

NCA DESIGNATION LEVELS AUGUST 2018

Legislation	Function(s) of the Director General of the National Crime Agency	Minimum Senior NCA Officer or Specific Postholder
Crime and Courts Act 2013	Section 4(1) – power to decide which operations are conducted by NCA officers and how they are managed	Deputy Director
	Section 4(3), and (6) to (9) – production of the NCA Annual Plan	Deputy Director
	Section 4(5) – to determine operational priorities for the NCA	Director General Operations (in DG absence only)
	Section 5(1) to (4) – voluntary tasking (to perform a task requested by a UK police force or law enforcement agency, or request a task is performed)	Director General Operations (in DG absence only)
	Section 5(5) – directed tasking (power to direct a chief officer of a police force)	Director General Operations (in DG absence only)
	Section 6 – duty to publish information about the exercise of NCA functions and other matters relating to the NCA.	Director General Operations (in DG absence only)
	Section 8 – provide assistance to overseas governments	Deputy Director
	Section 9(1) – exercise of the functions of the Commissioners of HM Revenue and Customs in respect of Customs matters	Deputy Director or G1 depending on circumstances
	Section 10 – power to designate an NCA officer with one or more of the operational powers (constable, officer of HMRC, immigration officer, and general customs official)	Director General Operations
	Schedule 1, paragraph 2 – duty to ensure efficient and effective discharge of NCA functions	Deputy Director
	Schedule 1, paragraph 9 – select NCA officers for appointment	Deputy Director
	Schedule 1, paragraphs 13 and 14 – make arrangements for secondments	Deputy Director
	Schedule 1, paragraph 15 – select and appoint NCA specials	Deputy Director
	Schedule 2, paragraph 7 – duty to issue an annual report	Deputy Director
	Schedule 2, paragraph 8(1) – duty to publish annual plan	Deputy Director
	Schedule 3 Part 2 – duty to exchange information	G3
	Schedule 3, paragraph 11 – directed assistance (provided to the NCA by a police force or law enforcement agency)	Director General Operations (in DG absence only)
	Schedule 3 Part 4 – voluntary arrangements to use police and Border Force facilities	G3
	Schedule 3 Part 5 – payment for tasks, assistance or facilities	Deputy Director
	Schedule 6, paragraph 4 – duty to comment on each HMIC report	Deputy Director
Schedule 6, paragraph 5 – duty to disclose information to HMIC and Scottish Inspectors	Deputy Director	
Schedule 6, paragraph 6 – duty to secure access to NCA premises	Deputy Director	
Schedule 7 paragraphs 6 and 7 – consent to onward disclosure of NCA information	G3	
Coroners and Justice Act 2009	Part 3 Chapter 1 – functions for and related to making applications for investigation anonymity orders	Deputy Director
Counter-Terrorism Act 2008	Section 18B – retention of section 18 material following national security determination	Director General Operations (in DG absence only)
Criminal Appeal Act 1995	Sections 19 and 20 – compliance with a requirement to appoint a investigating officer to carry out the inquiries of the Criminal Cases Review Commission	Director General Operations (in DG absence only)
Criminal Justice Act 2003	Section 29 – instituting criminal proceedings by written charge	Deputy Director
Explosives Act 1875	Section 75 – inspection of wharf, carriage, boat etc with explosives in transit	Deputy Director
Immigration Act 1971	Section 28CA(2)(c) - power to authorise designated person to enter business premises for the purposes of arrest	G2
Immigration and Asylum Act 1999	Section 143(11) and (12) – duties relating to the destruction of fingerprints taken under the Act	Deputy Director
Legal Services Act 2007	Section 169 - disclosure of information to the Legal Services Board	G3
Modern Slavery Act 2015	Part 2 – functions for and related to making applications for (a) slavery and trafficking prevention orders and (b) slavery and trafficking risk orders	G3
National Crime Agency (Complaints and Misconduct) Regulations 2013	Whole regulations – functions of the “appropriate authority” (and related functions) ¹ under the Regulations where (a) the Director General is the appropriate authority in accordance with regulation 2(1), or (b) the Director General is otherwise carrying out the functions of an appropriate authority in accordance with arrangements under regulation 2(2)	Director General Operations
	Whole regulations – functions of the “relevant appeal body” (and related functions) ² under the Regulations where the Director General is the relevant appeal body in accordance with regulation 83(1)	Director General Operations
	Regulation 9(1) – duties to be kept informed of complaints and conduct matters in relation to the NCA	Director General Operations
	Regulation 9(5) to (11), 12, and 42(9) – functions in relation to provision of assistance to the Independent Office for Police Conduct	Director General Operations
	Regulation 17, 31 and 35 – duties in relation to preservation of evidence	Director General Operations

¹ This includes all function of the “appropriate authority” where that is the Director General, and also functions of the Director General under Regulations 10, 18, 21, 22, 25(17), 28, 29, 32, 34, 64(20), 72(12) and 82(2).

² This includes all function of the “relevant appeal body” where that is the Director General, and also functions of the Director General under Regulations 25(19), 27(4), 64(22) and 82(12).

