

*Status: Point in time view as at 22/02/1999.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 1(7) and 47(7).

#### APPOINTMENT OF MEMBERS OF THE SERVICE AUTHORITIES

##### Commencement Information

- II** [Sch. 1](#) wholly in force at 23.7.1997; [Sch. 1](#) not in force at Royal Assent see [s. 135](#); [Sch. 1](#) in force for certain purposes at 25.6.1997 (and subject to modifications in [S.I. 1887/1377](#), [art. 3\(3\)\(4\)](#)) by [s. 135](#) and [S.I. 1997/1377](#), [art. 3\(2\)\(c\)](#); [Sch. 1](#) wholly in force at 23.7.1997 by [S.I. 1997/1377](#), [art. 4\(2\)\(a\)](#)

#### PART I

##### CORE MEMBERS

##### Extent Information

- E1** [Sch. 1 Pts. I, IV](#) extend to E.W. only so far as they relate to the Service Authority for the National Crime Squad, see [s. 137\(2\)\(c\)](#)

- 1 (1) The NCS Service Authority and the NCIS Service Authority shall have a common core membership consisting of ten members (“the core members”) appointed in accordance with this Part.
- 2 (1) Three of the core members shall be persons appointed by the Secretary of State under this paragraph.
- (2) A person shall not be appointed under this paragraph if he is—
- (a) a member of a police force in Great Britain or of the Royal Ulster Constabulary,
  - (b) a Crown servant, or
  - (c) a local authority member of a police authority for an area in England and Wales, a member of a police authority for an area in Scotland or a member of the Police Authority for Northern Ireland.
- (3) One of the core members appointed under this paragraph shall be appointed by the Secretary of State to be the chairman of both the NCS Service Authority and the NCIS Service Authority.

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- 3 (1) Two of the core members shall be appointed by the chief officers of police of forces in England and Wales and the Assistant Commissioners of Police of the Metropolis (“the relevant police officers”), from among their number.
- (2) The relevant police officers shall exercise their powers under sub-paragraph (1) so as to ensure that—
- (a) one of the members appointed by them is the chief constable of a police force maintained under section 2 of the <sup>M1</sup>Police Act 1996 (forces in England and Wales outside London), and
  - (b) the other is the Commissioner or an Assistant Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London.

#### Marginal Citations

**M1** 1996 c. 16.

- 4 Three of the core members shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number.
- 5 One of the core members shall be a person (other than a member of a police force) appointed by the Secretary of State under this paragraph to represent the Secretary of State in his capacity as police authority for the metropolitan police district.
- 6 One of the core members shall be a Crown servant appointed by the Secretary of State under this paragraph.

VALID FROM 01/04/2002

[<sup>F1</sup>6A One of the core members shall be a customs officer appointed by the Commissioners of Customs and Excise under this paragraph.]

#### Textual Amendments

**F1** Sch. 1 Pt. I para. 6A inserted (1.4.2002) by 2001 c. 16, ss. 108(3), Sch. 5 Pt. 1 para. 7; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

VALID FROM 01/04/2002

[<sup>F2</sup>6B (1) The Secretary of State may appoint one of the core members to be the vice-chairman of both the NCS Service Authority and the NCIS Service Authority.

(2) Before making an appointment under this paragraph, the Secretary of State shall consult the Scottish Ministers.

(3) Subject to any provision made by the NCS Service Authority or the NCIS Service Authority under paragraph 3 of Schedule 2A, anything authorised or required to be

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done by, to or before their chairman may be done by, to or before any vice-chairman of the authority.]

#### Textual Amendments

- F2** Sch. 1 Pt. I para. 6B inserted (1.4.2002) by 2001 c. 16, s. 104(3); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

## PART II

### ADDITIONAL MEMBERS OF NCIS SERVICE AUTHORITY

- 7 Where the NCIS Service Authority is to consist of nineteen members by virtue of section 1, then in addition to the ten core members—
- (a) one of the members shall be appointed by the chief constables of police forces in Scotland, from among their number;
  - (b) one shall be a person holding at least the rank of deputy chief constable in the Royal Ulster Constabulary, appointed by the Chief Constable of that Constabulary;
  - (c) two shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number;
  - (d) one shall be appointed by the members of police authorities for areas in Scotland, from among their number;
  - (e) one shall be appointed by the members of the Police Authority for Northern Ireland, from among their number;
  - (f) two shall be Crown servants appointed by the Secretary of State under this paragraph; and
  - (g) one shall be a customs officer appointed by the Commissioners of Customs and Excise.

VALID FROM 01/04/2002

- [<sup>F3</sup>7A (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall, after consultation with the Scottish Ministers, decide whether the person appointed must be—
- (a) a chief constable of a police force in Scotland,
  - (b) a member of a police authority for an area in Scotland, or
  - (c) a Crown servant.
- (2) Where such a decision is made—
- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the chief constables of police forces in Scotland, from among their number;
  - (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of police authorities for areas in Scotland, from among their number; and

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- (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Scottish Ministers.]

#### Textual Amendments

- F3** Sch. 1 Pt. II paras. 7-7B substituted (1.4.2002) for Sch. 1 Pt. II para. 7 by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 8; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

VALID FROM 01/04/2002

- [<sup>F4</sup>7B (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall decide whether the person appointed must be—
- (a) a person holding at least the rank of deputy chief constable in the Police Service of Northern Ireland,
  - (b) a member of the Northern Ireland Policing Board, or
  - (c) a Crown servant.
- (2) Where such a determination is made—
- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the Chief Constable of the Police Service of Northern Ireland;
  - (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of the Northern Ireland Policing Board, from among their number; and
  - (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Secretary of State.]

#### Textual Amendments

- F4** Sch. 1 Pt. II paras. 7-7B substituted (1.4.2002) for Sch. 1 Pt. II para. 7 by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 8; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

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

- C1** Sch. 1 Pt. II para. 7B modified (11.5.2001) by 2001 c. 16, s. 109(4)

- 8 (1) Where the Authority is to consist of more than nineteen members by virtue of an order under section 1(3), then in addition to the ten core members—
- (a) a prescribed number of members shall be appointed by the Secretary of State under this paragraph;
  - (b) a prescribed number shall be appointed by the relevant police officers, from among their number;
  - (c) a prescribed number of members shall be appointed by the chief constables of police forces in Scotland, from among their number;
  - (d) one shall be a person holding at least the rank of deputy chief constable in the Royal Ulster Constabulary, appointed by the Chief Constable of that Constabulary;

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- (e) a prescribed number (being not less than two) shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number;
  - (f) a prescribed number shall be appointed by the members of police authorities for areas in Scotland, from among their number;
  - (g) a prescribed number shall be appointed by the members of the Police Authority for Northern Ireland, from among their number;
  - (h) two shall be Crown servants appointed by the Secretary of State under this paragraph; and
  - (i) one shall be a customs officer appointed by the Commissioners of Customs and Excise.
- (2) An order under section 1(3) shall ensure—
- (a) that a majority of the members of the Authority are members appointed—
    - (i) by the Secretary of State (other than under sub-paragraph (1)(h) or paragraph 6),
    - (ii) by local authority members of police authorities for areas in England and Wales,
    - (iii) by members of police authorities for areas in Scotland, or
    - (iv) by members of the Police Authority for Northern Ireland, and
  - (b) that the number of members appointed by local authority members of police authorities in England and Wales is—
    - (i) greater than the total number appointed under sub-paragraph (1)(a) or paragraph 2,
    - (ii) greater than the total number appointed under sub-paragraph (1)(b), (c) or (d) or paragraph 3, and
    - (iii) greater than the number appointed under each of paragraphs (f) and (g) of sub-paragraph (1).
- (3) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(a), as it applies to appointments under paragraph 2.
- (4) A person appointed under sub-paragraph (1)(a) shall not be so appointed to represent the Secretary of State in his capacity as police authority for the metropolitan police district.
- (5) The power to make an order under section 1(3) includes power to prescribe anything which is require to be prescribed for the purposes of this paragraph.

### PART III

#### ADDITIONAL MEMBERS OF NCS SERVICE AUTHORITY

- 9 Where the NCS Service Authority is to consist of seventeen members by virtue of section 47, then in addition to the ten core members—
- (a) one member shall be appointed by the relevant police officers, from among their number; and
  - (b) six shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number.

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- 10 (1) Where the Authority is to consist of more than seventeen members by virtue of an order under section 47(3), then in addition to the ten core members—
- (a) a prescribed number of members shall be appointed by the Secretary of State;
  - (b) a prescribed number shall be appointed by the relevant police officers, from among their number; and
  - (c) a prescribed number (being not less than six) shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number.
- (2) An order under section 47(3) shall ensure—
- (a) that a majority of the members of the Authority are members appointed—
    - (i) by the Secretary of State (other than under paragraph 6), or
    - (ii) by local authority members of police authorities for areas in England and Wales, and
  - (b) that the number of members appointed by such local authority members of police authorities is—
    - (i) greater than the total number appointed under sub-paragraph (1)(a) or paragraph 2, and
    - (ii) greater than the total number appointed under sub-paragraph (1)(b) or paragraph 3.
- (3) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(a), as it applies to appointments under paragraph 2.
- (4) A person appointed under sub-paragraph (1)(a) shall not be so appointed to represent the Secretary of State in his capacity as the police authority for the metropolitan police district.
- (5) The power to make an order under section 47(3) includes power to prescribe anything which is required to be prescribed for the purposes of this paragraph.

## PART IV

### GENERAL

#### **Extent Information**

- E2** [Sch. 1 Pts. I, IV](#) extend to E.W. only so far as they relate to the Service Authority for the National Crime Squad, see [s. 137\(2\)\(c\)](#)

#### *Membership of more than one Service Authority by non-core members*

- 11 (1) Nothing in this Schedule shall prevent a member of the NCS Service Authority appointed under Part III from being appointed as a member of the NCIS Service Authority under Part II.
- (2) Nothing in this Schedule shall prevent a member of the NCIS Service Authority appointed under Part II from being appointed as a member of the NCS Service Authority under Part III.

