



# Police Act 1997

## 1997 CHAPTER 50

### PART I

#### THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

##### Modifications etc. (not altering text)

**C1** Pt. I (ss. 1-46): Power to continue conferred (11.5.2001) by 2001 c. 16, ss. 109(2)(c)(i), 138(2)

#### *The Service Authority*

### **1 The Service Authority for the National Criminal Intelligence Service.**

- (1) There shall be a body corporate to be known as the Service Authority for the National Criminal Intelligence Service (in this Part referred to as “the NCIS Service Authority”).
- (2) Subject to the following provisions of this section, the NCIS Service Authority shall consist of [<sup>F1</sup>eleven] members.
- (3) The Secretary of State may by order provide that the number of members shall be a specified odd number greater than [<sup>F1</sup>eleven].
- (4) Before making an order under subsection (3), the Secretary of State shall consult—
  - (a) the NCIS Service Authority <sup>F2</sup>. . . ,
  - (b) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the [<sup>F3</sup>Police Service of Northern Ireland],
  - (c) persons whom the Secretary of State considers to represent the interests of chief officers of police of police forces in England and Wales, chief constables of police forces in Scotland and the Chief Constable of the [<sup>F3</sup>Police Service of Northern Ireland], <sup>F4</sup>. . .
  - (d) the Commissioners of Customs and Excise.

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[<sup>F5F6</sup> . . .  
 [ the Director-General of the Security Service; and]  
<sup>F7</sup>(da)  
 (e) the Scottish Ministers.]

- (5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.
- (6) The NCIS Service Authority may co-opt such additional members as it thinks fit.
- (7) Parts I, II and IV of Schedule 1 and [<sup>F8</sup>Schedules 2 and 2A] shall have effect in relation to the NCIS Service Authority.

#### Textual Amendments

- F1** Word in s. 1(2)(3) substituted (1.4.2002) by 2001 c. 16, s. 108(1); S.I. 2002/344, **art. 3(e)** (with transitional provisions in **art. 4**)
- F2** Words in s. 1(4)(a) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)
- F3** Words in s. 1(4)(b)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, **art. 2, Sch**
- F4** Word in s. 1(4)(c) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(2)(a)**; S.I. 1998/3178, **art. 3**
- F5** S. 1(4)(e) and preceding word inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(2)(b)**; S.I. 1998/3178, **art. 3**
- F6** Word "and" at the end of s. 1(4)(d) repealed (1.4.2002) by 2001 c. 16, ss. 128 (1), 137, Sch. 6 Pt. 1 para. 2(a)(i), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in **art. 4**)
- F7** S. 1(4)(da) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 2(a)(ii); S.I. 2002/344, **art. 3(k)** (with transitional provisions in **art. 4**)
- F8** Words in s. 1(7) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 2(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in **art. 4**)

#### Commencement Information

- II** S. 1 wholly in force at 23.7.1997; s. 1 not in force at Royal Assent, see s. 135; s. 1 in force for certain purposes at 25.6.1997 by S.I. 1997/1377, **art. 3(2)(a)** (subject to modifications in **art. 3(3)(4)**); s. 1 wholly in force at 23.7.1997 by S.I. 1997/1377, **art. 4(2)(a)**

### *Functions*

## 2 General functions of the NCIS Service Authority and NCIS.

- (1) The NCIS Service Authority shall maintain a body to be known as the National Criminal Intelligence Service (in this Part referred to as “NCIS”).
- (2) The functions of NCIS shall be—
- (a) to gather, store and analyse information in order to provide criminal intelligence,
  - (b) to provide criminal intelligence to police forces in Great Britain, the [<sup>F9</sup>Police Service of Northern Ireland], the National Crime Squad and other law enforcement agencies, and

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- (c) to act in support of such police forces, the [<sup>F9</sup>Police Service of Northern Ireland], the National Crime Squad and other law enforcement agencies carrying out their criminal intelligence activities.
- (3) For the purposes of subsection (2), “law enforcement agency” includes—
- (a) any government department [<sup>F10</sup>and the Scottish Administration],
  - (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary,
  - (c) any other person charged with the duty of investigating offences or charging offenders, and
  - (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCIS Service Authority, NCIS, a police authority, a police force, the NCS Service Authority or the National Crime Squad.
- [<sup>F11</sup>(3A) NCIS may disclose information for the purposes of Part II of the <sup>M1</sup>Football Spectators Act 1989 to any person prescribed by regulations made by the Secretary of State.
- (3B) A statutory instrument containing regulations under subsection (3A) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (4) In discharging its functions, the NCIS Service Authority shall have regard to—
- (a) any objectives determined by the Secretary of State under section 26,
  - (b) any objectives determined by the Authority under section 3,
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise, and
  - (d) any service plan issued by the Authority under section 4.
- (5) In discharging any function to which a code of practice issued under section 28 relates, the NCIS Service Authority shall have regard to the code.
- (6) The NCIS Service Authority shall comply with any direction given to it by the Secretary of State under section 27 or 30 <sup>F12</sup>. . . [<sup>F13</sup>or by the Scottish Ministers under section 30].

#### Textual Amendments

- F9** Words in s. 2(2)(b)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F10** Words in s. 2(3)(a) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(3)(a)**; S.I. 1998/3178, **art. 3**
- F11** S. 2(3A)(3B) inserted (28.8.2000) by 2000 c. 25, s. 2
- F12** Words in s. 2(6) repealed (1.8.2001) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 3, **Sch. 7 Pt. 5 para. 1**; S.I. 2001/2223, **art. 3(h)(j)(k)(l)(ii)**
- F13** Words in s. 2(6) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(3)(b)**; S.I. 1998/3178, **art. 3**.

#### Commencement Information

- I2** S. 2 wholly in force at 1.4.1998; s. 2 not in force at Royal Assent see s. 135; s. 2(6) in force for certain purposes at: 1.9.1997 by S.I. 1997/1930, **art. 2(2)(a)**(with art. 2(3)); 8.10.1997 by S.I. 1997/1930, **art. 3(1)(2)(a)**; s. 2 otherwise in force at 1.4.1998 by S.I. 1998/354, **art. 2**

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### Marginal Citations

**M1** 1989 c. 37.

## 3 Objectives.

- (1) The NCIS Service Authority shall secure that NCIS is efficient and effective.
- (2) The NCIS Service Authority shall, before the beginning of each financial year, determine objectives for that year for NCIS.
- (3) Objectives determined under this section may relate to matters to which objectives determined under section 26 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (4) Before determining objectives under this section, the NCIS Service Authority shall consult—
  - (a) the Director General of NCIS,
  - (b) persons whom it considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the <sup>F14</sup>Police Service of Northern Ireland],
  - (c) the NCS Service Authority, <sup>F15</sup> . . .
  - (d) the Commissioners of Customs and Excise <sup>F16</sup>; and
  - (e) the Director-General of the Security Service.]

### Textual Amendments

- F14** Words in s. 3(4)(b) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F15** Word in s. 3(4)(c) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 4(a), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F16** S. 3(4)(e) and preceding word inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 4(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

### Commencement Information

- I3** S. 3 wholly in force at 1.4.1998; s. 3 not in force at Royal Assent see s. 135; s. 3(2)-(4) in force at 1.9.1997 by S.I. 1997/1930, **art. 2** (with art. 2(3)); s. 3 otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

## 4 Service plans.

- (1) The NCIS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by NCIS of its functions during the year (“the service plan”).
- (2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
  - (a) any objectives determined by the Secretary of State under section 26,
  - (b) any objectives determined by the Authority under section 3, and

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- (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise.
- (3) A draft of the service plan shall be prepared by the Director General of NCIS and submitted by him to the Authority for it to consider.
- (4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.
- (5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to—
- (a) the Secretary of State,
  - (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the <sup>M2</sup>Police (Scotland) Act 1967) and the [<sup>F17</sup>Northern Ireland Policing Board],
  - (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the [<sup>F18</sup>Police Service of Northern Ireland],
  - (d) the NCS Service Authority,
  - (e) the Director General of the National Crime Squad, <sup>F19</sup> . . .
  - (f) the Commissioners of Customs and Excise.
- [<sup>F20F21</sup> . . .
- [<sup>F22</sup>(fa) the Director-General of the Security Service; and]
  - (g) the Scottish Ministers.]

