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Police Act 1997

1997 CHAPTER 50

PART I

THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

Central supervision and direction

[^{F1}25] **General duty of the Secretary of State and the Scottish Ministers**

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

Textual Amendments

F1 S. 25 substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(11)**; S.I. 1998/3178, art. 3

26 Setting of objectives.

- (1) The Secretary of State may by order determine objectives for NCIS.
- (2) Before making an order under this section, the Secretary of State shall consult—
 - (a) the NCIS Service Authority,
 - (b) the Director General of NCIS,
 - (c) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
 - (d) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, the chief constables of police forces in Scotland and the Chief Constable of the Royal Ulster Constabulary,
 - (e) the NCS Service Authority,

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- (f) the Director General of the National Crime Squad, ^{F2} . . .
- (g) the Commissioners of Customs and Excise.

[^{F3}and

- (h) the Scottish Ministers.]

- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

Textual Amendments

- F2** Word in s. 26(2)(f) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(12)(a)**; S.I.1998/3178, **art. 3**
- F3** S. 26(2)(h) and the preceding word inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(12)(b)**; S.I.1998/3178, **art. 3**

27 Setting of performance targets.

- (1) Where an objective has been determined under section 26, the Secretary of State [^{F4}, after consultation with the Scottish Ministers,] may direct the NCIS Service Authority to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.
- (2) A direction given under this section may impose conditions with which the performance targets must conform.
- (3) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

Textual Amendments

- F4** Words in s. 27(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(13)**; S.I. 1998/3178, **art. 3**

28 Codes of practice.

- (1) The Secretary of State may [^{F5}, after consultation with the Scottish Ministers,] issue codes of practice relating to the discharge by the NCIS Service Authority of its functions.
 - (2) The Secretary of State [^{F5}, after consultation with the Scottish Ministers,] may from time to time revise the whole or part of any code of practice issued under this section.
 - (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.
- [^{F6}(4) The Secretary of State shall forthwith provide the Scottish Ministers with a copy of any code of practice, and of any revision of a code of practice, issued by him under this section and the Scottish Ministers shall lay any such copy before the Scottish Parliament.]

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Textual Amendments

- F5** Words in s. 28(1)(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(14)(a)(b)**; S.I. 1998/3178, **art. 3**
- F6** S. 28(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(14)(c)**; S.I. 1998/3178, **art. 3**

Commencement Information

- I1** S. 28 wholly in force at 31.10.1997; s. 28 not in force at Royal Assent, see s. 135; s. 28 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with arts. 3-7 (of which arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

VALID FROM 01/10/2002

[^{F7}28A Codes of practice for Director General of NCIS

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

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(c) could jeopardise the safety of any person.

(8) In discharging any function to which a code of practice under this section relates, the Director General of NCIS shall have regard to the code.]

Textual Amendments

F7 S. 28A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 2\(1\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

VALID FROM 01/04/2002

29 Removal of Director General etc.

[^{F8}(1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the Secretary of State may—

- (a) call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness, or
- (b) require the NCIS Service Authority to exercise its power under section 9A to call upon a member of NCIS (other than a member to which subsection (2) of that section applies) to retire in the interests of efficiency or effectiveness.

(2) Before exercising his powers under subsection (1)(a) in relation to the Director General, or under subsection (1)(b) in relation to any other member, the Secretary of State shall—

- (a) give the person concerned an opportunity to make representations,
- (b) consider any representations that he makes, and
- (c) consult the Scottish Ministers.

(3) Where representations are made under subsection (2), the Secretary of State may, and in a case where he proposes to exercise his power under subsection (1)(a) or (b) shall, appoint one or more persons to hold an inquiry and report to him.]

(4) The Secretary of State shall take account of any report made under subsection (3).

(5) The person appointed under subsection (3) (or, in a case where more than one person is so appointed, at least one of the persons so appointed) shall not be an officer of police, of a Government department [^{F9}of the Scottish Administration,], of NCIS or of the National Crime Squad.

(6) The costs incurred by a relevant person in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the NCIS service fund.

[^{F10}(7) A Director General who is called upon to retire under subsection (1)(a) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between the Director General and the Secretary of State.]

