connection with the investigation for the purposes of which the warrant was sought, or (b) the device may be retained for so long as he considers that it is necessary to retain it in connection with that investigation, as the case may be. (8) If the Investigating Authority has reasonable grounds for believing (a) that any such document or device may have to be produced for the purposes of any legal proceedings, and (b) that it might otherwise be unavailable for those purposes, it may be retained until the proceedings are concluded. (9) Nothing in this [s] authorises a person to take possession of, or make copies of or take extracts from, any document or information which, by virtue of [s] 64, could not be required to be produced or disclosed under [s] 62 or 63. (10) In the application of this [s] to Scotland (amends) (11) In the application of this [s] to [NI] (a) [ss] (1) has effect as if, for the words from the beginning to “*laid*”, there were substituted “*A lay magistrate may issue a warrant under this [s] if, on complaint on oath made*”; and (b) [ss] (1)(a) and (3)(b) have effect as if, for “*in the information*”, there were substituted “*in the complaint*”.

S 67. Offences committed with Disclosure Notices or Search Warrants. (1) A person commits an offence if, without reasonable excuse, he fails to comply with any requirement imposed on him under [s] 62 or 63. (2) A person commits an offence if, in purported compliance with any requirement imposed on him under [s] 62 or 63 (a) he makes a statement which is false or misleading, and (b) he either knows that it is false or misleading or is reckless as to whether it is false or misleading. “*False or misleading*” means false or misleading in a material particular. (3) A person commits an offence if he wilfully obstructs any person in the exercise of any rights conferred by a warrant under [s] 66. (4) A person guilty of an offence under [ss] (1) or (3) is liable on [SC] (a) to imprisonment for a term not exceeding 51 weeks, or (b) to a fine not exceeding level 5 [], or to both. (5) A person guilty of an offence under [ss] (2) is liable (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both; (b) on [SC], to imprisonment for a term not exceeding the general limit in a magistrates’ court] or to a

fine not exceeding the statutory maximum, or to both. (6) In the application of this [s] to Scotland, the reference to 51 weeks in [ss] (4)(a) is to be read as a reference to 12 months. (7) In the application of this [s] to [NI] (a) the reference to 51 weeks in [ss] (4)(a) is to be read as a reference to 6 months; and (b) the reference to 12 months in [ss] (5)(b) is to be read as a reference to 6 months. **S 68. Procedure applicable to search warrants.** (amends).

S 69. **Manner in which disclosure notice may be given** (1) This [s] provides for the manner in which a disclosure notice may be given under [s] 62. (2) The notice may be given to a person by (a) delivering it to him, (b) leaving it at his proper address, (c) sending it by post to him at that address. (3) The notice may be given (a) in the case of a body corporate, to the secretary or clerk of that body; (b) in the case of a partnership, to a partner or a person having the control or management of the partnership business; (c) in the case of an unincorporated association (other than a partnership), to an officer of the association. (4) For the purposes of this [s] and [s] 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this [s], the proper address of a person is his usual or last-known address (whether residential or otherwise), except that (a) in the case of a body corporate or its secretary or clerk, it is the address of the registered office of that body or its principal office in the [UK], (b) in the case of a partnership, a partner or a person having the control or management of the partnership business, it is that of the principal office of the partnership in the [UK], and (c) in the case of an unincorporated association (other than a partnership) or an officer of the association, it is that of the principal office of the association in the [UK]. (5) This [s] does not apply to Scotland.

S 70. **Interpretation of Chapter 1** (1) In this Chapter “*act of terrorism*” includes anything constituting an action taken for the purposes of terrorism, within the meaning of the Terrorism Act 2000 (see [s] 1(5) of that Act); “*appropriate person*” has the meaning given by [s] 62(2); “the Investigating Authority” is to be construed in accordance with [s] 60(5) and (6); “*disclosure notice*” has the meaning given by [s] 62(3) “*document*” includes information recorded otherwise than in legible form, “*terrorism*” has the same meaning as in the Terrorism Act 2000 (see [s] 1(1) to (4) of that Act), “*terrorist investigation*” has the meaning given by [s] 60(7). (2) In relation to information recorded otherwise than in legible form, any reference in this Chapter to the production of documents is a reference to the production of a copy of the information in legible form.

Coroners and Criminal Justice Act 2009

ss 1-42 (not reproduced here for reasons of space) deal with coroners.

Protection of Freedoms Act 2012

S 20. **Appointment and functions of Commissioner** (1) The [SS] must appoint a Commissioner to be known as the Commissioner for the Retention and Use of Biometric Material (referred to in this [s] and [s] 21 as “*the Commissioner*”). (2) It is the function of the Commissioner to keep under review (a) every national security determination made or renewed under (i) [s] 63M of the Police and Criminal Evidence Act 1984 (*[s] 63D material retained for purposes of national security*), (ii) [para] 20E of [sch] 8 to the Terrorism Act 2000 ([para] 20A material retained for purposes of national security), (iii) [s]18B of the Counter-Terrorism Act 2008 (*[s] 18 material retained for purposes of national security*), (iv) [para] 11 of [sch] 6 to the Terrorism Prevention and Investigation Measures Act 2011 (*[para] 6 material retained for purposes of national security*), (iva) [para] 46 of [sch] 3 to the Counter-Terrorism and Border Security Act 2019, (ivb) [para] 22 of [sch] 6 to the National Security Act 2023, (ivc) [para] 11 of [sch] 12 to that Act, (v) [s] 18G of the Criminal Procedure (Scotland) Act 1995 (*certain material retained for purposes of national security*), and (vi) [para] 7 of [sch]1 to this Act (*material subject to the Police and Criminal Evidence ([NI]) Order 1989 retained for purposes of national security*), (b) the uses to which material retained pursuant to a national security determination is being put. (3) It is the duty of every person who makes or renews a national security determination under a provision mentioned in [ss] (2)(a) to (a) send to the Commissioner a copy of the determination or renewed determination, and the reasons for making or renewing the determination, within 28 days of making or renewing it, and (b) disclose or provide to the Commissioner such documents and information as the Commissioner may require for the purpose of carrying out the Commissioner’s functions under [ss](2). (4) If, on reviewing a national security determination made or renewed under a provision mentioned in [ss] (2)(a), the Commissioner concludes that it is not necessary for any material retained pursuant to the determination to be so retained, the Commissioner may order the destruction of the material if the condition in [ss] (5) is met. (5) The condition is that the material retained pursuant to the national security determination is not otherwise capable of being lawfully retained. (6) The Commissioner also has the function of keeping under review (a) the retention and use in accordance with sections 63A and 63D to 63T of the Police and Criminal Evidence Act 1984 of (i) any material to which [s] 63D or 63R of that Act applies (*fingerprints, DNA profiles and samples*), and (ii) any copies of any material to which [s] 63D of that Act applies (*fingerprints and DNA profiles*), (b) the retention and use in accordance with [paras] 20A to 20J of [sch]8 to the Terrorism Act 2000 of (i) any material to which [para] 20A or 20G of that [sch] applies (*fingerprints, relevant physical data, DNA profiles and samples*), and (ii) any copies of any material to which [para] 20A of that [sch] applies (*fingerprints, relevant physical data and DNA profiles*), (c) the retention and use in accordance with sections 18 to 18E of the Counter-Terrorism Act 2008 of (i) any material to which [s] 18 of that Act applies (*fingerprints, DNA samples and DNA profiles*), and (ii) any copies of fingerprints or DNA profiles to which [s] 18 of that Act applies, (d) the retention and use in accordance with [paras] 5 to 14 of [sch] 6 to the Terrorism Prevention and Investigation Measures Act 2011 of (i) any material to which [para] 6 or 12 of that [sch] applies (*fingerprints, relevant physical data, DNA profiles and samples*), and (ii) any copies of any material to which [para] 6 of that [sch] applies (*fingerprints, relevant physical data and DNA profiles*), (e) the retention and use in accordance with [paras] 43 to 51 of [sch]3 to the Counter-Terrorism and Border Security Act 2019 of (i) any material to which [para] 43 or 49 of that [sch] applies (*fingerprints, relevant physical data, DNA profiles and samples*), and (ii) any copies of any material to which [para] 43 of that [sch] applies (*fingerprints, relevant physical data and DNA profiles*). (f) the retention and use in accordance with Part 4 of [sch] 6 to the National Security Act 2023 of (i) any material to which [para] 19 or 25 of that [sch] applies (*fingerprints, relevant physical data, DNA profiles and samples*), and (ii) any copies of any material to which [para] 19 of that [sch] applies (*fingerprints, relevant physical data and DNA profiles*), (g) the retention and use in accordance with [paras] 5 to 15 of [sch] 12 to the National Security Act 2023 of (i)

