



Police Act 1997

1997 CHAPTER 50

PART I

THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

Director General and other members

6 Appointment of Director General.

- (1) NCIS shall have a Director General appointed by the ^[F1]Secretary of State] on such terms and conditions as ^[F2]he] considers appropriate.
- ^[F3](1A) The NCIS Service Authority shall pay to the Director General such remuneration and allowances as the Secretary of State may determine.]
- (2) The Director General shall be chosen by ^[F4]the Secretary of State] from a ^[F5]shortlist] which has been prepared by ^[F6]a panel of members of the NCIS Service Authority] and approved by the Secretary of State ^{F7} . . .
- ^[F8](2A) Where an appointment falls to be made under this section and a list has been approved by the Secretary of State for the purposes of subsection (2), the panel mentioned in that subsection may make, to the Secretary of State, such recommendations as it thinks fit.
- ^{F8}(2B) Before making an appointment under this section, the Secretary of State shall—
 - (a) have regard to any recommendations made to him under subsection (2A), and
 - (b) consult the Scottish Ministers.]
- (3) ^{F9}
- (4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCIS Service Authority and shall consist only of members of that Authority appointed—
 - (a) by the Secretary of State ^{F10} . . . , or
 - (b) by ^{F11} . . . members of police authorities for areas in England and Wales ^{F11} . . . , members of police authorities for areas in Scotland or members of the ^[F12]Northern Ireland Policing Board].

Status: Point in time view as at 01/04/2003.

Changes to legislation: Police Act 1997, Cross Heading: Director General and other members is up to date with all changes known to be in force on or before 28 July 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)

- (5) The Director General shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4 to the Police Act 1996 before a justice of the peace^{F13} . . . in England and Wales.
- [^{F14}(5A) The Director General shall not be attested as a constable under subsection (5) if—
- (a) he was not a serving police officer immediately before his appointment as Director General took effect; or
 - (b) he had already been attested as a constable in England and Wales and still held that office immediately before his appointment took effect.]
- (6) Without prejudice to any other enactment conferring powers on constables for particular purposes, the Director General [^{F15}, except in a case where he was not a serving police officer immediately before his appointment took effect,] shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- (7) The Director General [^{F16}, except in a case where he was not a serving police officer immediately before his appointment took effect,] shall hold the rank of chief constable.
- (8) In subsection (6)—
- “powers” includes powers under any enactment, whenever passed or made;
- “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;
- and that subsection, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.
- [^{F17}(9) In this section “serving police officer” means a person who—
- (a) is a member of a relevant police force;
 - (b) is engaged on relevant service, within the meaning of section 97 of the Police Act 1996 (c. 16); or
 - (c) without being so engaged, is a police member of NCIS or a police member of the National Crime Squad.
- (10) In subsection (9) “relevant police force” means—
- (a) a police force maintained under section 2 of the Police Act 1996;
 - (b) the metropolitan police force;
 - (c) the City of London police force;
 - (d) a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77);
 - (e) the Police Service of Northern Ireland;
 - (f) the Ministry of Defence Police;
 - (g) the British Transport Police Force,
 - (h) the States of Jersey Police Force;
 - (i) the salaried police force of the Island of Guernsey; or
 - (j) the Isle of Man Constabulary.]

Textual Amendments

- F1** Words in s. 6(1) substituted (1.4.2002) by 2001 c. 16, s. 116(2)(a); S.I. 2002/344, art. 3(h) (with transitional provisions in art. 4)

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

Changes to legislation: Police Act 1997, Cross Heading: Director General and other members is up to date with all changes known to be in force on or before 28 July 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)

