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## SCHEDULES

### SCHEDULE 1

Sections 1(7) and 47(7).

#### APPOINTMENT OF MEMBERS OF THE SERVICE AUTHORITIES

##### Commencement Information

- II** Sch. 1 wholly in force at 23.7.1997; Sch. 1 not in force at Royal Assent see s. 135; Sch. 1 in force for certain purposes at 25.6.1997 (and subject to modifications in S.I. 1887/1377, art. 3(3)(4) by s. 135 and S.I. 1997/1377, art. 3(2)(c); Sch. 1 wholly in force at 23.7.1997 by S.I. 1997/1377, art. 4(2)(a)

#### PART I

##### CORE MEMBERS

##### Extent Information

- E1** Sch. 1 Pts. I, IV extend to E.W. only so far as they relate to the Service Authority for the National Crime Squad, see s. 137(2)(c)

- 1 (1) The NCS Service Authority and the NCIS Service Authority shall have a common core membership consisting of [<sup>F1</sup>eight] members (“the core members”) appointed in accordance with this Part.

##### Textual Amendments

- F1** Word in Sch. 1 Pt. I para. 1 substituted (1.4.2002) by 2001 c. 16, s. 108, Sch. 5 Pt. 1 para. 2; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

- 2 (1) [<sup>F2</sup>At least three, and not more than four,] of the core members shall be persons appointed by the Secretary of State under this paragraph.
- (2) A person shall not be appointed under this paragraph if he is—
- (a) a member of a police force in Great Britain or of the [<sup>F3</sup>Police Service of Northern Ireland],
  - (b) a Crown servant, or
  - (c) a [<sup>F4</sup> . . . member of a police authority for an area in England and Wales, a member of a police authority for an area in Scotland or a member of the [<sup>F5</sup>Northern Ireland Policing Board].
- (3) One of the core members appointed under this paragraph shall be appointed by the Secretary of State to be the chairman of both the NCS Service Authority and the NCIS Service Authority.

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[<sup>F6</sup>(4) Before making any appointment under this paragraph <sup>F7</sup> . . . , the Secretary of State shall consult the Scottish Ministers.]

**Textual Amendments**

- F2** Words in Sch. 1 Pt. I para. 2(1) substituted (1.4.2002) by 2001 c. 16, s. 108, Sch. 5 Pt. 1 para. 3(a); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F3** Words in Sch. 1 para. 2(2)(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.**
- F4** Words in Sch. 1 Pt. I para. 2(2)(c) repealed (1.4.2002) by 2001 c. 16, s. 108, 137, Sch. 5 Pt. 1 para. 3(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F5** Words in Sch. 1 para. 2(2)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F6** Sch. 1 para. 2(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(26)(a)**; S.I. 1998/3178, **art. 3**
- F7** Words in Sch. 1 Pt. I para. 2(4) repealed (1.4.2002) by 2001 c. 16, ss. 108, 137, Sch. 5 Pt. 1 para. 3(c), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)

3 (1) [<sup>F8</sup>One] of the core members shall be appointed by the chief officers of police of forces in England and Wales and the Assistant Commissioners of Police of the Metropolis (“the relevant police officers”), from among their number.

(2) <sup>F9</sup> .....

**Textual Amendments**

- F8** Word in Sch. 1 Pt. I para. 3(1) substituted (1.4.2002) by 2001 c. 16, s. 108, Sch. 5 Pt. 1 para. 4(a); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F9** Sch. 1 Pt. I para. 3(2) repealed (1.4.2002) by 2001 c. 16, ss. 108, 137, Sch. 5 Pt. 1 para. 4(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)

4 [<sup>F10</sup>(1)] [<sup>F11</sup>One] of the core members shall be appointed by the <sup>F12</sup> . . . members of police authorities for areas in England and Wales, from among their number.

(2) <sup>F13</sup> .....

**Textual Amendments**

- F10** Sch. 1 para. 4: "(1)" inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 113(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F11** Word in Sch. 1 Pt. I para. 4(1) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 1 para. 5(a)(i); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F12** Words in Sch. 1 Pt. I para. 4(1) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 1 para. 5(a)(ii), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F13** Sch. 1 Pt. I para. 4(2) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 1 para. 5(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)

<sup>F14</sup>5 .....

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#### Textual Amendments

**F14** Sch. 1 para. 5 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 113(4)(a), Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

[<sup>F15</sup>6 (1) The relevant number of core members shall be Crown servants appointed by the Secretary of State under this paragraph.

- (2) For this purpose “the relevant number” means—
- (a) if three core members are appointed under paragraph 2, two, and
  - (b) if four core members are so appointed, one.]

#### Textual Amendments

**F15** Sch. 1 Pt. I para. 6 substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 1 para. 6; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

[<sup>F16</sup>6A One of the core members shall be a customs officer appointed by the Commissioners of Customs and Excise under this paragraph.]

#### Textual Amendments

**F16** Sch. 1 Pt. I para. 6A inserted (1.4.2002) by 2001 c. 16, ss. 108(3), Sch. 5 Pt. 1 para. 7; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

[<sup>F17</sup>6B (1) The Secretary of State may appoint one of the core members to be the vice-chairman of both the NCS Service Authority and the NCIS Service Authority.