any material to which [para] 6 or 13 of that [sch] applies (*fingerprints, relevant physical data, DNA profiles and samples*), and (ii) any copies of any material to which [para] 6 of that [sch] applies (*fingerprints, relevant physical data and DNA profiles*). (7) But [ss] (6) does not apply so far as the retention or use of the material falls to be reviewed by virtue of [ss] (2). (8) In relation to Scotland (a) the reference in [ss] (6)(b) to use of material, or copies of material, in accordance with [paras] 20A to 20J of [sch] 8 to the Terrorism Act 2000 includes a reference to use of material, or copies of material, in accordance with [s] 19C(2)(c) and (d) of the Criminal Procedure (Scotland) Act 1995, (b) the reference in [ss] (6)(d) to use of material, or copies of material, in accordance with [paras] 5 to 14 of [sch] 6 to the Terrorism Prevention and Investigation Measures Act 2011 is to be read as a reference to use only for a purpose mentioned in [para]13(1)(a) or (b) of that [sch] to that Act, and (c) the reference in [ss] (6)(e) to use of material, or copies of material, in accordance with [paras] 43 to 51 of [sch] 3 to the Counter-Terrorism and Border Security Act 2019 includes a reference to use of material, or copies of material, in accordance with [s] 19C(2)(c) and (d) of the Criminal Procedure (Scotland) Act 1995.(9) The Commissioner also has functions under sections 63F(5)(c) and 63G (*giving of consent in relation to the retention of certain [s] 63D material*). (10) The Commissioner is to hold office in accordance with the terms of the Commissioner's appointment; and the [SS] may pay in respect of the Commissioner any expenses, remuneration or allowances that the [SS] may determine. (11) The [SS] may, after consultation with the Commissioner, provide the Commissioner with (a) such staff, and (b) such accommodation, equipment and other facilities, as the [SS] considers necessary for the carrying out of the Commissioner's functions.

S 21. **Reports by Commissioner** (1) The Commissioner must make a report to the [SS] about the carrying out of the Commissioner's functions as soon as reasonably practicable after the end of (a) the period of 9 months beginning when this [s] comes into force, and (b) every subsequent 12 month period. (2) The Commissioner may also, at any time, make such report to the [SS] on any matter relating to the Commissioner's functions as the Commissioner considers appropriate. (3) The [SS] may at any time require the Commissioner to report on any matter relating to the Commissioner's functions. (4) On receiving a report from the Commissioner under this [s], the [SS] must (a) publish the report, and (b) lay a copy of the published report before Parliament. (5) The [SS] may, after consultation with the Commissioner, exclude from publication any part of a report under this [s] if, in the opinion of the [SS], the publication of that part would be contrary to the public interest or prejudicial to national security.

Crime and Courts Act 2013

S 1. **The National Crime Agency [NCA]**. (1) A [NCA], consisting of the NCA officers, is to be formed. (2) The NCA is to be under the direction and control of one of the NCA officers, who is to be known as the Director General [DG] of the [NCA]. (3) The NCA is to have (a) the functions conferred by this [s]; (b) the functions conferred by the Proceeds of Crime Act 2002; and (c) the other functions conferred by this Act and by other enactments. (4) The NCA is to have the function (the "*crime-reduction function*") of securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies, or other persons). (5) The NCA is to have the function (the "*criminal intelligence function*") of gathering, storing, processing, analysing, and disseminating information that is relevant to any of the following (a) activities to combat organised crime or serious crime; (b) activities to combat any other kind of crime; (c) exploitation proceeds investigations (within the meaning of [s] 341(5) of the Proceeds of Crime Act 2002), exploitation proceeds orders (within the meaning of Part 7 of the Coroners and Justice Act 2009), and applications for such orders. (6) The NCA must discharge the crime-reduction function in the following ways (in particular). (7) The first way is by the NCA itself (a) preventing and detecting organised crime and serious crime, (b) investigating offences relating to organised crime or serious crime, and (c) otherwise carrying out activities to combat organised crime and serious crime, including by instituting criminal proceedings in [E&W] and [NI]. (8) The second way is by the NCA securing that activities to combat organised crime or serious crime are carried out by persons other than the NCA. (9) The third way is by the NCA securing improvements (a) in co-operation between persons who carry out activities to combat organised crime or serious crime, and (b) in co-ordination of activities to combat organised crime or serious crime. (10) The crime-reduction function does not include (a) the function of the NCA itself prosecuting offences; or (b) the function of the NCA itself instituting criminal proceedings in Scotland. (11) In this Part, a reference to activities to combat crime (or a particular kind of crime, such as organised crime or serious crime) is a reference to (a) the prevention and detection of crime (or that kind of crime), (b) the investigation and prosecution of offences (or offences relating to that kind of crime), (c) the reduction of crime (or that kind of crime) in other ways, and (d) the mitigation of the consequences of crime (or that kind of crime); and references to the carrying out of activities to combat crime (or a particular kind of crime) are to be construed accordingly. (12) [Sch] 1 (*the NCA & NCA officers*) has effect.

