
Status: Point in time view as at 01/04/2003.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 108

THE SERVICE AUTHORITIES FOR NCIS AND NCS

PART 1

CORE MEMBERS

- 1 Part 1 of Schedule 1 to the 1997 Act (appointment of core members of the Service Authorities) shall be amended in accordance with this Part.
- 2 In paragraph 1 (number of core members), for “ten” there shall be substituted “ eight ”.
- 3 In paragraph 2 (three core members to be appointed by Secretary of State)—
 - (a) in sub-paragraph (1), for “Three” there shall be substituted “ At least three, and not more than four, ”;
 - (b) in sub-paragraph (2)(c), the words “local authority” shall be omitted; and
 - (c) in sub-paragraph (4) the words “in relation to the NCIS Service Authority” shall be omitted.
- 4 In paragraph 3 (two core members to be chief officers of police forces in England and Wales etc.)—
 - (a) in sub-paragraph (1) for “Two” there shall be substituted “ One ”; and
 - (b) sub-paragraph (2) shall be omitted.
- 5 In paragraph 4 (four core members to be local authority members of police authorities)—
 - (a) in sub-paragraph (1)—
 - (i) for “Four” there shall be substituted “ One ”; and
 - (ii) the words “local authority” shall be omitted; and
 - (b) sub-paragraph (2) shall be omitted.
- 6 For paragraph 6 (one core member to be Crown servant appointed by Secretary of State) there shall be substituted—

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- “6 (1) The relevant number of core members shall be Crown servants appointed by the Secretary of State under this paragraph.
- (2) For this purpose “the relevant number” means—
- (a) if three core members are appointed under paragraph 2, two, and
 - (b) if four core members are so appointed, one.”

7 After paragraph 6 (and immediately before the new paragraph 6B inserted by section 104 of this Act) there shall be inserted—

- “6A One of the core members shall be a customs officer appointed by the Commissioners of Customs and Excise under this paragraph.”

PART 2

OTHER MEMBERS OF NCIS SERVICE AUTHORITY

8 In Part 2 of Schedule 1 to the 1997 Act (appointment of additional members of NCIS Service Authority), for paragraph 7 (appointment of other members where Authority has 19 members) there shall be substituted—

- “7 Where the NCIS Service Authority is to consist of eleven members by virtue of section 1, then in addition to the eight core members—
- (a) one of the members shall be a person appointed under this paragraph in accordance with paragraph 7A,
 - (b) one shall be a person appointed under this paragraph in accordance with paragraph 7B, and
 - (c) one shall be a member of the Security Service appointed by the Secretary of State under this paragraph.

- 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.
- 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.”
- 9
- (1) Paragraph 8 of that Part (appointment of other members where Authority has more than 19 members) shall be amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) for “nineteen” there shall be substituted “ eleven ”;
 - (b) for “ten” there shall be substituted “ eight ”;
 - (c) in paragraph (d), for “one shall be a person” there shall be substituted “ a prescribed number shall be persons ”;
 - (d) in paragraph (e), the words “(being not less than two)” and “local authority” shall be omitted;
 - (e) for paragraph (h) there shall be substituted—
 - “(h) a prescribed number shall be Crown servants appointed by the Secretary of State under this paragraph;
 - (ha) a prescribed number shall be Crown servants appointed by the Scottish Ministers under this paragraph; and”;
- and
- (f) in paragraph (i), for “one shall be a customs officer” there shall be substituted “ a prescribed number shall be customs officers ”.
- (3) Sub-paragraph (2) shall be omitted.
 - (4) In sub-paragraph (5), after “paragraph” there shall be inserted “ ; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1) ”.

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PART 3

OTHER MEMBERS OF NCS SERVICE AUTHORITY

- 10 (1) In Part 3 of Schedule 1 to the 1997 Act (appointment of additional members of NCS Service Authority), the existing paragraph 9 (appointment of other members where Authority has 17 members) shall become sub-paragraph (1) of that paragraph.
- (2) In that sub-paragraph—
- (a) for “seventeen” there shall be substituted “ eleven ”;
 - (b) for “ten” there shall be substituted “ eight ”;
 - (c) in paragraph (b)—
 - (i) for “six” there shall be substituted “ one ”; and
 - (ii) the words “local authority” shall be omitted; and
 - (d) after that paragraph there shall be inserted “; and
 (c) one shall be appointed by the Secretary of State.”
- (3) After that sub-paragraph there shall be inserted—
- “(2) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)
 (c) as it applies to appointments under paragraph 2.”
- 11 In paragraph 10 of that Part (appointment of other members where Authority has more than 17 members)—
- (a) in sub-paragraph (1)—
 - (i) for “seventeen” there shall be substituted “ eleven ”; and
 - (ii) for “ten” there shall be substituted “ eight ”;
 - (b) in paragraph (c) of that sub-paragraph the words “(being not less than six)” and “local authority” shall be omitted;
 - (c) sub-paragraph (2) shall be omitted; and
 - (d) in sub-paragraph (5), after “paragraph” there shall be inserted “ ; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1) ”.

PART 4

GENERAL

- 12 In Part 4 of Schedule 1 to the 1997 Act (general provisions relating to the Service Authorities), paragraph 12 (local authority members to reflect balance of political parties) shall be omitted.
- 13 In paragraph 13 of that Part (clerk to Service Authority to facilitate appointment of certain members), in sub-paragraph (a), the words “local authority” shall be omitted.

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- 14 Paragraph 14 of that Part (meaning of “local authority members of police authorities”) shall be omitted.

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