

Status: Point in time view as at 01/04/1998.

Changes to legislation: Police Act 1997, Cross Heading: Police Act 1996 (c. 16) is up to date with all changes known to be in force on or before 07 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9 **U.K.**

MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

- E1** The amendments in Sch. 9 have the same extent as the enactments to which they refer

Police Act 1996 (c. 16)

- 72 The Police Act 1996 shall be amended as follows.

Commencement Information

- I1** Sch. 9 para. 72 wholly in force at 31.10.1997; Sch. 9 para. 72 not in force at Royal Assent see s. 135; Sch. 9 para 72 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

- 73 At the end of section 23 (collaboration agreements) there shall be added—

“(8) For the purposes of this section, the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad shall be treated as if they were a police authority, the police force maintained by that authority and the chief officer of police of that force respectively, and the reference in subsection (1) to “police functions” shall include the functions of that Squad.”.

Commencement Information

- I2** Sch. 9 para. 73 wholly in force at 31.10.1997; Sch. 9 para. 73 not in force at Royal Assent see s. 135; Sch. 9 para. 73 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

- 74 At the end of section 24 (mutual aid) there shall be added—

“(5) This section shall apply in relation to the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad as it applies to a police authority, a police force and a chief officer of police respectively, and accordingly the reference in subsection (3) to section 10(1) shall be construed, in a case where constables are provided by the Director General of the National Crime Squad, as including a reference to section 56(1) of the Police Act 1997.”.

- 75 At the end of section 53 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—

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- “(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (3) In subsection (2) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 76 In section 54 (appointment and functions of inspectors of constabulary), at the end of subsection (2) there shall be added “ and the National Criminal Intelligence Service and the National Crime Squad ”.
- 77 In section 55 (publication of reports), after subsection (6) there shall be added—
- “(7) Subsections (3) to (6) above shall apply in relation to a report relating to the National Criminal Intelligence Service or the National Crime Squad as if—
- (a) the body to which the report relates were a police force,
 - (b) the Service Authority which maintains that body were the police authority which maintains that force, and
 - (c) the Director General of that body were the chief officer of police of that force.”.
- 78 (1) Section 57 (common services) shall be amended as follows.
- (2) After subsection (3) there shall be inserted—
- “(3A) Regulations under this section relating to all police forces may also require the National Crime Squad to use the specified facilities or services, or the facilities or services of a specified description, if the Secretary of State considers that it would be in the interests of the efficiency or effectiveness of the Squad for the Squad to do so.”.
- (3) In subsection (4), at the end of paragraph (b) there shall be added “, and
- (c) if the regulations relate to the National Crime Squad, the Service Authority for the National Crime Squad and the Director General of that Squad.”.
- (4) After subsection (4) there shall be added—
- “(5) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (6) In subsection (5) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 79 In section 59 (Police Federations), after subsection (7) there shall be added—
- “(8) For the purposes of subsection (1)—
- (a) the Director General of the National Criminal Intelligence Service and persons within section 9(2)(a) of the Police Act 1997 (former members of police forces) appointed as police members of the National Criminal Intelligence Service, and

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- (b) the Director General of the National Crime Squad and persons within section 55(2)(a) of that Act (former members of police forces) appointed as police members of the National Crime Squad, shall be treated as members of a police force in England and Wales, and references in this section to police service shall be construed accordingly.”.
- 80 In section 60 (regulations for police federations), after subsection (2) there shall be inserted—
- “(2A) For the purposes of paragraphs (c) and (d) of subsection (2)—
- (a) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities, and
- (b) the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad shall be treated as chief officers of police,
- and the reference in paragraph (d) of that subsection to “police purposes” shall be construed accordingly.”.
- 81 In section 61 (Police Negotiating Board for the United Kingdom), in subsection (1) —
- (a) after paragraph (a), there shall be inserted—
- “(aa) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;”, and
- (b) after paragraph (b) there shall be inserted—
- “(ba) the persons who are members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act;”.