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Textual Amendments

- F8** S. 29(1)-(3) substituted (1.4.2002) by 2001 c. 16, s. 118(1); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F9** Words in s. 29(5) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(15)(b)**; S.I. 1998/3178, **art. 3**
- F10** S. 29(7) inserted (1.4.2002) by 2001 c. 16, s. 118(2); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)

30 Power to give directions after adverse report.

(1) The Secretary of State may at any time—

(a) require the inspectors of constabulary appointed under section 54 of the ^{M1}Police Act 1996 to carry out an inspection of NCIS under that section,

^{F11}(b)

(c) require the inspectors of constabulary appointed under [^{F12}section 41 of the ^{M2}Police (Northern Ireland) Act 1998] to carry out an inspection of NCIS under that section.

[^{F13}(1A) The Scottish Ministers may at any time require the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 to carry out an inspection of NCIS under that section.]

(2) Where a report made to the Secretary of State on an inspection carried out in accordance with this section states—

(a) that, in the opinion of the person making the report, NCIS is not efficient or not effective, or

(b) that in his opinion, unless remedial measures are taken, NCIS will cease to be efficient or will cease to be effective,

the Secretary of State [^{F14}after consultation with the Scottish Ministers] may direct the NCIS Service Authority to take such measures as may be specified in the direction.

[^{F15}(3) Where a report made to the Scottish Ministers carried out in accordance with this section states—

(a) that, in the opinion of the person making the report, NCIS is not efficient or not effective; or

(b) that in his opinion, unless remedial measures are taken, NCIS will cease to be efficient or will cease to be effective,

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

Textual Amendments

- F11** S. 30(1)(b) repealed (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(a)**; S.I. 1998/3178, **art. 3**
- F12** Words in s. 30(1)(c) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(7)**; S.R.1999/176, **art. 3**
- F13** S. 30(1A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(b)**; S.I. 1998/3178, **art. 3**
- F14** Words in s. 30(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(c)**; S.I. 1998/3178, **art. 3**

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F15 S. 30(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(16)(d)**; S.I. 1998/3178, **art. 3**

Marginal Citations

M1 1996 c. 16.
M2 1970 c. 9 (N.I.).

31 Reports from NCIS Service Authority.

- (1) The Secretary of State may [^{F16}, after consultation with the Scottish Ministers,] require the NCIS Service Authority to submit to him a report on such matters connected with the discharge of the Authority's functions, or otherwise with the activities of NCIS, as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

Textual Amendments

F16 Words in s. 31(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(17)**; S.I. 1998/3178, **art. 3**

VALID FROM 01/10/2002

[^{F17}31A Power to give directions as to action plans

- (1) This section applies where an inspection report made to the Secretary of State states —
 - (a) that, in the opinion of the person making the report, the whole or any part of NCIS is, whether generally or in particular respects, not efficient or not effective; or
 - (b) that, in that person's opinion, the whole or a part of NCIS will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may, after consultation with the Scottish Ministers, direct the NCIS Service Authority to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the NCIS Service Authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If the NCIS Service Authority is directed to submit an action plan, that authority shall direct the Director General of NCIS to prepare a draft of it and to submit it to the NCIS Service Authority for that authority to consider.

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- (5) The NCIS Service Authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the NCIS Service Authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the Director General of NCIS.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the NCIS Service Authority and the Director General of NCIS of that opinion and of his reasons for it.
- (8) In forming an opinion for the purposes of subsection (7), the Secretary of State must consult with the Scottish Ministers.
- (9) If the NCIS Service Authority is notified under subsection (7) —
 - (a) it shall consider, after consultation with the Director General of NCIS about the matters notified, whether to revise the action plan in the light of those matters; and
 - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (10) On giving a direction under this section to the NCIS Service Authority, the Secretary of State shall notify the Director General of NCIS that he has given that direction.
- (11) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.
- (12) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
 - (a) provision setting out the steps that the NCIS Service Authority proposes should be taken in respect of the matters to which the direction relates and the performance targets the authority proposes should be met;
 - (b) provision setting out that Authority's proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan's implementation is to be measured;
 - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
 - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
 - (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.
- (13) Nothing in this section shall authorise the Secretary of State or the NCIS Service Authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (14) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to

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the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.