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### *Local authority members*

- 12 Local authority members of police authorities for areas in England and Wales shall exercise—
- (a) their powers to appoint members of the NCIS Service Authority under paragraphs 4, 7(c) and 8(1)(e), and
  - (b) their powers to appoint members of the NCS Service Authority under paragraphs 4, 9(b) and 10(1)(c),
- so as to ensure that, so far as practicable, the members of the Authority appointed by them reflect the balance of parties for the time being prevailing among the local authority members of such police authorities taken as a whole.
- 13 The clerk to a Service Authority shall make such arrangements as he considers necessary to facilitate the appointment to the Authority, in accordance with this Schedule, of—
- (a) local authority members of police authorities for areas in England and Wales, and
  - (b) in the case of the clerk to the NCIS Service Authority, members of police authorities for areas in Scotland and members of the Police Authority for Northern Ireland.

### *Interpretation*

- 14 In this Schedule “local authority members of police authorities”, in relation to areas in England and Wales, means—
- (a) the members of police authorities appointed under paragraph 2 of Schedule 2 to the <sup>M2</sup>Police Act 1996 (local authority members), and
  - (b) the members of the Common Council of the City of London who are members of any committee appointed under section 26 of the <sup>M3</sup>City of London Police Act 1839.

#### **Marginal Citations**

**M2** 1996 c. 16.

**M3** 1839 c. xciv.

- 15 In this Schedule—
- (a) “the relevant police officers” shall be construed in accordance with paragraph 3(1), and
  - (b) “customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the <sup>M4</sup>Customs and Excise Management Act 1979.

#### **Marginal Citations**

**M4** 1979 c. 2.

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- 16 For the purposes of this Schedule, the Commissioner and Assistant Commissioners of Police of the Metropolis and the Commissioner of Police for the City of London shall be treated as if they were members of the metropolitan police force and the City of London police force respectively.

## SCHEDULE 2

Sections 1(7) and 47(7).

### OTHER PROVISIONS ABOUT MEMBERS OF SERVICE AUTHORITIES

#### **Extent Information**

- E3** [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**

- I2** [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, or
  - (b) he has attained the age of seventy years.
- 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—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the Service Authority or any committee or sub-committee of the Authority, or by a joint committee on which the Authority is represented, or by any person holding any such office or employment;



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- (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 under the <sup>M5</sup>Company Directors Disqualification Act 1986 or Part II of the <sup>M6</sup>Companies (Northern Ireland) Order 1989, or to an order made under section 429(2)(b) of the <sup>M7</sup>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.

#### Marginal Citations

- M5** 1986 c. 46.
- M6** S.I. 1989/2404 (N.I.18).
- M7** 1986 c. 45.

#### *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 or a term expiring on his attaining the age of seventy years, whichever is the shorter, or

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- (b) such shorter term as the person or persons appointing him may determine in any particular case.
- 6 (1) A person may at any time—
- (a) resign his office as 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 under sub-paragraph (1), he shall send a copy of the notice—
- (a) to the Secretary of State, and
- (b) if he was appointed under paragraph 7(g) or 8(1)(i) of Schedule 1, to the Commissioners of Customs and Excise.
- 7 (1) A member of a police authority appointed to be a member of a Service Authority under paragraph 4, 7(c), (d) or (e), 8(1)(e), (f) or (g), 9(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).
- (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 Police Authority for Northern Ireland, 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, 7(f) or 8(1)(h) 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), 8(1)(b), (c) or (d), 9(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 the NCIS Service Authority under paragraph 7(g) 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.
- 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 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

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- (d) the authorised person is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (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 from office as 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.
- 9 (1) A member of a Service Authority appointed under paragraph 4, 7(c), 8(1)(e), 9(b) or 10(1)(c) of Schedule 1 may be removed from office by the persons responsible for appointing his successor if those persons consider that his removal, and the appointment of another person in his place, would further the object provided for by paragraph 12 of that Schedule.
- (2) Persons who remove a member under this paragraph shall—
  - (a) if the member was a core member, give notice to both Service Authorities, and
  - (b) in any other case, give notice to the Service Authority of which he was a member.
- 10 Where a core member appointed under Part I of Schedule 1 is removed from a Service Authority under paragraph 8 or 9, he shall cease to be a member of the other Service Authority.

#### *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 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—

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- (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.

*Eligibility for re-appointment*

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

*Eligibility to vote*

- 13 A member of a Service Authority appointed under paragraph 3, 7(a) or (b), 8(1)(b), (c) or (d), 9(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 section 7 or, as the case may be, 53 to require the Director General, or any other member, to resign in the interests of efficiency or effectiveness.

- 14 A member of a Service Authority appointed under paragraph 6, 7(f) or 8(1)(h) of Schedule 1 shall not be entitled to vote at any meeting of the Service Authority, or of any committee of that Authority.

*Validity of acts*

- 15 The acts and proceedings of any person appointed to be a member or 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.
- 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 or by any defect in the appointment of a person as a member or as chairman.

*Allowances*

- 17 (1) Subject to sub-paragraph (2), a Service Authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may determine.

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- (2) No payments by way of allowances shall be made under sub-paragraph (1) to a member of a Service Authority appointed under paragraph 3, 6, 7(a), (b), (f) or (g), 8(1)(b), (c), (d), (h) or (i), 9(a) or 10(1)(b) of Schedule 1.
- (3) Payments made under sub-paragraph (1) may differ according to whether the recipient is the chairman, a core member or another member.

VALID FROM 01/04/2002

*Allowances for members etc.*

- [<sup>F5</sup>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**

- F5** 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)

*Status: Point in time view as at 22/02/1999.*

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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.
- (3) A customs officer (within the meaning of paragraph 15 of Schedule 1) 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 customs officer.
- (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.

### *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.

VALID FROM 01/04/2002

## [<sup>F6</sup>SCHEDULE 2A

### FURTHER PROVISIONS ABOUT SERVICE AUTHORITIES

#### Textual Amendments

- F6** Sch. 2A inserted (1.4.2002 save for Sch. 2A para. 4 which remains prosp.) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 21 (with s. 128(2)); S.I. 2002/344, art. 3(k) (with art. 4)

*Status: Point in time view as at 22/02/1999.*

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### SCHEDULE 3

Section 17(6).

#### LEVIES ISSUED BY NCIS SERVICE AUTHORITY

##### *Decisions of Service Authority*

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

##### *Approval by Secretary of State*

- 2 (1) Subject to paragraph 3, a levy shall not be issued by the NCIS Service Authority under section 17 in respect of a financial year, unless the Secretary of State has notified the Authority in writing that he approves the total amount of the levies the Authority proposes to issue for that year.

*Status: Point in time view as at 22/02/1999.*

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

#### *Directions*

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

#### *Notices*

- 4 (1) The NCIS Service Authority shall, within the prescribed period, give notice of any levy to be issued under section 17 to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and



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- (c) the Receiver for the Metropolitan Police District.
- (2) A notice under this paragraph shall contain such information as may be prescribed.

#### *Interpretation*

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

### SCHEDULE 4

Section 44(1).

#### SUBJECT-MATTER OF ORDERS ABOUT NCIS SERVICE AUTHORITY

### SCHEDULE 5

Section 62(6).

#### LEVIES ISSUED BY NCS SERVICE AUTHORITY

#### *Decisions of Service Authority*

- 1 (1) Where an order under section 62 requires the NCS Service Authority to determine the total amount of the levies which it proposes to issue under that section for any financial year, that determination shall not be made except by a decision which—
- (a) is made only by independent members and police authority members of the Authority, and
  - (b) complies with sub-paragraphs (2) and (3).
- (2) A decision complies with this sub-paragraph only if a majority of the members making the decision (whether or not approving it) are police authority members of the Authority.
- (3) A decision complies with this sub-paragraph only if the members approving it include more than half of the independent members and more than half of the police authority members of the Authority at the time of the decision.
- (4) Before making such a determination as is mentioned in sub-paragraph (1) in respect of any financial year, the independent members and police authority members of the Authority shall take account of—
- (a) the expenditure which the Director General of the National Crime Squad estimates will be incurred in connection with the Squad in the year,
  - (b) any income which it is estimated will be received by way of charges imposed by the NCS Service Authority under section 64, or otherwise, in the year,
  - (c) the financial reserves of the Authority and the reserves which it estimates it will be appropriate to raise in the year for meeting its estimated future expenditure,
  - (d) the current and proposed level of borrowing of the Authority,
  - (e) the views of all members of the Authority, and

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- (f) such other matters as may be prescribed.
- (5) In this paragraph “independent members” means members of the Authority appointed by the Secretary of State under paragraph 2 or 10(1)(a) of Schedule 1.
- (6) In this paragraph “police authority members” means members appointed—
  - (a) by the local authority members of police authorities for areas in England and Wales (as defined by paragraph 14 of Schedule 1), or
  - (b) by the Secretary of State under paragraph 5 of that Schedule.

*Approval by Secretary of State*

- 2 (1) Subject to paragraph 3, a levy shall not be issued by the NCS Service Authority under section 62 in respect of a financial year, unless the Secretary of State has notified the Authority in writing that he approves the total amount of the levies the Authority proposes to issue for that year.
- (2) Where the Secretary of State gives an approval under sub-paragraph (1), levies shall not be issued by the Authority in respect of the financial year concerned in excess of the amount so approved.
- (3) Before deciding whether to give an approval under sub-paragraph (1), the Secretary of State shall consult—
  - (a) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, and
  - (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales.
- (4) The Secretary of State shall give a copy of any notice sent to the Authority under sub-paragraph (1) to—
  - (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

*Directions*

- 3 (1) Where the Secretary of State does not approve, under paragraph 2, the total amount of the levies the Authority proposes to issue for a financial year—
  - (a) he shall notify the Authority of his decision, and
  - (b) he may direct the Authority to issue such levies under section 62 for that year as he considers appropriate.
- (2) Where the NCS Service Authority does not, within the prescribed period, make a determination of the total amount of levies it proposes to issue under section 62 in respect of a financial year, the Secretary of State may direct the Authority to issue, under that section, such levies as he considers appropriate.
- (3) The Authority shall provide the Secretary of State with such information as he may require to enable him to give a direction under this paragraph.