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Police (Northern Ireland) Act 1998	Section 60ZA(8) – duty to supply information to the Ombudsman	G3 or G1 depending on circumstances
Police (Northern Ireland) Act 2000	Section 33A – provision of information to the Northern Ireland Policing Board	Director
	Section 52 – steps to ensure that NCA officers exercising functions in Northern Ireland have read and understood the Code of Ethics, and that the Codes’ provisions are reflected in NCA disciplinary procedures	Chief People Officer
	Section 59 – duty to report to the Northern Ireland Policing Board	Deputy Director
	Section 60 – duties in relation to Inquiry by the Northern Ireland Policing Board following section 59 report	Director
	Schedule 1, paragraph 19A – attendance at Northern Ireland Policing Board meetings	Director
Police Act 1997	Section 93 – power to grant, renew and cancel etc interference with property etc authorisations in Part III	Specific Deputy Directors
Police Act 1996	Section 22A – power to enter into collaboration agreements with police forces and policing bodies	Director General Operations
Police and Criminal Evidence Act 1984	Section 63AB – duty to act in accordance with guidance issued about the destruction of DNA profiles	Deputy Director
	Section 63D – destruction of “section 63D material” (fingerprints and DNA profiles obtained under the Act or by consent) and related functions	Deputy Director
	Section 63F – applications for retention of section 63D material	Deputy Director
	Section 63G – applications for retention of proscribed section 63D material	Deputy Director
	Section 63M – retention of section 63D material following national security determination	Director General Operations
	Section 63R(2) and (13) – destruction of “section 63R material” (samples obtained under the Act or by consent) and related functions	Deputy Director
	Section 63R(6) – applications for retention of proscribed section 63R material	Deputy Director
Police Pensions Act 1976	Whole Act – functions of a “police pension authority”, in accordance with section 11(2A)(c), in relation to functions under the Act and Regulations made under the Act	Chief Finance Officer
Police Property Regulations 1997	Regulations 6, 7 and 8 – dealing with the Police Property Act Fund and the disposal of property	Chief Finance Officer
Police Reform Act 2002	Section 15 – duties to cooperate, and provide assistance in respect of local, supervised and managed IOPC investigation	Director General Operations
	Section 16 – payment for assistance with an investigation	Deputy Director
Proceeds of Crime Act 2002	Section 325(2) – power to receive declarations from NCA officers exercising functions under Part 6 POCA	G3
	Part 7 – power to receive / deal with suspicious activity reports and related functions (required disclosures in relation to suspicions of money laundering)	General authorisation to all FIU officers
	Section 378(5) – power to authorise an officer to be an “appropriate officer” for the purposes of money laundering investigations	Deputy Director
	Section 449 – power to authorise for use of pseudonyms	Deputy Director
Psychoactive Substances Act 2016	Section 21 - applications for prohibition orders and premises orders; Section 24 - applications for reimbursement of costs; and Section 28 – applications for variation and discharge	G3
	Section 23 – power to designate a person as an authorised person for enforcement of access prohibitions	G3
	Section 36 – power to designate officers as authorised to exercise stop, search, seizure and disposal powers	G3
	Section 6 - application for issue of an interception warrant	G2
Regulation of Investigatory Powers Act 2000	Section 32(6) – “senior authorising officer” power to grant, renew and cancel intrusive surveillance authorisations under Part II	Specific Deputy Directors
	Section 51 - authorisation to grant a section 49 disclosure notice (a requirement to disclose computer passwords etc.) with a requirement that only disclosure of the key will be sufficient to comply with the notice (“a section 50(3)(c) statement”)	Director
	Section 76A(6)(a) - officer designated who is to be notified of foreign surveillance operations carried out in the UK	Deputy Director
	Section 76A(8), and Article 2 of the Regulation of Investigatory Powers (Foreign Surveillance Operations) Order 2004 – power to notify that foreign surveillance operations carried out in the UK are unlawful	Director
	Schedule 2 paragraph 6 - authorisation to grant a section 49 disclosure notice in proscribed circumstances	Director
	Section 2 – arrangements with the Director-General of the Security Services for coordinating the activities of the Service in support of the activities of the NCA, police forces and other law enforcement agencies.	Director General Operations (in DG absence only)
Serious Crime Act 2015	Section 64 - payment of compensation in respect of loss from seizure of drug-cutting agents	G3
Serious Organised Crime and Police Act 2005	Part 2 Chapter 4 – functions of a “protection provider” in relation to the protection of witnesses and other persons	Specified officers only

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Sexual Offences Act 2003	Section 94(2) – supply of information to the Secretary of State for verification	Deputy Director
	Part 2 – functions for and related to making applications in England and Wales for (a) sexual harm prevention orders and (b) sexual risk orders	G2
Telecommunications Restriction Orders (Custodial Institutions) (E+W) Regulations 2016	Whole Regulations – functions in relation to applications for Telecommunications Restriction Orders	Director General Operations
Terrorism Act 2000	Sections 19, 20, 21ZA, 21ZB, 21A, 21B, 21C and 21D – power to receive / deal with required disclosures in relation to suspicions involving terrorist property, and related functions	General authorisation to all FIU officers