

Status: Point in time view as at 01/04/2002.

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SCHEDULES

SCHEDULE 2

Sections 1(7) and 47(7).

OTHER PROVISIONS ABOUT MEMBERS OF SERVICE AUTHORITIES

Extent Information

- E1** Sch. 2 extends to E.W. only so far as it relates to the Service Authority for the National Crime Squad, see s. 137(2)(c)

Commencement Information

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

Disqualification

- 1 A person shall be disqualified for being appointed as a member of a Service Authority if—
- (a) he has not yet attained the age of twenty-one years, ^{F1} . . .
 - (b) ^{F1}

Textual Amendments

- F1** Sch. 2 para. 1(b) and preceding word repealed (1.4.2002) by 2001 c. 16, ss. 106(1)(b), 137, Sch. 7 Pt. 4; S.I. 2002/344, art. 3(c)(j)(i) (with transitional provisions in art. 4)

- 2 (1) A person shall be disqualified for being appointed as a member of a Service Authority if neither his principal or only place of work, nor his principal or only place of residence, has been in the relevant area during the whole of the period of twelve months ending with the day of appointment.
- (2) A person shall be disqualified for being a member of a Service Authority if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within the relevant area.
- (3) In this paragraph “relevant area”—
- (a) in relation to appointments under Part I or III of Schedule 1, means England and Wales, and
 - (b) in relation to appointments under Part II of that Schedule, means the United Kingdom.
- 3 (1) Subject to sub-paragraphs (2) and (3), a person shall be disqualified for being appointed as or being a member of a Service Authority if—
- [^{F2}(a) he is—

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- (i) a member of NCIS or of the National Crime Squad, or
 - (ii) an employee or officer of the Authority (who is not such a member);]
 - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (c) he is subject to a disqualification order [^{F3}or disqualification undertaking] under the ^{M1}Company Directors Disqualification Act 1986 or [^{F4}to a disqualification order under] Part II of the ^{M2}Companies (Northern Ireland) Order 1989, or to an order made under section 429(2)(b) of the ^{M3}Insolvency Act 1986 (failure to pay under county court administration order); or
 - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge, and
 - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (4) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

Textual Amendments

- F2** Sch. 2 para. 3(1)(a) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(1); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F3** Words in Sch. 2 para. 3(1)(c) inserted (2.4.2001) by 2000 c. 39, s. 8, Sch. 4 Pt. II para. 22(3)(a); S.I. 2001/766, art. 2(1)(a) (subject to the transitional provisions and savings in art. 3)
- F4** Words in Sch. 2 para. 3(1)(c) inserted (2.4.2001) by 2000 c. 39, s. 8, Sch. 4 Pt. II para. 22(3)(b); S.I. 2001/766, art. 2(1)(a) (subject to the transitional provisions and savings in art. 3)

Marginal Citations

- M1** 1986 c. 46.
- M2** S.I. 1989/2404 (N.I.18).
- M3** 1986 c. 45.

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Tenure of office

- 4 Subject to the following paragraphs (and to the provisions of any order under section 1(3) or 47(3)) a person shall hold and vacate office as a member of a Service Authority in accordance with the terms of his appointment.
- 5 A person shall be appointed to hold office as a member for—
- (a) a term of four years ^{F5}. . . , or
 - (b) such shorter term as the person or persons appointing him may determine in any particular case.

Textual Amendments

F5 Words in [Sch. 2 para. 5\(a\)](#) repealed (1.4.2002) by [2001 c. 16, s. 137, Sch. 7 Pt. 4](#); [S.I. 2002/344, art. 3\(j\)\(l\)](#) (with transitional provisions in [art. 4](#))

- 6 (1) A person may at any time—
- (a) resign his office as chairman [^{F6}or vice-chairman] or as a core member by notice in writing to both of the Service Authorities, or
 - (b) resign his office as a member of a Service Authority appointed under Part II or III of Schedule 1 by notice in writing to that Service Authority.
- (2) Where a member resigns his office as a member or as chairman [^{F6}or vice-chairman] under sub-paragraph (1), he shall send a copy of the notice—
- (a) to the Secretary of State, ^{F7}. . .
 - (b) if he was appointed under paragraph [^{F8}6A] or 8(1)(i) of Schedule 1, to the Commissioners of Customs and Excise.
- [^{F9}and
- (c) if he was appointed under paragraph [^{F10}7(a) or 8(1)(ha)] of Schedule 1 by the Scottish Ministers, to the Scottish Ministers.]