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- (4) Before giving a direction under this paragraph, the Secretary of State may take into account any matter he considers relevant.
- (5) A direction under this paragraph shall be in writing.
- (6) The Secretary of State shall send a copy of any direction under this paragraph to—
  - (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

#### *Notices*

- 4 (1) The NCS Service Authority shall, within the prescribed period, give notice of any levy to be issued under section 62 to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (c) the Receiver for the Metropolitan Police District.
- (2) A notice under this paragraph shall contain such information as may be prescribed.

#### *Interpretation*

- 5 In this Schedule “prescribed” means prescribed by an order under section 62.

### SCHEDULE 6

Section 88.

#### APPLICATION TO NCS SERVICE AUTHORITY OF LOCAL GOVERNMENT ENACTMENTS

#### *Local Government Act 1972 (c. 70)*

- 1 In section 94 of the Local Government Act 1972 (disability of members of authorities for voting on account of interest in contracts, etc.), in subsection (5)(b) (receipt of certain allowances not to be treated as a pecuniary interest) after “1996” there shall be inserted “ or paragraph 17 of Schedule 2 to the Police Act 1997 ”.

#### **Commencement Information**

**13** Sch. 6 para. 1 wholly in force at 31.10.1997; Sch. 6 para. 1 not in force at Royal Assent, see s. 135; Sch. 6 para. 1 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))

- 2 In section 98—

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- (a) in subsection (1A) (application to joint authorities of provisions about members' interests) after "1996" there shall be inserted " and the Service Authority for the National Crime Squad ", and
- (b) after subsection (1A) there shall be inserted—

“(1B) In the application of section 97 above to a member of the Service Authority for the National Crime Squad, subsection (1) of that section shall apply as if the words from “or in any other case” to the end were omitted.”

#### Commencement Information

**I4** Sch. 6 para. 2 wholly in force at 31.10.1997; Sch. 6 para. 2 not in force at Royal Assent, see s. 135; Sch. 6 para. 2 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))

- 3 In section 99 (meetings and proceedings of local authorities) after “1996” there shall be inserted “, the Service Authority for the National Crime Squad ”.
- 4 (1) Section 100J (application to joint authorities etc. of provisions relating to access to meetings and documents) shall be amended as follows.
  - (2) In subsection (1), after paragraph (e) there shall be inserted—
 

“(ea) the Service Authority for the National Crime Squad;”.
  - (3) In subsection (3), after “(e)” there shall be inserted “, (ea) ”.
  - (4) After subsection (3) there shall be inserted—
 

“(3A) In its application by virtue of subsection (1) above in relation to the Service Authority for the National Crime Squad, section 100A(6)(a) shall also have effect with the substitution for the word “three” of the word “seven”.
  - (5) In subsection (4), in paragraph (a), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.
- 5 (1) Section 107 (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
  - (2) In subsection (7) for “(a) and (b)” there shall be substituted “ (a), (aa) and (b) ”.
  - (3) After subsection (8) there shall be inserted—
 

“(8A) References in this section to a police authority, a police force, a chief officer of police or his deputy include references to the Service Authority for the National Crime Squad, the National Crime Squad, the Director General of that Squad and his deputy respectively.”
- 6 (1) Section 146A (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.

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- (2) In subsection (1)—
- (a) for “subsection (1A)” there shall be substituted “ subsections (1A) and (1AA) ”, and
  - (b) for “shall be” there shall be substituted “ and the Service Authority for the National Crime Squad shall each be ”.
- (3) In subsection (1A)—
- (a) for “A” there shall be substituted “ Neither a ”,
  - (b) after “1996” there shall be inserted “ nor the Service Authority for the National Crime Squad ”, and
  - (c) the word “not” shall be omitted.
- (4) After subsection (1A) there shall be inserted —
- “(1AA) The Service Authority for the National Crime Squad shall not be treated as a local authority for the purposes of section 146 above.”

#### Commencement Information

**I5** Sch. 6 para. 6 wholly in force at 31.10.1997; Sch. 6 para. 6 not in force at Royal Assent, see s. 135; Sch. 6 para. 6 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))

- 7 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad ”.
- 8 In section 228 (inspection of documents), in subsection (7A), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.
- 9 The words “and the Service Authority for the National Crime Squad” shall be inserted after “ 1996 ”
- (a) in section 229 (photographic copies of documents), in subsection (8);
  - (b) in section 231 (service of notices on local authorities, etc.), in subsection (4);
  - (c) in section 232 (public notices), in subsection (1A);
  - (d) in section 233 (service of notices by local authorities), in subsection (11); and
  - (e) in section 234 (authentication of documents), in subsection (4).

#### Commencement Information

**I6** Sch. 6 para. 9 wholly in force at 1.4.1998; Sch. 6 para. 9 not in force at Royal Assent, see s. 135; Sch. 6 para. 9(e) 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)); Sch. 6 para. 9 otherwise in force at 1.4.1998 by S.I. 1998/354, art. 2(1)(2)(az)

*Status: Point in time view as at 22/02/1999.*

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- 10 (1) Schedule 12 (meetings and proceedings of local authorities) shall be amended as follows.
- (2) In paragraph 6A, in sub-paragraph (1), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.
- (3) In paragraph 6B—
- (a) in sub-paragraph (b), after “1996” there shall be inserted “ , or of the Service Authority for the National Crime Squad, ”, and
- (b) at the end of sub-paragraph (b) there shall be added “, and
- (c) in the case of the Service Authority for the National Crime Squad, paragraph 4(2) shall apply as if the reference to three clear days were a reference to seven clear days.”
- (4) In paragraph 46, after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad ”.

*Local Government Act 1974 (c. 7)*

- 11 In section 25 of the Local Government Act 1974 (authorities subject to investigation by Commission for Local Administration), in subsection (1) after paragraph (ca) there shall be inserted—
- “(caa) the Service Authority for the National Crime Squad;”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 12 In section 30 of the Local Government (Miscellaneous Provisions) Act 1976 (power to forgo repayment of remuneration paid to deceased employees), in subsection (3), after “the authority” there shall be inserted “, and a member of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997 shall be treated as employed by the Service Authority for the National Crime Squad, ”.
- 13 In section 44 (interpretation), in subsection (1), in paragraph (a) of the definition of “local authority”, after “1996” there shall be inserted “, the Service Authority for the National Crime Squad ”.

*Local Government, Planning and Land Act 1980 (c. 65)*

- 14 In section 20 of the Local Government, Planning and Land Act 1980 (interpretation of provisions relating to direct labour organisations), in subsection (1)—
- (a) in paragraph (a) of the definition of “local authority”, in sub-paragraph (i), after “1996” there shall be inserted “, the Service Authority for the National Crime Squad ”, and
- (b) in paragraph (aa) of the definition, after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.

*Status: Point in time view as at 22/02/1999.*

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15 In section 99 (directions to dispose of land), in subsection (4), after paragraph (dc) there shall be inserted—  
“(dd) the Service Authority for the National Crime Squad;”.

16 In Schedule 16 (bodies to whom provisions of Part X relating to registration of land apply), after paragraph 5C there shall be inserted—

“5D The Service Authority for the National Crime Squad.”

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

17 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), after “1996” there shall be inserted “, the Service Authority for the National Crime Squad ”.

18 In section 41 (lost and uncollected property), in subsection (13), in the definition of “local authority”, for “and” at the end of paragraph (ca) there shall be substituted—  
“(cb) the Service Authority for the National Crime Squad; and”.

*Local Government Finance Act 1982 (c. 32)*

F8<sup>19</sup> .....

**Textual Amendments**

F8 Sch. 6 para. 19 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

F9<sup>20</sup> .....

**Textual Amendments**

F9 Sch. 6 para. 20 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

F10<sup>21</sup> .....

**Textual Amendments**

F10 Sch. 6 para. 21 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

F11<sup>22</sup> .....

*Status: Point in time view as at 22/02/1999.*

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**Textual Amendments**

**F11** Sch. 6 para. 22 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

*Local Government Act 1986 (c. 10)*

23 In section 6 of the Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality), in subsection (2)(a), after “1996,” there shall be inserted—

“the Service Authority for the National Crime Squad,”.

24 In section 9 (interpretation of provisions relating to the transfer of mortgages), in subsection (1)(a), after “1996,” there shall be inserted—

“the Service Authority for the National Crime Squad,”.

PROSPECTIVE

*Local Government Act 1988 (c. 9)*

25 **F12** .....

**Textual Amendments**

**F12** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

26 **F13** .....

**Textual Amendments**

**F13** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Local Government Finance Act 1988 (c. 41)*

27 In section 112 of the Local Government Finance Act 1988 (financial administration as to certain police and fire authorities), in subsection (2), for “and” at the end of paragraph (c) there shall be substituted—

“(ab) the Service Authority for the National Crime Squad, and”.



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28 In section 114 (functions of the chief finance officer as regards reports), at the end there shall be added—

“(9) The National Crime Squad shall be treated as a police force for the purposes of subsection (2) above.”

*Local Government and Housing Act 1989 (c. 42)*

29 In section 21 of the Local Government and Housing Act 1989, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.), in paragraph (g), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.

**Commencement Information**

**I7** Sch. 6 para. 29 wholly in force at 31.10.1997; Sch. 6 para. 29 not in force at Royal Assent, see s. 135; Sch. 6 para. 29 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))

30 In section 67 (application of provisions relating to companies in which local authorities have interests), in subsection (3) (definition of local authority), in paragraph (i), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.