S 2. **Modification of NCA functions**. (1) The [SS] may, by order, make (a) provision about NCA counter-terrorism functions (and, in particular, may make provision conferring, removing, or otherwise modifying such functions); and (b) other provision which the [SS] considers necessary in consequence of provision made under [para] (a) (and, in particular, may make provision about the functions of any person other than the NCA, including provision conferring or otherwise modifying, but not removing, such functions). (2) If an order under this [s] confers an NCA counter-terrorism function, an NCA officer may only carry out activities in [NI] for the purpose of the discharge of the function if the NCA officer does so with the agreement of the [CC] of the Police Service of [NI]. (3) That includes cases where an order under this [s] confers an NCA counter-terrorism function by the modification of a function. (4) An order under this [s] may amend or otherwise modify this Act or any other enactment. (5) An order under this [s] is subject to the super-affirmative procedure (see [s] 58 and [sch] 23). (6) In this [s] "*NCA counter-terrorism function*" means an NCA function relating to terrorism (and for this purpose "*terrorism*" has the same meaning as in the Terrorism Act 200 see [s] 1 of that Act).

S 3. **Strategic priorities** (1) The [SS] must determine strategic priorities for the NCA. (2) In determining strategic priorities for the NCA (including deciding whether there should be such priorities), the [SS] must consult (a) the strategic partners, (b) the [DG], and (c) any other persons whom the [SS] considers it is appropriate to consult.

S 4. **Operations** (1) The [DG] has (by virtue of the function of direction and control of the NCA) the power to decide (a) which particular operations are to be mounted by NCA officers, and (b) how such operations are to be conducted. (2) In exercising functions, the [DG] must have regard to (a) any strategic priorities for the NCA (see [s] 3); (b) the annual plan (see below); and (c) the framework document (see Part 1 of [sch] 2). (3) Before the beginning of each financial year, the [DG] must issue a document (the “*annual plan*”) setting out how the [DG] intends that NCA functions are to be exercised during that year (including how they are to be exercised in Scotland and [NI]). (4) The annual plan for a financial year must include (a) a statement of any strategic priorities for the NCA, (b) a statement of the operational priorities for the NCA, and (c) in relation to each of the strategic and operational priorities, an explanation of how the [DG] intends that the priority will be given effect to. (5) The [DG] must determine operational priorities for the NCA; and those priorities may relate (a) to matters to which current strategic priorities also relate, or (b) to other matters; but operational priorities must, in any event, be framed so as to be consistent with the current strategic priorities. (6) In preparing any annual plan, the [DG] must consult (a) the strategic partners and the [NI] Policing Board, and (b) any other persons whom the [DG] considers it is appropriate to consult. (7) The [DG] is required by [ss] (6)(a) (a) to consult the Scottish Ministers about the annual plan only as it relates to activities in Scotland; and (b) to consult the Department of Justice in [NI] and the [NI] Policing Board about the annual plan only as it relates to activities in [NI]. (8) Before issuing any annual plan, the [DG] must obtain (a) the consent of the [SS] to the plan, (b) the consent of the Scottish Ministers to the plan as it relates to activities in Scotland, and (c) the consent of the Department of Justice in [NI] and the [NI] Policing Board as it relates to activities in [NI]. (9) The [DG] must arrange for each annual plan to be published in the manner which the [DG] considers appropriate. (10) [sch] 2 (*the framework document & annual report*) has effect.

S 5. **Relationships between NCA and other agencies: tasking etc.** (1) Any of the following persons may perform a task if the [DG] requests the person to perform it (a) the chief officer of a UK police force; (b) a UK law enforcement agency. (2) A request under [ss] (1) (a) may be made only if the [DG] considers that performance of the task would assist the NCA to exercise functions; (b) must explain how performance of the requested task would so assist the exercise of functions. (3) The [DG] may perform a task if any of the following persons requests the [DG] to perform it (a) the [CPO] of a UK police force; (b) a UK law enforcement agency. (4) A request under [ss] (3) (a) may be made only if the person making it considers that performance of the task would assist that person or, in a case where that person is the [CPO] of a police force, would assist that person or police force to exercise functions; (b) must explain how performance of the requested task would so assist the exercise of functions. (5) The [DG] may direct any of the following persons to perform a task specified in the direction (a) the [CPO] of an [E&W] police force; (b) the [CC] of the [BTP]. (c) the Director of the [SFO]. (6) The [DG] may give a direction under [ss] (5) only if the Director General considers that (a) performance of the task would assist the NCA to exercise functions; (b) it is expedient for the directed person to perform that task; and (c) satisfactory arrangements cannot be made, or cannot be made in time, under [ss] (1). (7) A person given a direction under this [s] must comply with it. (8) If a person is requested or directed under this [s] to perform a task, the person may comply with that request or direction by securing that the task is performed by another person. (9) The [DG] may give a direction under this [s] to the [CC] of the [BTP] only if the [SS] consents. (10) [sch] 3 (*relationships between NCA and other agencies*) has effect. (11) This [s] has effect subject to Part 5 (*payment for tasks etc*) of [sch] 3. (12) [Para] 33 of [sch] 3 gives the [SS] power to amend this [s].

S 6. **Duty to publish information.** (1) The [DG] must (a) make arrangements for publishing information about the exercise of NCA functions and other matters relating to the NCA, and (b) publish information in accordance with those arrangements. (2) The framework document may impose on the [DG] requirements in relation to performance of the duties imposed by [ss] (1) (including requirements about what information is not to be published). (3) The [DG] must comply with any such requirements in the framework document (and accordingly the duty in [s] 4(2)(c) to have regard to that document does not apply in relation to such requirements). (4) This [s] is subject to [sch] 7 (*information: restrictions on disclosure*).

S 7. **Information gateways.** (1) A person may disclose information to the NCA if the disclosure is made for the purposes of the exercise of any NCA function. (2) [ss] (1) does not authorise any of the following to disclose information to the NCA (a) a person serving in the Security Service; (b) a person serving in the Secret Intelligence Service; (c) a person serving in GCHQ; but this does not affect the disclosures which such a person may make to the NCA in accordance with intelligence service disclosure arrangements. (3) Information obtained by the NCA in connection with the exercise of any NCA functions may be used by the NCA in connection with the exercise of any other NCA function. (4) An NCA officer may disclose information obtained by the NCA in connection with the exercise of any NCA function if the disclosure is for any permitted purpose. (5) [ss] (4) authorises an NCA officer to disclose information for the purpose of the exercise of (a) the functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (“*PCA 2002*”), or (b) the functions of the Scottish Ministers under, or in relation to, Part 5 of PCA 2002, only where the information has been obtained by the NCA in connection with the exercise of a function under PCA 2002 (other than a function under Part 6 of that Act). (6) Where information has been obtained by the NCA in connection with the exercise of a function under Part 6 of PCA 2002 (revenue functions), [ss] (4) does not authorise an NCA officer to disclose the information. (7) But an NCA officer may disclose the information if the disclosure is (a) to the Commissioners for [HMs] Revenue and Customs, (b) to the Lord Advocate for the purposes of the exercise by the Lord Advocate of the Lord Advocate’s functions under Part 3 of PCA 2002 (*confiscation: Scotland*), (c) to any person for purposes relating to civil proceedings (whether or not in the [UK]) which relate to a matter in respect of which the NCA has functions, or (d) to any person for the purposes of compliance with an order of a court or tribunal (whether or not in the UK). (8) A disclosure of information which is authorised or required by this Part does not breach (a) an obligation of confidence owed by the person making the disclosure, or (b) any other restriction on the disclosure of information (however imposed). (9) This [s] is subject to [sch] 7 (*information: restrictions on disclosure*). (10) In this [s] “*GCHQ*” has the same meaning as in the Intelligence Services Act 1994; “*intelligence service disclosure arrangements*” means (a) arrangements made by the Director-General of the Security Service under [s] 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service, (b) arrangements made by the Chief of the Intelligence Service under [s] 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of

information by that Service, or (c) arrangements made by the Director of GCHQ under [s] 4(2)(a) of that Act about the disclosure of information by GCHQ.