Textual Amendments

- F6** Words in [Sch. 2 para. 6\(1\)\(a\)\(2\)](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(4\)\(c\)](#); [S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))
- F7** Word in [Sch. 2 para. 6\(2\)\(a\)](#) omitted (1.7.1999) by virtue of [S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2\(29\)\(a\)](#); [S.I. 1998/3178, art. 3](#)
- F8** Word in [Sch. 2 para. 6\(2\)\(b\)](#) substituted (1.4.2002) by [2001 c. 16, s. 128\(1\), Sch. 6 Pt. 1 para. 20\(2\)\(a\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))
- F9** [Sch. 6 para. 6\(2\)\(c\)](#) and preceding word inserted (1.7.1999) by [S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2\(29\)\(b\)](#); [S.I. 1998/3178, art. 3](#)
- F10** Words in [Sch. 2 para. 6\(2\)\(c\)](#) substituted (1.4.2002) by [2001 c. 16, s. 128\(1\), Sch. 6 Pt. 1 para. 20\(2\)\(b\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))

- 7 (1) A member of a police authority appointed to be a member of a Service Authority under paragraph 4, [^{F11}7(a) or (b), 8(1)(e), (f) or (g), 9(1)(b)] or 10(1)(c), of Schedule 1 shall cease to be a member of the Service Authority if he ceases to be a member of the police authority eligible for appointment under the paragraph concerned (unless re-elected or re-appointed on the same day).

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- (2) A member of a Service Authority appointed other than as mentioned in sub-paragraph (1) shall cease to be a member if he becomes a member of a police authority for an area in Great Britain, or of the [^{F12}Northern Ireland Policing Board], eligible for appointment under one of the paragraphs mentioned in sub-paragraph (1).
- (3) A Crown servant appointed to be a member of a Service Authority under paragraph 6, [^{F13}7(a) or (b) or 8(1)(h) or (ha)] of Schedule 1 shall cease to be a member of the Service Authority if he ceases to be a Crown servant.
- (4) A person appointed to be a member of a Service Authority in accordance with paragraph 3, 7(a) or (b) [^{F14}(by virtue of being a person within paragraph 7A(1)(a) or 7B(1)(a))], 8(1)(b), (c) or (d), [^{F15}9(1)(a)] or 10(1)(b) of Schedule 1 (appointment of senior police officers) shall cease to be a member of the Service Authority if he ceases to be a person eligible for appointment under the paragraph concerned.
- (5) A person appointed to be a member of [^{F16}a Service Authority under paragraph 6A] or 8(1)(i) of Schedule 1 shall cease to be a member if he ceases to be a customs officer within the meaning of paragraph 15 of that Schedule.
- [^{F17}(6) A person appointed to be a member of the NCIS Service Authority under paragraph 7(c) shall cease to be a member if he ceases to be a member of the Security Service.]

Textual Amendments

- F11** Words in Sch. 2 para. 7(1) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(a); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F12** Words in Sch. 2 para. 7(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 20(3); S.R. 2001/396, art. 2, Sch.
- F13** Words in Sch. 2 para. 7(3) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(b); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F14** Words in Sch. 2 para. 7(4) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(c)(i); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F15** Words in Sch. 2 para. 7(4) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(c)(ii); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F16** Words in Sch. 2 para. 7(5) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(d); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F17** Sch. 2 para. 7(6) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(e); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

- 8 (1) Subject to sub-paragraph (3), a member of a Service Authority may be removed from office as such a member or as chairman [^{F18}or vice-chairman] by the authorised person, by notice in writing, if—
- (a) he has been absent from meetings of the Service Authority for a period longer than four consecutive months without the consent of the Authority,
 - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 3),
 - (c) the authorised person is satisfied that the member is incapacitated by physical or mental illness, or
 - (d) the authorised person is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.

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- (2) For the purposes of sub-paragraph (1) “the authorised person”, in relation to a member of a Service Authority, means—
- (a) the Service Authority, or
 - (b) the person or persons who would be required to appoint his successor.
- (3) A Service Authority shall not, under sub-paragraph (1), remove its chairman [^{F18}or vice-chairman] from office as chairman [^{F18}or vice-chairman] or as a member of the Service Authority.
- (4) Where a Service Authority removes a member under sub-paragraph (1), it shall give notice of that fact—
- (a) to the person or persons who are required to appoint his successor, and
 - (b) if the member was appointed under Part I of Schedule 1, to the other Service Authority.
- (5) Where a member of a Service Authority is removed under sub-paragraph (1) by the person mentioned in sub-paragraph (2)(b), that person shall give notice of that fact—
- (a) to the Service Authority, and
 - (b) if he is a member appointed under Part I of Schedule 1 and is not also removed from the other Service Authority, to that other Authority.
- [^{F19}(6) For the purposes of this paragraph, in relation to a member appointed under paragraph 7(a) or (b) of Schedule 1 the references to the person or persons who are (or would be) required to appoint his successor are to be read as references to the Secretary of State.]

