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# Police Act 1997

## 1997 CHAPTER 50

### PART II

#### THE NATIONAL CRIME SQUAD

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

**C1** Pt. II (ss. 47-90): Power to continue conferred (11.5.2001) by 2001 c. 16, ss. 109(2)(c)(i), 138

*The Service Authority*

**47 The Service Authority for the National Crime Squad.**

- (1) There shall be a body corporate to be known as the Service Authority for the National Crime Squad (in this Part referred to as “the NCS Service Authority”).
- (2) Subject to the following provisions of this section, the NCS Service Authority shall consist of [<sup>F1</sup>eleven] members.
- (3) The Secretary of State may by order provide that the number of its members shall be a specified odd number greater than [<sup>F1</sup>eleven].
- (4) Before making an order under subsection (3), the Secretary of State shall consult—
  - (a) the NCS Service Authority <sup>F2</sup> . . . ,
  - (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales, <sup>F3</sup> . . .
  - (c) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales. [<sup>F4</sup> ; and
  - (d) the Commissioners of Customs and Excise.]
- (5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.
- (6) The NCS Service Authority may co-opt such additional members as it thinks fit.

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- (7) Parts I, III and IV of Schedule 1 and [F5Schedules 2 and 2A] shall have effect in relation to the NCS Service Authority.

#### Textual Amendments

- F1** Word in s. 47(2)(3) substituted (1.4.2002) by 2001 c. 16, s. 108(2); S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)
- F2** Words in s. 47(4)(a) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j) (m) (with transitional provisions in art. 4)
- F3** Word in s. 47(4)(b) omitted (1.4.2002) by virtue of 2001 c. 16, ss. 128(1), Sch. 6 Pt. 1 para. 11(a)(i); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F4** S. 47(4)(d) and preceding word inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 11(a)(ii); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F5** Words in s. 47(7) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 11(b); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

#### Commencement Information

- II** S. 47 wholly in force at 23.7.1997; s. 47 not in force at Royal Assent, see s. 135; s. 47 in force for certain purposes at 25.6.1997 by S.I. 1997/1377, art. 3(2)(b) (subject to modifications in art. 3(3)(4)); s. 47 wholly in force at 23.7.1997 by S.I. 1997/1377, art. 4(2)(a)

### *Functions*

#### **48 General functions of the NCS Service Authority and the National Crime Squad.**

- (1) The NCS Service Authority shall maintain a body to be known as the National Crime Squad.
- (2) The function of the National Crime Squad shall be to prevent and detect serious crime which is of relevance to more than one police area in England and Wales.
- (3) The National Crime Squad may also—
- (a) at the request of a chief officer of police of a police force in England and Wales, act in support of the activities of his force in the prevention and detection of serious crime;
  - (b) at the request of the Director General of NCIS, act in support of the activities of NCIS;
  - (c) institute criminal proceedings;
  - (d) co-operate with other police forces in the United Kingdom in the prevention and detection of serious crime;
  - (e) act in support of other law enforcement agencies in the prevention and detection of serious crime.
- (4) For the purposes of subsection (3), “law enforcement agency” includes—
- (a) any government department,
  - (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary,
  - (c) any other person charged with the duty of investigating offences or charging offenders, and

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- (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCS Service Authority, the National Crime Squad, a police authority, a police force, the NCIS Service Authority or NCIS.
- (5) In discharging its functions, the NCS Service Authority shall have regard to—
- (a) any objectives determined by the Secretary of State under section 71,
  - (b) any objectives determined by the Authority under section 49,
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 72 or otherwise, and
  - (d) any service plan issued by the Authority under section 50.
- (6) In discharging any function to which a code of practice issued under section 73 relates, the NCS Service Authority shall have regard to the code.
- (7) The NCS Service Authority shall comply with any direction given to it by the Secretary of State under section 72 or 75 <sup>F6</sup> . . .

#### Textual Amendments

**F6** Words in s. 48(7) repealed (1.8.2001) by 2001 c. 16, s. 128(1), 137, Sch. 6 Pt. 1 para. 12, Sch. 7 Pt. 5(1); S.I. 2001/2223, art. 3(h)(j)(k)(l)(ii)

#### Commencement Information

**I2** S. 48 wholly in force at 1.4.1998; s. 48 not in force at Royal Assent see s. 135; s. 48(7) in force for certain purposes at: 1.9.1997 by S.I. 1997/1930, art. 2(1)(2)(d)(with art. 2(3)); 8.10.1997 by S.I. 1997/1930, art. 3(1)(2)(c); s. 48 otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

## 49 Objectives.

- (1) The NCS Service Authority shall secure that the National Crime Squad is efficient and effective.
- (2) The NCS Service Authority shall, before the beginning of each financial year, determine objectives for that year for the National Crime Squad.
- (3) Objectives determined under this section may relate to matters to which objectives determined under section 71 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (4) Before determining objectives under this section, the NCS Service Authority shall consult—
- (a) the Director General of the National Crime Squad,
  - (b) the NCIS Service Authority, <sup>F7</sup> . . .
  - [<sup>F8</sup>(ba) the Commissioners of Customs and Excise; and]
  - (c) persons whom it considers to represent the interests of police authorities for areas in England and Wales.