31 In section 155 (emergency assistance to local authorities), after subsection (4)(ea) there shall be inserted—

“(eb) the Service Authority for the National Crime Squad;”.

32 In section 157 (commutation of, and interest on, periodic payments of grants etc.), in subsection (6), after paragraph (g) there shall be inserted—

“(ga) the Service Authority for the National Crime Squad;”.

**Commencement Information**

**I8** Sch. 6 para. 32 wholly in force at 31.10.1997; Sch. 6 para. 32 not in force at Royal Assent see s. 135; Sch. 6 para. 32 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))

*Status: Point in time view as at 22/02/1999.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 7

Section 102(4).

## INVESTIGATION OF COMPLAINTS BY COMMISSIONERS ETC

*Investigation*

- 1 Where a Commissioner appointed under section 91(1)(b) is required by virtue of section 102 to investigate a complaint, he shall investigate whether an authorisation was given under section 93 in relation to the doing of the act or acts in question in relation to the property concerned (“a relevant authorisation”).
- 2 (1) In a case where the Commissioner determines that a relevant authorisation was given he shall, if sub-paragraph (2), (3) or (4) applies, make a determination in favour of the complainant.
- (2) This sub-paragraph applies if the Commissioner is satisfied that there were, at the time the relevant authorisation was given or renewed, no reasonable grounds for believing the matters specified in section 93(2).
- (3) This sub-paragraph applies where section 97 did not apply to the relevant authorisation or its renewal, but the Commissioner is satisfied as mentioned in section 103(2).
- (4) This sub-paragraph applies if the Commissioner is satisfied that anything has been done in relation to any property of the complainant in pursuance of the relevant authorisation (other than by virtue of section 103(6) or section 104(7)) at a time when there were no reasonable grounds for believing the matters specified in section 93(2).

*Report of conclusions*

- 3 (1) If the Commissioner makes a determination in favour of the complainant under paragraph 2, he shall—
- (a) give notice to the complainant that he has done so, and
- (b) make a report of his findings to the authorising officer who gave the authorisation, or in whose absence it was given, and to the Chief Commissioner.
- (2) In any other case, the Commissioner shall give notice to the complainant that no determination in his favour has been made on the complaint.
- (3) Subject to sub-paragraph (1)(b), the Commissioner shall not give any reasons for the making of, or any refusal to make, a determination in favour of the complainant.
- 4 Where—
- (a) the Chief Commissioner receives a report of the Commissioner’s findings under paragraph 3(1)(b), and
- (b) no appeal is made against the determination in favour of the complainant, the Chief Commissioner shall, under section 107(2), make a report of those findings to the Prime Minister.

*Status: Point in time view as at 22/02/1999.*

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### *Remedies*

- 5 (1) Where the Commissioner gives a complainant notice that a determination in his favour has been made on the complaint, he may (whether or not he has exercised, or intends to exercise, any of the powers under section 103) direct the authorising officer who gave the authorisation, or in whose absence it was given, to pay the complainant such sum by way of compensation as may be specified in the direction.
- (2) Where a direction to pay compensation has been made under sub-paragraph (1), it shall not become operative until—
- (a) the period for appealing against the determination in favour of the complainant has expired, and
  - (b) where such an appeal is made, a decision dismissing it has been made by the Chief Commissioner.
- 6 Any compensation which the Commissioner directs the authorising officer to pay under paragraph 5 shall be paid—
- (a) in the case of an authorising officer within paragraph (a), (b) or (c) of subsection (5) of section 93, out of the police fund,
  - (b) in the case of an authorising officer within paragraph (d) of that subsection, by the police authority or, as the case may be, the joint police board (within the meaning of the <sup>M8</sup>Police (Scotland) Act 1967),
  - (c) in the case of an authorising officer within paragraph (e) of that subsection, by the Police Authority for Northern Ireland,
  - (d) in the case of an authorising officer within paragraph (f) or (g) of that subsection, out of the appropriate service fund established under section 16 or 61, and
  - (e) in the case of an authorising officer within paragraph (h) of section 93(5), by the Commissioners of Customs and Excise.

#### **Marginal Citations**

**M8** 1967 c. 77.

### *Interpretation*

- 7 The references in this Schedule to the authorising officer who gave the authorisation or in whose absence it was given shall, in the case of an authorisation given by or in the absence of a person within paragraph (b) or (e) of section 93(5), be construed as references to the Commissioner of Police or, as the case may be, the Chief Constable mentioned in the paragraph concerned.

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## SCHEDULE 8

Section 109(2).

### THE POLICE INFORMATION TECHNOLOGY ORGANISATION

#### *Constitution*

- 1 (1) The Police Information Technology Organisation (“the Organisation”) shall consist of a chairman and other members appointed by the Secretary of State.
- (2) Before appointing the chairman the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of police authorities, and
  - (b) persons whom he considers to represent the interests of chief officers of police.
- (3) The members apart from the chairman at any time shall include—
- (a) at least three members nominated by persons whom the Secretary of State considers to represent police authorities for areas in England and Wales;
  - (b) at least three members nominated by persons whom the Secretary of State considers to represent chief officers of police of police forces in England and Wales;
  - (c) at least one member nominated by persons whom the Secretary of State considers to represent police authorities for areas in Scotland;
  - (d) at least one member nominated by persons whom the Secretary of State considers to represent the interests of chief constables of police forces in Scotland;
  - (e) at least one member nominated by the Police Authority for Northern Ireland;
  - (f) at least one member nominated by the Chief Constable of the Royal Ulster Constabulary; and
  - (g) at least one other member.

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

**C2** [Sch. 8 para. 1\(2\)](#) amended (1.9.1997) by [S.I. 1997/1930, art. 2](#)

#### **Commencement Information**

**I9** [Sch. 8](#) partly in force; [Sch 8](#) not in force at Royal Assent, see [s. 135](#); [Sch. 8 para. 1 \(1\)\(2\)and\(3\)\(a\)-\(d\)](#) and (g) in force at 1.9.1997 by [S.I. 1997/1930 art. 2](#)

#### *Members*

- 2 (1) Subject to the provisions of this Schedule, a member of the Organisation shall hold office in accordance with the terms of his appointment.
- (2) A member shall not be appointed for more than five years at a time.
- (3) A person may at any time resign as a member or as chairman by notice in writing to the Secretary of State.

*Status: Point in time view as at 22/02/1999.*

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- (4) The Secretary of State may remove a person from office as a member or as chairman if satisfied that—
  - (a) he has without reasonable excuse failed to discharge his functions for a continuous period of three months;
  - (b) he has without reasonable excuse been absent from three consecutive meetings of the Organisation;
  - (c) he has been convicted of a criminal offence;
  - (d) he has become bankrupt, his estate has been sequestrated or he has made an arrangement with or granted a trust deed for his creditors;
  - (e) he has failed to comply with the terms of his appointment; or
  - (f) he is otherwise unable or unfit to discharge his functions.
- (5) The Secretary of State shall not remove from office a member nominated by persons representing certain interests in accordance with paragraph 1(3)(a) to (d) unless he has first consulted persons whom he considers to represent those interests.
- (6) The Secretary of State shall not remove from office a member nominated in accordance with paragraph 1(3)(e) or (f) unless he has first consulted the Police Authority for Northern Ireland or, as the case may be, the Chief Constable of the Royal Ulster Constabulary.

#### **Commencement Information**

**110** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent, see s. 135; Sch. 8 para. 2(1)-(5) in force at 1.9.1997 by S.I. 1997/1930, art. 2

- 3 (1) The Organisation shall pay to its members such remuneration and allowances as the Secretary of State may determine.
- (2) The Organisation shall, as regards any member or former member in whose case the Secretary of State may so determine, pay or make payments in respect of such pension or gratuity as the Secretary of State may determine.
- (3) If a person ceases to be a member, or ceases to be chairman, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Organisation to make a payment of such amount as he may determine.

*Staff, &c.*

- 4 (1) The Organisation shall not appoint employees except with the approval of the Secretary of State as to numbers and as to terms and conditions of service.
- (2) No person shall be appointed to act as the chief executive of the Organisation unless the Secretary of State has consented to the appointment.
- 5 (1) The Organisation shall pay to its employees such remuneration and allowances as it may, with the consent of the Secretary of State, determine.
- (2) The Organisation shall—

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- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of employees or former employees as it may, with the consent of the Secretary of State, determine;
  - (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 in respect of employees or former employees.
- (3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.
- (4) If any person—
- (a) on ceasing to be employed by the Organisation, becomes or continues to be one of its members, and
  - (b) was, by reference to his employment, a participant in a pension scheme maintained by the Organisation,
- the Organisation may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Secretary of State determine, as if his service as a member were service as an employee; and any such provision shall be without prejudice to paragraph 3.
- 6 (1) Employment with the Organisation shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M9</sup>Superannuation Act 1972 can apply.
- (2) The Organisation shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the Organisation is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Organisation, the Minister for the Civil Service may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3 above).

**Marginal Citations**

**M9** 1972 c. 11.

- 7 (1) The Organisation shall be liable in respect of a tort committed by a member of a police force engaged on service with the Organisation in the performance or purported performance of his functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) In relation to Scotland, sub-paragraph (1) shall not apply but the Organisation shall be liable in reparation in respect of a wrongful act or omission on the part of a member of a police force engaged on service with the Organisation in the performance or purported performance of his functions in like manner as a master is so liable in

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respect of any wrongful act or omission on the part of his servant in the course of the servant's employment.

### *Committees*

- 8 (1) No person who is not a member of the Organisation shall be appointed to a committee or sub-committee of the Organisation unless the Secretary of State has consented to the appointment.
- (2) Remuneration and allowances paid to members of committees and sub-committees of the Organisation who are not members of the Organisation shall be of such amounts as the Secretary of State may determine.