Textual Amendments

- F18** Words in [Sch. 2 para. 8\(1\)\(3\)](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(4\)\(c\)](#); [S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))
- F19** [Sch. 2 para. 8\(6\)](#) inserted (1.4.2002) by [2001 c. 16, s. 128\(1\)](#), [Sch. 6 Pt. 1 para. 20\(4\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))

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^{F20}

Textual Amendments

- F20** [Sch. 2 para. 9](#) repealed (1.4.2002) by [2001 c. 16, ss. 128\(1\), 137](#), [Sch. 6 Pt. 1 para. 20\(5\)](#), [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344, art. 3\(j\)\(k\)\(m\)](#) (with transitional provisions in [art. 4](#))

- 10 Where a core member appointed under Part I of Schedule 1 is removed from a Service Authority under paragraph 8 ^{F21} . . . , he shall cease to be a member of the other Service Authority.

Textual Amendments

- F21** Words in [Sch. 2 para. 10](#) repealed (1.4.2002) by [2001 c. 16, ss. 128\(1\), 137](#), [Sch. 6 Pt. 1 para. 20\(6\)](#), [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344, art. 3\(j\)\(k\)\(m\)](#) (with transitional provisions in [art. 4](#))

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Chairman

- 11 (1) On being notified of a casual vacancy occurring in the office of chairman of the Service Authorities, the Secretary of State—
- (a) shall take such steps as are reasonably practicable to fill the vacancy, and
 - (b) shall ^{F22}, after consultation with the Scottish Ministers,] appoint a core member appointed under paragraph 2 of Schedule 1 to be the temporary chairman of the Service Authorities.
- (2) A temporary chairman appointed in accordance with this paragraph—
- (a) shall not continue in office as chairman for a period exceeding six months, and
 - (b) shall cease to hold that office on the appointment, by the Secretary of State, of a person to the office of chairman.

Textual Amendments

F22 Words in [Sch. 2 para. 11\(1\)\(b\)](#) inserted (1.7.1999) by [S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2\(30\)](#); [S.I. 1998/3178, art. 3](#)

Eligibility for re-appointment

- 12 A person who ceases to be a member or to be chairman ^{F23}or vice-chairman], otherwise than by virtue of paragraph 8(1)(a), (b) or (d), may (if otherwise eligible) be re-appointed.

Textual Amendments

F23 Words in [Sch. 2 para. 12](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(4\)\(c\)](#); [S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))

Eligibility to vote

- 13 A member of a Service Authority appointed under paragraph 3, 7(a) or (b) ^{F24}(by virtue of being a person within paragraph 7A(1)(a) or 7B(1)(a)), 8(1)(b), (c) or (d), ^{F25}9(1)(a)] or 10(1)(b) of Schedule 1 (appointment of senior police officers) shall not be entitled to vote on any decision taken by the Authority—
- (a) on a motion of censure of the Director General or of any other member of NCIS or, as the case may be, the National Crime Squad (other than a member appointed by the Director General by virtue of section 9(8) or 55(8)), including any motion on disciplinary action to be taken against him, or
 - (b) relating to the exercise by the Authority of its power under ^{F26}section 9A or, as the case may be, 55A to require a member of NCIS or the National Crime Squad] to resign in the interests of efficiency or effectiveness.

Textual Amendments

F24 Words in [Sch. 2 para. 13](#) inserted (1.4.2002) by [2001 c. 16, s. 128\(1\), Sch. 6 Pt. 1 para. 20\(7\)\(a\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))

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- F25** Words in Sch. 2 para. 13 substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(7)(b); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F26** Words in Sch. 2 para. 13(b) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(7)(c); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

- 14 A member of a Service Authority appointed under paragraph 6, [F277(a) or (b) (by virtue of being a person within paragraph 7A(1)(c) or 7B(1)(c)), 7(c) or 8(1)(h) or (ha)] of Schedule 1 shall not be entitled to vote at any meeting of the Service Authority, or of any committee of that Authority.

Textual Amendments

- F27** Words in Sch. 2 para. 14 substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(8); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

Validity of acts

- 15 The acts and proceedings of any person appointed to be a member or chairman [F28or vice-chairman] of a Service Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Textual Amendments

- F28** Words in Sch. 2 para. 15 inserted (1.4.2002) by 2001 c. 16, s. 104(4)(c); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

- 16 The proceedings of a Service Authority shall not be invalidated by a vacancy in the membership of the Authority or in the office of chairman [F29by a vacancy for a vice-chairman] or by any defect in the appointment of a person as a member or as chairman [F30or vice-chairman].

