

PROPOSED AMENDMENTS TO THE NATIONAL CRIME AGENCY LEGISLATIVE PACKAGE 2026

PHASE I SUBMISSION

Cover Letter and Executive Legislative Brief

National Crime Agency Bill 2026
National Crime (Interim) Agency Bill 2026

Prepared for parliamentary consideration
27 September 2026

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Cover Letter

27 September 2026

Honourable Chetan Anand Baboolall, MP
 Leader of the Opposition
 National Assembly
 Parliament House
 Port Louis
 Republic of Mauritius

Cc: Honourable Joanna Marie Bérenger, MP, Opposition Whip

Subject: Proposed amendments to the National Crime Agency Bill 2026 and the National Crime (Interim) Agency Bill 2026

I am writing to place before you Phase I of a technical submission concerning the National Crime Agency Bill 2026 and the National Crime (Interim) Agency Bill 2026. The accompanying Executive Legislative Brief identifies the principal institutional, constitutional, human-rights, privacy and accountability issues which, in my respectful view, warrant particular attention during parliamentary scrutiny.

I fully recognise the need for Mauritius to strengthen its capacity to combat financial crime, corruption, cybercrime, money laundering and complex, serious and organised crime. A specialised and properly resourced investigative institution can serve an important national purpose. At the same time, the extensive investigative, surveillance, interception, search, seizure, arrest, intelligence and data-processing powers proposed under the Bills make it equally important that the legislation contain safeguards of equivalent strength for institutional independence, judicial oversight, proportionality, fundamental rights, accountability and the rule of law.

Having examined the Bills in detail, I am completing a clause-by-clause review of all 85 clauses of the National Crime Agency Bill 2026. Rather than limiting the exercise to general observations, the detailed work reproduces the Government text, identifies provisions that may be retained, shows proposed deletions and insertions, and provides a concise rationale for each substantive amendment. The corresponding clause-by-clause review of the 20-clause National Crime (Interim) Agency Bill 2026 will follow as a subsequent phase.

The review gives particular attention to the appointment, tenure and removal of the Director-General; the transition from the Interim Agency to the permanent NCA; independent governance; judicial control of searches, interception and covert surveillance; legal professional privilege and the privilege against self-incrimination; arrest and detention safeguards; data protection and the National Flagging Database; the use of recovered assets; the relationship with the Police, the Director of Public Prosecutions and other investigative bodies; and the continuity of pending investigations, proceedings, appeals, court orders, evidence and enforcement measures when the FCC and Interim Agency are replaced.

Given the scale of the exercise, I intend to transmit the detailed legislative text progressively rather than as one exceptionally large document. This letter and the accompanying Executive Legislative Brief therefore constitute Phase I. The next phases will transmit the National Crime Agency Bill amendments in coherent groups of clauses, followed by the National Crime (Interim) Agency Bill amendments and, thereafter, a clean consolidated proposed text. This phased approach is intended to make the material easier to examine and to allow the most sensitive provisions to receive focused consideration.

My purpose is not to weaken the capacity of the State to combat crime. It is to contribute to a legislative framework in which a National Crime Agency can be powerful enough to investigate serious crime while remaining demonstrably subject to the Constitution, the Courts, independent oversight and the rule of law. Strong investigative powers and strong safeguards should reinforce, rather than undermine, one another.

I respectfully submit this first phase for your consideration in the context of the Opposition's examination of the Bills. The detailed clause-by-clause amendments will follow progressively, beginning with the institutional architecture, governance and appointment provisions of the National Crime Agency Bill 2026.

Yours faithfully,

Dave Kissoondoyal

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EXECUTIVE LEGISLATIVE BRIEF

Proposed safeguards and drafting architecture for the National Crime Agency legislative package

EXECUTIVE SUMMARY

The two Bills create a powerful new institutional framework. The proposed amendments are designed to keep the crime-fighting objective while placing stronger legal guardrails around appointment, investigation, surveillance, data, arrest, inter-agency control, financial incentives and transition. The preferred model is targeted amendment rather than wholesale rejection: retain provisions that are sound, rewrite provisions that concentrate power without sufficient review, and insert missing safeguards where the Bills are silent.