#### Textual Amendments

- F17** Words in s. 4(5)(b) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F18** Words in s. 4(5)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F19** Word in s. 4(5)(e) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(4)(a)**; S.I. 1998/3178, **art. 3**
- F20** S. 4(5)(f) and the preceding word inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(4)(b)**; S.I. 1998/3178, **art. 3**
- F21** Word in s. 4(5)(f) repealed (1.4.2002) by 2001 c. 16, s. 128(1), 137, **Sch. 6 Pt. 1 para. 5(a)**, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F22** S. 4(5)(fa) inserted (1.4.2002) by 2001 c. 16, s. 128(1), **Sch. 6 Pt. 1 para. 5(b)**; S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

#### Commencement Information

- I4** S. 4 wholly in force at 31.10.1997; s. 4 not in force at Royal Assent, see s. 135; s. 4 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

#### Marginal Citations

- M2** 1967 c. 77.

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## 5 Annual reports.

- (1) The NCIS Service Authority shall, as soon as possible after the end of each financial year, issue a report on the carrying out of its functions during that year.
- (2) A report issued under this section for any year shall include an assessment of the extent to which the service plan for that year issued under section 4 has been carried out.
- (3) The NCIS Service Authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the <sup>M3</sup>Police (Scotland) Act 1967) and the [<sup>F23</sup>Northern Ireland Policing Board],
  - (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the [<sup>F24</sup>Police Service of Northern Ireland],
  - (d) the NCS Service Authority,
  - (e) the Director General of the National Crime Squad, <sup>F25</sup> . . .
  - (f) the Commissioners of Customs and Excise.

[<sup>F26</sup><sup>F27</sup> . . .

  - (fa) [<sup>F28</sup> the Director-General of the Security Service; and]
  - (g) the Scottish Ministers.]

### Textual Amendments

- F23** Words in s. 5(3)(b) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F24** Words in s. 5(3)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F25** Word in s. 5(3)(e) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(5)(a)**; S.I. 1998/3178, **art. 3**
- F26** S. 5(3)(g) and the preceding word inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(5)(b)**; 1998/3178, art. 3
- F27** Word in s. 5(3)(f) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 6(a), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F28** S. 5(3)(fa) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 6(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

### Marginal Citations

- M3** 1967 c. 77.

*Director General and other members*

## 6 Appointment of Director General.

- (1) NCIS shall have a Director General appointed by the [<sup>F29</sup>Secretary of State] on such terms and conditions as [<sup>F30</sup>he] considers appropriate.

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[<sup>F31</sup>(1A) The NCIS Service Authority shall pay to the Director General such remuneration and allowances as the Secretary of State may determine.]

(2) The Director General shall be chosen by [<sup>F32</sup>the Secretary of State] from a list of persons eligible for appointment which has been prepared by [<sup>F33</sup>a panel of members of the NCIS Service Authority] and approved by the Secretary of State <sup>F34</sup> . . .

[<sup>F35</sup>(2A) Where an appointment falls to be made under this section and a list has been approved by the Secretary of State for the purposes of subsection (2), the panel mentioned in that subsection may make, to the Secretary of State, such recommendations as it thinks fit.

<sup>F35</sup>(2B) Before making an appointment under this section, the Secretary of State shall—  
(a) have regard to any recommendations made to him under subsection (2A), and  
(b) consult the Scottish Ministers.]

(3) A person shall be eligible for appointment as Director General for the purposes of subsection (2) if—

- (a) he holds the rank of chief constable in a police force in Great Britain or in the [<sup>F36</sup>Police Service of Northern Ireland],
- (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis,
- (c) he is the Commissioner of Police for the City of London, or
- (d) he is, in accordance with regulations under section 50 of the <sup>M4</sup>Police Act 1996, section 26 of the <sup>M5</sup>Police (Scotland) Act 1967 or [<sup>F37</sup>section 25 of the <sup>M6</sup>Police (Northern Ireland) Act 1998] a constable eligible for appointment to any of the ranks or posts mentioned in paragraphs (a) to (c).

(4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCIS Service Authority and shall consist only of members of that Authority appointed—

- (a) by the Secretary of State <sup>F38</sup> . . . , or
- (b) by <sup>F39</sup> . . . members of police authorities for areas in England and Wales <sup>F39</sup> . . . , members of police authorities for areas in Scotland or members of the [<sup>F40</sup>Northern Ireland Policing Board].

(5) The Director General shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4 to the Police Act 1996 before a justice of the peace <sup>F41</sup> . . . in England and Wales.

(6) Without prejudice to any other enactment conferring powers on constables for particular purposes, the Director General shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.

(7) The Director General shall hold the rank of chief constable.

(8) In subsection (6)—

“powers” includes powers under any enactment, whenever passed or made;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;

and that subsection, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.



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### Textual Amendments

- F29** Words in s. 6(1) substituted (1.4.2002) by 2001 c. 16, s. 116(2)(a); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F30** Word in s. 6(1) substituted (1.4.2002) by 2001 c. 16, s. 116(2)(b); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F31** S. 6(1A) inserted (1.4.2002) by 2001 c. 16, s. 116(3); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F32** Words in s. 6(2) substituted (1.4.2002) by 2001 c. 16, s. 116(4)(a); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F33** Words in s. 6(2) substituted (1.4.2002) by 2001 c. 16, s. 116(4)(b); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F34** Words in s. 6(2) repealed (1.4.2002) by 2001 c. 16, ss. 116(4)(c), 137, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(h)(j)(m)** (with transitional provisions in **art. 4**)
- F35** S. 6(2A)(2B) inserted (1.4.2002) by 2001 c. 16, s. 116(5); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F36** Words in s. 6(3)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, **art. 2, Sch.**
- F37** Words in s. 6(3)(d) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(2)**; S.I. 1999/176, **art. 3**
- F38** Words in s. 6(4)(a) repealed (1.4.2002) by 2001 c. 16, ss. 116(6), 137, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(h)(j)(m)** (with transitional provisions in **art. 4**)
- F39** Words in s. 6(4)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 7, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in **art. 4**)
- F40** Words in s. 6(4)(b) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, **art. 2, Sch.**
- F41** Words in s. 6(5) repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, **art. 3(c)**

### Modifications etc. (not altering text)

- C2** S. 6 restricted (1.9.1997) by 1996 c. 16, s. 62(1A) (as inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 82(2)**; S.I. 1997/1930, **art. 3**)

### Marginal Citations

- M4** 1996 c. 16.  
**M5** 1967 c. 77.  
**M6** 1970 c. 9 (N.I.)

## 7 Removal of Director General by the Authority.

F42 .....

### Textual Amendments

- F42** S. 7 repealed (1.4.2002) by 2001 c. 16, ss. 137, Sch. 7 Pt. 5 (1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)



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## 8 Deputy Director General.

- (1) The Director General of NCIS shall designate a member of NCIS appointed under section 9, other than a member appointed by the Director General by virtue of subsection (8) of that section, to exercise all the powers and duties of the Director General—
  - (a) during any absence, incapacity or suspension from duty of the Director General, or
  - (b) during any vacancy in the office of Director General.
- (2) The Director General shall consult the NCIS Service Authority before designating a member under subsection (1).
- (3) No more than one person shall be authorised to act by virtue of a designation under subsection (1) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- [<sup>F43</sup>(4) Before giving consent under subsection (3), the Secretary of State shall consult the Scottish Ministers.]