- (15) The NCIS Service Authority shall comply with any direction given to it under this section.
- (16) The Director General of NCIS shall comply with any direction given to him under this section.
- (17) If the Secretary of State exercises his power to give a direction under this section—
- (a) he shall prepare a report on his exercise of that power;
 - (b) he shall lay a copy of that report before Parliament; and
 - (c) he shall send a copy of that report to the Scottish Ministers.
- (18) The Scottish Ministers shall lay any copy of a report sent to them under subsection (17) before the Scottish Parliament.
- (19) A report under subsection (17)—
- (a) shall be prepared at such time as the Secretary of State considers appropriate; and
 - (b) may relate to more than one exercise of the power mentioned in that subsection.
- (20) In this section “an inspection report” means a report under section 54 of the Police Act 1996 (c. 16), section 33 of the Police (Scotland) Act 1967 (c. 77) or section 41 of the Police (Northern Ireland) Act 1998 (c. 32).
- (21) Nothing in this section or in section 30 prevents the Secretary of State in the case of the same inspection report from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under that section.]

Textual Amendments

F17 S. 31A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 4\(1\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

VALID FROM 01/10/2002

^{F18}**31B Procedure for giving directions by the Secretary of State**

- (1) The Secretary of State shall not give a direction under section 30 or 31A unless—
- (a) the NCIS Service Authority and the Director General of NCIS have each been given such information about the Secretary of State’s grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) the NCIS Service Authority and the Director General of NCIS have each been given an opportunity of making representations about those grounds;

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

Textual Amendments

F18 Ss. 31B, 31C inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 5\(1\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

VALID FROM 01/10/2002

31C Procedure for giving directions by the Scottish Ministers

- (1) The Scottish Ministers shall not give a direction under section 30 unless—
- (a) the NCIS Service Authority and the Director General of NCIS have each been given such information about the Scottish Ministers' grounds for proposing to give that direction as they consider appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) the NCIS Service Authority and the Director General of NCIS have each been given an opportunity of making representations about those grounds;
 - (c) the NCIS Service Authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and

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- (d) the Scottish Ministers have considered any such representations and any such proposals.
- (2) The Scottish Ministers may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction by them under section 30.
- (3) Before making any regulations under this section, the Scottish Ministers shall consult with—
- (a) the Secretary of State;
 - (b) the NCIS Service Authority;
 - (c) the Director General of NCIS;
 - (d) persons whom they consider to represent the interests of police authorities in Scotland;
 - (e) persons whom they consider to represent the interests of chief constables of police forces in Scotland; and
 - (f) such other persons as they think fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Scottish Parliament.]

Textual Amendments

F18 Ss. 31B, 31C inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 5\(1\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

32 Reports from Director General.

- (1) The Secretary of State may [^{F19}, after consultation with the Scottish Ministers,] require the Director General of NCIS to submit to him a report on such matters connected with the activities of NCIS as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Director General to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) The Director General shall, as soon as possible after the end of each financial year, submit to the Secretary of State [^{F20}and to the Scottish Ministers] the like report as is required by section 11 to be submitted to the NCIS Service Authority.

Textual Amendments

F19 Words in s. 32(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, [Sch. 18 Pt. II para. 2\(18\)\(a\)](#); S.I. 1998/3178, [art. 3](#)

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F20 Words in s. 32(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(18)(b)**; S.I. 1998/3178, **art. 3**

33 Criminal statistics.

- (1) The Director General of NCIS shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime as the Secretary of State may require.
- [^{F21}(1A) Before making any direction or requirement under subsection (1), the Secretary of State shall consult the Scottish Ministers.
- ^{F21}(1B) The Director General of NCIS shall send to the Scottish Ministers a copy of any particulars which he transmits under subsection (1).]
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.
- [^{F22}(3) The Scottish Ministers shall cause a consolidated and classified abstract of the information which has been received by them under this section to be prepared and laid before the Scottish Parliament.]

Textual Amendments

- F21** S. 33(1A)(1B) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(19)(a)**; S.I. 1998/3178, **art. 3**
- F22** S. 33(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(19)(b)**; S.I. 1998/3178, **art. 3**

34 Inquiries.

- (1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with NCIS.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) For the purposes of an inquiry under this section, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths.
- (4) No person shall be required, in obedience to a summons under subsection (3), to attend to give evidence or to produce any documents, unless the necessary expenses of his attendance are paid or tendered to him.
- (5) Nothing in subsection (3) shall empower a person holding an inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of the NCIS Service Authority.