#### Textual Amendments

**F7** Word in s. 49(4)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 13(a), Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)

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**F8** S. 49(4)(ba) inserted (1.4.2002) by 2001 c. 16, ss. 128(1), Sch. 6 Pt. 1 para. 13(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in **art. 4**)

#### Commencement Information

**I3** S. 49 wholly in force at 1.4.1998; s. 49 not in force at Royal Assent, see s. 135; s. 49(2)-(4) in force at 1.9.1997 by S.I. 1997/1930, **art. 2** (with **art. 2(3)**); s. 49 otherwise in force at 1.4.1998 by S.I. 1998/354, **art. 2**

## 50 Service plans.

- (1) The NCS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by the National Crime Squad of its functions during the year (“the service plan”).
- (2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
  - (a) any objectives determined by the Secretary of State under section 71,
  - (b) any objectives determined by the Authority under section 49, and
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 72 or otherwise.
- (3) A draft of the service plan shall be prepared by the Director General of the National Crime Squad and submitted by him to the Authority for it to consider.
- (4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.
- (5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales,
  - (c) the chief officer of police of each police force in England and Wales,
  - (d) the NCIS Service Authority,<sup>F9</sup> . . .
  - (e) the Director General of NCIS<sup>F10</sup>; and
  - (f) the Commissioners of Customs and Excise.]

#### Textual Amendments

**F9** Word in s. 50(5)(d) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 14(a), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in **art. 4**)

**F10** S. 50(5)(f) and preceding word inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 14(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in **art. 4**)

#### Commencement Information

**I4** S. 50 wholly in force at 31.10.1997; s. 50 not in force at Royal Assent, see s. 135; s. 50 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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## 51 Annual reports.

- (1) The NCS Service Authority shall, as soon as possible after the end of each financial year, issue a report on the carrying out of its functions during that year.
- (2) A report issued under this section for any year shall include an assessment of the extent to which the service plan for that year issued under section 50 has been carried out.
- (3) The NCS Service Authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales,
  - (c) the chief officer of police of each police force in England and Wales,
  - (d) the NCIS Service Authority,<sup>F11</sup> . . .
  - (e) the Director General of NCIS<sup>F12</sup>; and
  - (f) the Commissioners of Customs and Excise.]

### Textual Amendments

- F11** Word in s. 51(3)(d) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 15(a), Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)
- F12** S. 51(3)(f) and preceding word inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 15(b); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

*Director General and other members*

## 52 Appointment of Director General.

- (1) The National Crime Squad shall have a Director General appointed by the [<sup>F13</sup>Secretary of State] on such terms and conditions as [<sup>F13</sup>he] considers appropriate.
- [<sup>F14</sup>(1A) The NCS 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 [<sup>F15</sup>the Secretary of State] from a list of persons eligible for appointment which has been prepared by [<sup>F15</sup>a panel of members of the NCS Service Authority] and approved by the Secretary of State.
- [<sup>F16</sup>(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.
- (2B) Before making an appointment under this section, the Secretary of State shall have regard to any recommendations made to him under subsection (2A).]
- (3) A person is eligible for appointment as Director General for the purposes of subsection (2) if—
  - (a) he holds the rank of chief constable in a police force in Great Britain or in the [<sup>F17</sup>Police Service of Northern Ireland],
  - (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis,

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- (c) he is the Commissioner of Police for the City of London, or
- (d) he is, in accordance with regulations under section 50 of the <sup>M1</sup>Police Act 1996, section 26 of the <sup>M2</sup>Police (Scotland) Act 1967 or [<sup>F18</sup>section 25 of the <sup>M3</sup>Police (Northern Ireland) Act 1998,] a constable eligible for appointment to any of the ranks or posts mentioned in paragraphs (a) to (c).
- (4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCS Authority and shall consist only of members of that Authority appointed—
- (a) by the Secretary of State <sup>F19</sup>. . . , or
- (b) by <sup>F20</sup>. . . members of police authorities for areas in England and Wales <sup>F21</sup>. . . .
- (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 <sup>F22</sup>. . . in England and Wales.
- [<sup>F23</sup>(5A) The Director General shall not be attested as a constable under subsection (5) if 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 shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- (7) The Director General 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.

#### Textual Amendments

- F13** Words in s. 52(1) substituted (1.4.2002) by 2001 c. 16, s. 119(2); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F14** S. 52(1A) inserted (1.4.2002) by 2001 c. 16, s. 119(3); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F15** Words in s. 52(2) substituted (1.4.2002) by 2001 c. 16, s. 119(4); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F16** S. 52(2A)(2B) inserted (1.4.2002) by 2001 c. 16, s. 119(5); S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F17** Words in s. 52(3)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, **art. 2, Sch.**
- F18** Words in s. 52(3)(d) substituted (1.4.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 22(9)**; S.R. 1999/176, **art. 3**
- F19** Words in s. 52(4)(a) repealed (1.4.2002) by 2001 c. 16, s. 119(6), 137, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F20** Words in s. 52(4)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, 138(2), **Sch. 6 Pt. 1 para. 16, Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in **art. 4**)
- F21** Words in s. 52(4)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, 138(2), **Sch. 6 Pt. 1 para. 16, Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in **art. 4**)

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- F22** Words in s. 52(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)**
- F23** S. 52(5A) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 107(1), **Sch. 7 para. 21(2)**; S.I. 2002/2306, **art. 2(g)(i)(ii)**

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

- C2** S. 52 restricted (1.9.1997) by 1996 c. 16, s. 62(1A) (as inserted (1.9.1997) 1997 c. 50, s. 134(1), **Sch. 9 para. 82(2)**); S.I. 1997/1930, **art. 3**

**Marginal Citations**

- M1** 1996 c. 16.  
**M2** 1967 c. 77.  
**M3** 1970 c. 9(N.I.).

**53 Removal of Director General by the Authority.**

**F24** .....

**Textual Amendments**

- F24** S. 53 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)

**54 Deputy Director General.**

- (1) The Director General of the National Crime Squad shall designate a police member of the National Crime Squad to whom section 55(2)(a) applies to exercise all the powers and duties of the Director General—
- (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 NCS 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.