Textual Amendments

- F29** Words in Sch. 2 para. 16 inserted (1.4.2002) by 2001 c. 16, ss. 104(5)(a); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)
- F30** Words in Sch. 2 para. 16 inserted (1.4.2002) by 2001 c. 16, ss. 104(5)(b); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

Allowances

- 17 (1) Subject to sub-paragraph (2), a Service Authority may make to its chairman [F31, vice-chairmen] and other members such payments by way of reimbursement of expenses F32 . . . as the Secretary of State may determine.
- (2) F33
- (3) Payments made under sub-paragraph (1) may differ according to whether the recipient is the chairman, [F34a vice-chairman,] a core member or another member.

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Textual Amendments

- F31** Words in [Sch. 2 para. 17\(1\)](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(8\)\(a\)](#); [S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))
- F32** Words in [Sch. 2 para. 17\(1\)](#) repealed (1.4.2002) by [2001 c. 16, ss. 107\(1\)\(c\), 137, Sch. 7 Pt. 4](#); [S.I. 2002/344, art. 3\(d\)\(j\)\(i\)](#) (with transitional provisions in [art. 4](#))
- F33** [Sch. 2 para. 17\(2\)](#) repealed (1.4.2002) by [2001 c. 16, s. 137, Sch. 7 Pt. 4](#); [S.I. 2002/344, art. 3\(j\)\(i\)](#) (with transitional provisions in [art. 4](#))
- F34** Words [Sch. 2 para. 17\(3\)](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(8\)\(b\)](#); [S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))

Allowances for members etc.

- [^{F35}17A(1) Subject to the following provisions of this paragraph, a Service Authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as that Service Authority may determine.
- (2) Subject to sub-paragraphs (6) and (7), no payment shall be made under this paragraph except in accordance with arrangements published by the Service Authority not more than twelve months before the making of the payment.
- (3) A Service Authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by that Authority.
- (4) It shall be the duty of a Service Authority, when making or revising any arrangements made for the purposes of this paragraph, to have regard to any guidance given by the Secretary of State about the payment of allowances.
- (5) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice chairman a core member or another member.
- (6) No payment shall be made under this paragraph to—
- (a) any member of a Service Authority appointed under paragraph 3, 6 or 6A of Schedule 1,
 - (b) any member of a Service Authority appointed, otherwise than by virtue of his being within paragraph 7A(1)(b) or 7B(1)(b), under paragraph 7A of that Schedule; or
 - (c) any member of a Service Authority appointed under paragraph 8(1)(b), (c), (d), (h), (ha) or (i), 9(1)(a) or 10(1)(b) of that Schedule.
- (7) The Secretary of State may by regulations impose such limits as may be provided for by or under the regulations on the payments that may be made under this paragraph.
- (8) A statutory instrument containing regulations under sub-paragraph (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F35** [Sch. 2 para. 17A](#) inserted (1.4.2002) by [2001 c. 16, s. 107\(4\)](#); [S.I. 2002/344, art. 3\(d\)](#) (with transitional provisions in [art. 4](#))

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Co-opted Members

- 18 (1) Paragraphs 1 to 3 apply to a person co-opted as a member of a Service Authority as they apply to a person appointed as such a member.
- (2) Except as provided by sub-paragraph (1), the preceding paragraphs of this Schedule do not apply to a person co-opted as a member of a Service Authority.
- [^{F36}(3) A member of the Security Service shall be disqualified for being co-opted as a member of the NCS Service Authority; and a person shall cease to be a co-opted member of that Authority if he becomes a member of the Security Service.]
- (4) A person co-opted as a member of a Service Authority shall be co-opted to serve as such a member for a term not exceeding twelve months, but may (if otherwise eligible) again be co-opted.
- (5) A person co-opted as a member of a Service Authority shall not be entitled to vote at any meeting of the Authority, or of any committee of that Authority.
- (6) A Service Authority may make to a person co-opted to serve as a member of the Authority such payments by way of reimbursement of expenses as the Secretary of State may determine.

Textual Amendments

F36 Sch. 2 para. 18(3) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(9); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

Interpretation

- 19 For the purposes of this Schedule—
- (a) “Service Authority” means—
- (i) the NCS Service Authority, or
- (ii) the NCIS Service Authority, and
- (b) “core member” means a member appointed under Part I of Schedule 1.

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