- F2** Word in s. 6(1) substituted (1.4.2002) by 2001 c. 16, s. 116(2)(b); S.I. 2002/344, **art. 3(h)** (with transitional provisions in art. 4)
- F3** S. 6(1A) inserted (1.4.2002) by 2001 c. 16, s. 116(3); S.I. 2002/344, **art. 3(h)** (with transitional provisions in art. 4)
- F4** Words in s. 6(2) substituted (1.4.2002) by 2001 c. 16, s. 116(4)(a); S.I. 2002/344, **art. 3(h)** (with transitional provisions in art. 4)
- F5** Word in s. 6(2) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 85(2)**; S.I. 2002/2306, **art. 2(f)(iii)**
- F6** Words in s. 6(2) substituted (1.4.2002) by 2001 c. 16, s. 116(4)(b); S.I. 2002/344, **art. 3(h)** (with transitional provisions in art. 4)
- F7** Words in s. 6(2) repealed (1.4.2002) by 2001 c. 16, ss. 116(4)(c), 137, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(h)(j)(m)** (with transitional provisions in art. 4)
- F8** S. 6(2A)(2B) inserted (1.4.2002) by 2001 c. 16, s. 116(5); S.I. 2002/344, **art. 3(h)** (with transitional provisions in art. 4)
- F9** S. 6(3) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 85(3), 107(2), Sch. 8**; S.I. 2002/2306, **art. 2(f)(iii)(g)(i)(iii)(d)**
- F10** Words in s. 6(4)(a) repealed (1.4.2002) by 2001 c. 16, ss. 116(6), 137, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(h)(j)(m)** (with transitional provisions in art. 4)
- F11** Words in s. 6(4)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 7, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F12** Words in s. 6(4)(b) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F13** Words in s. 6(5) repealed (31.8.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(3)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, **art. 3(c)**
- F14** S. 6(5A) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 85(4)**; S.I. 2002/2306, **art. 2(f)(iii)**
- F15** Words in s. 6(6) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 85(5)**; S.I. 2002/2306, **art. 2(f)(iii)**
- F16** Words in s. 6(7) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 85(5)**; S.I. 2002/2306, **art. 2(f)(iii)**
- F17** S. 6(9)(10) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 85(6)**; S.I. 2002/2306, **art. 2(f)(iii)**

Modifications etc. (not altering text)

- C1** S. 6 restricted (1.9.1997) by 1996 c. 16, **s. 62(1A)** (as inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 82(2)**; S.I. 1997/1930, **art. 3**

7 Removal of Director General by the Authority.

F18

Textual Amendments

- F18** S. 7 repealed (1.4.2002) by 2001 c. 16, ss. 137, Sch. 7 Pt. 5 (1); S.I. 2002/344, **art. 3(j)(m)** (with transitional provisions in art. 4)

8 Deputy Director General.

- (1) The Director General of NCIS shall designate a member of NCIS appointed under section 9, other than a member appointed by the Director General by virtue of subsection (8) of that section, to exercise all the powers and duties of the Director General—

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

Changes to legislation: Police Act 1997, Cross Heading: Director General and other members is up to date with all changes known to be in force on or before 28 July 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) during any absence, incapacity or suspension from duty of the Director General, or
 - (b) during any vacancy in the office of Director General.
- (2) The Director General shall consult the NCIS Service Authority before designating a member under subsection (1).
- (3) No more than one person shall be authorised to act by virtue of a designation under subsection (1) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- [^{F19}(4) Before giving consent under subsection (3), the Secretary of State shall consult the Scottish Ministers.]

Textual Amendments

F19 S. 8(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(8)**; S.I. 1998/3178, **art. 3**

Commencement Information

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

9 Members of NCIS.

- (1) NCIS shall consist of—
- (a) the Director General of NCIS appointed under section 6,
 - (b) persons appointed by the NCIS Service Authority under this paragraph as police members of NCIS, and
 - (c) other persons appointed by the NCIS Service Authority under this paragraph to be members of NCIS as employees of the Authority.
- (2) A person shall be appointed as a police member of NCIS only if—
- (a) he is appointed to the rank of assistant chief constable in NCIS and he met the requirements of subsection (3) immediately prior to his being appointed, or
 - (b) he is engaged with NCIS on a period of temporary service ^{F20}...
- (3) A person meets the requirements of this subsection if—
- (a) he holds the rank of assistant chief constable or a higher rank in a police force in Great Britain or in the [^{F21}Police Service of Northern Ireland],
 - (b) he holds the rank of commander or a higher rank in the metropolitan police force or in the City of London police force, or
 - (c) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or [^{F22}section 25 of the Police (Northern Ireland) Act 1998,] a constable eligible for appointment to the rank of assistant chief constable or commander in any of the police forces, or in [^{F23}the Police Service of Northern Ireland], mentioned in paragraph (a) or (b).
- (4) Subsections (5), (6) and (8) of section 6 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of NCIS.

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

Changes to legislation: Police Act 1997, Cross Heading: Director General and other members is up to date with all changes known to be in force on or before 28 July 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)

- (5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.
- (6) Before making an appointment under subsection (1)(b) or (c), or determining the terms and conditions on which such an appointment is to be made, the NCIS Service Authority shall consult the Director General of NCIS.
- (7) A police member to whom subsection (2)(b) applies shall cease to be a member of NCIS at the end of his period of temporary service (unless re-appointed under this section).
- (8) [F24The NCIS Service Authority shall exercise its powers under Schedule 2A] so as to secure that, subject to subsection (9) below, the Director General appoints persons under subsection (1)(b) or (c) to be members of NCIS.
- (9) Subsection (8) shall not apply to—
 - (a) the appointment of any person to whom subsection (2)(a) applies as a police member, or
 - (b) the appointment of such other persons as may be agreed between the Director General and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.