**Commencement Information**

- I5** S. 54 wholly in force at 31.10.1997; s. 54 not in force at Royal Assent, see s. 135; s. 54 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**))

**55 Members of the National Crime Squad.**

- (1) The National Crime Squad shall consist of—
- (a) the Director General appointed under section 52,

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- (b) persons appointed by the NCS Service Authority under this paragraph as police members of the National Crime Squad, and
  - (c) other persons appointed by the NCS Service Authority under this paragraph to be members of the National Crime Squad as employees of the Authority.
- (2) A person shall be appointed as a police member of the National Crime Squad only if—
- [<sup>F25</sup>(a) he met the requirements of subsection (3) immediately before his appointment took effect and his appointment is to a police rank in the National Crime Squad; or]
  - (b) he is engaged with the National Crime Squad on a period of temporary service  
<sup>F26</sup>....
- [<sup>F27</sup>(3) A person meets the requirements of this subsection if he is attested or sworn as a constable and—
- (a) he is a member of a police force maintained under section 2 of the Police Act 1996;
  - (b) he is a member of the metropolitan police force or of the City of London police force;
  - (c) he is a regular constable within the meaning of the Police (Scotland) Act 1967;
  - (d) he is a member of the Police Service of Northern Ireland;
  - (e) he is a member of NCIS;
  - (f) he is a member of the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c. 4);
  - (g) he is a member of the <sup>F28</sup>British Transport Police Force;
  - (h) he is a member of the States of Jersey Police Force;
  - (i) he is a member of the salaried police force of the Island of Guernsey;
  - (j) he is a member of the Isle of Man Constabulary; or
  - (k) he is engaged with the National Crime Squad on a period of temporary service.]
- (4) Subsections (5), (6) and (8) of section 52 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of the National Crime Squad.
- (5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCS 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 NCS Service Authority shall consult the Director General of the National Crime Squad.
- (7) A police member to whom subsection (2)(b) applies shall cease to be a member of the National Crime Squad at the end of his period of temporary service (unless re-appointed under this section).
- (8) The NCS Service Authority shall exercise its powers under [<sup>F29</sup>Schedule 2A] so as to secure that, subject to subsection (9) below, the Director General of the National Crime Squad appoints persons under subsection (1)(b) or (c) to be members of the National Crime Squad.
- (9) Subsection (8) shall not apply to—



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- (a) the appointment of any person to whom subsection (2)(a) applies as a police member <sup>F30</sup>with the rank of assistant chief constable], 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.

<sup>F31</sup>(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 2B of the Ministry of Defence Police Act 1987 (c. 4).]

<sup>F32</sup>(10) . . . . .

#### Textual Amendments

- F25** S. 55(2)(a) substituted (15.11.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 87(2)(a)**, 108(2); S.I. 2003/2593, [art. 2\(b\)](#)
- F26** Words in s. 55(2)(b) repealed (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 87(2)(b)**, 108(2), **Sch. 8**; S.I. 2003/808, [art. 2\(h\)\(l\)\(iii\)](#)
- F27** S. 55(3) substituted (15.11.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 87(3)**, 108(2); S.I. 2003/2593, [art. 2\(b\)](#)
- F28** S. 55 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; S.I. 2004/1572, [art. 3\(jjj\)](#)
- F29** Words in s. 55(8) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 17; S.I. 2002/344, **art. 3(k)** (with transitional provisions in [art. 4](#))
- F30** Words in s. 55(9)(a) inserted (15.11.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 87(4)**, 108(2); S.I. 2003/2593, [art. 2\(b\)](#)
- F31** S. 55(9A) inserted (1.4.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 87(5)**, 108(2); S.I. 2003/808, [art. 2\(h\)](#)
- F32** S. 55(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)

- C3** S. 55(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**
- C4** S. 55(1)(b) extended (15.11.2003) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 91(4)**, 108(2); S.I. 2003/2593, [art. 2\(c\)](#)
- C5** Words in s. 55(1)(c) extended (18.3.1998) by S.I. 1998/354, **art. 3(6)**

#### Commencement Information

- I6** S. 55 wholly in force; s. 55 not in force at Royal Assent, see s. 135; s. 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**))

### <sup>F33</sup>55A Removal of certain members appointed under section 55

(1) Without prejudice to section 66 or to any regulations under section 81 or under the Police Pensions Act 1976 (c. 35), the NCS Service Authority, acting with the approval of the Secretary of State, may call upon a <sup>F34</sup>police member of the National Crime Squad with the rank of assistant chief constable] appointed under section 55 to retire in the interests of efficiency or effectiveness.

(2) <sup>F35</sup> . . . . .

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- (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) 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**

- F33** S. 55A inserted (E.W.) (1.4.2002) by 2001 c. 16, s. 120; S.I. 2002/344, **art. 3(h)** (with transitional provisions in **art. 4**)
- F34** Words in s. 55A(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), s. **91(6)**; S.I. 2002/2306, **art. 2(f)(iv)**
- F35** S. 55A(2) repealed (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 91(7), 107(2), Sch. 8**; S.I. 2002/2306, **art. 2(f)(iv)(g)(i)(iii)(d)**

### *Functions of Director General*

#### **56 General function of Director General.**

- (1) The National Crime Squad shall be under the direction and control of the Director General.
- (2) In discharging his functions, the Director General shall have regard to the service plan issued by the NCS Service Authority under section 50.

#### **57 Reports by Director General to the Authority.**

- (1) The Director General of the National Crime Squad shall, as soon as possible after the end of each financial year, submit to the NCS Service Authority a general report on the activities of the Squad during that year.
- (2) The Director General shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The NCS Service Authority may require the Director General to submit to it a report on such matters connected with the activities of the National Crime Squad as may be specified in the requirement.
- (4) A report submitted under subsection (3) shall be in such form as the Authority may specify.
- (5) If it appears to the Director General that a report in compliance with subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the Authority, he may request the Authority to refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (6) The Authority may arrange, or require the Director General to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

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

- C6 S. 57 modified (1.4.1998) by 1984 c. 60, s. 55(14A) (as inserted (1.4.1998) by 1997 c. 50, s. 134(1), Sch 9, para. 47); S.I. 1998/354, art. 2

*Service Authority's officers and employees*

**58 Officers and employees.**

- (1) The NCS Service Authority may appoint officers and employees to enable the Authority to discharge its functions.
- (2) Persons appointed under this section shall be appointed on such terms and conditions as the NCS Service Authority considers appropriate.