### Textual Amendments

**F43** S. 8(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(8)**; S.I. 1998/3178, **art. 3**

### Commencement Information

**I5** S. 8 wholly in force at 31.10.1997; s. 8 not in force at Royal Assent, see s. 135; s. 8 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

## 9 Members of NCIS.

- (1) NCIS shall consist of—
  - (a) the Director General of NCIS appointed under section 6,
  - (b) persons appointed by the NCIS Service Authority under this paragraph as police members of NCIS, and
  - (c) other persons appointed by the NCIS Service Authority under this paragraph to be members of NCIS as employees of the Authority.
- (2) A person shall be appointed as a police member of NCIS only if—
  - (a) he is appointed to the rank of assistant chief constable in NCIS and he met the requirements of subsection (3) immediately prior to his being appointed, or
  - (b) he is engaged with NCIS on a period of temporary service to which section 97 of the <sup>M7</sup>Police Act 1996, section 38A of the <sup>M8</sup>Police (Scotland) Act 1967 or [<sup>F44</sup>section 27 of the <sup>M9</sup>Police (Northern Ireland) Act 1998] applies.
- (3) A person meets the requirements of this subsection if—
  - (a) he holds the rank of assistant chief constable or a higher rank in a police force in Great Britain or in the [<sup>F45</sup>Police Service of Northern Ireland],
  - (b) he holds the rank of commander or a higher rank in the metropolitan police force or in the City of London police force, or

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- (c) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or [<sup>F46</sup>section 25 of the Police (Northern Ireland) Act 1998,] a constable eligible for appointment to the rank of assistant chief constable or commander in any of the police forces, or in [<sup>F47</sup>the Police Service of Northern Ireland], mentioned in paragraph (a) or (b).
- (4) Subsections (5), (6) and (8) of section 6 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of NCIS.
- (5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.
- (6) Before making an appointment under subsection (1)(b) or (c), or determining the terms and conditions on which such an appointment is to be made, the NCIS Service Authority shall consult the Director General of NCIS.
- (7) A police member to whom subsection (2)(b) applies shall cease to be a member of NCIS at the end of his period of temporary service (unless re-appointed under this section).
- (8) [<sup>F48</sup>The NCIS Service Authority shall exercise its powers under Schedule 2A] so as to secure that, subject to subsection (9) below, the Director General appoints persons under subsection (1)(b) or (c) to be members of NCIS.
- (9) Subsection (8) shall not apply to—
- (a) the appointment of any person to whom subsection (2)(a) applies as a police member, or
  - (b) the appointment of such other persons as may be agreed between the Director General and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (10) <sup>F49</sup> .....

#### Textual Amendments

- F44** Words in s. 9(2)(b) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(3)**; S.R. 1999/176, **art. 3**
- F45** Words in s. 9(3)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, **art.2, Sch.**
- F46** Words in s. 9(3)(c) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(4)**; S.R. 1999/176, **art. 3**
- F47** Words in s. 9(3)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(4)**; S.R. 2001/396, **art. 2, Sch.**
- F48** Words in s. 9(8) substituted (1.4.2002) by 2001 c. 16, s. 128(1), **Sch. 6 Pt. 1 para. 8**; S.I. 2002/344, **art. 3(k)** (with transitional provisions in **art. 4**)
- F49** S. 9(10) repealed (1.4.2002) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in **art. 4**)

#### Modifications etc. (not altering text)

- C3** S. 9(1)(b) restricted (1.9.1997) by 1996 c. 16, **s. 62(1A)** (as inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 82(2)**); S.I. 1997/1930, **art. 3**
- C4** S. 9(1)(c) extended (1.4.1998) by S.I. 1998/354, **art. 3(5)**

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#### Commencement Information

- I6** S. 9 wholly in force at 31.10.1997; s. 9 not in force at Royal Assent, see s. 135; s. 9 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

#### Marginal Citations

- M7** 1996 c. 16.  
**M8** 1967 c. 77.  
**M9** 1970 c. 9 (N.I.).

### [<sup>F50</sup>9A Removal of certain members appointed under section 9

- (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the NCIS Service Authority, acting with the approval of the Secretary of State, may call upon a member of NCIS appointed under section 9 to retire in the interests of efficiency or effectiveness.
- (2) Subsection (1) does not apply to any member of NCIS appointed by the Director General by virtue of section 9(8).
- (3) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the member concerned an opportunity to make representations and shall consider any representations that he makes.
- (4) Before giving an approval for the purposes of subsection (1), the Secretary of State shall consult the Scottish Ministers.
- (5) A member who is called upon to retire under subsection (1) shall retire on such date as the Authority may specify or on such earlier date as may be agreed between him and the Authority.]

#### Textual Amendments

- F50** S. 9A inserted (1.4.2002) by 2001 c. 16, s. 117; S.I. 2002/344, art. 3(h) (with transitional provisions in art. 4)

### *Functions of Director General*

#### 10 General function of Director General.

- (1) NCIS shall be under the direction and control of the Director General.
- (2) In discharging his functions, the Director General shall have regard to the service plan issued by the NCIS Service Authority under section 4.

#### 11 Reports by Director General to the Authority.

- (1) The Director General of NCIS shall, as soon as possible after the end of each financial year, submit to the NCIS Service Authority a general report on the activities of NCIS during that year.

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- (2) The Director General shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
  - (3) The NCIS Service Authority may require the Director General to submit to it a report on such matters connected with the activities of NCIS as may be specified in the requirement.
  - (4) A report submitted under subsection (3) shall be in such form as the Authority may specify.
  - (5) If it appears to the Director General that a report in compliance with a requirement under subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the Authority, he may request the Authority to refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- [<sup>F51</sup>(5A) Before confirming any requirement under subsection (5), the Secretary of State shall consult the Scottish Ministers.]
- (6) The Authority may arrange, or require the Director General to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

#### Textual Amendments

**F51** S. 11(5A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(9)**; S.I. 1998/3178, **art. 3**

## 12 Responsibility for co-ordination of police and Security Service activities.

In section 2(2) of the <sup>M10</sup>Security Service Act 1989 (which imposes duties on the Director-General of the Security Service), in paragraph (c) (which provides for the Secretary of State to designate the person responsible for co-ordinating police and Security Service activities) for “a person designated by the Secretary of State” there shall be substituted “ the Director General of the National Criminal Intelligence Service ”.

#### Marginal Citations

**M10** 1989 c. 5.

*Service Authority’s officers and employees*

## 13 Officers and employees.

- (1) The NCIS Service Authority may appoint officers and employees to enable it to discharge its functions.
- (2) Persons appointed under this section shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.

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**14 Appointment of clerk.**

The NCIS Service Authority shall appoint a person to be the clerk to the Authority.

**15 Appointment of persons not employed by the NCIS Service Authority.**

Where the NCIS Service Authority is required or authorised by any Act—

- (a) to appoint a person to a specified office under the Authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the Authority may appoint or designate either a person employed by the Authority under section 13, or a person not holding any office or employment under the Authority.

*Financial provisions*

**16 NCIS service fund.**

- (1) The NCIS Service Authority shall keep a fund to be known as the NCIS service fund.
- (2) Subject to any regulations under the <sup>M11</sup>Police Pensions Act 1976 and to section 21 below, all receipts of the Authority shall be paid into the NCIS service fund and all expenditure of the Authority shall be paid out of that fund.
- (3) <sup>F52</sup> .....