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1. Purpose and scope

This brief constitutes Phase I of a phased amendment package. It is based on the text of the National Crime Agency Bill 2026 and the National Crime (Interim) Agency Bill 2026. It identifies the policy and legal safeguards that guide the detailed redrafting. A clause-by-clause review of all 85 clauses of the principal National Crime Agency Bill has now been completed and will be transmitted progressively in coherent groups of provisions; the 20-clause Interim Bill will follow as a subsequent phase.

The exercise adopts the Bills' stated objective of creating a lead investigative agency against financial crime, cybercrime and other complex, serious and organised crime. The issue examined here is how the statutory architecture can combine operational effectiveness with constitutional legality, judicial control, procedural fairness, data protection and institutional accountability.

The brief deliberately separates three categories of provision: provisions that can be retained substantially as drafted; provisions that require targeted amendment; and provisions that require substantial rewriting or the insertion of a new safeguard. This is intended to avoid unnecessary rewriting and to make the final redline practical for parliamentary use.

2. What the two Bills would establish

The permanent NCA Bill contains 85 clauses. Its main architecture includes:

- a corporate NCA positioned as the lead investigative agency, with the Director-General exercising administrative and operational control;
- specialised divisions for anti-money laundering and anti-corruption, cybercrime, complex and organised crime, asset recovery and unexplained wealth, intelligence, legal advice, prevention, human resources and internal affairs;

- general investigation powers, including questioning, production of evidence, entry, search, seizure and disclosure of account/customer information;
- digital powers including preservation, production orders, real-time traffic-data collection, content interception and deletion orders;
- specialised techniques including controlled operations, surveillance, covert human intelligence, intrusive surveillance and equipment interception;
- powers of arrest and detention, referral to the DPP and prosecution arrangements;
- a National Flagging Database and inter-agency coordination arrangements; and
- financial, confidentiality, liability, repeal, transfer and transitional provisions.

The Interim Bill contains 20 clauses. Before the permanent NCA begins operating, it would permit the Interim Agency and its Director-General to recruit key NCA staff, set pay and grading structures, establish the organisational structure, prepare internal rules and codes, put in place the National Flagging Database and prepare the Operational Protocol and Surveillance and Interception Code of Practice. The Interim phase therefore determines significant features of the permanent institution before the permanent Act is operational.

3. Drafting philosophy for the amendment package

The detailed drafting should follow six principles:

- **Legality:** coercive powers should have a clear statutory threshold, defined purpose and review mechanism.
- **Necessity and proportionality:** the intensity of the power should correspond to the seriousness of the suspected conduct and the investigative need.
- **Independent authorisation:** the more intrusive the power, the stronger the case for prior judicial or genuinely independent approval.
- **Institutional separation:** investigation, prosecution, oversight and political responsibility should remain distinguishable functions.
- **Traceability and remedies:** important decisions should be recorded, auditable and capable of challenge where rights are affected.
- **Continuity:** restructuring should not create a legal gap for pending cases, appeals, evidence, warrants, preservation measures or staff obligations.

4. Director-General: appointment, tenure, removal and transition

Relevant provisions: Permanent Bill clauses 18–20 and 21(3); Interim Bill clause 4.

The permanent Bill provides for appointment of the Director-General by the President in accordance with the advice of the Independent Advisory Panel after consultation with the Prime Minister and Leader of the Opposition. It sets a four-year term with a maximum of two terms. However, the Bill also provides that the Director-General of the Interim Agency becomes the first permanent Director-General on the same terms and conditions as the interim appointment.

The Interim Bill uses a different appointment route: appointment by the President acting on the advice of the Prime Minister after consultation with the Leader of the Opposition, with the terms and conditions

determined by the Prime Minister. The interaction between these provisions means that the first permanent Director-General may enter office without going through the ordinary permanent appointment route.