Commencement Information

I3 Sch. 9 para. 81 wholly in force at 31.10.1997; Sch. 9 para. 81 not in force at Royal Assent see s. 135; Sch. 9 para. 81 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

- 82 (1) Section 62 (functions of Police Negotiating Board) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) Before determining the terms and conditions on which a person is to be appointed under section 6, 9(1)(b), 52 or 55(1)(b) of the Police Act 1997, the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendation made by the Board.”.
- (3) In subsection (2), after “subsection (1)” there shall be inserted “ or (1A) ”.
- 83 (1) Section 63 (Police Advisory Boards) shall be amended as follows.

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(2) After subsection (1) there shall be inserted—

“(1A) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting—

- (a) members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the ^{M1}Police Act 1997 (other than members engaged with that Service on a period of temporary service to which section 38A(1)(ba) of the ^{M2}Police (Scotland) Act 1967 or section 21 of the Police Act (Northern Ireland) 1970 applies), or
- (b) members of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997.

(1B) The Police Advisory Board for Scotland shall also advise the Secretary of State on general questions affecting members of the National Criminal Intelligence Service engaged on periods of temporary service to which section 38A(1)(ba) of the Police (Scotland) Act 1967 applies.”.

(3) In subsection (3), at the end of paragraph (b) there shall be inserted “, or

- (c) regulations under section 37, 39, 81 or 83 of the Police Act 1997,”.

Marginal Citations

M1 1967 c. 77.

M2 1970 c. 9 (N.I.).

84 In section 64 (membership of trade unions), after subsection (4) there shall be inserted—

“(4A) This section applies to members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act (police members) as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.

(4B) In its application by virtue of subsection (4A), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad.”.

85 In section 88 (liability for wrongful acts of constables), in subsection (5)(b), after “or 98” there shall be inserted “ of this Act or section 23 of the Police Act 1997 ”.

86 (1) Section 97 (police officers engaged on service outside their force) shall be amended as follows.

(2) In subsection (1), after paragraph (c) there shall be inserted—

- “(ca) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
- (cb) temporary service with the National Crime Squad on which a person is engaged with the consent of the appropriate authority;
- (cc) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”.

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(3) In subsection (6)(a) after “(c),” there shall be inserted “ (ca), (cb), (cc), ”

(4) In subsection (8) after “(c)” there shall be inserted “ , (ca), (cb), (cc), ”.

Commencement Information

I4 Sch. 9 para. 86 wholly in force at 31.10.1997; Sch. 9 para. 86 not in force at Royal Assent see s. 135; Sch. 9 para. 86 in force at 31.10.1997 by S.I. 1997/2390, art. 2 (with arts. 3-7 (but the said arts. 4-7 were revoked (1.4.1998) by S.I. 1998/354, art. 7))

87 (1) Section 98 (cross-border aid) shall be amended as follows.

(2) In subsection (2)—

- (i) after “Constabulary”, in the first place it occurs, there shall be inserted “ or the Director General of the National Crime Squad ”, and
- (ii) after “Constabulary”, in the second place it occurs there shall be inserted “ or the National Crime Squad ”.

(3) In subsection (3)—

- (i) after “Scotland” there shall be inserted “ or the Director General of the National Crime Squad ”, and
- (ii) after “Scottish force” there shall be inserted “ or the National Crime Squad ”.

(4) After subsection (3) there shall be inserted—

“(3A) The Director General of the National Crime Squad may, on the application of the chief officer of a police force in Scotland or the Chief Constable of the Royal Ulster Constabulary, provide constables or other assistance for the purpose of enabling the Scottish force or the Royal Ulster Constabulary to meet any special demand on its resources.”.

(5) In subsection (4)—

- (a) in paragraph (a) after “force” there shall be inserted “ or the National Crime Squad ”,
- (b) in paragraph (b), for “or (3)” there shall be substituted “ , (3) or (3A) ”, and
- (c) after “Constabulary” there shall be inserted “ or the Director General of the National Crime Squad ”.

(6) In subsection (5)—

- (a) after “force” in the first place it occurs there shall be inserted “ or the National Crime Squad ”,
- (b) after “Constabulary” in the first place it occurs there shall be inserted “ or the National Crime Squad ”, and
- (c) after “Constabulary” in the second place it occurs there shall be inserted “ or the Director General of the National Crime Squad ”.

(7) After subsection (6) there shall be inserted—

“(6A) For the purposes of subsection (6), the Service Authority for the National Crime Squad shall be treated as a police authority and the National Crime Squad as the police force maintained by it.”.

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