<p><b>Textual Amendments</b></p> <p><b>F52</b> S. 16(3) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)</p> <p><b>Marginal Citations</b></p> <p><b>M11</b> 1976 c. 35.</p>
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[<sup>F53</sup> **16A Budget statement**

- (1) The NCIS Service Authority shall, before the beginning of each financial year, submit to the Secretary of State a budget statement for that year.
- (2) In this section references to a budget statement for a financial year are to a statement of the amount which the Authority estimates it requires by way of grant under section 17 for that year.
- (3) In preparing a budget statement for a financial year, 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 in that year, whether by way of payments under section 18A or by way of charges imposed by the Authority under section 19, or otherwise,

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- (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.
- (4) A budget statement submitted under subsection (1) shall be in such form, and contain such information, as may be prescribed.
- (5) Where the NCIS Service Authority has submitted a budget statement for a financial year, it shall notify the Secretary of State, as soon as is practicable, of any change in circumstances which results in a material change (whether an increase or a reduction) in the amount required (or expected to be required) by it by way of grant under section 17 for that year.
- (6) In this section “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.]

#### Textual Amendments

**F53** S. 16A inserted (1.8.2001) by 2001 c. 16, s. 110; S.I. 2001/2223, art. 3(f)

#### [<sup>F54</sup>17 Grants from the Secretary of State

- (1) The Secretary of State shall for each financial year make a grant to the NCIS Service Authority.
- (2) If the Authority fails, in relation to a financial year,—
- (a) to submit to the Secretary of State a budget statement in accordance with section 16A, or
  - (b) to comply with a requirement under section 17A(1),
- subsection (1) above shall not apply in respect of that year, but the Secretary of State may make a grant to the Authority for that year.
- (3) For every financial year the Secretary of State shall determine the amount of the grant to be made under this section; and a determination under this subsection may be varied by a subsequent determination under this subsection.
- (4) If the Secretary of State considers it appropriate, he may make any payment of grant under this section on conditions.
- (5) The conditions may (among other things)—
- (a) regulate the purposes for which the payment or any part of it may be used;
  - (b) require repayment to the Secretary of State in specified circumstances.]

#### Textual Amendments

**F54** Ss. 17, 17A substituted for s. 17 (1.8.2001) by 2001 c. 16, s. 111; S.I. 2001/2223, art. 3(f)

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[<sup>F55</sup>**17A Provision supplemental to section 17**

- (1) The Secretary of State may require the NCIS Service Authority to provide him, in connection with the exercise of his functions under section 17, with such information as he may specify, within such period as he may specify.
- (2) Where the Secretary of State makes a determination under section 17, he shall prepare a report—
  - (a) setting out the determination (including any conditions imposed by virtue of section 17(4)), and
  - (b) stating the considerations which he took into account in making it.
- (3) A copy of every report prepared under subsection (2) shall—
  - (a) be sent to the NCIS Service Authority, and
  - (b) be laid before the House of Commons.
- (4) A grant to the NCIS Service Authority under section 17 shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may determine; and any such time may fall within or after the financial year concerned.
- (5) Where in consequence of a further determination under section 17(3) the amount of the Authority's grant is less than the amount already paid to it for the year, a sum equal to the difference shall be paid by the Authority to the Secretary of State at such time as he may specify.]

**Textual Amendments**

**F55** Ss. 17, 17A substituted for s. 17 (1.8.2001) by 2001 c. 16, s. 111; S.I. 2001/2223, art. 3(f)

[<sup>F56</sup>**18** .....

**Textual Amendments**

**F56** S. 18 repealed (1.8.2001) by 2001 c. 16, s. 127, Sch. 7 Pt. 5(1); S.I. 2001/2223, art. 3(j)(i)(ii)

[<sup>F57</sup>**18A Financing by the Scottish Ministers**

- (1) The Scottish Ministers may make payments to the NCIS Service Authority in respect of expenditure incurred (or to be incurred) by it in relation to the exercise by it, or the exercise by NCIS, of their respective functions in or as regards Scotland.
- (2) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under subsection (1) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.]

**Textual Amendments**

**F57** S. 18A inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2(10); S.I. 1998/3178, art. 3



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## 19 Charges.

- (1) The NCIS Service Authority may make charges in respect of the provision of any services, or an agreement for the provision of any services, to any person by the Authority or by NCIS.
- (2) Any charges made under this section may include amounts calculated by reference to the expenditure incurred or expected to be incurred by the NCIS Service Authority, or by NCIS, otherwise than directly in connection with the provision of the services concerned.

### Commencement Information

- I7** S. 19 wholly in force at 31.10.1997; s. 19 not in force at Royal Assent see s. 135; s. 19 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

## 20 Acceptance of gifts and loans.

- (1) The NCIS Service Authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the Authority to be appropriate.
- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the Authority or of NCIS.

## 21 Pensions and gratuities.

- (1) The NCIS Service Authority may—
  - (a) pay, or make payments in respect of, pensions or gratuities to or in respect of any persons who are, or have been, its officers or employees;
  - (b) provide and maintain schemes (whether contributory or not) for the payment of pensions or gratuities to or in respect of any such persons.
- (2) The NCIS Service Authority may—
  - (a) pay, or make payments in respect of, such pensions or gratuities as it may determine, with the consent of the Secretary of State, to or in respect of any persons who are or have been the Director General of NCIS or police members of NCIS;
  - (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities to or in respect of any such persons.
- (3) Before exercising its powers under subsection (2), the Authority shall have regard to any provision made under the <sup>M12</sup>Police Pensions Act 1976 or [<sup>F58</sup>section 25(2)(k) of the <sup>M13</sup>Police (Northern Ireland) Act 1998].
- (4) References in this section to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of any of the persons mentioned in subsection (1) or (2) who suffer loss of office or employment or loss or diminution of emoluments.

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#### Textual Amendments

**F58** Words in s. 21(3) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(5)**; S.R. 1999/176, **art. 3**

#### Commencement Information

**I8** S. 21 wholly in force at 31.10.1997; s. 21 not in force at Royal Assent see s. 135; s. 21 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

#### Marginal Citations

**M12** 1976 c. 35.

**M13** 1970 c. 9 (N.I.).

### [<sup>F59</sup> 21A Accounts

- (1) The NCIS Service Authority shall—
  - (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare a statement of accounts in respect of each financial year, and
  - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period following the end of the financial year to which it relates as the Secretary of State may specify.
- (2) A statement of accounts under subsection (1) shall be in such form, and contain such information, as the Secretary of State may direct.
- (3) Before specifying a period for the purposes of subsection (1)(c), or giving a direction under subsection (2), the Secretary of State must consult the Scottish Ministers.
- (4) The Comptroller and Auditor General shall—
  - (a) examine, certify and report on the statement of accounts, and
  - (b) lay copies of the statement and of his report before each House of Parliament.]

#### Textual Amendments

**F59** S. 21A inserted (1.4.2002) by 2001 c. 16, s. 112; S.I. 2002/344, **art. 3(f)** (with transitional provisions in art. 4)

### *General provisions*

## 22 Collaboration agreements.

- (1) If it appears to the Director General of NCIS and to—
  - (a) the chief officers of police of one or more police forces in England and Wales, or
  - (b) the chief constables of one or more police forces in Scotland, or
  - (c) the Chief Constable of the [<sup>F60</sup>Police Service of Northern Ireland], or
  - (d) the Director General of the National Crime Squad,

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that any police functions can more efficiently or effectively be discharged by members of NCIS and members of their respective forces or, as the case may be, the Squad acting jointly, they may, with the approval of the appropriate authorities, enter into an agreement for that purpose.