#### **Commencement Information**

**III1** Sch. 8 para. 8 wholly in force at 1.4.1998; Sch. 8 not in force at Royal Assent see s. 135; Sch. 8 para. 8(1) in force at 1.9.1997 by S.I. 1997/1930, art. 2; Sch. 8 para. 8 otherwise in force at 1.4.1998 by S.I. 1998/354, art. 2(1)(2)(ba)

### *Proceedings*

- 9 Subject to the provisions of this Schedule, the Organisation shall regulate its own procedure.
- 10 (1) The Organisation shall make provision for a quorum for its meetings to include at least—
- (a) one member appointed in accordance with paragraph 1(3)(a), (c) or (e);
  - (b) one member appointed in accordance with paragraph 1(3)(b), (d) or (f); and
  - (c) one member appointed in accordance with paragraph 1(3)(g).
- (2) The Organisation shall make provision for a quorum for meetings of any committee or sub-committee to include at least one member or employee of the Organisation.

#### **Commencement Information**

**III2** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent see s. 135; Sch. 8 para. 10 (except specified provisions) in force at 1.9.1997 by S.I. 1997/1930, art. 2(2)(t)

- 11 The validity of the proceedings of the Organisation (or any committee or sub-committee) shall not be affected by—
- (a) any vacancy among the members of the Organisation or in the office of chairman of the Organisation, or
  - (b) any defect in the appointment of any person as a member of the Organisation or as chairman of the Organisation.

### *Evidence*

- 12 A document purporting to be—
- (a) duly executed under the seal of the Organisation, or
  - (b) signed on behalf of the Organisation,

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shall be received in evidence and, unless the contrary is proved, deemed to be so executed or signed.

### *Money*

- 13 The Secretary of State may make payments to the Organisation out of money provided by Parliament.

VALID FROM 01/07/1999

- [<sup>F14</sup>13A(1) The Scottish Ministers may make payments to the Organisation in relation to the exercise by it of its functions in or as regards Scotland.
- (2) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under sub-paragraph (1) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.]

#### **Textual Amendments**

- F14** Sch. 8 para. 13A inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 20 para. 2(8)**; S.I. 1998/3178, **art. 3**

- 14 (1) The Organisation may impose such charges as it considers appropriate for the provision of goods and services in accordance with section 109(3) and (4).
- (2) The Organisation shall pay any sums received in the course of carrying out its functions to the Secretary of State.
- (3) Sub-paragraph (2) shall not apply where the Secretary of State, with the consent of the Treasury, so directs.
- (4) Any sums received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.
- 15 The Organisation may, for purposes related to information technology, make payments to any police authority.
- 16 (1) The Organisation shall keep proper accounts and records in relation to the accounts.
- (2) The Organisation shall prepare in respect of each financial year a statement of accounts.
- (3) The statement shall be in such form, and shall contain such information, as the Secretary of State may, with the consent of the Treasury, direct.
- (4) The Organisation shall send copies of the statement to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (5) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in accordance with this paragraph and shall lay copies of the statement and his report before each House of Parliament.



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- (6) In this paragraph “financial year” means the period of twelve months ending with 31st March; but the first financial year shall be the period beginning with the establishment of the Organisation and ending with the next 31st March.

*Annual report*

- 17 (1) As soon as possible after the end of each financial year, the Organisation shall send to the Secretary of State a report on the discharge of its functions during that year.
- (2) The Secretary of State shall lay a copy of each report before each House of Parliament.
- (3) In this paragraph, “financial year” has the same meaning as in paragraph 16.

*Status of the Organisation*

- 18 The Organisation shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Organisation shall not be regarded as property of, or property held on behalf of, the Crown.

SCHEDULE 9

Section 134(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

**Extent Information**

**E4** The amendments in Sch. 9 have the same extent as the enactments to which they refer

*Explosives Act 1875 (c. 17)*

- 1 In the Explosives Act 1875, at the end of section 75 (inspections of ships with explosives on board, etc.) (which becomes subsection (1)) there shall be added—
- “(2) In subsection (1)—
- (a) “officer of police” includes any member of the National Criminal Intelligence Service appointed under section 9(1)(b) of the Police Act 1997 (police members) and any member of the National Crime Squad appointed under section 55(1)(b) of that Act (police members), and
- (b) “chief officer of police” includes the Director General of that Service and the Director General of that Squad.”.

*Civil Defence Act 1948 (c. 5)*

- 2 In section 9 of the Civil Defence Act 1948 (interpretation etc.), after subsection (3) there shall be inserted—

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“(3A) For the purposes of this Act (other than section 3(3)) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities and the National Criminal Intelligence Service and the National Crime Squad as police forces.”.

*Public Records Act 1958 (c. 51)*

3 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 there shall be inserted at the appropriate place—

“Police Information Technology Organisation”.

*Trustee Investments Act 1961 (c. 62)*

4 In section 11 of the Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)—

(a) in paragraph (a) after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”, and

(b) after paragraph (d) there shall be added—

“(e) in any part of the United Kingdom, the Service Authority for the National Criminal Intelligence Service.”.

5 In Schedule 1, in Part II (narrower-range investments requiring advice), in paragraph 9, after sub-paragraph (d) there shall be inserted—

“(da) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

6 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (4) (persons treated as employed for purposes of that Act), after paragraph (c) there shall be added—

“(d) a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act (police members).”.

*Parliamentary Commissioner Act 1967 (c. 13)*

7 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), there shall be inserted at the appropriate place—

“Police Information Technology Organisation”.

*Police (Scotland) Act 1967 (c. 77)*

8 The Police (Scotland) Act 1967 shall be amended as follows.

9 In section 27(3) (regulations as to police cadets), after “(1A),” there shall be inserted “(2B),”.

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- 10 At the end of section 28 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—
- “(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (3) In subsection (2) of this section “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 11 In section 33 (inspectors of constabulary), in each of subsections (3) and (4), after “generally” there shall be inserted “ and the National Criminal Intelligence Service ”.
- 12 At the end of section 36 (common services) there shall be added—
- “(7) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (8) In subsection (7) of this section “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 13 In section 38 (constables engaged on central service and certain temporary service), in subsection (3A), after “service” there shall be inserted “ , or on temporary service such as is mentioned in paragraph (ba) or (bb) of the said section 38A(1), ”.

#### Commencement Information

**I13** Sch. 9 para. 13 wholly in force at 31.10.1997; Sch. 9 para. 13 not in force at Royal Assent see s. 135; Sch. 9 para. 13 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))

- 14 In section 38A (constables engaged on service outside their force)—
- (a) in subsection (1), after paragraph (b) there shall be inserted—
- “(ba) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
- (bb) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”;
- (b) in subsection (6)(a), after “(b),” there shall be inserted “ (ba) or (bb) ”.

#### Commencement Information

**I14** Sch. 9 para. 14 wholly in force at 31.10.1997; Sch. 9 para. 14 not in force at Royal Assent see s. 135; Sch. 9 para. 14 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))

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- 15 In section 39 (liability for wrongful acts of constables), in subsection (4), after “1996” there shall be inserted “ or section 23 of the Police Act 1997 ”.

*Leasehold Reform Act 1967 (c. 88)*

- 16 In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), after paragraph (bb) there shall be inserted—

“(bc) the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service;”.

*Public Expenditure and Receipts Act 1968 (c. 14)*

- 17 In section 4 of the Public Expenditure and Receipts Act 1968 (compensation to civil defence employees for loss of employment etc.) after subsection (6) (interpretation) there shall be added—

“(7) For the purposes of this section, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities.”.

*Firearms Act 1968 (c. 27)*

- 18 In section 54 of the Firearms Act 1968 (application of Act to Crown servants), in subsection (3) (which provides that members of police forces and certain employees of police authorities are deemed to be in the service of Her Majesty), at the end of paragraph (b) there shall be inserted “, or

(c) a member of the National Criminal Intelligence Service or the National Crime Squad.”.

*Post Office Act 1969 (c. 48)*

- 19 In section 7 of the Post Office Act 1969 (powers of the Post Office), in subsection (1AA), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad ”.

*Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)*

- 20 In section 3 of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(b) for “and any police authority” there shall be substituted “, any police authority, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad ”.

*Police Act (Northern Ireland) 1970 (c. 9 (N.I.))*

- 21 In section 14 of the Police Act (Northern Ireland) 1970 (liability for wrongful acts of members of the police force), in subsection (5), after “Police Act 1996” there shall be inserted “ or section 23 of the Police Act 1997 ”.

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- 22 In section 16(1) of that Act (appointment and functions of inspectors of constabulary) at the end there shall be added “and the National Criminal Intelligence Service”.

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 23 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in subsection (4), in the definition of “public body”, after “ 1996 ” there shall be inserted “ , the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service ”.

**Commencement Information**

**I15** Sch. 9 para. 23 wholly in force at 31.10.1997; Sch. 9 para. 23 not in force at Royal Assent, see s. 135; Sch. 9 para. 23 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))

*Superannuation Act 1972 (c. 11)*

- 24 The following entry shall be inserted at the appropriate place in the list of “Other Bodies” in Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply)—  
“Police Information Technology Organisation”.

*Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (NI 6)*

- 25 In Article 7 of the Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (employers exempted from insurance), after paragraph (aa) there shall be inserted—  
“(ab) the Service Authority for the National Criminal Intelligence Service;”.

*Employment Agencies Act 1973 (c. 35)*

- 26 In section 13 of the Employment Agencies Act 1973, in subsection (7) (cases in which the Act is not to apply), in paragraph (f), after “1996” there shall be inserted “ , the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad ”.

*Juries Act 1974 (c. 23)*

- 27 In Part I of Schedule 1 to the Juries Act 1974, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after the entry for civilians employed for police purposes and members of the metropolitan civil staffs there shall be inserted—

*Status: Point in time view as at 22/02/1999.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“A member of the National Criminal Intelligence Service or the National Crime Squad.

A member of the Service Authority for the National Criminal Intelligence Service; a member of the Service Authority for the National Crime Squad; a person employed by the Service Authority for the National Criminal Intelligence Service under section 13 of the Police Act 1997 or by the Service Authority for the National Crime Squad under section 58 of that Act.”