**59 Appointment of clerk.**

The NCS Service Authority shall appoint a person to be the clerk to the Authority.

**60 Appointment of persons not employed by the NCS Service Authority.**

Where the NCS Service Authority is required or authorised by any Act—

- (a) to appoint a person to a specified office under the Authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the Authority may appoint or designate either a person employed by the Authority under section 58, or a person not holding any office or employment under the Authority.

*Financial provisions*

**61 NCS service fund.**

- (1) The NCS Service Authority shall keep a fund to be known as the NCS service fund.
- (2) Subject to any regulations under the <sup>M4</sup>Police Pensions Act 1976 and to section 66 below, all receipts of the Authority shall be paid into the NCS service fund and all expenditure of the Authority shall be paid out of that fund.
- (3) <sup>F36</sup> .....

**Textual Amendments**

- F36 S. 61(3) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)

**Marginal Citations**

- M4 1976 c. 35.

*Status: Point in time view as at 24/11/2005.*

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### [<sup>F37</sup>61A Budget statement

- (1) The NCS Service Authority shall, before the beginning of each financial year, submit to the Secretary of State a budget statement for that year.
- (2) In this section references to a budget statement for a financial year are to a statement of the amount which the Authority estimates it requires by way of grant under section 62 for that year.
- (3) In preparing a budget statement for a financial year, 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 National Crime Squad in the year,
  - (b) any income which it is estimated will be received in that year, whether by way of charges imposed by the Authority under section 64, or otherwise,
  - (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.
- (4) A budget statement submitted under subsection (1) shall be in such form, and contain such information, as may be prescribed.
- (5) Where the NCS Service Authority has submitted a budget statement for a financial year, it shall notify the Secretary of State, as soon as is practicable, of any change in circumstances which results in a material change (whether an increase or a reduction) in the amount required (or expected to be required) by it by way of grant under section 62 for that year.
- (6) In this section “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.]

#### Textual Amendments

**F37** S. 61A inserted (1.8.2001) by 2001 c. 16, s. 113; S.I. 2001/2223, art. 3(g)

### [<sup>F38</sup>62 Grants from the Secretary of State

- (1) The Secretary of State shall for each financial year make a grant to the NCS Service Authority.
- (2) If the Authority fails, in relation to a financial year,—
  - (a) to submit to the Secretary of State a budget statement in accordance with section 61A, or
  - (b) to comply with a requirement under section 62A(1),
 subsection (1) above shall not apply in respect of that year, but the Secretary of State may make a grant to the Authority for that year.

*Status: Point in time view as at 24/11/2005.*

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- (3) For every financial year the Secretary of State shall determine the amount of the grant to be made under this section; and a determination under this subsection may be varied by a subsequent determination under this subsection.
- (4) If the Secretary of State considers it appropriate, he may make any payment of grant under this section on conditions.
- (5) The conditions may (among other things)—
  - (a) regulate the purposes for which the payment or any part of it may be used;
  - (b) require repayment to the Secretary of State in specified circumstances.]

**Textual Amendments**

**F38** Ss. 62, 62A substituted (1.8.2001) for s. 62 by 2001 c. 16, s. 114; S.I. 2001/2323, art. 3(g)

**[<sup>F39</sup>62A Provision supplemental to section 62**

- (1) The Secretary of State may require the NCS Service Authority to provide him, in connection with the exercise of his functions under section 62, with such information as he may specify, within such period as he may specify.
- (2) Where the Secretary of State makes a determination under section 62 he shall prepare a report—
  - (a) setting out the determination (including any conditions imposed by virtue of section 62(4)), and
  - (b) stating the considerations which he took into account in making it.
- (3) A copy of every report prepared under subsection (2) shall—
  - (a) be sent to the NCS Service Authority, and
  - (b) be laid before the House of Commons.
- (4) A grant to the NCS Service Authority under section 62 shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may determine; and any such time may fall within or after the financial year concerned.
- (5) Where in consequence of a further determination under section 62(3) the amount of the Authority's grant is less than the amount already paid to it for the year, a sum equal to the difference shall be paid by the Authority to the Secretary of State at such time as he may specify.]

**Textual Amendments**

**F39** Ss. 62, 62A substituted for s. 62 (1.8.2001) by 2001 c. 16, s. 114; S.I. 2001/2223, art. 3(g)

**<sup>F40</sup>63 Initial financing of NCS Service Authority.**

.....

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#### Textual Amendments

**F40** S. 63 repealed (1.8.2001) by 2001 c. 16, s. 137, **Sch. 7 Pt. 5(1)**; S.I. 2001/2223, **art. 3(j)(i)(ii)**

### 64 Charges.

- (1) The NCS Service Authority may make charges in respect of the provision of any services, or an agreement for the provision of any services, to any person by the Authority or by the National Crime Squad.
- (2) Any charges made under this section may include amounts calculated by reference to the expenditure incurred or expected to be incurred by the NCS Service Authority, or by the National Crime Squad, otherwise than directly in connection with the provision of the services concerned.

#### Commencement Information

**I7** S. 64 wholly in force; s. 64 not in force at Royal Assent, see s. 135; s. 64 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**))

### 65 Acceptance of gifts and loans.

- (1) The NCS Service Authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the Authority to be appropriate.
- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the Authority or of the National Crime Squad.