- (2) For the purposes of this section, the “appropriate authorities” means the NCIS Service Authority and—
  - (a) in relation to an agreement entered by a chief officer of police of a police force in England and Wales, the police authority which maintains that force,
  - (b) in relation to an agreement entered by a chief constable of a police force in Scotland, the police authority which maintains that force or, as the case may be, the police authorities for the police areas comprised in a combined area,
  - (c) in relation to an agreement entered by the Chief Constable of the [<sup>F60</sup>Police Service of Northern Ireland], the [<sup>F61</sup>Northern Ireland Policing Board], and
  - (d) in relation to an agreement entered by the Director General of the National Crime Squad, the NCS Service Authority.
- (3) In subsection (1) “police functions” includes the functions of NCIS and, in the case of an agreement entered by the Director General of the National Crime Squad, the functions of that Squad.
- (4) If it appears to the NCIS Service Authority and to—
  - (a) one or more police authorities for areas in England and Wales, or
  - (b) one or more police authorities for areas (or combined areas) in Scotland, or
  - (c) the [<sup>F61</sup>Northern Ireland Policing Board], or
  - (d) the NCS Service Authority,
 that any premises, equipment or other material or facilities can with advantage be provided jointly for NCIS and the forces maintained by the authorities concerned or, as the case may be, the National Crime Squad, they may enter an agreement for that purpose.
- (5) Any expenditure incurred under an agreement made under this section shall be borne—
  - (a) in the case of an agreement under subsection (1), by the appropriate authorities who approved it, and
  - (b) in the case of an agreement under subsection (4), by the parties to it,
 in such proportions as they may agree or as may, in the absence of agreement, be determined by the Secretary of State.
- (6) An agreement under subsection (1) or (4) may be varied or determined by a subsequent agreement.
- (7) If it appears to the Secretary of State that any party should enter an agreement to which subsection (1), (4) or (6) applies, the Secretary of State may, after considering any representations made by the party concerned, direct the party to enter into such an agreement under those provisions as may be specified in the direction.
- (8) The provisions of this section shall not prejudice the power of the NCIS Service Authority, any police authority, the [<sup>F61</sup>Northern Ireland Policing Board] or the NCS Service Authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

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[<sup>F62</sup>(9) The Secretary of State shall obtain the consent of the Scottish Ministers before making any determination under subsection (5) or a direction under subsection (7) if the determination or direction would have any effect on, or apply to, a police force in Scotland or a police authority which maintains a police force in Scotland or, as the case may be, the police authorities for the police area comprised in a combined area in Scotland.]

#### Textual Amendments

**F60** Words in s. 22(1)(c)(2)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**

**F61** Words in s. 22(2)(c)(4)(c)(8) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**

**F62** S. 22(9) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 131(2)**; S.I. 1998/3178, art. 3

#### Commencement Information

**I9** S. 22 wholly in force at 1.4.1998; s. 22 not in force at Royal Assent, see s. 135; s. 22(4)-(8) in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7)); s. 22 otherwise in force at 1.4.1998 by S.I. 1998/354, art. 2

## 23 Aid by and for NCIS.

(1) The Director General of NCIS may, on the application of—

- (a) the chief officer of police of a police force in England and Wales,
- (b) the chief constable of a police force in Scotland,
- (c) the Chief Constable of the [<sup>F63</sup>Police Service of Northern Ireland], or
- (d) the Director General of the National Crime Squad,

provide constables or other assistance for the purposes of enabling the police force or the [<sup>F63</sup>Police Service of Northern Ireland] or, as the case may, the National Crime Squad to meet any special demand on its resources.

(2) On the application of the Director General of NCIS—

- (a) the chief officer of police of a police force in England and Wales,
- (b) the chief constable of a police force in Scotland,
- (c) the Chief Constable of the [<sup>F63</sup>Police Service of Northern Ireland], or
- (d) the Director General of the National Crime Squad,

may provide constables or other assistance for the purposes of enabling NCIS to meet any special demand on its resources.

(3) If it appears to the Secretary of State—

- (a) that it is expedient in the interests of public safety or order that a police force, the [<sup>F63</sup>Police Service of Northern Ireland], the National Crime Squad or NCIS should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and
- (b) that satisfactory arrangements under subsection (1) or (2) cannot be made, or cannot be made in time,

he may direct the Director General of NCIS, the chief officer of police of any police force in England and Wales, the chief constable of any police force in Scotland, the

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chief constable of the <sup>F63</sup>Police Service of Northern Ireland] or the Director General of the National Crime Squad to provide such constables or other assistance for that purpose as may be specified in the direction.

- (4) While a constable is provided under this section for the assistance of a police force, the <sup>F63</sup>Police Service of Northern Ireland] or the National Crime Squad he shall, notwithstanding section 10(1), be under the direction and control of the chief officer of that force or, as the case may be, the chief constable of that force or Constabulary or the Director General of that Squad.
- (5) While a constable is provided under this section for the assistance of NCIS he shall, notwithstanding section 56(1) below, section 10(1) of the <sup>M14</sup>Police Act 1996, section 17(2) of the <sup>M15</sup>Police (Scotland) Act 1967 or <sup>F64</sup>section 33(1) of the Police (Northern Ireland) Act 2000] be under the direction and control of the Director General of NCIS.
- (6) For the purposes of this section “constable”, in relation to Northern Ireland, means a member of the <sup>F63</sup>Police Service of Northern Ireland] or the <sup>F65</sup>Police Service of Northern Ireland Reserve].
- <sup>F66</sup>(7) The Secretary of State shall obtain consent of the Scottish Ministers before giving any direction under subsection (3) to the chief constable of any police force in Scotland.]

#### Textual Amendments

- F63** Words in s. 23(1)(c)(2)(c)(3)(a)(4)(6) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F64** Words in s. 23(5) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(5)**; S.R. 2001/396, art. 2, **Sch.**
- F65** Words in s. 23(6) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(a)**; S.R. 2001/396, art. 2, **Sch.**
- F66** S. 23(7) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 131(3)**; S.I. 1998/3178, art. 3

#### Marginal Citations

- M14** 1996 c. 16.  
**M15** 1967 c. 77.

## 24 Provision of special services.

The Director General of NCIS may, at the request of any person, provide services at any premises or in any locality in the United Kingdom, if those services are consistent with the functions of, and do not prejudice the efficiency or effectiveness of, NCIS.

### *Central supervision and direction*

## <sup>F67</sup>25 General duty of the Secretary of State and the Scottish Ministers

The Secretary of State and the Scottish Ministers shall exercise the powers respectively conferred on them under this Part in such manner and to such extent as appear to him and them to be best calculated to promote the efficiency and effectiveness of NCIS.]

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### Textual Amendments

**F67** S. 25 substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(11)**; S.I. 1998/3178, **art. 3**

## 26 Setting of objectives.

- (1) The Secretary of State may by order determine objectives for NCIS.
- (2) Before making an order under this section, the Secretary of State shall consult—
  - (a) the NCIS Service Authority,
  - (b) the Director General of NCIS,
  - (c) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the <sup>F68</sup>Police Service of Northern Ireland],
  - (d) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, the chief constables of police forces in Scotland and the Chief Constable of the <sup>F68</sup>Police Service of Northern Ireland],
  - (e) the NCS Service Authority,
  - (f) the Director General of the National Crime Squad, <sup>F69</sup> . . .
  - (g) the Commissioners of Customs and Excise.

<sup>F70F71</sup> . . .

  - <sup>F72</sup>(ga) [ the Director-General of the Security Service; and]
  - (h) the Scottish Ministers.]
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

### Textual Amendments

- F68** Words in s. 26(2)(c)(d) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F69** Word in s. 26(2)(f) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(12)(a)**; S.I. 1998/3178, **art. 3**
- F70** S. 26(2)(h) and the preceding word inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(12)(b)**; S.I. 1998/3178, **art. 3**
- F71** Word in s. 26(2)(g) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 9(a), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F72** S. 26(2)(ga) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 9(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

## 27 Setting of performance targets.

- (1) Where an objective has been determined under section 26, the Secretary of State <sup>F73</sup>, after consultation with the Scottish Ministers,] may direct the NCIS Service Authority to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.