S 8. **Other functions etc.** (3) The [DG] may provide assistance to (a) a government in a country or territory outside the British Islands, or (b) another overseas body exercising functions of a public nature in a country or territory outside the British Islands, if the government, or the body, requests assistance to be provided. (4) If such a request is made, the [DG] may provide such assistance as the [DG] considers appropriate in all the circumstances. (5) [ss](3) does not apply to any request for assistance which could be made under [s] 13 of the Crime (International Co-operation) Act 2003, unless the NCA has functions under that section in relation to the request by virtue of an order under [s] 27(2) of that Act. (6) [sch] 4 (*NCA: general*) has effect.

S 9. **[DG]: customs powers of Commissioners & operational powers** (1) The [DG] has, in relation to any customs matter, the same powers as the Commissioners for [HMs] Revenue and Customs would have. (2) The [SS] may designate the [DG] as a person having one or more of the following (a) the powers and privileges of a [PO]; (b) the powers of an officer of Revenue and Customs; (ba) the powers of a general customs official; (c) the powers of an immigration officer. (3) The [SS] may modify or withdraw a designation of the [DG] by giving notice of the modification or withdrawal to the [DG]. (4) [sch] 5 (*police, customs and immigration powers*) has effect. (5) If, in accordance with [para] 4 of [sch] 5, recommendations are made to the [SS] as to the operational powers which the [DG] should have, the [SS] must exercise the powers of designation to give effect to those recommendations (unless the recommendations are already given effect to by a previous exercise of the powers of designation). (6) The [SS] may not exercise the powers of designation unless (a) required to do so by [ss] (5); or (b) required or otherwise authorised to do so by regulations under [para] 5 of [sch] 5. (7) In this [s] “*powers of designation*” means the powers conferred by [ss] (2) and (3). (8) In this Part “*customs matter*” means any matter other than (a) a matter to which [s] 7 of the Commissioners for Revenue and Customs Act 2005 applies (former Inland Revenue matters), or (b) any tax or duty not mentioned in [sch] 1 to that Act (which lists such matters); “*operational power*” means any of the following (a) a power or privilege of a [PO]; (b) a power of an officer of Revenue and Customs; (ba) a power of a general customs official; (c) a power of an immigration officer.

S 10. **Operational powers of other NCA officers** (1) The [DG] may designate any other NCA officer as a person having one or more of the following (a) the powers and privileges of a constable; (b) the powers of an officer of Revenue and Customs; (ba) the powers of a general customs official; (c) the powers of an immigration officer. (2) The [DG] may not designate an NCA officer under this section as having particular operational powers unless the [DG] is satisfied that the officer (a) is capable of effectively exercising those powers; (b) has received adequate training in respect of the exercise of those powers; and (c) is otherwise a suitable person to exercise those powers. (3) The [DG] may modify or withdraw a designation of an NCA officer by giving notice of the modification or withdrawal to the officer. (4) For further provision about designations under this [s], see [sch] 5.

S 11. **Inspections and complaints** (1) [HMs] Inspectors of Constabulary (“*HMIC*”) must carry out inspections of the NCA. (2) HMIC must also carry out an inspection of the NCA if requested to do so by the [SS] either (a) generally, or (b) in respect of a particular matter. (2A) The [SS] must consult the Department of Justice in [NI] before requesting HMIC to carry out an inspection in respect of a particular matter which relates only to the exercise of NCA functions in [NI]. (2B) The Department of Justice may request that HMIC carry out an inspection in respect of a particular matter that relates only to the exercise of NCA functions in [NI], but only with the consent of the [SS]. (3) Following an inspection under this [s], HMIC must report to the [SS] on the efficiency and effectiveness of the NCA either (a) generally, or (b) in the case of an inspection under [ss] (2)(b), in respect of the matter to which the inspection related. (4) HMIC must carry out such other duties for the purpose of furthering the efficiency and effectiveness of the NCA as the [SS] may from time to time direct. (5) [para] 2 and 5 of [sch] 4A to the Police Act 1996 (*inspection programmes and inspection frameworks*) apply to functions of inspection and reporting under this [s] as they apply to other such functions. (6) (*amends*); (b) make provision for payment by the [NCA] to, or in respect of, the Independent Police Complaints Commission. (3) Regulations under this [s] must relate only to the exercise of functions in, or in relation to, [E&W]. (4) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which (a) the Independent Police Complaints Commission has functions by virtue of this [s], and (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967. (5) A [NCA] officer may disclose information to the Independent Police Complaints Commission, or to a person acting on the Commission's behalf, for the purposes of the exercise by the Commission, or by any person acting on the Commission's behalf, of an NCA complaints function. (6) The Independent Police Complaints Commissioner and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function (a) by virtue of this [s], or (b) under the Parliamentary Commissioner Act 1967. (7) Regulations under this [s] may, in particular, make (a) further provision about the disclosure of information under [ss] (5) or (6); (b) provision about the further disclosure of information that has been so disclosed; including provision which applies (with or without modifications), or is similar to, any provision of [sch] 7 to the Crime and Courts Act 2013. (8) Except as provided for in regulations under this [s], that [sch] to that Act does not apply to (a) the disclosure of information under [ss] (5) or (6), or (b) the further disclosure of information so disclosed. (9) In this [s] “*NCA complaints function*” means a function in relation to the exercise of functions by the [DG] or any other [NCA] officer.” (7) (*amends*)... (9) [sch] 6 (*inspections and complaints*) has effect.

S 12. **Information: restrictions on disclosure etc** (1) [sch] 7 (*information: restrictions on disclosure*) has effect. (2) [sch] 7 applies to disclosures made for the purposes of the criminal intelligence function. (3) Any duty to disclose information imposed on an NCA officer (including the duty of the [DG] under [para] 4 or 6 of [sch] 3 to disclose information by keeping other persons informed of information obtained by the NCA), and any power of an NCA officer to disclose information, has effect subject to [sch] 7. (4) [ss] (2) and (3) do not limit [sch] 7.