### 66 Pensions and gratuities.

- (1) The NCS Service Authority may—
  - (a) pay, or make payments in respect of, pensions or gratuities to or in respect of any persons who are, or have been, its officers or employees;
  - (b) provide and maintain schemes (whether contributory or not) for the payment of pensions or gratuities to or in respect of any such persons.
- (2) The NCS Service Authority may—
  - (a) pay, or make payments in respect of, such pensions or gratuities as it may determine, with the consent of the Secretary of State, to or in respect of any persons who are or have been the Director General of the National Crime Squad or police members of the Squad;
  - (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 to or in respect of any such persons.
- (3) Before exercising its powers under subsection (2), the Authority shall have regard to any provision made under the <sup>M5</sup>Police Pensions Act 1976 or [<sup>F41</sup>section 25(2)(k) of the Police Act (Northern Ireland) 1998].

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- (4) References in this section to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of any of the persons mentioned in subsection (1) or (2) who suffer loss of office or employment or loss or diminution of emoluments.

**Textual Amendments**

**F41** Words in s. 66(3) substituted (22.12.2000) by 2000 c. 32, s. 74, **Sch. 6 para. 20(6)**; S.R. 2000/412, **art. 2, Sch.**

**Commencement Information**

**I8** S. 66 wholly in force; s. 66 not in force at Royal Assent, see s. 135; s. 66 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**

**M5** 1976 c. 35.

**[<sup>F42</sup>66A Accounts**

- (1) The NCS Service Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare a statement of accounts in respect of each financial year, and
  - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period following the end of the financial year to which it relates as the Secretary of State may specify.
- (2) A statement of accounts under subsection (1) shall be in such form, and contain such information, as the Secretary of State may direct.
- (3) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts, and
  - (b) lay copies of the statement and of his report before each House of Parliament.]

**Textual Amendments**

**F42** S. 66A inserted (E.W.) (1.4.2002) by 2001 c. 16, s. 115; S.I. 2002/344, **art. 3(g)** (with transitional provisions in art. 4)

**67 Revenue accounts and capital finance.**

**F43** .....

**Textual Amendments**

**F43** S. 67 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)

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## 68 Financial administration.

F44

### Textual Amendments

**F44** S. 68 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)

### *Special services*

## 69 Provision of special services.

The Director General of the National Crime Squad may, at the request of any person, provide services at any premises or in any locality in England and Wales, if those services are consistent with the functions of, and do not prejudice the efficiency or effectiveness of, the Squad.

### *Central supervision and direction*

## 70 General duty of Secretary of State.

The Secretary of State shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the National Crime Squad.

## 71 Setting of objectives.

- (1) The Secretary of State may by order determine objectives for the National Crime Squad.
- (2) Before making an order under this section, the Secretary of State shall consult—
  - (a) the NCS Service Authority,
  - (b) the Director General of the National Crime Squad,
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities for areas in England and Wales,
  - (d) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales,
  - (e) the NCIS Service Authority,<sup>F45</sup> . . .
  - (f) the Director General of NCIS<sup>F46</sup>; and
  - (g) the Commissioners of Customs and Excise.]
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

### Textual Amendments

**F45** Word in s. 71(2)(e) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 18(a), Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)



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**F46** S. 71(2)(g) and preceding word inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 18(b); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

## 72 Setting of performance targets.

- (1) Where an objective has been determined under section 71, the Secretary of State may direct the NCS 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.

## 73 Codes of practice.

- (1) The Secretary of State may issue codes of practice relating to the discharge by the NCS Service Authority of its functions.
- (2) The Secretary of State 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.

### Commencement Information

**19** S. 73 wholly in force at 31.10.1997; s. 73 not in force at Royal Assent, see s. 135; s. 73 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))

## [<sup>F47</sup>73A Codes of practice for Director General of NCS

- (1) The Secretary of State may issue codes of practice relating to the discharge by the Director General of the National Crime Squad 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 NCS Service Authority;
  - (b) the Director General of the National Crime Squad;
  - (c) persons whom the CPTDA considers to represent the interests of police authorities;

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- (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) 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.
- (6) The Secretary of State shall not be required by subsection (5) 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
  - (c) could jeopardise the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, the Director General of the National Crime Squad shall have regard to the code.]

#### Textual Amendments

**F47** S. 73A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 2\(2\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

#### 74 Removal of Director General etc.

- [<sup>F48</sup>(1) Without prejudice to section 66 or to any regulations under section 81 or under the Police Pensions Act 1976 (c. 35), the Secretary of State may—
- (a) call upon the Director General of the National Crime Squad to retire in the interests of efficiency or effectiveness, or
  - (b) require the NCS Service Authority to exercise its power under section 55A to call upon a member of the National Crime Squad (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, and
  - (b) consider any representations that he makes.
- (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, of the National Crime Squad or of NCIS.
- (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 NCS service fund.

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[<sup>F49</sup>(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.]

#### Textual Amendments

- F48** S. 74(1)-(3) substituted (1.4.2002) by 2001 c. 16, s. 121(1); S.I. 2002/344, art. 3(h) (with transitional provisions in art. 4)
- F49** S. 74(7) inserted (1.4.2002) by 2001 c. 16, s. 121(2); S.I. 2002/344, art. 3(h) (with transitional provisions in art. 4)

#### [<sup>F50</sup>75 Power to give directions to NCS Service Authority

- (1) Where a report made to the Secretary of State on an inspection under section 54 of the Police Act 1996 (c. 16) states—
- (a) that, in the opinion of the person making the report, the whole or any part of the National Crime Squad 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 the National Crime Squad will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,
- the Secretary of State may direct the NCS Service Authority to take such remedial measures as may be specified in the direction.
- (2) Those remedial measures must not relate to any matter other than—
- (a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or
  - (b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).
- (3) 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; and
  - (b) he shall lay that report before Parliament.
- (4) A report under subsection (3)—
- (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 to give a direction under this section.]

