



# Police Act 1997

## 1997 CHAPTER 50

### PART II

#### THE NATIONAL CRIME SQUAD

##### *Director General and other members*

#### **52 Appointment of Director General.**

- (1) The National Crime Squad shall have a Director General appointed by the [<sup>F1</sup>Secretary of State] on such terms and conditions as [<sup>F1</sup>he] considers appropriate.
- [<sup>F2</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>F3</sup>the Secretary of State] from a list of persons eligible for appointment which has been prepared by [<sup>F3</sup>a panel of members of the NCS Service Authority] and approved by the Secretary of State.
- [<sup>F4</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>F5</sup>Police Service of Northern Ireland],
  - (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis,
  - (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>F6</sup>section 25 of the

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<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>F7</sup> . . . , or
  - (b) by <sup>F8</sup> . . . members of police authorities for areas in England and Wales <sup>F9</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>F10</sup> . . . in England and Wales.
- [<sup>F11</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

- F1** 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**)
- F2** 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**)
- F3** 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**)
- F4** 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**)
- F5** 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.**
- F6** 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**
- F7** 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**)
- F8** 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**)
- F9** 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**)
- F10** 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)**
- F11** 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)**

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

**C1** 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.**

**F12** .....

**Textual Amendments**

**F12** 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**

**II** 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,
  - (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.

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- (2) A person shall be appointed as a police member of the National Crime Squad only if—
- [<sup>F13</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>F14</sup>....
- [<sup>F15</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 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>F16</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—
- (a) the appointment of any person to whom subsection (2)(a) applies as a police member [<sup>F17</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.

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- [<sup>F18</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>F19</sup>(10) . . . . .

#### Textual Amendments

- F13** 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\(b\)](#)
- F14** 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\(h\)\(l\)\(iii\)](#)
- F15** 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\(b\)](#)
- F16** 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](#))
- F17** 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\(b\)](#)
- F18** 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\(h\)](#)
- F19** 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)

- C2** 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](#)
- C3** 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\(c\)](#)
- C4** Words in s. 55(1)(c) extended (18.3.1998) by S.I. 1998/354, [art. 3\(6\)](#)

#### Commencement Information

- I2** 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>F20</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>F21</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>F22</sup> . . . . .
- (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.]

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#### Textual Amendments

- F20** 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**)
- F21** 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)**
- F22** 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)**

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