S 13. **NCA officers with operational powers: labour relations** (1) A person must not induce the [DG] or any NCA officer designated under [s] 10 to withhold (or to continue to withhold) services as an NCA officer. (2) The duty imposed by [ss] (1) is a duty owed to the [SS]. (3) A breach

of that duty which causes the [SS] to sustain loss or damage is to be actionable, at the [SS's] suit or instance, against the person in breach. (4) [ss] (3) is without prejudice to the right of the [SS], by virtue of [ss] (1) and (2), to bring civil proceedings in respect of any apprehended contravention of [ss] (1). (5) The no-strike provisions must be disregarded in determining for the purposes of any of the relevant employment legislation whether any trade union is an independent trade union. (6) Nothing in the relevant employment legislation is to affect the rights of the [SS] by virtue of the no-strike provisions. (7) The [SS] may, by order, suspend, or later revive, the operation of the no-strike provisions. (8) In this [s] “no-strike provisions” means [ss] (1) to (3) of this [s]; “relevant employment legislation” means (a) the Trade Union and Labour Relations (Consolidation) Act 1992; (b) the Employment Rights Act 1996; (c) the Trade Union and Labour Relations ([NI]) Order 1995; (d) the Employment Rights ([NI]) Order 1996.

S 14. **NCA officers with operational powers: pay and allowances** (1) The [SS] may, by regulations, provide for the establishment, maintenance and operation of procedures for the determination from time to time of (a) the rates of pay and allowances to be applied to the Director General and to NCA officers designated under [s] 10; and (b) other associated terms and conditions of employment as the Director General or as an NCA officer designated under [s] 10. (2) Regulations under this [s] may (a) provide for determinations with respect to matters to which the regulations relate to be made wholly or partly by reference to such factors, and the opinion or recommendations of such persons, as may be specified or described in the regulations; (b) authorise the matters considered and determined in pursuance of the regulations to include matters applicable to times and periods before they are considered or determined. (3) In this [s] “associated terms and conditions” means such terms and conditions as may appear to the [SS] to fall to be determined in association with the determination of rates of pay and allowances.

S 16. **Interpretation of Part 1** (1) In this Part “chief officer” means (a) the [CC] of a police force maintained under [s] 2 of the Police Act 1996 (police forces in [E&W] outside London); (b) the Commissioner of Police of the Metropolis; (c) the Commissioner of Police for the City of London; (d) the [CC] of the Police Service of Scotland; (e) the [CC] of the Police Service of [NI]; (f) the [CC] of the [BTP]; (g) the [CC] of the Civil Nuclear Constabulary; (h) the [CC] of the [MOD] Police; “customs revenue official” has the same meaning as in the Borders, Citizenship and Immigration Act 2009 (see [s] 11 of that Act); “[DG]” means the [DG] of the [NCA]; “Director of Border Revenue” means the person designated under [s] 6 of the Borders, Citizenship and Immigration Act 2009; “enactment” means any enactment, whenever passed or made, contained in (a) an Act of Parliament; (b) an Act of the Scottish Parliament; (c) [NI] legislation; (d) a Measure or Act of the National Assembly for Wales; (e) an instrument made under any such Act, legislation or Measure; (f) any other subordinate legislation (within the meaning of the Interpretation Act 1978); “[E&W] police force” means (a) a police force maintained under [s] 2 of the Police Act 1996 (police forces in England and Wales outside London); (b) the metropolitan police force; (c) the City of London police force; “functions” means all functions of any description, including powers and duties, whether conferred by an enactment or arising otherwise; “general customs official” has the same meaning as in Borders, Citizenship and Immigration Act 2009 (see [s] 3 of that Act); “Island law enforcement agency” means any person charged with the duty of investigating or prosecuting offences who operates in any of the Channel Islands or in the Isle of Man (apart from an Island police force); “Island police force” means (a) the States of Jersey Police Force; (b) the salaried police force of the Island of Guernsey; (c) the Isle of Man Constabulary; “local policing body” means (a) a police and crime commissioner; (b) the Mayor's Office for Policing and Crime; (c) the Common Council of the City of London as police authority for the City of London police area; “NCA” means the [NCA]; “NCA functions” means (a) functions of the NCA, (b) functions of the [DG], and (c) functions of other NCA officers; “NCA officers” means (a) the Director General, (b) the other [NCA] officers appointed under [para] 9 of [sch] 1, (c) persons who have been seconded to the NCA to serve as [NCA] officers under [para] 13 of [sch] 1 (unless the context otherwise requires), and (d) NCA specials; “permitted purpose” means any of the following purposes (a) the prevention or detection of crime, whether in the [UK] or elsewhere; (b) the investigation or prosecution of offences, whether in the [UK] or elsewhere; (c) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the [UK] or the law of any country or territory outside the [UK]; (d) the exercise of any NCA functions (so far as not falling within any of [paras] (a) to (c)); (e) purposes relating to civil proceedings (whether or not in the [UK]) which relate to a matter in respect of which the NCA has functions; (f) compliance with an order of a court or tribunal (whether or not in the [UK]); (g) the exercise of any function relating to the provision or operation of the system of accreditation of financial investigators under [s] 3 of the Proceeds of Crime Act 2002; (h) the exercise of any function of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002; (i) the exercise of any function of (i) the [DPP], (ii) the Director of the [SFO], (iii) the [DPP] for [NI], or (iv) the Scottish Ministers, under, or in relation, to Part 5 or 8 of the Proceeds of Crime Act 2002; (j) the exercise of any function of (i) an officer of Revenue and Customs, (ii) a general customs official, (iii) a customs revenue official, (iv) an immigration officer, (v) an accredited financial investigator, or (vi) a constable, under Chapter 3 of Part 5 of the Proceeds of Crime Act 2002; (k) investigations or proceedings outside the [UK] which have led, or may lead, to the making of an external order (within the meaning of [s] 447 of the Proceeds of Crime Act 2002); (l) the exercise of any function of any intelligence service (within the meaning of the Regulation of Investigatory Powers Act 2000); (m) the exercise of any function under (i) Part 2 of the Football Spectators Act 1989, or (ii) sections 104 to 106 of the Policing and Crime Act 2009; (n) the exercise of any function relating to public health; (o) the exercise of any function of the Financial Services Authority; (oa) the exercise of any function of OFCOM (the Office of Communications) under the Online Safety Act 2023; (p) the exercise of any function designated by the [SS] by order; but a function may be designated under [para] (p) only if the function appears to the [SS] to be a function of a public nature; “policing body” means (a) a police and crime commissioner; (b) the Mayor's Office for Policing and Crime; (c) the Common Council of the City of London as police authority for the City of London police area; (d) the Scottish Police Authority; (e) the [NI] Policing Board; (f) the [BTP] Authority; (g) the Civil Nuclear Police Authority; (h) the [SS], in relation to the [MOD] Police; “special police force” means (a) the British Transport Police; (b) the [CNC]; (c) the Ministry of Defence Police; “strategic partners” means (a) the Scottish Ministers; (b) the Department of Justice in [NI]; (c) such persons as appear to the [SS] to represent the views of local policing bodies; (d) such persons as appear to the [SS] to represent the views of the chief officers of [E&W] police forces; (e) the [CC] of the Police Service of Scotland; (f) the [CC] of the Police Service of [NI]; (g) the Commissioners for [HMs] Revenue and Customs; (h) the Director of