#### Textual Amendments

- F50** S. 75 substituted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 8, Sch. 1 para. 3(2); S.I. 2002/2306, art. 2(a)

#### 76 Reports from NCS Service Authority.

- (1) The Secretary of State may require the NCS Service Authority to submit to him a report on such matters connected with the discharge of the Authority's functions, or

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otherwise with the activities of the National Crime Squad, 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.

#### **[<sup>F51</sup>76A Power to give directions as to action plans**

- (1) This section applies where a report made to the Secretary of State on an inspection under section 54 of the Police Act 1996 (c. 16) states—
  - (a) that, in the opinion of the person making the report, the whole or any part of the National Crime Squad 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 the National Crime Squad 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 direct the NCS Service Authority to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the NCS Service Authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If the NCS Service Authority is directed to submit an action plan, that authority shall direct the Director General of the National Crime Squad to prepare a draft of it and to submit it to the NCS Service Authority for that authority to consider.
- (5) The NCS 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 NCS 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 the National Crime Squad.
- (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 NCS Service Authority and the Director General of the National Crime Squad of that opinion and of his reasons for it.
- (8) If the NCS Service Authority is notified under subsection (7)—
  - (a) it shall consider, after consultation with the Director General of the National Crime Squad 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.

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- (9) On giving a direction under this section to the NCS Service Authority, the Secretary of State shall notify the Director General of the National Crime Squad that he has given that direction.
- (10) 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.
- (11) 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 NCS 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.
- (12) Nothing in this section shall authorise the Secretary of State or the NCS 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.
- (13) 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 the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (14) The NCS Service Authority shall comply with any direction given to it under this section.
- (15) The Director General of the National Crime Squad shall comply with any direction given to him under this section.
- (16) 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; and
  - (b) he shall lay that report before Parliament.
- (17) A report under subsection (16)—
  - (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.
- (18) Nothing in this section or in section 75 prevents the Secretary of State in the case of the same report under section 54 of the Police Act 1996 (c. 16) 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 section 75.]

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#### Textual Amendments

**F51** S. 76A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 4\(2\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

#### [<sup>F52</sup>76B Procedure for giving directions under sections 75 and 76A

- (1) The Secretary of State shall not give a direction under section 75 or 76A unless—
  - (a) the NCS Service Authority and the Director General of the National Crime Squad 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 NCS Service Authority and the Director General of the National Crime Squad have each been given an opportunity of making representations about those grounds;
  - (c) the NCS 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 75 or 76A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
  - (a) the NCS Service Authority;
  - (b) the Director General of the National Crime Squad;
  - (c) persons whom he considers to represent the interests of police authorities;
  - (d) persons whom he considers to represent the interests of chief officers of police; and
  - (e) 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

**F52** S. 76B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 5\(3\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

*Status: Point in time view as at 24/11/2005.*

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## 77 Reports from Director General.

- (1) The Secretary of State may require the Director General of the National Crime Squad to submit to him a report on such matters connected with the activities of the National Crime Squad 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 the like report as is required by section 57 to be submitted to the NCS Service Authority.

## 78 Criminal statistics.

- (1) The Director General of the National Crime Squad 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.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be included in the abstract laid before Parliament under section 45 of the <sup>M6</sup>Police Act 1996.

### Marginal Citations

M6 1996 c. 16.

## <sup>F53</sup>79 Inquiries.

### Textual Amendments

**F53** S. 79 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 16, [Sch. 3](#) (with ss. 44, 50); S.I. 2005/1432, art. 2

## [<sup>F54</sup>79A Regulations for NCS

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government and administration of the National Crime Squad and conditions of service with that Squad.
- (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 the National Crime Squad;
  - (b) the promotion of police members of the Squad;
  - (c) voluntary retirement of police members of the Squad;

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- (d) the efficiency and effectiveness of police members of the Squad;
  - (e) the suspension of police members of the Squad from membership of it and from their office as constables;
  - (f) the maintenance of personal records of members of the Squad;
  - (g) the duties which are or are not to be performed by police members of the Squad;
  - (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 (c. 16);
  - (i) the hours of duty, leave, pay and allowances of police members of the Squad; and
  - (j) the issue, use and return of—
    - (i) personal equipment and accoutrements; and
    - (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.]

#### Textual Amendments

**F54** S. 79A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 89(1); S.I. 2002/2306, art. 2(f)(iv)

## 80 Regulations as to standard of equipment.

[<sup>F55</sup>(1)] The Secretary of State may make regulations requiring equipment provided or used for the purposes of the National Crime Squad to satisfy such requirements as to design and performance as may be prescribed in the regulations.

[<sup>F56</sup>(2)] The Secretary of State may by regulations make any or all of the following provisions—

- (a) provision requiring the National Crime Squad when using equipment for the purposes specified in the regulations to use only—
  - (i) the equipment which is specified in the regulations;
  - (ii) equipment which is of a description so specified; or
  - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
- (b) provision requiring the National Crime Squad to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;



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- (c) provision prohibiting the National Crime Squad from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
    - (i) where the conditions subject to which the approval was given are satisfied; and
    - (ii) in accordance with the other terms of that approval;
  - (d) provision requiring equipment used the National Crime Squad to comply with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
  - (e) provision prohibiting the National Crime Squad from using equipment specified in the regulations, or any equipment of a description so specified.
- (3) Before making regulations under this section, the Secretary of State shall consult with—
- (a) the Service Authority for the National Crime Squad;
  - (b) the Director General of that Squad;
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities;
  - (d) persons whom the Secretary of State considers to represent the interests of chief officers of police; and
  - (e) such other persons as the Secretary of State thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “equipment” includes—
- (a) vehicles; and
  - (b) headgear and protective and other clothing.]