**Commencement Information**

**I16** Sch. 9 para. 27 wholly in force 1.4.1998; Sch. 9 para. 27 not in force at Royal Assent see s. 135; Sch. 9 para. 27 in force for certain purposes at 23.7.1997 by S.I. 1997/1377 art. 4; Sch. 9 para. 27 otherwise in force at 1.4.1998 by S.I. 1998/354, art. 2

*District Courts (Scotland) Act 1975 (c. 20)*

28 In subsection (2) of section 12 of the District Courts (Scotland) Act 1975 (disqualification in certain cases of justices who are members of local authorities), the following shall be inserted as the first paragraph—

“(aa) any reference to a local authority includes a reference to the Service Authority for the National Criminal Intelligence Service;”.

*House of Commons Disqualification Act 1975 (c. 24)*

29 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.

(2) In section 1(1) (disqualification of certain office holders and places), after paragraph (d) there shall be inserted—

“(da) is a member of the National Criminal Intelligence Service or the National Crime Squad;”.

(3) In Part III of Schedule 1 (disqualifying offices), there shall be inserted at the appropriate place—

“Any member of the Police Information Technology Organisation in receipt of remuneration.”.

**Commencement Information**

**I17** Sch. 9 para. 29 wholly in force at 1.4.1998; Sch. 9 para. 29 not in force at Royal Assent see s. 135; Sch. 9 para. 29(3), in force at 1.9.1997 by S.I. 1997/1930, art. 2(1)(2)(x); otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

30 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.

(2) In section 1(1) (disqualification of certain office holders and places), after paragraph (d) there shall be inserted—

“(da) is a member of the National Criminal Intelligence Service or the National Crime Squad;”.

*Status: Point in time view as at 22/02/1999.*

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(3) In Part III of Schedule 1 (disqualifying offices), there shall be inserted at the appropriate place—

“Any member of the Police Information Technology Organisation in receipt of remuneration.”.

*Sex Discrimination Act 1975 (c. 65)*

- 31 In section 17 of the Sex Discrimination Act 1975 (police), in subsection (7)—
- (a) in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—
    - “(aa) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,” and
  - (b) in the definition of “police fund” after “1996” there shall be inserted “, in relation to a chief officer of police within paragraph (aa) of that definition means the service fund established under section 16 or, as the case may be, 61 of the Police Act 1997 ”.

*Fair Employment (Northern Ireland) Act 1976 (c.25)*

- 32 In section 53 of the Fair Employment (Northern Ireland) Act 1976 (police), in subsection (6), in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—
- “(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.

*Police Pensions Act 1976 (c. 35)*

- 33 (1) Section 11 of the Police Pensions Act 1976 (interpretation) shall be amended as follows.
- (2) In subsection (2)—
- (a) the word “and” after paragraph (a) shall be omitted,
  - (b) in paragraph (b) after “it means” there shall be inserted “, subject to paragraphs (c) to (e) below, ”, and
  - (c) after paragraph (b) there shall be added—
    - “(c) in relation to service of the kind described in section 97(1)(ca) of the Police Act 1996 or section 38A(1)(ba) of the Police (Scotland) Act 1967, it means the Service Authority for the National Criminal Intelligence Service,
    - (d) in relation to service of the kind described in section 97(1)(cb) of the Police Act 1996, it means the Service Authority for the National Crime Squad, and

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- (e) in relation to service of the kind described in section 97(1)(cc) of the Police Act 1996 or section 38A(1)(bb) of the Police (Scotland) Act 1967, it means the Police Information Technology Organisation.”.

(3) In subsection (5), in the definition of “central service”—

- (a) after “within paragraph (b), (c)” there shall be inserted “, (ca), (cb), (cc)”, and
- (b) after “1967” there shall be inserted “ or means relevant service within paragraph (ba) or (bb) of section 38A(1) of the said Act of 1967 ”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

34 In each of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of drivers of private hire vehicles and hackney carriages), subsection (1A) shall be omitted.

*Race Relations Act 1976 (c. 74)*

35 In section 16 of the Race Relations Act 1976 (police), in subsection (5)—

- (a) in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—
- “(aa) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad,” and,
- (b) in the definition of “police fund” after “Act” there shall be inserted “, in relation to a chief officer of police within paragraph (aa) of that definition means the service fund established under section 16 or, as the case may be, 61 of the Police Act 1997 ”.

36 In section 71 of that Act (local authorities: general statutory duty) after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad ”.

*Sex Discrimination (Northern Ireland) Order 1976 (NI 15)*

37 In Article 19 of the Sex Discrimination (Northern Ireland) Order 1976 (police), in paragraph (6), in the definition of “chief officer of police”, after sub-paragraph (a) there shall be inserted—

- “(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.



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*Rent (Agriculture) Act 1976 (c. 80)*

- 38 In section 5 of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or to local authority, etc.), in subsection (3), in paragraph (baa), after "1996" there shall be added " , the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service ”.

**Commencement Information**

- I18** Sch. 9 para. 38 wholly in force at 31.10.1997; Sch. 9 para. 38 not in force at Royal Assent, see s. 135; Sch. 9 para. 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))

*Rent Act 1977 (c. 42)*

- 39 In section 14 of the Rent Act 1977 (landlord's interest belonging to local authority, etc.), after paragraph (caa) there shall be inserted—  
“(caaa) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

**Commencement Information**

- I19** Sch. 9 para. 39 wholly in force at 31.10.1997; Sch. 9 para. 39 not in force at Royal Assent, see s. 135; Sch. 9 para. 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))

*Justices of the Peace Act 1979 (c. 55)*

- 40 In section 64 of the Justices of the Peace Act 1979 (disqualification in certain cases of justices who are members of local authorities), in subsection (6) (definition of local authority), after "1996" there shall be inserted " , the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad ”.

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

- 41 In Part I of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after paragraph (n) there shall be inserted—  
“(na) members of the National Criminal Intelligence Service;  
(nb) members of the Service Authority for the National Criminal Intelligence Service and persons employed by that Authority under section 13 of the Police Act 1997;”.

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**Commencement Information**

**I20** Sch. 9 para. 41 wholly in force at 1.4.1998; Sch. 9 para. 41 in force for certain purposes at 23.7.1997 by S.I. 1997/1377 art. 4; Sch. 9 para. 41 otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

*Finance Act 1981 (c. 35)*

- 42 In section 107 of the Finance Act 1981 (sale of houses at discount by local authorities etc.), after subsection (3)(k) there shall be inserted—
- “(ka) the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service;”.

*Acquisition of Land Act 1981 (c. 67)*

- 43 In section 17 of the Acquisition of Land Act 1981 (compulsory purchase of local authority and statutory undertakers’ land), in subsection (4), in the definition (for the purposes of subsection (3)) of “local authority”—
- (a) in paragraph (a), after “1996” there shall be inserted “ , the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service ”; and
- (b) in paragraph (b), after “1996” there shall be inserted “ , the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service ”.

**Commencement Information**

**I21** Sch. 9 para. 43 wholly in force at 31.10.1997; Sch. 9 para. 43 not in force at Royal Assent, see s. 135; Sch. 9 para. 43 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))

*Stock Transfer Act 1982 (c. 41)*

- 44 In Schedule 1 to the Stock Transfer Act 1982 (securities that can be transferred through a computerised system), in paragraph 7(1), for “or” at the end of paragraph (ba) there shall be substituted—
- “(bb) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad; or”.

*County Courts Act 1984 (c. 28)*

- 45 In section 60 of the County Courts Act 1984 (right of audience for officer of local authority in proceedings brought by authority), in subsection (3), in the definition of “local authority”, after “1996” there shall be inserted “ , the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad ”.

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*Police and Criminal Evidence Act 1984 (c. 60)*

46 In section 5 of the Police and Criminal Evidence Act 1984 (reports of recorded searches and of road checks), after subsection (1) there shall be inserted—

“(1A) Every annual report under section 57 of the Police Act 1997 (reports by Director General of the National Crime Squad) shall contain information—

- (a) about searches recorded under section 3 above which have been carried out by members of the National Crime Squad during the period to which the report relates, and
- (b) about road checks authorised by members of the National Crime Squad during that period under section 4 above.”.

47 In section 55 (intimate searches), after subsection (14) there shall be inserted—

“(14A) Every annual report under section 57 of the Police Act 1997 (reports by Director General of the National Crime Squad) shall contain information about searches authorised under this section by members of the National Crime Squad during the period to which the report relates.”.

*Prosecution of Offences Act 1985 (c. 23)*

48 In section 3 of the Prosecution of Offences Act 1985 (functions of Director), in subsection (3), in the definition of “police force”, after “1996” there shall be inserted “, the National Crime Squad”.

*Housing Act 1985 (c. 68)*

49 In section 4 of the Housing Act 1985 (interpretation), in paragraph (e) (definition of “local authority”), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

**Commencement Information**

**I22** Sch. 9 para. 49 wholly in force at 31.10.1997; Sch. 9 para. 49 not in force at Royal Assent, see s. 135; Sch. 9 para. 49 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))

*Housing Associations Act 1985 (c. 69)*

50 In section 106 of the Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority”, after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service”.

**Commencement Information**

**I23** Sch. 9 para. 50 wholly in force at 31.10.1997; Sch. 9 para. 50 not in force at Royal Assent see s. 135; Sch. 9 para. 50 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))

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*Landlord and Tenant Act 1985 (c. 70)*

- 51 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “1996” there shall be inserted “ , the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad ”.

**Commencement Information**

**I24** Sch. 9 para. 51 wholly in force at 31.10.1997; Sch. 9 para. 51 not in force at Royal Assent, see s. 135; Sch. 9 para. 51 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))

*Landlord And Tenant Act 1987 (c. 31)*

- 52 In section 58 of the Landlord and Tenant Act 1987, in subsection (1) (definition of “exempt landlord”), in paragraph (a), after “1996” there shall be inserted “ , the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad ”.