the [SFO]; “*UK law enforcement agency*” means (a) the Commissioners for [HMs] Revenue and Customs; (b) the Director of the [SFO]; (c) the Director of Border Revenue; (d) the Scottish Administration; (e) a [NI] department; (f) any other person operating in England, Scotland, [NI] or Wales charged with the duty of investigating or prosecuting offences (apart from a UK police force); “*UK police force*” means (a) an [E&W] police force; (b) the Police Service of Scotland; (c) the Police Service of [NI]; (d) a special police force. (2) In this Part (a) a reference to the powers and privileges of a [PO] is a reference to any powers and privileges of the [PO], whether arising under an enactment or otherwise; (b) a reference to the Police Service of [NI] includes a reference to the Police Service of [NI] Reserve. (3) In any enactment (a) a reference to a [NCA] officer is to be construed as a reference to an NCA officer within the meaning of this Part; (b) a reference to a function of the [NCA] is to be construed as a reference to an NCA function within the meaning of this Part (unless the context otherwise requires). (4) Definitions of the following terms used in this Part, or other provision relating to the meanings of such terms, are contained in the provisions (outside this [s]) which are indicated (*printed*).

Modern Slavery Act 2015

S 40. **The Independent Anti-slavery Commissioner** (1) The [SS] must, after consulting the Scottish Ministers and the Department of Justice in [NI], appoint a person as the Independent Anti-slavery Commissioner (in this Part “*the Commissioner*”). (2) The Commissioner is to hold office in accordance with the terms of the Commissioner’s appointment. (3) The [SS] may pay in respect of the Commissioner any expenses, remuneration or allowances that the [SS] may determine. (4) The [SS] (a) must before the beginning of each financial year specify a maximum sum which the Commissioner may spend that year, (b) may permit that to be exceeded for a specified purpose, and (c) subject to [paras] (a) and (b), must defray the Commissioner’s expenditure for each financial year. (5) In this Part, “*financial year*” means (a) the period beginning with the day on which the first Commissioner takes office and ending with the following 31 March, and (b) each successive period of 12 months. (6) The Commissioner may appoint staff. (7)-(9) (*amends*).

S 41. **General functions of Commissioner**. (1) The Commissioner must encourage good practice in (a) the prevention, detection, investigation and prosecution of slavery and human trafficking offences; (b) the identification of victims of those offences. (2) For the purposes of this [s] a slavery and human trafficking offence is an offence under (a) [s] 1, 2 or 4 of this Act, (b) [s] 1, 2 or 4 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act ([NI] 2015 (c. 2 (N.I.)) (*equivalent offences in [NI]*), (c) [s] 1 or 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (asp 12) (*equivalent offences in Scotland*). (3) The things that the Commissioner may do in pursuance of [ss] (1) include (a) making reports on any permitted matter to the [SS], the Scottish Ministers and the Department of Justice in [NI]; (b) making recommendations to any public authority about the exercise of its functions; (c) undertaking or supporting (financially or otherwise) the carrying out of research; (d) providing information, education or training; (e) consulting public authorities (including the Commissioner for Victims and Witnesses), voluntary organisations and other persons; (f) co-operating with or working jointly with public authorities (including the Commissioner for Victims and Witnesses), voluntary organisations and other persons, in the [UK] or internationally. (4) The matters to which the Commissioner may have regard in pursuance of [ss] (1) include the provision of assistance and support to victims of slavery and human trafficking offences. (5) In [ss] (3)(a) “*permitted matter*” means a matter which (a) the [SS], the Scottish Ministers or the Department of Justice in [NI] have asked the Commissioner to report on, or (b) the current strategic plan, approved by the [SS] under [s] 42(6), states is a matter the Commissioner proposes to report on. (6) The Commissioner must (after ascertaining whether the [SS], the Scottish Ministers, the Lord Advocate or the Department of Justice in [NI] wish to exercise the powers conferred by [ss] (7) to (10)) publish each report made under [ss] (3)(a). (7) The [SS] may direct the Commissioner to omit from any report before publication any material whose publication the Secretary of State thinks (a) would be against the interests of national security, (b) might jeopardise the safety of any person in [E&W], or (c) might prejudice the investigation or prosecution of an offence under the law of [E&W]. (8) The Scottish Ministers may direct the Commissioner to omit from any report before publication any material whose publication the Scottish Ministers think (a) might jeopardise the safety of any person in Scotland, or (b) might prejudice the investigation of an offence under the law of Scotland. (9) The Lord Advocate may direct the Commissioner to omit from any report before publication any material whose publication the Lord Advocate thinks might prejudice the prosecution of an offence under the law of Scotland. (10) The Department of Justice in [NI] may direct the Commissioner to omit from any report before publication any material whose publication the department thinks (a) might jeopardise the safety of any person in [NI], or (b) might prejudice the investigation or prosecution of an offence under the law of [NI]. (11) If the [SS] the Scottish Ministers or the Department of Justice in [NI] lay before Parliament, the Scottish Parliament or the [NI] Assembly a report made by the Commissioner under [ss] (3)(a), they must lay the report as it is published by the Commissioner under [ss] (6).

S 42. **Strategic plans and annual reports** (1) The Commissioner must, as soon as reasonably practicable after the Commissioner’s appointment, prepare a strategic plan and submit it to the [SS] for approval. (2) The Commissioner must, before the end of the period to which a strategic plan relates (“the current period”), prepare a strategic plan for a period immediately following the current period and submit it to the [SS] for approval. (3) The Commissioner may at any time prepare a revised strategic plan and submit it to the [SS] for approval. (4) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner’s functions in the period to which the plan relates, which must be not less than one year and not more than [3] years. (5) A strategic plan must in particular (a) state the Commissioner’s objectives and priorities for the period to which the plan relates; (b) state any matters on which the Commissioner proposes to report under [s] 41(3)(a) during that period; (c) state any other activities the Commissioner proposes to undertake during that period in the exercise of the Commissioner’s functions. (6) The [SS] may approve a strategic plan either without modifications or with modifications agreed with the Commissioner. (7) The [SS] must (a) before approving a strategic plan, consult the Scottish Ministers and the Department of Justice in [NI], and (b) after approving a strategic plan, send a copy of the plan to the Scottish Ministers and the Department of Justice in [NI]. (8) As soon as reasonably practicable after the end of each financial year the Commissioner must submit to the [SS], the Scottish Ministers and the Department of Justice in [NI] an annual report on the