#### Textual Amendments

**F55** S. 80 renumbered (1.10.2002) as s. 80(1) by virtue of [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 6](#); [S.I. 2002/2306](#), [art. 2\(a\)](#)

**F56** S. 80(2)-(6) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 6](#); [S.I. 2002/2306](#), [art. 2\(a\)](#)

### [<sup>F57</sup> 80A Regulation of procedures and practices

- (1) The Secretary of State may by regulations make provision requiring the National Crime Squad—
- (a) to adopt particular procedures or practices; or
  - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
- (a) the chief inspector of constabulary; and
  - (b) the Central Police Training and Development Authority.

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- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
- (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.
- (4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.
- (5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority (“the CPTDA”) shall consult with—
- (a) the NCS Service Authority;
  - (b) the Director General of the National Crime Squad;
  - (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.
- (6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
- (a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice; and
  - (b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
  - (c) the Secretary of State himself is satisfied as to those matters.
- (7) Those matters are—
- (a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of the National Crime Squad and of any one or more police forces of joint or co-ordinated operations;
  - (b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and
  - (c) that securing the adoption of that procedure or practice is in the national interest.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F57** S. 80A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 8, [Sch. 1 para. 7](#); [S.I. 2002/2306](#), [art. 2\(a\)](#)

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### *Discipline and complaints*

#### **81 Discipline regulations.**

- (1) The Secretary of State may make regulations as to the conduct of members of the National Crime Squad and the maintenance of discipline in that Squad.
- (2) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
  - (a) authorise or require provision to be made by, or confer discretionary powers on, the NCS Service Authority, the Director General of the National Crime Squad or other persons, or
  - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.

[<sup>F58</sup>(2A) Without prejudice to the generality of the other powers conferred by this section, regulations under this section may make provision—

- (a) for conferring a right to bring and conduct, or otherwise participate or intervene in, any disciplinary proceedings on the Independent Police Complaints Commission;
- (b) for conferring a right to participate in, or to be present at, disciplinary proceedings on such persons as may be specified or described in the regulations;
- (c) as to the representation of persons subject to any disciplinary proceedings; and
- (d) for section 34 of the Criminal Justice and Public Order Act 1994 (c. 33) (inferences to be drawn from a failure to mention a fact when questioned or charged) to apply, with such modifications and in such cases as may be provided for in the regulations, to disciplinary proceedings.

(2B) In subsection (2A) “disciplinary proceedings” means any proceedings under any regulations made under subsection (1) which are identified as disciplinary proceedings by those regulations.]

- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

**F58** S. 81(2A)(2B) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 89\(2\)](#); [S.I. 2002/2306, art. 2\(f\)\(iv\)](#)

#### **Commencement Information**

**I10** S. 81 wholly in force at 31.10.1997; s. 81 not in force at Royal Assent, see [s. 135](#); s. 81 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](#)))

#### **82 Appeals.**

- (1) Where the Director General of the National Crime Squad, or a police member to whom section 55(2)(a) applies, is dismissed [<sup>F59</sup>, required to resign or reduced in rank] by a decision taken under or by virtue of regulations made under section 81, he may appeal to an appeals tribunal against the decision except where he has a right of appeal to

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some other person; and in that case he may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed [<sup>F59</sup>, required to resign or reduced in rank] .

- (2) Section 85(2) to (5) of, and Schedule 6 to, the <sup>M7</sup>Police Act 1996 (police appeals tribunals) shall apply, subject to such modifications as the Secretary of State may by order prescribe, in relation to an appeals tribunal and an appeal under subsection (1) above as they apply in relation to a police appeals tribunal and an appeal under section 85(1) of that Act.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F59** Words in s. 82(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 89\(3\)](#); [S.I. 2002/2306, art. 2\(f\)\(iv\)](#)

#### Commencement Information

**I11** S. 82 wholly in force at 1.4.1998; s. 82 not in force at Royal Assent, see s. 135; s. 82 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](#))); s. 82 otherwise in force at 1.4.1998 by [S.I. 1998/354, art. 2](#)

#### Marginal Citations

**M7** [1996 c. 16.](#)

## 83 Complaints.

- [<sup>F60</sup>(1) The Secretary of State may by regulations make provision about—
- (a) the handling of complaints about the conduct of members of National Crime Squad;
  - (b) the recording of matters from which it appears there may have been misconduct by members of the National Crime Squad; and
  - (c) the investigation of such complaints and matters.
- (2) Regulations under this section may make such provision as the Secretary of State thinks desirable for applying, with such modifications as he thinks fit, any provision made by or under Part 2 of the Police Reform Act 2002 (c. 30) (complaints and misconduct).
- (2A) Regulations under this section may provide—
- (a) for obligations under the regulations to be framed by reference to the opinions of such persons as may be specified in the regulations; and
  - (b) for it to be the duty of any person on whom functions are conferred by the regulations to have regard, in the carrying out of those functions, to any guidance given by such persons and in such manner as may be so specified.]

(4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Textual Amendments

**F60** S. 83(1)-(2A) substituted (1.10.2002) for s. 83(1)-(3) by [Police Reform Act 2002 \(c. 30\), s. 25\(5\)](#); [S.I. 2002/2306, s. 2\(b\)\(vii\)](#)

#### Commencement Information

**I12** S. 83 wholly in force at 31.10.1997; s. 83 not in force at Royal Assent, see [s. 135](#); s. 83 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](#)))

### 84 Information as to the manner of dealing with complaints etc.

The NCS Service Authority in carrying out its duty under section 49(1), and the inspectors of constabulary in carrying out their duties with respect to the efficiency and effectiveness of the National Crime Squad, shall keep themselves informed as to the operation of procedures established under section 83.