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- (2) A direction given under this section may impose conditions with which the performance targets must conform.
- (3) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

#### Textual Amendments

**F73** Words in s. 27(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(13)**; S.I. 1998/3178, **art. 3**

## 28 Codes of practice.

- (1) The Secretary of State may [<sup>F74</sup>, after consultation with the Scottish Ministers,] issue codes of practice relating to the discharge by the NCIS Service Authority of its functions.
- (2) The Secretary of State [<sup>F74</sup>, after consultation with the Scottish Ministers,] may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.
- [<sup>F75</sup>(4) The Secretary of State shall forthwith provide the Scottish Ministers with a copy of any code of practice, and of any revision of a code of practice, issued by him under this section and the Scottish Ministers shall lay any such copy before the Scottish Parliament.]

#### Textual Amendments

**F74** Words in s. 28(1)(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(14)(a)(b)**; S.I. 1998/3178, **art. 3**

**F75** S. 28(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(14)(c)**; S.I. 1998/3178, **art. 3**

#### Commencement Information

**I10** S. 28 wholly in force at 31.10.1997; s. 28 not in force at Royal Assent, see s. 135; s. 28 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

VALID FROM 01/10/2002

## [<sup>F76</sup>28A Codes of practice for Director General of NCIS

- (1) The Secretary of State may issue codes of practice relating to the discharge by the Director General of NCIS of any of his functions.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.



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- (3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.
- (4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority (“the CPTDA”) shall consult with—
  - (a) the NCIS Service Authority;
  - (b) the Director General of NCIS;
  - (c) persons whom the CPTDA considers to represent the interests of police authorities;
  - (d) persons whom the CPTDA considers to represent the interests of chief officers of police; and
  - (e) such other persons as the CPTDA thinks fit.
- (5) Before issuing or revising a code of practice under this section the Secretary of State shall consult the Scottish Ministers.
- (6) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
- (7) The Secretary of State shall not be required by subsection (6) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
  - (a) would be against the interests of national security;
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
  - (c) could jeopardise the safety of any person.
- (8) In discharging any function to which a code of practice under this section relates, the Director General of NCIS shall have regard to the code.]

#### Textual Amendments

**F76** S. 28A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 2\(1\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

## 29 Removal of Director General etc.

- [<sup>F77</sup>(1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the Secretary of State may—
- (a) call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness, or
  - (b) require the NCIS Service Authority to exercise its power under section 9A to call upon a member of NCIS (other than a member to which subsection (2) of that section applies) to retire in the interests of efficiency or effectiveness.

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- (2) Before exercising his powers under subsection (1)(a) in relation to the Director General, or under subsection (1)(b) in relation to any other member, the Secretary of State shall—
  - (a) give the person concerned an opportunity to make representations,
  - (b) consider any representations that he makes, and
  - (c) consult the Scottish Ministers.
- (3) Where representations are made under subsection (2), the Secretary of State may, and in a case where he proposes to exercise his power under subsection (1)(a) or (b) shall, appoint one or more persons to hold an inquiry and report to him.]
- (4) The Secretary of State shall take account of any report made under subsection (3).
- (5) The person appointed under subsection (3) (or, in a case where more than one person is so appointed, at least one of the persons so appointed) shall not be an officer of police, of a Government department [<sup>F78</sup>of the Scottish Administration,], of NCIS or of the National Crime Squad.
- (6) The costs incurred by a relevant person in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the NCIS service fund.
- [<sup>F79</sup>(7) A Director General who is called upon to retire under subsection (1)(a) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between the Director General and the Secretary of State.]

#### Textual Amendments

- F77** S. 29(1)-(3) substituted (1.4.2002) by 2001 c. 16, s. 118(1); S.I. 2002/344, art. 3(h) (with transitional provisions in art. 4)
- F78** Words in s. 29(5) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2(15)(b); S.I. 1998/3178, art. 3
- F79** S. 29(7) inserted (1.4.2002) by 2001 c. 16, s. 118(2); S.I. 2002/344, art. 3(h) (with transitional provisions in art. 4)

### 30 Power to give directions after adverse report.

- (1) The Secretary of State may at any time—
  - (a) require the inspectors of constabulary appointed under section 54 of the <sup>M16</sup>Police Act 1996 to carry out an inspection of NCIS under that section,
  - <sup>F80</sup>(b) .....
  - (c) require the inspectors of constabulary appointed under [<sup>F81</sup>section 41 of the <sup>M17</sup>Police ( Northern Ireland) Act 1998] to carry out an inspection of NCIS under that section.
- [<sup>F82</sup>(1A) The Scottish Ministers may at any time require the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 to carry out an inspection of NCIS under that section.]
- (2) Where a report made to the Secretary of State on an inspection carried out in accordance with this section states—

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- (a) that, in the opinion of the person making the report, NCIS is not efficient or not effective, or
- (b) that in his opinion, unless remedial measures are taken, NCIS will cease to be efficient or will cease to be effective,

the Secretary of State [<sup>F83</sup>after consultation with the Scottish Ministers] may direct the NCIS Service Authority to take such measures as may be specified in the direction.

[<sup>F84</sup>(3) Where a report made to the Scottish Ministers carried out in accordance with this section states—

- (a) that, in the opinion of the person making the report, NCIS is not efficient or not effective; or
- (b) that in his opinion, unless remedial measures are taken, NCIS will cease to be efficient or will cease to be effective,

the Scottish Ministers may, after consultation with the Secretary of State, direct the NCIS Service Authority to take such measures as may be specified in the direction.]

#### Textual Amendments

- F80** S. 30(1)(b) repealed (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(a)**; S.I. 1998/3178, **art. 3**
- F81** Words in s. 30(1)(c) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(7)**; S.R.1999/176, **art. 3**
- F82** S. 30(1A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(b)**; S.I. 1998/3178, **art. 3**
- F83** Words in s. 30(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(c)**; S.I. 1998/3178, **art. 3**
- F84** S. 30(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(d)**; S.I. 1998/3178, **art. 3**

#### Marginal Citations

- M16** 1996 c. 16.
- M17** 1970 c. 9 (N.I.).

### 31 Reports from NCIS Service Authority.

- (1) The Secretary of State may [<sup>F85</sup>, after consultation with the Scottish Ministers,] require the NCIS Service Authority to submit to him a report on such matters connected with the discharge of the Authority's functions, or otherwise with the activities of NCIS, as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

#### Textual Amendments

- F85** Words in s. 31(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(17)**; S.I. 1998/3178, **art. 3**

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VALID FROM 01/10/2002

### **[<sup>F86</sup>31A Power to give directions as to action plans**

- (1) This section applies where an inspection report made to the Secretary of State states —
  - (a) that, in the opinion of the person making the report, the whole or any part of NCIS is, whether generally or in particular respects, not efficient or not effective; or
  - (b) that, in that person's opinion, the whole or a part of NCIS will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may, after consultation with the Scottish Ministers, direct the NCIS Service Authority to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the NCIS Service Authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If the NCIS Service Authority is directed to submit an action plan, that authority shall direct the Director General of NCIS to prepare a draft of it and to submit it to the NCIS Service Authority for that authority to consider.
- (5) The NCIS Service Authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the NCIS Service Authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the Director General of NCIS.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the NCIS Service Authority and the Director General of NCIS of that opinion and of his reasons for it.
- (8) In forming an opinion for the purposes of subsection (7), the Secretary of State must consult with the Scottish Ministers.
- (9) If the NCIS Service Authority is notified under subsection (7) —
  - (a) it shall consider, after consultation with the Director General of NCIS about the matters notified, whether to revise the action plan in the light of those matters; and
  - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (10) On giving a direction under this section to the NCIS Service Authority, the Secretary of State shall notify the Director General of NCIS that he has given that direction.