exercise of the Commissioner's functions during the year. (9) An annual report must include (a) an assessment of the extent to which the Commissioner's objectives and priorities have been met in that year; (b) a statement of the matters on which the Commissioner has reported under [s] 41(3)(a) during the year; (c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner's functions. (10) The [SS] must lay before Parliament (a) any strategic plan the [SS] approves, and (b) any annual report the [SS] receives, and must do so as soon as reasonably practicable after approving the plan or receiving the report. (11) The Scottish Ministers must lay before the Scottish Parliament (a) any strategic plan the [SS] approves, and (b) any annual report they receive, and must do so as soon as reasonably practicable after receiving the plan or the report. (12) The Department of Justice in [NI] must lay before the [NI] Assembly (a) any strategic plan the [SS] approves, and (b) any annual report it receives, and must do so as soon as reasonably practicable after receiving the plan or the report. (13) An annual report laid under any of [ss] (10) to (12) must not contain material removed from the report under any of [ss] (14) to (17). (14) The [SS] may remove from an annual report any material whose publication the [SS] thinks (a) would be against the interests of national security, (b) might jeopardise the safety of any person in [E&W], or (c) might prejudice the investigation or prosecution of an offence under the law of [E&W]. (15) The Scottish Ministers may remove from an annual report any material whose publication the Scottish Ministers think (a) might jeopardise the safety of any person in Scotland, or (b) might prejudice the investigation of an offence under the law of Scotland. (16) The Lord Advocate may remove from an annual report any material whose publication the Lord Advocate thinks might prejudice the prosecution of an offence under the law of Scotland. (17) The Department of Justice in [NI] may remove from an annual report any material whose publication the department thinks (a) might jeopardise the safety of any person in [NI], or (b) might prejudice the investigation or prosecution of an offence under the law of [NI].

S 43. **Duty to co-operate with Commissioner** (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner's functions. (2) A specified public authority must so far as reasonably practicable comply with a request made to it under this [s]. (3) A public authority which discloses information to the Commissioner in pursuance of [ss] (2) does not breach any obligation of confidence owed by the public authority in relation to that information; but this does not apply in relation to patient information. (4) "Patient information" means information (however recorded) which (a) relates to the physical or mental health or condition of an individual, to the diagnosis of an individual's condition or to an individual's care or treatment, or is to any extent derived directly or indirectly from such information, and (b) identifies the individual or enables the individual to be identified (either by itself or in combination with other information). (5) Except as provided by [ss] (3), [ss] (2) does not require or authorise any disclosure of information which contravenes a restriction on the disclosure of information (however imposed). (6) In this [s] "specified public authority" means a public authority listed in [sch] 3. (7) The Scottish Ministers may by regulations amend that [sch] so as to (a) add or remove a public authority having only functions which are exercisable in or as regards Scotland (a "Scottish public authority"); (b) amend an entry relating to a Scottish public authority. (8) The Department of Justice in [NI] may by regulations amend that Schedule so as to (a) add or remove a public authority having only functions which are exercisable in or as regards [NI] (a "Northern Irish public authority"); (b) amend an entry relating to a Northern Irish public authority. (9) The [SS] may by regulations amend that [sch] so as to (a) add or remove a public authority which is not a Scottish public authority or a Northern Irish public authority; (b) amend an entry relating to a public authority which is not a Scottish public authority or a Northern Irish public authority. (10) Regulations under [ss] (7), (8) or (9) which add a public authority to Schedule 3 may contain provision modifying the application of this section in relation to that authority.

S 44. **Restriction on exercise of functions** (1) The Commissioner must not exercise any function in relation to an individual case. (2) [ss] (1) does not prevent the Commissioner considering individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue.

Forensic Science Regulator Act 2021

S 1. **The [FSR]** (1) There is to be a [FSR]. (2) In this Act "the Regulator" means the Forensic Science Regulator. (3) The [sch] makes further provision about the [FSR].

S 2. **Regulator's duty to publish a code of practice** (1) The [FSR] must prepare and publish a code of practice about the carrying on of forensic science activities in [E&W]. (2) The code (a) must specify the forensic science activities to which it applies; (b) need not make provision about every forensic science activity; (c) may make different provision for different purposes or descriptions of person. (3) The [FSR] must publish the code in a way that the [FSR] considers is likely to bring it to the attention of persons likely to be interested in it. (4) The [FSR](a) must keep the code under review, and (b) may from time to time prepare and publish alterations to the code or a replacement code. (5) In this Act "the code" means the code of practice published under this [s] that is for the time being in force (as altered from time to time).

S 3. **Code of practice: procedure**. (1) Before publishing a code of practice under [s] 2 or any alterations to the code, the [FSR] must consult such persons as the [FSR] considers appropriate. (2) The persons consulted must include persons appearing to the [FSR] to be representative of persons who are, or are likely to be, carrying on activities to which the proposed code or the code as proposed to be altered will apply. (3) The [FSR] must not publish a code of practice under [s] 2 or any alterations to the code unless (a) a draft of the code or the alterations has been sent to the [SS], (b) the [SS] has approved the draft and laid it before Parliament, and (c) the draft has been approved by a resolution of each House of Parliament. (4) A code of practice published under [s] 2 comes into force on the day specified in it for that purpose. (5) Alterations to the code come into force on the day specified in the alterations for that purpose. (6) Different days may be specified under [ss] (4) or (5) for different purposes.

S 4. **Status of the code** (1) A failure by a person to act in accordance with the code does not of itself make that person liable to civil or criminal proceedings. (2) The code is admissible in evidence in criminal and civil proceedings in [E&W]. (3) A court may in particular take into account a failure by a person to act in accordance with the code in determining a question in any such proceedings.

S 5. Investigations by the [FSR]. (1) This [s] applies if the [FSR] has reason to believe that a person may be carrying on a forensic science activity to which the code applies in a way that creates a substantial risk of (a) adversely affecting any investigation, or (b) impeding or prejudicing the course of justice in any proceedings. (2) The [FSR] may investigate the carrying on by that person of any forensic science activity to which the code applies. (3) For the purposes of any such investigation, the [FSR] may require the person mentioned in subsection (1) to provide to the [FSR] (a) copies of documents in the person's possession or control; (b) other information in the person's possession or control. (4) A requirement under [ss] (3) may include a requirement for information to be provided orally. (5) A requirement under [ss] (3) is imposed by giving a written notice to the person specifying (a) a description of the information that is required; (b) when, or the time by which, the information is to be provided; (c) the form and manner in which the information is to be provided. (6) A person may not be required under [ss] (3) to do anything that the person could not be compelled to do in proceedings before the High Court. (7) A disclosure of information pursuant to a requirement under [ss] (3) does not breach (a) any obligation of confidence owed by the person making the disclosure, or (b) any other restriction on the disclosure of information (however imposed). (8) A person may not be required under [ss] (3) to disclose information if to do so (a) would contravene the data protection legislation (but in determining whether the disclosure would do so, the duty imposed by virtue of that [ss] is to be taken into account), or (b) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016. (9) In [ss] (8)(a) "*the data protection legislation*" has the same meaning as in the Data Protection Act 2018 (see [s] 3(9) of that Act). (10) The Regulator may bring proceedings for an injunction (including an interim injunction) for the purpose of securing compliance with a requirement imposed under this [s]. (11) In this Act "*proceedings*" means proceedings before a judicial authority exercising its jurisdiction or functions in [E&W], within the meaning of [s] 4 of the Rehabilitation of Offenders Act 1974.

