



Police Act 1997

1997 CHAPTER 50

PART I

THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

Discipline and complaints

37 Discipline regulations

- (1) The Secretary of State may make regulations relating to the conduct of members of NCIS and the maintenance of discipline in NCIS.
- (2) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
 - (a) authorise or require provision to be made by, or confer discretionary powers on, the NCIS Service Authority, the Director General of NCIS or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

38 Appeals

- (1) Where the Director General of NCIS, or a police member to whom section 9(2)(a) applies, is dismissed or required to resign by a decision taken under or by virtue of regulations made under section 37, he may appeal to an appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed or required to resign.
- (2) The Secretary of State shall, by order, make provision in relation to appeals tribunals and appeals under subsection (1) corresponding (with or without modification) to that

Status: This is the original version (as it was originally enacted).

which is or may be made in relation to police appeals tribunals and appeals under section 85(1) of the Police Act 1996 by, or by virtue of, section 85(2) to (4) of and Schedule 6 to that Act.

- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

39 Complaints

- (1) The Secretary of State shall, by regulations, make provision for the handling of any complaint about the conduct of any member of NCIS which is submitted by, or on behalf of, a member of the public.
- (2) Regulations under subsection (1) shall, so far as the Secretary of State thinks it desirable, make provision—
- (a) for the procedures for the handling of complaints relating to anything done or omitted to be done by a person in Scotland to be procedures corresponding or similar to those established by or by virtue of sections 40 and 40A of the Police (Scotland) Act 1967;
 - (b) for the procedures for the handling of complaints relating to anything done or omitted to be done by a person in Northern Ireland to be procedures corresponding or similar to those established by or by virtue of the Police (Amendment) (Northern Ireland) Order 1995, and for that purpose the regulations may confer additional functions on the Independent Commission for Police Complaints for Northern Ireland;
 - (c) for the procedures for the handling of any other complaint to be procedures corresponding or similar to those established by or by virtue of Chapter I of Part IV of the Police Act 1996 (police complaints), and for that purpose the regulations may confer additional functions on the Police Complaints Authority.
- (3) The Secretary of State may issue guidance to persons on whom functions are conferred by regulations under this section concerning the performance of their functions under those regulations, and they shall have regard to any such guidance in the performance of those functions.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

40 Information as to the manner of dealing with complaints etc

The NCIS Service Authority in carrying out its duty under section 3(1), and inspectors of constabulary appointed under section 54 of the Police Act 1996, section 33 of the Police (Scotland) Act 1967 or section 16 of the Police Act (Northern Ireland) 1970 in carrying out their duties with respect to the efficiency and effectiveness of NCIS, shall keep themselves informed as to the operation of procedures established under section 39.