The amendment package should remove this asymmetry. A transitional office-holder may continue temporarily for institutional continuity, but confirmation as the first permanent Director-General should be subject to the same independent process, eligibility criteria and scrutiny that apply to any later appointment.

Proposed safeguards

- Apply the permanent appointment standard to the first permanent Director-General, with a short transitional acting period if necessary.
- Insert transparent statutory eligibility criteria and require publication of the appointment decision and term of office, subject to lawful confidentiality of selection materials.
- Insert a dedicated removal/suspension provision based on defined grounds such as incapacity, serious misconduct, conflict of interest or inability to perform the office, with an independent recommendation and procedural fairness.
- Prohibit unilateral alteration of the DG's terms and conditions during tenure in a manner capable of undermining independence.
- Clarify acting arrangements so that an acting DG cannot remain indefinitely without the ordinary appointment process.
- Review the automatic appointment of the FCC Director-General as Deputy Director-General so that continuity of expertise is preserved without displacing integrity, suitability and conflict checks for a senior office in the new institution.

5. Governance, operational independence and external accountability

Relevant provisions: clauses 3–5, 27–30 and references to the Independent Advisory Panel.

The Bill states that the NCA and the Director-General are not subject to the direction or control of any person or authority. That principle supports operational independence. At the same time, internal governance structures are strongly centred on the Director-General. The DG chairs the Governance Advisory Board and Senior Leadership Board, and where consensus fails the decision of the DG or person chairing prevails.

An independent agency can be operationally autonomous while still being accountable for legality, finance, rights compliance and performance. The amendments should therefore distinguish clearly between prohibited political direction of individual investigations and legitimate external oversight of institutional conduct.

- Increase the independent/non-executive component of the Governance Advisory Board and prevent the DG from holding an automatic casting or prevailing decision on matters concerning ethics, audit, remuneration, complaints or his own office.
- Require periodic public reporting on use of intrusive powers in aggregate form, without disclosing operationally sensitive details.
- Create an express duty to cooperate with lawful oversight by the courts, Director of Audit, Data Protection Commissioner and other competent independent bodies within their statutory mandates.
- Require recusal rules for conflicts of interest involving the DG, DDG or Board members.
- Require key codes affecting rights to be published before they take effect, except narrowly defined operational annexes whose disclosure would create a demonstrable investigative risk.

6. Jurisdiction and investigation take-over powers

Relevant provisions: clauses 37–39, especially clause 38.

The Bill gives the NCA broad authority to determine when a matter is complex, serious and organised and allows it, in specified circumstances, to refer, jointly investigate or take over an investigation from the Police or another investigative body. It also provides that the NCA, DG and investigative officers may exercise powers conferred on the Police, Commissioner of Police and police officers under other relevant enactments, with modifications and adaptations as necessary.

These provisions require a clearer jurisdictional boundary. The core problem is not inter-agency cooperation; it is the possibility that open-ended criteria and a broad incorporation of police powers could make the practical limits of NCA jurisdiction difficult to identify in advance.

- Require written reasons for a takeover decision and a recorded jurisdictional basis linked to statutory criteria.
- Provide a defined dispute-resolution mechanism where the NCA and Police disagree on lead responsibility, while preserving the Commissioner of Police's constitutional and statutory command functions.
- Limit the NCA's power over an unrelated 'other crime' discovered during an investigation: preserve evidence and take urgent action where necessary, but refer the unrelated matter to the competent body unless a defined nexus justifies continued NCA investigation.
- Replace the general importation of all police powers with a schedule or expressly identified categories of powers, so that Parliament knows which external powers are being conferred on NCA officers.
- Require authorisation and training before an NCA officer exercises any police-equivalent coercive power.

7. Search, seizure, questioning and legal privilege

Relevant provisions: clauses 40–46.