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- (6) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.
- (7) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (8) The Secretary of State may direct that the whole or part of the costs (or, in relation to any inquiry held in Scotland, the expenses) incurred by any person for the purposes of an inquiry held under this section shall be defrayed out of the NCIS service fund; and any costs (or expenses) payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.
- [^{F23}(9) Before exercising any power conferred on him by subsection (1), (7) or (8), the Secretary of State shall consult the Scottish Ministers.]

Textual Amendments

F23 S. 34(9) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(20)**; S.I. 1998/3178, **art. 3**

VALID FROM 01/10/2002

[^{F24}34A Regulations for NCIS

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government and administration of NCIS and conditions of service with NCIS.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
- (a) the ranks to be held by police members of NCIS;
 - (b) the promotion of police members of NCIS;
 - (c) voluntary retirement of police members of NCIS;
 - (d) the efficiency and effectiveness of police members of NCIS;
 - (e) the suspension of police members of NCIS from membership of NCIS and from their office as constable;
 - (f) the maintenance of personal records of members of NCIS;
 - (g) the duties which are or are not to be performed by police members of NCIS;
 - (h) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996;
 - (i) the hours of duty, leave, pay and allowances of police members of NCIS; and
 - (j) the issue, use and return of—
 - (i) personal equipment and accoutrements; and

Status: Point in time view as at 26/03/2001. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Police Act 1997, Cross Heading: Central supervision and direction is up to date with all changes known to be in force on or before 25 August 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)

(ii) police clothing.

- (3) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (4) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- (5) Regulations under this section may make different provision for different cases and circumstances.
- (6) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Before making any regulations under this section, the Secretary of State shall consult the Scottish Ministers.]

Textual Amendments

F24 S. 34A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 88\(1\)](#); S.I. 2002/2306, [art. 2\(f\)\(iv\)](#)

35 Regulations as to standard of equipment.

The Secretary of State may [^{F25}, after consultation with the Scottish Ministers,] make regulations requiring equipment provided or used for the purposes of NCIS to satisfy such requirements as to design and performance as may be prescribed in the regulations.

Textual Amendments

F25 Words in s. 35 inserted (1.7.1999) by S.I. 1999/1747, [arts. 1, 3](#), [Sch. 18 Pt. II para. 2\(21\)](#); S.I. 1998/3178, [art. 3](#)

36 Common services.

- (1) The Secretary of State may, by regulations, make provision for requiring NCIS and—
 - (a) all police forces in England and Wales, or
 - (b) all police forces in Scotland, or
 - (c) the Royal Ulster Constabulary, or
 - (d) the National Crime Squad,to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under section 57(1) of the ^{M3}Police Act 1996 or section 36 of the ^{M4}Police (Scotland) Act 1967) if he considers that it would be in the interests of efficiency or effectiveness for them to do so.
- (2) Before making regulations under this section the Secretary of State shall consult the NCIS Service Authority and the Director General of NCIS and—

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- (a) where the regulations relate to police forces in England and Wales, persons whom the Secretary of State considers to represent the interests of police authorities for areas in England and Wales and persons whom he considers to represent the interests of chief officers of police of police forces there,
- (b) where the regulations relate to police forces in Scotland, persons whom the Secretary of State considers to represent the interests of police authorities for areas in Scotland and persons whom he considers to represent the interests of chief constables of police forces there,
- (c) where the regulations relate to the Royal Ulster Constabulary, the Police Authority for Northern Ireland and the Chief Constable of the Royal Ulster Constabulary, and
- (d) where the regulations relate to the National Crime Squad, the NCS Service Authority and the Director General of the National Crime Squad.

[^{F26}(3) Before making regulations under this section which would relate to police forces in Scotland, the Secretary of State shall obtain the consent of the Scottish Ministers.]

Textual Amendments

F26 S. 36(3) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(22)**; S.I. 1998/3178, **art. 3**

Marginal Citations

M3 1996 c. 16.

M4 1967 c. 77.

Status:

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Changes to legislation:

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