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- (11) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.
- (12) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
  - (a) provision setting out the steps that the NCIS Service Authority proposes should be taken in respect of the matters to which the direction relates and the performance targets the authority proposes should be met;
  - (b) provision setting out that Authority’s proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan’s implementation is to be measured;
  - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
  - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
  - (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.
- (13) Nothing in this section shall authorise the Secretary of State or the NCIS Service Authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (14) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (15) The NCIS Service Authority shall comply with any direction given to it under this section.
- (16) The Director General of NCIS shall comply with any direction given to him under this section.
- (17) If the Secretary of State exercises his power to give a direction under this section—
  - (a) he shall prepare a report on his exercise of that power;
  - (b) he shall lay a copy of that report before Parliament; and
  - (c) he shall send a copy of that report to the Scottish Ministers.
- (18) The Scottish Ministers shall lay any copy of a report sent to them under subsection (17) before the Scottish Parliament.
- (19) A report under subsection (17)—
  - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
  - (b) may relate to more than one exercise of the power mentioned in that subsection.
- (20) In this section “an inspection report” means a report under section 54 of the Police Act 1996 (c. 16), section 33 of the Police (Scotland) Act 1967 (c. 77) or section 41 of the Police (Northern Ireland) Act 1998 (c. 32).

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- (21) Nothing in this section or in section 30 prevents the Secretary of State in the case of the same inspection report from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under that section.]

#### Textual Amendments

**F86** S. 31A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 8, Sch. 1 para. 4(1); S.I. 2002/2306, art. 2(a)

VALID FROM 01/10/2002

#### <sup>F87</sup>31B Procedure for giving directions by the Secretary of State

- (1) The Secretary of State shall not give a direction under section 30 or 31A unless—
  - (a) the NCIS Service Authority and the Director General of NCIS have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
  - (b) the NCIS Service Authority and the Director General of NCIS have each been given an opportunity of making representations about those grounds;
  - (c) the NCIS Service Authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Secretary of State has considered any such representations and any such proposals.
- (2) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction by him under section 30 or 31A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
  - (a) the Scottish Ministers;
  - (b) the NCIS Service Authority;
  - (c) the Director General of NCIS;
  - (d) persons whom he considers to represent the interests of police authorities in England and Wales;
  - (e) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales; and
  - (f) such other persons as he thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

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### Textual Amendments

**F87** Ss. 31B, 31C inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 8, **Sch. 1 para. 5(1)**; S.I. 2002/2306, **art. 2(a)**

VALID FROM 01/10/2002

### **31C Procedure for giving directions by the Scottish Ministers**

- (1) The Scottish Ministers shall not give a direction under section 30 unless—
  - (a) the NCIS Service Authority and the Director General of NCIS have each been given such information about the Scottish Ministers' grounds for proposing to give that direction as they consider appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
  - (b) the NCIS Service Authority and the Director General of NCIS have each been given an opportunity of making representations about those grounds;
  - (c) the NCIS Service Authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Scottish Ministers have considered any such representations and any such proposals.
- (2) The Scottish Ministers may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction by them under section 30.
- (3) Before making any regulations under this section, the Scottish Ministers shall consult with—
  - (a) the Secretary of State;
  - (b) the NCIS Service Authority;
  - (c) the Director General of NCIS;
  - (d) persons whom they consider to represent the interests of police authorities in Scotland;
  - (e) persons whom they consider to represent the interests of chief constables of police forces in Scotland; and
  - (f) such other persons as they think fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Scottish Parliament.]

### Textual Amendments

**F87** Ss. 31B, 31C inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 8, **Sch. 1 para. 5(1)**; S.I. 2002/2306, **art. 2(a)**



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### 32 Reports from Director General.

- (1) The Secretary of State may [<sup>F88</sup>, after consultation with the Scottish Ministers,] require the Director General of NCIS to submit to him a report on such matters connected with the activities of NCIS as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Director General to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) The Director General shall, as soon as possible after the end of each financial year, submit to the Secretary of State [<sup>F89</sup> and to the Scottish Ministers] the like report as is required by section 11 to be submitted to the NCIS Service Authority.

#### Textual Amendments

**F88** Words in s. 32(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(18)(a)**; S.I. 1998/3178, **art. 3**

**F89** Words in s. 32(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(18)(b)**; S.I. 1998/3178, **art. 3**

### 33 Criminal statistics.

- (1) The Director General of NCIS shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime as the Secretary of State may require.
- [<sup>F90</sup>(1A) Before making any direction or requirement under subsection (1), the Secretary of State shall consult the Scottish Ministers.
- <sup>F90</sup>(1B) The Director General of NCIS shall send to the Scottish Ministers a copy of any particulars which he transmits under subsection (1).]
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.
- [<sup>F91</sup>(3) The Scottish Ministers shall cause a consolidated and classified abstract of the information which has been received by them under this section to be prepared and laid before the Scottish Parliament.]

#### Textual Amendments

**F90** S. 33(1A)(1B) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(19)(a)**; S.I. 1998/3178, **art. 3**

**F91** S. 33(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(19)(b)**; S.I. 1998/3178, **art. 3**

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### 34 Inquiries.

- (1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with NCIS.
  - (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
  - (3) For the purposes of an inquiry under this section, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths.
  - (4) No person shall be required, in obedience to a summons under subsection (3), to attend to give evidence or to produce any documents, unless the necessary expenses of his attendance are paid or tendered to him.
  - (5) Nothing in subsection (3) shall empower a person holding an inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of the NCIS Service Authority.
  - (6) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.
  - (7) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
  - (8) The Secretary of State may direct that the whole or part of the costs (or, in relation to any inquiry held in Scotland, the expenses) incurred by any person for the purposes of an inquiry held under this section shall be defrayed out of the NCIS service fund; and any costs (or expenses) payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.
- [<sup>F92</sup>(9) Before exercising any power conferred on him by subsection (1), (7) or (8), the Secretary of State shall consult the Scottish Ministers.]

#### Textual Amendments

**F92** S. 34(9) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(20)**; S.I. 1998/3178, **art. 3**

VALID FROM 01/10/2002

#### [<sup>F93</sup>34A Regulations for NCIS

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government and administration of NCIS and conditions of service with NCIS.

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- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
- (a) the ranks to be held by police members of NCIS;
  - (b) the promotion of police members of NCIS;
  - (c) voluntary retirement of police members of NCIS;
  - (d) the efficiency and effectiveness of police members of NCIS;
  - (e) the suspension of police members of NCIS from membership of NCIS and from their office as constable;
  - (f) the maintenance of personal records of members of NCIS;
  - (g) the duties which are or are not to be performed by police members of NCIS;
  - (h) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996;
  - (i) the hours of duty, leave, pay and allowances of police members of NCIS; and
  - (j) the issue, use and return of—
    - (i) personal equipment and accoutrements; and
    - (ii) police clothing.
- (3) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (4) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- (5) Regulations under this section may make different provision for different cases and circumstances.
- (6) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Before making any regulations under this section, the Secretary of State shall consult the Scottish Ministers.]

#### Textual Amendments

**F93** S. 34A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 88\(1\)](#); S.I. 2002/2306, [art. 2\(f\)\(iv\)](#)

### 35 Regulations as to standard of equipment.

The Secretary of State may [<sup>F94</sup>, after consultation with the Scottish Ministers,] make regulations requiring equipment provided or used for the purposes of NCIS to satisfy such requirements as to design and performance as may be prescribed in the regulations.