#### *Miscellaneous*

### 85 Arrangements for consultation.

- (1) The NCS Service Authority shall, after consulting the Director General of the National Crime Squad, make arrangements for obtaining the views of—
  - (a) police authorities for areas in England and Wales,
  - (b) the NCIS Service Authority, <sup>F61</sup> . . .
  - <sup>F62</sup>(ba) the Commissioners of Customs and Excise; and]
  - (c) such other persons or bodies as the NCS Service Authority considers appropriate,about the Authority and the National Crime Squad.
- (2) The Director General of the National Crime Squad shall, after consulting the Authority, make arrangements for obtaining the views of—
  - (a) the chief officers of police of police forces in England and Wales,
  - (b) the Director General of NCIS, <sup>F63</sup> . . .
  - <sup>F64</sup>(ba) the Commissioners of Customs and Excise; and]
  - (c) such other persons or bodies as the Director General of the National Crime Squad considers appropriate,about the National Crime Squad.
- (3) Arrangements made under subsection (1) or (2) shall be reviewed from time to time.
- (4) If it appears to the Secretary of State that arrangements made for consultation by the NCS Service Authority or the Director General under this section are not adequate for the purposes set out in subsection (1) or (2), he may require the Authority or Director General whose duty it is to make the arrangements to submit a report to him concerning the arrangements.
- (5) After considering a report submitted under subsection (4), the Secretary of State may require the Authority or Director General who submitted it to review the arrangements and submit a further report to him concerning them.

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- (6) The Authority or Director General shall be under the same duties to consult when reviewing arrangements as when making them.

#### Textual Amendments

- F61** Word in s. 85(1)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 19(a)(i), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F62** S. 85(1)(ba) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 19(a)(ii); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F63** Word in s. 85(2)(b) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 19(b)(i), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in art. 4)
- F64** S. 85(2)(ba) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 19(b)(ii); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

## 86 Liability for wrongful acts of constables etc.

- (1) The Director General of the National Crime Squad shall be liable in respect of [<sup>F65</sup>any unlawful conduct of] constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of [<sup>F65</sup>any unlawful conduct of] his servants in the course of their employment, and accordingly shall [<sup>F66</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the NCS service fund—
- (a) any damages or costs awarded against the Director General in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and
  - (b) any sum required in connection with the settlement of any claim made against the Director General by virtue of this section, if the settlement is approved by the NCS Service Authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the Director General of the National Crime Squad for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the Director General; and references in subsections (1) and (2) to the Director General shall be construed accordingly.
- (4) The NCS Service Authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the NCS service fund—
- (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for [<sup>F67</sup>any unlawful conduct of] that person,
  - (b) any costs incurred and not recovered by such a person in such proceedings, and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
- (a) a member of the National Crime Squad, or
  - (b) a constable for the time being required to serve with the <sup>M8</sup>National Crime Squad by virtue of section 23 above or section 24 or 98 of the Police Act 1996.

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- [<sup>F68</sup>(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a member of the National Crime Squad as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor a member of the National Crime Squad were unlawful conduct of a constable under the direction and control of the Director General of that Squad; and
  - (b) subsection (4) applied to every member of that team to whom it would not apply apart from this subsection.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F65** Words in s. 86(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 102\(1\)\(a\)\(2\)\(d\)](#); S.I. 2002/2306, [art. 2\(f\)\(xi\)](#)
- F66** Words in s. 86(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 102\(1\)\(b\)\(2\)\(d\)](#); S.I. 2002/2306, [art. 2\(f\)\(xi\)](#)
- F67** Words in s. 86(4)(a) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 102\(4\)\(5\)\(c\)](#); S.I. 2002/2306, [art. 2\(f\)\(xi\)](#)
- F68** S. 86(6)-(8) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), s. 103\(3\)](#); S.I. 2002/2306, [art. 2\(f\)\(xii\)](#)

#### Marginal Citations

- M8** 1996 c. 16.

## 87 Causing disaffection.

Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of the National Crime Squad within section 55(1) (a) or (b), or induces or attempts to induce, or does any act calculated to induce, any such member to withhold his services, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

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## 88 Application to NCS Service Authority of local authority enactments.

Schedule 6 (which amends local authority enactments applying to police authorities so as to apply those enactments in a similar way to the NCS Service Authority) shall have effect.

### Commencement Information

**I13** S. 88 partly in force; s. 88 not in force at Royal Assent, see s. 135; s. 88 in force for certain purposes at: 23.7.1997 by S.I. 1997/1377, art. 4; 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)); 1.4.1998 by S.I. 1998/354, art. 2

### General

## 89 Orders and regulations.

Any power of the Secretary of State to make orders or regulations under this Part shall be exercisable by statutory instrument.

## 90 Interpretation of Part II.

In this Part—

- <sup>F69</sup><sup>F70</sup>“British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949;]]
- “financial year” means the twelve months ending with 31st March;
- “NCIS” means the National Criminal Intelligence Service;
- “NCIS Service Authority” means the Service Authority for the National Criminal Intelligence Service;
- “NCS Service Authority” has the meaning given in section 47(1);
- “NCS service fund” means the fund established under section 61.

### Textual Amendments

- F69** Words in s. 90 inserted (23.12.2004) by Police Reform Act 2002 (c. 30), s. 108(2), Sch. 7 para. 21(3); S.I. 2004/3338, art. 3(b)
- F70** Definition in s. 90 ceases to have effect (1.7.2004) by virtue of Railways and Transport Safety Act 2003 (c. 20), Sch. 5 para. 42; S.I. 2004/1572, art. 3(jj)



**Status:**

Point in time view as at 24/11/2005.

**Changes to legislation:**

Police Act 1997, Part II is up to date with all changes known to be in force on or before 15 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.