



# Police Act 1997

## 1997 CHAPTER 50

### PART II

#### THE NATIONAL CRIME 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>F1</sup> . . .
  - (f) the Director General of NCIS<sup>F2</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.

*Status: Point in time view as at 07/06/2005.*

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#### Textual Amendments

- F1** Word in s. 71(2)(e) repealed (1.4.2002) by 2001 c. 16, ss. 128(1), 137, Sch. 6 Pt. 1 para. 18(a), Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(k)(m) (with transitional provisions in art. 4)
- F2** 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

- II** 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>F3</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—

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- (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.
- (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

**F3** 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>F4</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).

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- (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.
- [<sup>F5</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

- F4** 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)
- F5** 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>F675</sup> 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.]

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### Textual Amendments

**F6** 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 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>F7</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.

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- (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.
- (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

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- (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.]

#### Textual Amendments

F7 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>F8</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.]

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#### Textual Amendments

**F8** 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\(a\)](#)

### 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>M1</sup>Police Act 1996.

#### Marginal Citations

**M1** 1996 c. 16.

### <sup>F9</sup>79 Inquiries.

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#### Textual Amendments

**F9** 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>F10</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.



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- (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;
  - (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

**F10** 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>F11</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>F12</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;

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- (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;
  - (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

- F11** 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\(a\)](#)
- F12** 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>F13</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.

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- (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.
- (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.]

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#### **Textual Amendments**

**F13** 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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