Clause 43 is a major safeguard point. For ordinary premises, the Director-General may issue a warrant for entry, search and seizure. Judicial authorisation is expressly required for access to stored computer data and clause 44 requires an order of a Judge in Chambers for entry and search in specified financial-sector premises. The amendment package should adopt a more consistent principle: entry into private premises and compulsory seizure should ordinarily require judicial authorisation.

The questioning provisions also require procedural safeguards. A person may be compelled by notice to attend, answer questions and produce material, subject to the privilege against self-incrimination in clause 42. The final text should expressly protect access to legal advice, legal professional privilege and the right to challenge an oppressive or disproportionate notice.

- Require a judicial warrant for entry, search and seizure of private premises, with a tightly drafted emergency power limited to preventing imminent destruction of evidence and subject to prompt judicial validation.
- Require the warrant application to identify the offence, premises, categories of material sought, necessity, proportionality and duration.
- Expressly preserve legally privileged material and establish a sealed/independent review procedure where privilege is disputed.

- Provide reasonable notice for compulsory attendance unless urgency is justified; permit representation by counsel during questioning subject to narrowly tailored conditions necessary to protect the investigation.
- Clarify that compelled material obtained under an immunity undertaking cannot be used directly or derivatively against the person except to the extent expressly authorised by law.
- Provide a judicial route to vary or set aside an overbroad production or preservation demand.

8. Digital investigation, interception and covert techniques

Relevant provisions: clauses 47–55.

The Bill distinguishes preservation and production measures from real-time traffic-data collection, content interception and intrusive surveillance. Judicial orders are required for real-time traffic data, content interception and the intrusive techniques listed in clause 54. This judicial involvement should be retained and strengthened through explicit statutory criteria.

The digital provisions interact directly with privacy and data-protection principles. Mauritius' Data Protection Act 2017 recognises exceptions for criminal investigation, but those exceptions are framed around necessity and proportionality. The NCA legislation should therefore state its own minimisation, retention, security and destruction duties instead of relying only on an internal code.

- Require applications for interception and intrusive surveillance to show necessity, proportionality, seriousness of the suspected offence, investigative alternatives considered, target or facility specificity, proposed duration and handling of incidental data.
- Set maximum initial durations and require fresh judicial approval for renewal.
- Add data-minimisation and destruction rules for information unrelated to the authorised investigation, subject to lawful preservation for another offence only under a defined procedure.
- Create special rules for communications involving lawyers, journalists, doctors, clergy or other relationships attracting recognised confidentiality, without creating immunity from lawful investigation.
- Require auditable logs of access, copying, dissemination and deletion of intercepted material.
- Require periodic independent inspection of technical interception systems and security controls.
- Review clause 51 so that a deletion order affecting computer data is precise as to the unlawful material, the system concerned and any preservation needed for evidence, appeal or third-party rights.
- Limit the broad 'public interest' ground for secondary use of disclosed data by requiring written reasons and a necessary-and-proportionate test.

9. Arrest, detention and procedural rights

Relevant provisions: clauses 56–57 and connected questioning provisions.

Clause 56 permits an NCA investigative officer to arrest a person reasonably suspected of having committed, committing or being likely to commit a covered crime, and also permits arrest for failure without reasonable excuse to attend in response to a notice. Clause 57 provides for detention in a police cell unless the person is released on parole by the Director-General or released on bail.

The amendments should align NCA arrest powers with ordinary safeguards governing deprivation of liberty and should avoid creating a parallel detention regime controlled by the investigative agency itself.

- Define arrest necessity in addition to reasonable suspicion, including identification, prevention of flight, preservation of evidence or prevention of an imminent serious offence.
- For failure to attend following a notice, require a judicial warrant or equivalent court process except in narrowly defined urgent circumstances.
- Require immediate information on reasons for arrest, access to legal counsel, notification of a nominated person and medical assistance where required.
- Clarify that custody management, release and bail operate under the ordinary legal framework and are not converted into an unfettered DG discretion.
- Require prompt production before the competent court within the constitutionally and statutorily applicable period.

10. National Flagging Database and data protection

Relevant provisions: clauses 60–63; Interim Bill clause 11.