**Commencement Information**

**I25** Sch. 9 para. 52 wholly in force at 31.10.1997; Sch. 9 para. 52 not in force at Royal Assent, see s. 135; Sch. 9 para. 52 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))

*Income and Corporation Taxes Act 1988 (c.1)*

- 53 In section 842A of the Income and Corporation Taxes Act 1988, in subsection (1)—
- (a) in paragraph (a), after “paragraph” there shall be inserted “ or the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad ”,
  - (b) in paragraph (b), after “paragraph” there shall be inserted “ or the Service Authority for the National Criminal Intelligence Service ”, and
  - (c) in paragraph (c), after “paragraph” there shall be inserted “ or the Service Authority for the National Criminal Intelligence Service ”.

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

- 54 In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (a), after sub-paragraph (i) there shall be inserted—
- “(ia) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

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### *Local Government Finance Act 1988 (c. 41)*

- 55 In section 64 of the Local Government Finance Act 1988, in subsection (7) (exclusion from Crown exemption of hereditaments of certain authorities), after paragraph (d) there shall be inserted—
- “(da) the Service Authority for the National Criminal Intelligence Service;  
(db) the Service Authority for the National Crime Squad;”.

#### **Commencement Information**

**I26** Sch. 9 para. 55 wholly in force at 31.10.1997; Sch. 9 para. 55 not in force at Royal Assent, see s. 135; Sch. 9 para. 55 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))

- 56 In section 65A (which was inserted by section 3 of the <sup>M10</sup>Local Government and Rating Act 1997 and makes provision about Crown property), in subsection (4)(b) for the words from “or by a police authority” to the end there shall be substituted “, a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”.

#### **Marginal Citations**

**M10** 1997 c. 29.

### *Housing Act 1988 (c. 50)*

- 57 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 12 (local authority tenancies, etc.), in sub-paragraph (2) (g), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

#### **Commencement Information**

**I27** Sch. 9 para. 57 wholly in force at 31.10.1997; Sch. 9 para. 57 not in force at Royal Assent see s. 135; Sch. 9 para. 57 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))

### *Road Traffic Act 1988 (c. 52)*

- 58 In section 124 of the Road Traffic Act 1988 (exemption of police instructors from prohibition imposed by section 123), in subsection (2), after “section—” there shall be inserted—
- ““chief officer of police” includes the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad;

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“police authority” includes the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;

“police force” includes the National Criminal Intelligence Service and the National Crime Squad;”.

59 In section 144 (exceptions from requirement of third-party insurance or security), after subsection (2)(b) there shall be inserted—

“(ba) to a vehicle owned by the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, at a time when it is being driven under the owner’s control, or to a vehicle at a time when it is being driven for the purposes of the body maintained by such an Authority by or under the direction of a constable, or by a person employed by such an Authority;”.

*Security Service Act 1989 (c. 5)*

60 In section 1 of the Security Service Act 1989, in subsection (4) (Security Service to act in support of police forces etc.), after “forces” there shall be inserted “, the National Criminal Intelligence Service, the National Crime Squad”.

61 In section 2 (which imposes duties on the Director General of the Security Service), in subsection (2)(c), after “forces” there shall be inserted “, the National Criminal Intelligence Service, the National Crime Squad”.

*Official Secrets Act 1989 (c. 6)*

62 In section 12 of the Official Secrets Act 1989, in subsection (1) (meaning of “Crown servant” for purposes of that Act), in paragraph (e) after “1970)” there shall be inserted “ or of the National Criminal Intelligence Service or the National Crime Squad”.

*Town and Country Planning Act 1990 (c. 8)*

63 In section 252 of the Town and Country Planning Act 1990 (procedure for making of orders relating to highways), in subsection (12), in the definition of “local authority”, after “1996” there shall be inserted “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”.

*Aviation and Maritime Security Act 1990 (c. 31)*

64 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (4)(b)—

- (a) the words “who is a member of a body of constables maintained” shall be omitted,
- (b) at the beginning of both sub-paragraph (i) and sub-paragraph (ii) there shall be inserted “ who is a member of a body of constables maintained ”, and
- (c) at the end of sub-paragraph (ii) there shall be inserted “, or

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- (iii) who is a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act.”.

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*Road Traffic Act 1991 (c. 40)*

- 65 Section 47 of the Road Traffic Act 1991 (applications for licences to drive hackney carriages etc.) shall cease to have effect.

**Commencement Information**

- I28** Sch. 9 para. 65 partly in force; Sch. 9 para. 65 not in force at Royal Assent, see s. 135(1); Sch. 9 para. 65 in force for E.W. at 1.3.2002 by S.I. 2002/413, art. 2

*Local Government Finance Act 1992 (c. 14)*

- 66 In section 19 of the Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3), for “and” at the end of paragraph (c) there shall be substituted—  
“(ca) the Service Authority for the National Criminal Intelligence Service;  
(cb) the Service Authority for the National Crime Squad;”.

**Commencement Information**

- I29** Sch. 9 para. 66 wholly in force at 31.10.1997; Sch. 9 para. 66 not in force at Royal Assent see s. 135; Sch. 9 para. 66 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))

- 67 In section 32 (calculation of budget requirement by billing authorities), after subsection (6) there shall be inserted—  
“(6A) In estimating under subsection (2)(a) above, the Common Council shall take into account the amount of any levy issued to it under section 17 or 62 of the Police Act 1997 (levies issued by the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad) for the year, but (except as provided by an order under either of those sections) shall not anticipate a levy not issued.”.

**Commencement Information**

- I30** Sch. 9 para. 67 wholly in force at 31.10.1997; Sch. 9 para. 67 not in force at Royal Assent, see s. 135; Sch. 9 para. 67 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))

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- 68 (1) Section 43 (calculation of budget requirement by major precepting authorities) shall be amended as follows.
- (2) After subsection (5) there shall be inserted—
- “(5A) In estimating under subsection (2)(a) above—
- (a) a police authority established under section 3 of the <sup>M11</sup>Police Act 1996 (authorities for areas outside London), and
- (b) the Receiver for the Metropolitan Police District,
- shall take into account the amount of any levy issued to it under section 17 or 62 of the Police Act 1997 (levies issued by the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad) for the year, but (except as provided by an order under either of those sections) shall not anticipate a levy not issued.”.
- (3) In subsection (7)(b), after “subsections (5)” there shall be inserted “ , (5A) ”.

**Commencement Information**

**I31** Sch. 9 para. 68 wholly in force at 31.10.1997; Sch. 9 para. 68 not in force at Royal Assent, see s. 135; Sch. 9 para. 68 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**

**M11** 1996 c. 16.

*Tribunals and Inquiries Act 1992 (c.53)*

- 69 (1) In section 7 of the Tribunals and Inquiries Act 1992, in subsection (2), after “36A” there shall be inserted “ (a) or (b) ”.
- 70 In Schedule 1 to that Act, in Part I, at the end of paragraph 36A (which becomes sub-paragraph (a)) there shall be inserted—

“(b) An appeals tribunal constituted in accordance with an order under section 38(2) of the Police Act 1997 (c.50) and an appeals tribunal constituted in accordance with Schedule 6 to the Police Act 1996 as applied by section 82(2) of the Police Act 1997.”.

*Criminal Appeals Act 1995 (c. 35)*

- 71 (1) Section 22 of the Criminal Appeals Act 1995 (meaning of “public body” etc.) shall be amended as follows.
- (2) In subsection (2)—



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- (a) in paragraph (a) (meaning of police force), after “Reserve” there shall be inserted “, the National Crime Squad ”,
  - (b) for paragraph (b) (meaning of “chief officer of police”) there shall be substituted—
    - “(b) references to the chief officer of police—
      - (i) in relation to the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve, are to the Chief Constable of the Constabulary,
      - (ii) in relation to the National Crime Squad, are to the Director General of the Squad, and
      - (iii) in relation to any other police force maintained otherwise than by a police authority, are to the chief constable,”
  - (c) in paragraph (c) for “or the City of London police force” there shall be substituted “, the City of London police force or the National Crime Squad ”, and
  - (d) after paragraph (c) there shall be added—
    - “(d) “police authority” includes the Service Authority for the National Crime Squad, and
    - (e) references to a person serving in a police force or to a member of a police force, in relation to the National Crime Squad, mean a police member of that Squad appointed under section 55(1)(b) of the Police Act 1997.”.
- (3) In subsection (4) (meaning of “appropriate person”), after paragraph (a) there shall be inserted—
  - “(aa) in relation to the National Criminal Intelligence Service, the Director General of that Service,”.

*Police Act 1996 (c. 16)*

72 The Police Act 1996 shall be amended as follows.

**Commencement Information**

**I32** Sch. 9 para. 72 wholly in force at 31.10.1997; Sch. 9 para. 72 not in force at Royal Assent see s. 135; Sch. 9 para 72 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))

73 At the end of section 23 (collaboration agreements) there shall be added—

- “(8) For the purposes of this section, the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad shall be treated as if they were a police authority, the police force maintained by that authority and the chief officer of police of that force respectively, and the reference in subsection (1) to “police functions” shall include the functions of that Squad.”.