S 6. Compliance notices. (1) This [s] applies if the [FSR] believes that a person is carrying on a forensic science activity to which the code applies in a way that creates a substantial risk of (a) adversely affecting any investigation, or (b) impeding or prejudicing the course of justice in any proceedings. (2) The [FSR] may serve a compliance notice on the person. (3) A compliance notice is a notice requiring the person on whom the notice is served to take one or more steps specified in the notice within the period or by the date specified in the notice. (4) A compliance notice may prohibit the person on whom the notice is served from carrying on any forensic science activity in [E&W] specified in the notice until the [FSR] is satisfied that a step specified in the notice has been taken or does not need to be taken (see [s] 7). (5) In deciding whether to serve a compliance notice on a person and in determining the content of a notice the [FSR] may take into account any failure by a person to act in accordance with the code. (6) A compliance notice must be in writing and include information as to (a) the [FSR]'s reasons for serving the notice, (b) rights of appeal (see [s] 8), and (c) the consequences of not complying with the notice. (7) The [FSR] may bring proceedings for an injunction (including an interim injunction) for the purpose of securing compliance with any step or prohibition specified in the notice. (8) The [FSR] may at any time vary or cancel a compliance notice after it has been served by giving notice in writing to the person on whom it was served.

S 7. Completion certificates. (1) This [s] applies if the [FSR] has served a compliance notice on a person under [s] 6. (2) If the [FSR] is satisfied that any step specified in the notice has been taken or does not need to be taken the [FSR] must issue a certificate to that effect (a "*completion certificate*"). (3) A person on whom a compliance notice is served may at any time apply for a completion certificate. (4) Within the period of 14 days beginning with the day after the day on which the [FSR] receives such an application the [FSR] must send to the person (a) a completion certificate relating to the compliance notice, or (b) written notice of the [FSR]'s decision not to issue such a certificate together with the [FSR]'s reasons for that decision. (5) A compliance notice ceases to have effect to the extent specified in a completion certificate relating to that notice on the date the certificate is issued.

S 8. Appeals. (1) A person served with a compliance notice under section 6 may appeal to the First-tier Tribunal against the decision to serve the notice. (2) The grounds for an appeal under [ss] (1) are that (a) the decision was based on an error of fact; (b) the decision was wrong in law; (c) the decision was unreasonable; (d) any step or prohibition specified in the notice is unreasonable. (3) On an appeal under [ss] (1) the First-tier Tribunal may (a) confirm the notice; (b) cancel the notice; (c) vary the notice; (d) remit to the [FSR] the decision whether to confirm, cancel or vary the notice. (4) A person given notice under [s] 6(8) of the variation of a compliance notice may appeal to the First-tier Tribunal against the decision to vary the compliance notice. (5) The grounds for an appeal under [ss] (4) are that (a) the decision was based on an error of fact; (b) the decision was wrong in law; (c) the decision was unreasonable; (d) any step or prohibition specified in the compliance notice as a result of the variation is unreasonable. (6) On an appeal under [ss] (4) the First-tier Tribunal may (a) confirm the decision to vary the compliance notice, in whole or in part; (b) quash that decision, in whole or in part; (c) vary the compliance notice in a different way; (d) remit to the [FSR] the decision whether to vary the compliance notice. (7) A person served with a compliance notice under [s] 6 may appeal to the First-tier Tribunal against a decision not to issue a completion certificate under [s] 7 relating to that notice. (8) The grounds for an appeal under [ss] (7) are the grounds mentioned in [ss] (2)(a) to (c). (9) On an appeal under [ss] (7) the First-tier Tribunal may (a) confirm the decision not to issue a completion certificate; (b) require the [FSR] to issue a certificate; (c) remit to the [FSR] the decision whether to issue a certificate. (10) Where a person has brought an appeal under [ss] (1), (4) or (7), the First-tier Tribunal may suspend any requirement or prohibition specified in the compliance notice until the appeal is determined, withdrawn or abandoned. (11) Where an appeal is or may be made to the Upper Tribunal in relation to a decision of the First-tier Tribunal under this [s], the Upper Tribunal may suspend any requirement or prohibition specified in the compliance notice until the appeal is determined, withdrawn or abandoned.

S 9. Other functions of the Regulator. (1) The [FSR] may prepare and publish guidance or reports on any matter relating to forensic science activities carried on in [E&W]. (2) The [FSR] may provide advice or assistance relating to forensic science activities carried on in [E&W] to any person. (3) The reference to any person in [ss] (2) includes any person in a country or territory outside the [UK]. (4) As soon as reasonably practicable after the end of each reporting period the [FSR] must (a) prepare a report about the exercise of the [FSR]'s functions during that period, (b) publish the report in such manner as the [FSR] considers appropriate, and (c) provide the report to the [SS]. (5) The [SS] must lay the report

before Parliament. (6) In [ss] (4) “reporting period” means (a) the period of 12 months beginning with the date on which section 1 comes into force, and (b) each successive period of 12 months. (7) The [FSR] may do anything (except borrow money) the [FSR] thinks necessary or appropriate for the purposes of, or in connection with, the [FSR]’s functions.

Appendix 2

1. GS McBain, *The Creation of an English Criminal Code: 6 Acts First Act - Sex Crimes Act* (2025) International Law Research, vol 14, no 1, pp 1-69 (*free online*).
2. GS McBain, *The Creation of an English Criminal Code: 6 Acts Second Act - Property & Finance Crimes Act* (2025) International Law Research, vol 14, no 1, pp 70-105 (*free online*).
3. GS McBain, *The Creation of an English Criminal Code: 6 Acts Third Act - State Crimes* (2025) International Law Research, vol 14, no 1, pp 106-138 (*free online*).
4. GS McBain, *The Creation of a UK Criminal Code: 6 Acts Fourth Act – Weapons* (2025) International Law Research, vol 14, no 1, pp 139-191 (*free online*).
5. GS McBain, *The Creation of an English Criminal Code: 6 Acts Fifth Act - Public Order* (2025) Public Administration Research, vol 14, no 1, pp 1-68 (*free online*).
6. GS McBain, *The Creation of an English Criminal Code: 6 Acts Sixth Act - Crimes Against the Person Act* (2025) Public Administration Research, vol 14, no 1, pp 100-204 (*free online*).
7. GS McBain, *Criminal Justice Act* (2025) Public Administration Research, vol 14, no 1, pp 205-237 (*free online*).

Acknowledgments

Not applicable.

Authors contributions

Not applicable.

Funding

Not applicable.

Competing interests

Not applicable.

Informed consent

Obtained.

Ethics approval

The Publication Ethics Committee of the Canadian Center of Science and Education.

The journal’s policies adhere to the Core Practices established by the Committee on Publication Ethics (COPE).

Provenance and peer review

Not commissioned; externally double-blind peer reviewed.

Data availability statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

Data sharing statement

No additional data are available.

Open access

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.