

## SCHEDULES

### SCHEDULE 3

Section 17(6).

#### LEVIES ISSUED BY NCIS SERVICE AUTHORITY

##### *Decisions of Service Authority*

- 1 (1) Where an order under section 17 requires the NCIS Service Authority to determine the total amount of the levies which it proposes to issue under that section for any financial year, that determination shall not be made except by a decision which—
- (a) is made only by independent members and police authority members of the NCIS Service Authority, and
  - (b) complies with sub-paragraphs (2) and (3).
- (2) A decision complies with this sub-paragraph only if a majority of the members making the decision (whether or not approving it) are police authority members of the Authority.
- (3) A decision complies with this sub-paragraph only if the members approving it include more than half of the independent members and more than half of the police authority members of the Authority at the time of the decision.
- (4) Before making such a determination as is mentioned in sub-paragraph (1) in respect of any financial year, the independent members and police authority members of the Authority shall take account of—
- (a) the expenditure which the Director General of NCIS estimates will be incurred in connection with NCIS in the year,
  - (b) any income which it is estimated will be received by way of charges imposed by the Authority under section 19, or otherwise, in the year,
  - (c) the financial reserves of the Authority and the reserves which it estimates it will be appropriate to raise in the year for meeting its estimated future expenditure,
  - (d) the current and proposed level of borrowing of the Authority,
  - (e) the views of all members of the Authority, and
  - (f) such other matters as may be prescribed.
- (5) In this paragraph “independent members” means members of the Authority appointed by the Secretary of State under paragraph 2 or 8(1)(a) of Schedule 1.
- (6) In this paragraph “police authority members” means members appointed—
- (a) by the local authority members of police authorities for areas in England and Wales (as defined by paragraph 14 of Schedule 1), or
  - (b) by the Secretary of State under paragraph 5 of that Schedule.

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*Approval by Secretary of State*

- 2 (1) Subject to paragraph 3, a levy shall not be issued by the NCIS Service Authority under section 17 in respect of a financial year, unless the Secretary of State has notified the Authority in writing that he approves the total amount of the levies the Authority proposes to issue for that year.
- (2) Where the Secretary of State gives an approval under sub-paragraph (1), levies shall not be issued by the Authority in respect of the financial year concerned in excess of the amount so approved.
- (3) Before deciding whether to give an approval under sub-paragraph (1), the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, and
  - (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales.
- (4) The Secretary of State shall give a copy of any notice sent to the NCIS Service Authority under sub-paragraph (1) to—
- (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

*Directions*

- 3 (1) Where the Secretary of State does not approve, under paragraph 2, the total amount of the levies the NCIS Service Authority proposes to issue for a financial year—
- (a) he shall notify the Authority of his decision, and
  - (b) he may direct the Authority to issue such levies under section 17 for that year as he considers appropriate.
- (2) Where the NCIS Service Authority does not, within the prescribed period, make a determination of the total amount of levies it proposes to issue under section 17 in respect of a financial year, the Secretary of State may direct the Authority to issue, under that section, such levies as he considers appropriate.
- (3) The NCIS Service Authority shall provide the Secretary of State with such information as he may require to enable him to give a direction under this paragraph.
- (4) Before giving a direction under this paragraph, the Secretary of State may take into account any matter he considers relevant.
- (5) A direction under this paragraph shall be in writing.
- (6) The Secretary of State shall send a copy of any direction under this paragraph to—
- (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

*Notices*

- 4 (1) The NCIS Service Authority shall, within the prescribed period, give notice of any levy to be issued under section 17 to—

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- (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (c) the Receiver for the Metropolitan Police District.
- (2) A notice under this paragraph shall contain such information as may be prescribed.

*Interpretation*

5 In this Schedule “prescribed” means prescribed by an order under section 17.