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#### Textual Amendments

**F94** Words in s. 35 inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(21)**; S.I. 1998/3178, **art. 3**

### 36 Common services.

- (1) The Secretary of State may, by regulations, make provision for requiring NCIS and—
- all police forces in England and Wales, or
  - all police forces in Scotland, or
  - the [<sup>F95</sup>Police Service of Northern Ireland], or
  - the National Crime Squad,
- to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under section 57(1) of the <sup>M18</sup>Police Act 1996 or section 36 of the <sup>M19</sup>Police (Scotland) Act 1967) if he considers that it would be in the interests of efficiency or effectiveness for them to do so.
- (2) Before making regulations under this section the Secretary of State shall consult the NCIS Service Authority and the Director General of NCIS and—
- where the regulations relate to police forces in England and Wales, persons whom the Secretary of State considers to represent the interests of police authorities for areas in England and Wales and persons whom he considers to represent the interests of chief officers of police of police forces there,
  - where the regulations relate to police forces in Scotland, persons whom the Secretary of State considers to represent the interests of police authorities for areas in Scotland and persons whom he considers to represent the interests of chief constables of police forces there,
  - where the regulations relate to the [<sup>F95</sup>Police Service of Northern Ireland], the [<sup>F96</sup>Northern Ireland Policing Board] and the Chief Constable of the [<sup>F95</sup>Police Service of Northern Ireland], and
  - where the regulations relate to the National Crime Squad, the NCS Service Authority and the Director General of the National Crime Squad.
- [<sup>F97</sup>(3) Before making regulations under this section which would relate to police forces in Scotland, the Secretary of State shall obtain the consent of the Scottish Ministers.]

#### Textual Amendments

**F95** Words in s. 36(1)(c)(2)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**

**F96** Words in s. 36(2)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**

**F97** S. 36(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(22)**; S.I. 1998/3178, **art. 3**

#### Marginal Citations

**M18** 1996 c. 16.

**M19** 1967 c. 77.

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### *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.

#### **Commencement Information**

**I11** S. 37 wholly in force at 31.10.1997; s. 37 not in force at Royal Assent, see s. 135; s. 37 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

#### **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 which is or may be made in relation to police appeals tribunals and appeals under section 85(1) of the <sup>M20</sup>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.

#### **Commencement Information**

**I12** S. 38 wholly in force at 1.4.1998; s. 38 not in force at Royal Assent, see s. 135; s. 38 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7)); otherwise in force at 1.4.1998 by S.I. 1998/354, art. 2

#### **Marginal Citations**

**M20** 1996 c. 16.

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### 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 <sup>M21</sup>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 <sup>M22</sup>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 <sup>M23</sup>Police Act 1996 (police complaints), and for that purpose the regulations may confer additional functions on the Police Complaints Authority.

[<sup>F98</sup>(2A) Before making regulations containing provision for the purposes mentioned in paragraph (a) of subsection (2), the Secretary of State shall obtain the consent of the Scottish Ministers.]

- (3) The Secretary of State may [<sup>F99</sup>, after consultation with the Scottish Ministers,] 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.

#### Textual Amendments

**F98** S. 39(2A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(23)(a)**; S.I. 1998/3178, **art. 3**

**F99** Words in s. 39(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(23)(b)**; S.I. 1998/3178, **art. 3**

#### Commencement Information

**I13** S. 39 wholly in force at 31.10.1997; s. 39 not in force at Royal Assent, see s. 135; s. 39 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

#### Marginal Citations

**M21** 1967 c. 77.

**M22** S.I. 1995/2993 (N.I.17).

**M23** 1996 c. 16.

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#### 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 [<sup>F100</sup>section 41 of the <sup>M24</sup>Police (Northern Ireland) Act 1998] 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.

##### Textual Amendments

**F100** Words in s. 40 substituted (1.4.1999) by 1998 c. 32, s. 74(1), Sch. 4 para. 22(7); S.R. 1999/176, art. 3

##### Marginal Citations

**M24** 1970 c. 9 (N.I.).

#### *Miscellaneous*

#### 41 Arrangements for consultation.

- (1) The NCIS Service Authority shall, after consulting the Director General of NCIS, make arrangements for obtaining the views of—
  - (a) the authorities who between them maintain the police forces in Great Britain and the [<sup>F101</sup>Police Service of Northern Ireland],
  - (b) the NCS Service Authority,
  - (c) the Commissioners of Customs and Excise, [<sup>F102</sup>and]
  - [<sup>F103</sup>(ca) the Director-General of the Security Service; and]
  - (d) such other persons or bodies as the NCIS Service Authority considers appropriate,
 about the Authority and NCIS.
- (2) The Director General of NCIS shall, after consulting the Authority, make arrangements for obtaining the views of—
  - (a) the chief officers of police of police forces in England and Wales,
  - (b) the chief constables of police forces in Scotland,
  - (c) the Chief Constable of the [<sup>F101</sup>Police Service of Northern Ireland],
  - (d) the Director General of the National Crime Squad,
  - (e) the Commissioners of Customs and Excise, <sup>F104</sup> . . .
  - [<sup>F105</sup>(ea) the Director-General of the Security Service; and]
  - (f) such other persons or bodies as the Director General of NCIS considers appropriate,
 about NCIS.
- (3) Arrangements made under subsection (1) or (2) shall be reviewed from time to time.
- (4) If it appears to the Secretary of State that arrangements made for consultation by the NCIS Service Authority or the Director General under this section are not adequate for the purposes set out in subsection (1) or (2), he may require the Authority or Director General whose duty it is to make the arrangements to submit a report to him concerning the arrangements.



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- (5) After considering a report submitted under subsection (4), the Secretary of State may require the Authority or Director General who submitted it to review the arrangements and submit a further report to him concerning them.
- [<sup>F106</sup>(5A) Before exercising the powers conferred on him by subsection (4) or (5), the Secretary of State shall consult the Scottish Ministers.]
- (6) The Authority or Director General shall be under the same duties to consult when reviewing arrangements as when making them.

#### Textual Amendments

- F101** Words in s. 41(1)(a)(2)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F102** Word in s. 41(1)(c) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, 138(2), Sch. 6 Pt. 1 para. 10(a)(i), Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F103** S. 41(1)(ca) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 10(a)(ii); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F104** Word in s. 41(2)(e) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 10(b)(i), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F105** S. 41(2)(ea) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 10(b)(ii); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F106** S. 41(5A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(24)**; S.I. 1998/3178, **art. 3**

## 42 Liability for wrongful acts of constables etc.

- (1) The Director General of NCIS shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the NCIS service fund—
- any damages or costs awarded against the Director General in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and
  - any sum required in connection with the settlement of any claim made against the Director General by virtue of this section, if the settlement is approved by the NCIS Service Authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the Director General of NCIS for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the Director General; and references in this section to the Director General shall be construed accordingly.
- (4) The NCIS Service Authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the NCIS service fund—
- any damages or costs awarded against a person to whom this subsection applies in proceedings for a tort committed by that person,

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- (b) any costs incurred and not recovered by such a person in such proceedings, and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
- (a) a member of NCIS, or
  - (b) a constable for the time being required to serve with NCIS by virtue of section 23.
- (6) In relation to Scotland—
- (a) subsection (1) shall not apply but—
    - (i) the Director General of NCIS shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his direction and control in the performance or purported performance of his functions in the like manner as a master is so liable in respect of any wrongful act or omission on the part of his servant in the course of the servant’s employment, and
    - (ii) subsection (4)(a) shall apply as if the reference to proceedings for a tort committed by a person were a reference to proceedings for a wrongful act or omission on the part of that person, and
  - (b) any reference in subsection (2) or (4) to costs shall be construed as a reference to expenses.

**43 Causing disaffection.**

Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of NCIS within section 9(1)(a) or (b), or induces or attempts to induce, or does any act calculated to induce, any such member to withhold his services, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

**44 Orders governing NCIS Service Authority.**

F107 .....

**Textual Amendments**  
F107 S. 44 repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

*General*

**45 Orders and regulations.**

Any power of the Secretary of State to make orders or regulations under this Part shall be exercisable by statutory instrument.

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## 46 Interpretation of Part I.

In this Part—

- “financial year” means the twelve months ending with 31st March;
- “NCIS” has the meaning given in section 2;
- “NCIS Service Authority” has the meaning given in section 1(1);
- “NCIS service fund” means the fund established under section 16;
- “NCS Service Authority” means the Service Authority for the National Crime Squad.

**Status:**

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**Changes to legislation:**

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