[F25(9A) In this section “a period of temporary service” means a period of temporary service to which any of the following provisions applies—

- (a) section 97 of the Police Act 1996 (c. 16);
- (b) section 38A of the Police (Scotland) Act 1967;
- (c) section 27 of the Police (Northern Ireland) Act 1998 (c. 32);
- (d) section 2B of the Ministry of Defence Police Act 1987.]

(10) F26

Textual Amendments

- F20** Words in s. 9(2)(b) repealed (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 86(2)(b), 108(2), [Sch. 8](#); S.I. 2003/808, [art. 2\(g\)\(l\)\(iii\)](#)
- F21** Words in s. 9(3)(c) substituted (4.11.2001) by [2000 c. 32](#), s. 78(1), [Sch. 6 para. 20\(2\)\(b\)](#); S.R. 2001/396, [art. 2](#), [Sch.](#)
- F22** Words in s. 9(3)(c) substituted (1.4.1999) by [1998 c. 32](#), s. 74(1), [Sch. 4 para. 22\(4\)](#); S.R. 1999/176, [art. 3](#)
- F23** Words in s. 9(3)(c) substituted (4.11.2001) by [2000 c. 32](#), s. 78(1), [Sch. 6 para. 20\(4\)](#); S.R. 2001/396, [art. 2](#), [Sch.](#)
- F24** Words in s. 9(8) substituted (1.4.2002) by [2001 c. 16](#), s. 128(1), [Sch. 6 Pt. 1 para. 8](#); S.I. 2002/344, [art. 3\(k\)](#) (with transitional provisions in [art. 4](#))
- F25** [S. 9\(9A\)](#) inserted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), ss. 86(5), 108(2); S.I. 2003/808, [art. 2\(g\)](#)
- F26** [S. 9\(10\)](#) repealed (1.4.2002) by [2001 c. 16](#), s. 137, [Sch. 7 Pt. 5\(1\)](#); S.I. 2002/344, [art. 3\(j\)\(m\)](#) (with transitional provisions in [art. 4](#))

Modifications etc. (not altering text)

- C2** [S. 9\(1\)\(b\)](#) restricted (1.9.1997) by [1996 c. 16](#), s. 62(1A) (as inserted (1.9.1997) by [1997 c. 50](#), s. 134(1), [Sch. 9 para. 82\(2\)](#)); S.I. 1997/1930, [art. 3](#)
- C3** [S. 9\(1\)\(c\)](#) extended (1.4.1998) by S.I. 1998/354, [art. 3\(5\)](#)

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

Changes to legislation: Police Act 1997, Cross Heading: Director General and other members is up to date with all changes known to be in force on or before 28 July 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

- I2** S. 9 wholly in force at 31.10.1997; s. 9 not in force at Royal Assent, see s. 135; s. 9 in force at 31.10.1997 by S.I. 1997/2390, **art. 2** (with **arts. 3-7** (of which **arts. 4-7** were revoked (1.4.1998) by S.I. 1998/354, **art. 7**))

[^{F27}9A Removal of certain members appointed under section 9

- (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the NCIS Service Authority, acting with the approval of the Secretary of State, may call upon a [^{F28}police member of NCIS with the rank of assistant chief constable] appointed under section 9 to retire in the interests of efficiency or effectiveness.
- (2) ^{F29}
- (3) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the member concerned an opportunity to make representations and shall consider any representations that he makes.
- (4) Before giving an approval for the purposes of subsection (1), the Secretary of State shall consult the Scottish Ministers.
- (5) A member who is called upon to retire under subsection (1) shall retire on such date as the Authority may specify or on such earlier date as may be agreed between him and the Authority.]

Textual Amendments

- F27** S. 9A inserted (1.4.2002) by 2001 c. 16, s. 117; S.I. 2002/344, **art. 3(h)** (with transitional provisions in art. 4)
- F28** Words in s. 9A(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 90(6)**; S.I. 2002/2306, **art. 2(f)(iv)**
- F29** S. 9A(2) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 90(7)**, 107(2), **Sch. 8**; S.I. 2002/2306, **art. 2(f)(iv)**

Status:

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

Changes to legislation:

Police Act 1997, Cross Heading: Director General and other members is up to date with all changes known to be in force on or before 28 July 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.