*Status: Point in time view as at 22/02/1999.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

**I33** Sch. 9 para. 73 wholly in force at 31.10.1997; Sch. 9 para. 73 not in force at Royal Assent see s. 135; Sch. 9 para. 73 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))

- 74 At the end of section 24 (mutual aid) there shall be added—
- “(5) This section shall apply in relation to the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad as it applies to a police authority, a police force and a chief officer of police respectively, and accordingly the reference in subsection (3) to section 10(1) shall be construed, in a case where constables are provided by the Director General of the National Crime Squad, as including a reference to section 56(1) of the Police Act 1997.”.
- 75 At the end of section 53 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—
- “(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (3) In subsection (2) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 76 In section 54 (appointment and functions of inspectors of constabulary), at the end of subsection (2) there shall be added “ and the National Criminal Intelligence Service and the National Crime Squad ”.
- 77 In section 55 (publication of reports), after subsection (6) there shall be added—
- “(7) Subsections (3) to (6) above shall apply in relation to a report relating to the National Criminal Intelligence Service or the National Crime Squad as if—
- (a) the body to which the report relates were a police force,
- (b) the Service Authority which maintains that body were the police authority which maintains that force, and
- (c) the Director General of that body were the chief officer of police of that force.”.
- 78 (1) Section 57 (common services) shall be amended as follows.
- (2) After subsection (3) there shall be inserted—
- “(3A) Regulations under this section relating to all police forces may also require the National Crime Squad to use the specified facilities or services, or the facilities or services of a specified description, if the Secretary of State considers that it would be in the interests of the efficiency or effectiveness of the Squad for the Squad to do so.”.
- (3) In subsection (4), at the end of paragraph (b) there shall be added “, and
- (c) if the regulations relate to the National Crime Squad, the Service Authority for the National Crime Squad and the Director General of that Squad.”.

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- (4) After subsection (4) there shall be added—
- “(5) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (6) In subsection (5) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 79 In section 59 (Police Federations), after subsection (7) there shall be added—
- “(8) For the purposes of subsection (1)—
- (a) the Director General of the National Criminal Intelligence Service and persons within section 9(2)(a) of the Police Act 1997 (former members of police forces) appointed as police members of the National Criminal Intelligence Service, and
- (b) the Director General of the National Crime Squad and persons within section 55(2)(a) of that Act (former members of police forces) appointed as police members of the National Crime Squad, shall be treated as members of a police force in England and Wales, and references in this section to police service shall be construed accordingly.”.
- 80 In section 60 (regulations for police federations), after subsection (2) there shall be inserted—
- “(2A) For the purposes of paragraphs (c) and (d) of subsection (2)—
- (a) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities, and
- (b) the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad shall be treated as chief officers of police,
- and the reference in paragraph (d) of that subsection to “police purposes” shall be construed accordingly.”.
- 81 In section 61 (Police Negotiating Board for the United Kingdom), in subsection (1)
- 
- (a) after paragraph (a), there shall be inserted—
- “(aa) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;”, and
- (b) after paragraph (b) there shall be inserted—
- “(ba) the persons who are members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act;”.

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#### Commencement Information

**I34** Sch. 9 para. 81 wholly in force at 31.10.1997; Sch. 9 para. 81 not in force at Royal Assent see s. 135; Sch. 9 para. 81 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))

- 82 (1) Section 62 (functions of Police Negotiating Board) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) Before determining the terms and conditions on which a person is to be appointed under section 6, 9(1)(b), 52 or 55(1)(b) of the Police Act 1997, the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendation made by the Board.”.
- (3) In subsection (2), after “subsection (1)” there shall be inserted “ or (1A) ”.
- 83 (1) Section 63 (Police Advisory Boards) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting—
- (a) members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the <sup>M12</sup>Police Act 1997 (other than members engaged with that Service on a period of temporary service to which section 38A(1)(ba) of the <sup>M13</sup>Police (Scotland) Act 1967 or section 21 of the Police Act (Northern Ireland) 1970 applies), or
- (b) members of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997.
- (1B) The Police Advisory Board for Scotland shall also advise the Secretary of State on general questions affecting members of the National Criminal Intelligence Service engaged on periods of temporary service to which section 38A(1)(ba) of the Police (Scotland) Act 1967 applies.”.
- (3) In subsection (3), at the end of paragraph (b) there shall be inserted “, or
- (c) regulations under section 37, 39, 81 or 83 of the Police Act 1997,”.

#### Marginal Citations

**M12** 1967 c. 77.

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

- 84 In section 64 (membership of trade unions), after subsection (4) there shall be inserted—
- “(4A) This section applies to members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act (police

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members) as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.

(4B) In its application by virtue of subsection (4A), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad.”.

85 In section 88 (liability for wrongful acts of constables), in subsection (5)(b), after “or 98” there shall be inserted “ of this Act or section 23 of the Police Act 1997 ”.

86 (1) Section 97 (police officers engaged on service outside their force) shall be amended as follows.

(2) In subsection (1), after paragraph (c) there shall be inserted—

- “(ca) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
- (cb) temporary service with the National Crime Squad on which a person is engaged with the consent of the appropriate authority;
- (cc) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”.

(3) In subsection (6)(a) after “(c),” there shall be inserted “ (ca), (cb), (cc), ”

(4) In subsection (8) after “(c)” there shall be inserted “ , (ca), (cb), (cc), ”.

#### Commencement Information

**I35** Sch. 9 para. 86 wholly in force at 31.10.1997; Sch. 9 para. 86 not in force at Royal Assent see s. 135; Sch. 9 para. 86 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))

87 (1) Section 98 (cross-border aid) shall be amended as follows.

(2) In subsection (2)—

- (i) after “Constabulary”, in the first place it occurs, there shall be inserted “ or the Director General of the National Crime Squad ”, and
- (ii) after “Constabulary”, in the second place it occurs there shall be inserted “ or the National Crime Squad ”.

(3) In subsection (3)—

- (i) after “Scotland” there shall be inserted “ or the Director General of the National Crime Squad ”, and
- (ii) after “Scottish force” there shall be inserted “ or the National Crime Squad ”.

(4) After subsection (3) there shall be inserted—

“(3A) The Director General of the National Crime Squad may, on the application of the chief officer of a police force in Scotland or the Chief Constable of the Royal Ulster Constabulary, provide constables or other assistance for the

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purpose of enabling the Scottish force or the Royal Ulster Constabulary to meet any special demand on its resources.”.

(5) In subsection (4)—

- (a) in paragraph (a) after “force” there shall be inserted “ or the National Crime Squad ”,
- (b) in paragraph (b), for “or (3)” there shall be substituted “ , (3) or (3A) ”, and
- (c) after “Constabulary” there shall be inserted “ or the Director General of the National Crime Squad ”.

(6) In subsection (5)—

- (a) after “force” in the first place it occurs there shall be inserted “ or the National Crime Squad ”,
- (b) after “Constabulary” in the first place it occurs there shall be inserted “ or the National Crime Squad ”, and
- (c) after “Constabulary” in the second place it occurs there shall be inserted “ or the Director General of the National Crime Squad ”.

(7) After subsection (6) there shall be inserted—

“(6A) For the purposes of subsection (6), the Service Authority for the National Crime Squad shall be treated as a police authority and the National Crime Squad as the police force maintained by it.”.

*Employment Rights Act 1996 (c. 18)*

88 In section 50 of the Employment Rights Act 1996 (right to time off for public duties), in subsection (2), after paragraph (c) there shall be inserted—

“(ca) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad.”.

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

89 In section 3 of the Housing Grants, Construction and Regeneration Act 1996 (persons ineligible for grant under Chapter I of Part I of that Act), in subsection (2), for paragraph (g) there shall be substituted—

“(g) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

90 In section 64, in subsection (7) (persons ineligible to participate in group repair schemes as assisted participants), for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Juries (Northern Ireland) Order 1996 (NI 6)*

91 In Schedule 2 to the Juries (Northern Ireland) Order 1996 (persons ineligible for jury service), after the entry for members and staff of the Police Authority for Northern Ireland there shall be inserted—

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“Members of the National Criminal Intelligence Service, members of the Service Authority for the National Criminal Intelligence Service and persons employed by the Authority.”.

#### Commencement Information

**I36** Sch. 9 para. 91 wholly in force at 31.10.1997; Sch. 9 para. 91 not in force at Royal Assent see s. 135; Sch. 9 para. 91 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))

#### *Justices of the Peace Act 1997 (c.25)*

92 In section 66 of the Justices of the Peace Act 1997, in subsection (7), after paragraph (b) there shall be inserted—

- “(ba) the Service Authority for the National Criminal Intelligence Service;
- (bb) the Service Authority for the National Crime Squad;”.

## SCHEDULE 10

Section 134(2).

### REPEALS

#### Extent Information

**E5** The repeals in Sch. 10 have the same extent as the enactments to which they refer.

#### Commencement Information

**I37** Sch. 10 partly in force; Sch. 10 not in force at Royal Assent see s. 135(1); Sch. 10 in force for certain purposes at: 1.4.1998 by S.I. 1998/354, art. 2(2)(ay)(bc); 1.3.2002 for E.W. by S.I. 2002/413, art. 2

Chapter	Short title	Extent of repeal
1967 c. 77.	Police (Scotland) Act 1967.	In section 39(4), the word “or” in the third place where it occurs.
1967 c. 88.	Leasehold Reform Act 1967.	In section 28(5)(a), the word “and” in the second place where it occurs.
1972 c. 70.	Local Government Act 1972.	In section 146A(1A), the word “not”. In section 223(2), the word “and”.
1976 c. 35.	Police Pensions Act 1976.	After section 11(2)(a), the word “and”.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	Sections 51(1A) and 59(1A).

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1986 c. 60.	Financial Services Act 1986.	Section 189. Schedule 14.
1987 c. 22.	Banking Act 1987.	Section 95.
1989 c. 5.	Security Service Act 1989.	Section 2(3B).
1990 c. 31.	Aviation and Maritime Security Act 1990.	In section 22(4)(b), the words “who is a member of a body of constables maintained”.
1991 c. 40.	Road Traffic Act 1991.	Section 47.
1993 c. 21.	Osteopaths Act 1993.	Section 39.
1993 c. 39.	National Lottery etc. Act 1993.	Section 19.
1994 c. 17.	Chiropractors Act 1994.	Section 40.
1995 c. 25.	Environment Act 1995.	In Schedule 22, paragraph 17(a).
1996 c. 16.	Police Act 1996.	In section 62(1), at the end of paragraph (b) the word “or”. In section 98(4), the word “or” in the sixth place it occurs.
1996 c. 35.	Security Service Act 1996.	Section 1(3).

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