The National Flagging Database would contain a register of 'entities of interest' and may include persons, arrangements, property, premises, vehicles or other things determined by the Director-General. Entries may be overt or covert. Searches must be logged and justified, and an annual report on markers must be submitted to the Independent Advisory Panel.

Because covert markers may affect people who do not know they are listed, the database requires more than internal auditing. The legislation should itself state the criteria for entry, review, retention, correction and deletion, and should clearly address data-protection oversight.

- Define objective grounds for placing an entity on the register and prohibit inclusion merely because of lawful political, professional, journalistic, trade-union, religious or civic activity.
- Require each marker to have an owner, reason, date, review date, classification and maximum retention period.
- Provide automatic review and deletion where the investigative basis no longer exists.
- Create a mechanism for delayed notification or access where disclosure no longer risks an investigation, with judicial or independent exceptions where secrecy remains necessary.
- Provide correction and challenge mechanisms for inaccurate or unlawfully retained data.
- Subject system design, access controls, security, audit logs, retention and data-sharing to applicable Data Protection Act principles and lawful independent oversight.
- During the interim phase, restrict clause 11 to technical preparation unless Parliament has already enacted the substantive safeguards governing live personal-data entries.

11. DPP, prosecutions and institutional boundaries

Relevant provisions: clauses 58–59 and clause 65.

The Bill preserves an important institutional boundary by requiring prosecution to be instituted by, or with the consent of, the Director of Public Prosecutions. It also permits an NCA barrister to conduct a prosecution only with DPP approval. These provisions should be substantially retained.

The amendments should nevertheless clarify that investigative recommendations do not bind the DPP, that requests for further investigation do not transfer prosecutorial control to the NCA, and that participation by the DPP or a representative on an inter-agency coordination body does not compromise independent prosecutorial decision-making in individual cases.

- Retain DPP control over institution and conduct of prosecutions.
- Add an express non-direction clause protecting individual prosecutorial decisions from the Inter-Agency Coordination Board.
- Require full disclosure to the DPP of material relevant to charging decisions, including material that may undermine an NCA theory or assist a suspect or accused person, subject to lawful privilege and security procedures.
- Clarify the status of ongoing prosecutions and appeals at the transition date so that no fresh charging decision is required merely because the investigating institution changes.

12. Finance, recovered assets, transparency and liability

Relevant provisions: clauses 69–75 and 79–80.

The NCA Recovered Assets Fund may receive money derived from enforcement and may make payments for victims, foreign sharing, recovery costs, administration, training, capacity building and other expenditure considered appropriate by the NCA. This flexibility should be balanced against the need to avoid any perception that investigative or enforcement priorities are influenced by the agency's own financial benefit.

The liability clause also protects good-faith acts and omissions. A good-faith protection is common in public administration, but it should not operate as a barrier to remedies for unlawful conduct, bad faith, gross negligence or rights violations.

- Ring-fence recovered assets from ordinary performance incentives or remuneration decisions.
- Require objective statutory purposes, transparent annual accounts and independent audit of the Recovered Assets Fund.
- Require significant operational expenditure from recovered assets to be approved through a governance mechanism independent of the investigating team responsible for the recovery.
- Clarify that statutory immunity does not protect bad faith, corruption, deliberate illegality, gross negligence or conduct outside lawful powers.
- Limit regulation-making powers so that regulations cannot create new intrusive investigative powers, alter core rights safeguards or materially expand criminal liability without primary legislation.

13. Whistleblowing, confidentiality and public-interest disclosures

Relevant provisions: clauses 31–36 and 76–78.

The Bill creates detailed victimisation protection for NCA officers who make disclosures, but the reporting obligation in clause 31 extends broadly to public officials and 'any other person'. The detailed redraft should distinguish mandatory institutional reporting duties from voluntary citizen reporting and should avoid unintended conflict with professional secrecy, legal privilege, journalistic protections or other lawful confidentiality obligations.

Confidentiality offences are necessary for sensitive investigations, but they should be drafted so that they do not criminalise protected reporting to courts, oversight bodies, legal advisers or competent authorities.

- Narrow or qualify the universal mandatory reporting language in clause 31 and preserve privileges recognised by law.

- Extend anti-retaliation protection to persons who make protected disclosures through authorised channels, not only NCA employees where appropriate.
- Create express safe channels to the Independent Advisory Panel, DPP, Police, Data Protection Commissioner, Director of Audit or court where the subject of the complaint is the NCA leadership or where internal reporting would be unsafe or ineffective.
- Add a defence for disclosures required by law, court order or protected whistleblowing procedure.
- Clarify that the prohibition on inducing disclosure is directed at unlawful disclosure of protected information and does not criminalise legitimate legal representation, journalism, parliamentary activity or the reporting of wrongdoing when otherwise protected by law.

14. Continuity of pending cases, appeals, evidence and staff

Relevant provisions: clauses 81–84, especially clause 84.

Clause 84 already contains significant saving provisions. It continues pending judicial or extra-judicial proceedings, pending investigations, certain prosecutions, rights, obligations, liabilities, assets, funds and prior acts of the FCC or Interim Agency. This is a sound foundation but should be made more explicit in several areas where transition disputes could otherwise arise.

The principle should be simple: institutional change must not alter the legal position of any pending matter merely because one agency replaces another. The same rule should apply irrespective of who is investigated, prosecuted, claiming property, appealing or defending proceedings.

- Expressly include appeals, judicial reviews, constitutional applications, interlocutory applications, enforcement proceedings and applications pending before any court or tribunal.
- Continue all warrants, production orders, preservation notices, restraint orders, freezing measures, undertakings, summonses, bail conditions and other judicial or lawful investigative measures until their lawful expiry or variation.
- Preserve chain of custody, evidential certificates, forensic images, audit trails, exhibits and digital integrity records without requiring re-seizure or re-certification solely because of transition.
- Provide that substitution of the NCA for the FCC/Interim Agency in proceedings occurs automatically by operation of law and does not require discontinuance and re-filing unless a court directs otherwise.
- Preserve limitation periods, procedural deadlines and accrued rights.
- Require secure migration of case files, evidence repositories and access logs, with an auditable handover protocol.
- Continue existing case teams where reasonably practicable during handover, while preserving lawful employment rights and the new agency's integrity checks.
- Make explicit that transition does not confer an amnesty, invalidate an investigation, revive an expired power or retrospectively cure an unlawful act.

15. Interim Agency: proposed limits and sunset safeguards

Relevant provisions: Interim Bill clauses 3–13 and 20.

The Interim Agency is intended to enable and facilitate commencement of the permanent NCA. Its powers should therefore be preparatory, time-limited and incapable of pre-empting safeguards that Parliament has not yet enacted. The Interim Bill should not become an alternative permanent regime by delay in commencement of the main Act.

The Interim DG should be able to prepare the institution, recruit within a transparent framework and negotiate operational arrangements, but permanent structural decisions affecting rights, surveillance or long-term governance should remain subject to the final statutory framework.

- Insert a sunset clause: the Interim Agency expires on commencement of the permanent NCA Act, with only a short administrative wind-down period. If the permanent Act does not commence within a defined period, any extension should require parliamentary approval.
- Clarify that the Interim Agency has no general criminal investigation, arrest, search, seizure or interception power unless expressly conferred by another law.
- Make recruitment of directors and secretariat officers subject to published criteria, conflict declarations and an independent selection component.
- Prevent the Interim DG from unilaterally fixing long-term pay, grading and organisational structures without independent governance or later ratification under the permanent Act.
- Treat the National Flagging Database during the interim phase as a design/build project, not a live intelligence database containing personal markers, unless the final statutory safeguards are already in force.
- Require the Operational Protocol to preserve the lawful authority of the Commissioner of Police and other statutory office-holders.
- Require the Surveillance and Interception Code to be reviewed under the permanent governance arrangements before any permanent NCA interception activity begins.
- Subject the first permanent DG appointment to the ordinary permanent appointment safeguards rather than automatic conversion of the interim appointment.

16. Structure of the clause-by-clause redline phases

Each clause in the successive redline phases uses the following format:

BLACK	Government wording retained unchanged
RED STRIKETHROUGH	Government wording proposed for deletion
BLUE BOLD	Proposed insertion or replacement wording
BLUE SHADED RATIONALE	Short explanation of the legal, institutional or drafting reason

A short descriptor should also appear beside each clause number in the working contents, for example “43 - Search and seizure warrants”, “50 - Interception of content”, “54 - Intrusive surveillance and equipment interception”, “60 - National Flagging Database”, and “84 - Pending cases and transition”.

Every clause will be classified as one of:

- **RETAIN** - no substantive change proposed.
- **AMEND** - targeted safeguards or drafting corrections.
- **REWRITE / INSERT** - substantial replacement wording or new clause required.

17. Priority amendments for parliamentary attention

For phased parliamentary consideration, the following matters should be treated as first-order issues because they affect the institutional architecture or the most intrusive powers:

- 1. Interim and permanent DG appointment:** Close the different appointment routes and prevent automatic conversion from interim to permanent office without the permanent safeguards.
- 2. DG removal and acting tenure:** Insert defined grounds, independent process and limits on prolonged acting appointments.
- 3. Judicial search warrants:** Move ordinary entry/search/seizure of private premises from DG-issued warrants to judicial authorisation, subject to narrow urgency exceptions.
- 4. Interception and surveillance:** Add necessity, proportionality, duration, renewal, minimisation, privileged-communications and audit safeguards.
- 5. Arrest and detention:** Add necessity, counsel, notification, court production and ordinary bail/custody safeguards.
- 6. National Flagging Database:** Define listing criteria, retention, review, correction, deletion, secrecy and independent data oversight.
- 7. Take-over of investigations:** Require written jurisdictional reasons and clearer boundaries with the Police and other bodies.
- 8. Recovered assets:** Prevent self-financing incentives and strengthen independent financial control.
- 9. Immunity and confidentiality:** Preserve good-faith protection while safeguarding remedies and lawful protected disclosures.
- 10. Pending proceedings and appeals:** State expressly that all pending proceedings, appeals, orders, evidence and deadlines continue automatically through transition.

18. Scope limitations and phased transmission

This Executive Brief is grounded in the two Bills under review. The permanent Bill also refers to other enactments and proposed statutory structures, including the Independent Advisory Panel, Financial Crime legislation, Asset Recovery and Unexplained Wealth legislation and the Declaration of Assets framework. The adequacy of those external regimes cannot be conclusively assessed from these two Bills alone.

Accordingly, the detailed clause-by-clause material identifies cross-references that require verification against the related legislative package. Where a proposed safeguard depends on another Bill, it is treated as a cross-bill dependency rather than silently assumed.

Following this Phase I brief, the detailed amendments will be transmitted progressively: first, the National Crime Agency Bill 2026 in coherent clause groups covering institutional architecture and governance, investigative and coercive powers, and operational/financial/transitional provisions; next, the 20-clause National Crime (Interim) Agency Bill 2026; and finally, a clean consolidated proposed legislative text.

CORE PROPOSITION

A strong crime agency and strong safeguards are not competing objectives. The legislative task is to ensure that the greater the coercive power, the clearer the legal threshold, the stronger the independent authorisation, and the more effective the accountability and remedy.

Source note

Primary texts reviewed: The National Crime Agency Bill 2026 (56 pages) and The National Crime (Interim) Agency Bill 2026 (7 pages), as circulated. External legal references in this brief are limited to general cross-checks. Detailed statutory and cross-bill concordance is addressed progressively in the clause-by-clause amendment phases.

Phase I transmission note: The clause-by-clause amendments are intentionally being submitted in successive phases so that each group of provisions can be examined on its own merits without losing the overall legislative architecture.