- (2) Before making an appointment under this paragraph, the Secretary of State shall consult the Scottish Ministers.
- (3) Subject to any provision made by the NCS Service Authority or the NCIS Service Authority under paragraph 3 of Schedule 2A, anything authorised or required to be done by, to or before their chairman may be done by, to or before any vice-chairman of the authority.]

#### Textual Amendments

**F17** Sch. 1 Pt. I para. 6B inserted (1.4.2002) by 2001 c. 16, s. 104(3); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

## PART II

### ADDITIONAL MEMBERS OF NCIS SERVICE AUTHORITY

[<sup>F18</sup>7 Where the NCIS Service Authority is to consist of eleven members by virtue of section 1, then in addition to the eight core members—

- (a) one of the members shall be a person appointed under this paragraph in accordance with paragraph 7A,

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- (b) one shall be a person appointed under this paragraph in accordance with paragraph 7B, and
- (c) one shall be a member of the Security Service appointed by the Secretary of State under this paragraph.]

**Textual Amendments**

**F18** Sch. 1 Pt. II paras. 7-7B substituted (1.4.2002) for Sch. 1 Pt. II para. 7 by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 8; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

[<sup>F19</sup>7A (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall, after consultation with the Scottish Ministers, decide whether the person appointed must be—

- (a) a chief constable of a police force in Scotland,
- (b) a member of a police authority for an area in Scotland, or
- (c) a Crown servant.

(2) Where such a decision is made—

- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the chief constables of police forces in Scotland, from among their number;
- (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of police authorities for areas in Scotland, from among their number; and
- (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Scottish Ministers.]

**Textual Amendments**

**F19** Sch. 1 Pt. II paras. 7-7B substituted (1.4.2002) for Sch. 1 Pt. II para. 7 by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 8; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

[<sup>F20</sup>7B (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall decide whether the person appointed must be—

- (a) a person holding at least the rank of deputy chief constable in the Police Service of Northern Ireland,
- (b) a member of the Northern Ireland Policing Board, or
- (c) a Crown servant.

(2) Where such a determination is made—

- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the Chief Constable of the Police Service of Northern Ireland;
- (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of the Northern Ireland Policing Board, from among their number; and
- (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Secretary of State.]

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**Textual Amendments**

**F20** Sch. 1 Pt. II paras. 7-7B substituted (1.4.2002) for Sch. 1 Pt. II para. 7 by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 8; S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

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

**C1** Sch. 1 Pt. II para. 7B modified (11.5.2001) by 2001 c. 16, s. 109(4)

- 8 (1) Where the Authority is to consist of more than [<sup>F21</sup>eleven] members by virtue of an order under section 1(3), then in addition to the [<sup>F22</sup>eight] core members—
- (a) a prescribed number of members shall be appointed by the Secretary of State under this paragraph [<sup>F23</sup>after consultation with the Scottish Ministers]
  - (b) a prescribed number shall be appointed by the relevant police officers, from among their number;
  - (c) a prescribed number of members shall be appointed by the chief constables of police forces in Scotland, from among their number;
  - (d) [<sup>F24</sup>a prescribed number shall be persons] holding at least the rank of deputy chief constable in the [<sup>F25</sup>Police Service of Northern Ireland], appointed by the Chief Constable of [<sup>F26</sup>that Police Service];
  - (e) a prescribed number <sup>F27</sup> . . . shall be appointed by the <sup>F28</sup> . . . members of police authorities for areas in England and Wales, from among their number;
  - (f) a prescribed number shall be appointed by the members of police authorities for areas in Scotland, from among their number;
  - (g) a prescribed number shall be appointed by the members of the [<sup>F29</sup>Northern Ireland Policing Board], from among their number;
  - [<sup>F30</sup>(h) a prescribed number shall be Crown servants appointed by the Secretary of State under this paragraph;
  - (ha) a prescribed number shall be Crown servants appointed by the Scottish Ministers under this paragraph; and]
  - (i) [<sup>F31</sup>a prescribed number shall be customs officers] appointed by the Commissioners of Customs and Excise.
- (2) <sup>F32</sup> . . . . .
- (3) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(a), as it applies to appointments under paragraph 2.
- <sup>F33</sup>(4) . . . . .
- (5) The power to make an order under section 1(3) includes power to prescribe anything which is require to be prescribed for the purposes of this paragraph [<sup>F34</sup>; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1)].

**Textual Amendments**

**F21** Word in Sch. 1 Pt. II para. 8(1) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 9(2)(a); S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

**F22** Word in Sch. 1 Pt. II para. 8(1) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 9(2)(b); S.I. 2002/344, art. 3(e) (with transitional provisions in art. 4)

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- F23** Words in Sch. 1 para. 8(1)(a) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(28)(a)**; S.I. 1998/3178, **art. 3**
- F24** Words in Sch. 1 Pt. II para. 8(1)(d) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 9(2)(c); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F25** Words in Sch. 1 para. 8(1)(d) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F26** Words in Sch. 1 para. 8(1)(d) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(7)**; S.R. 2001/396, art. 2, **Sch.**
- F27** Words in Sch. 1 Pt. II para. 8(1)(e) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 2 para. 9(2)(d), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F28** Words in Sch. 1 Pt. II para. 8(1)(e) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 2 para. 9(2)(d), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F29** Words in Sch. 1 para. 8(1)(g)(2)(a)(iv) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F30** Sch. 1 Pt. II para. 8(1)(h)(ha) substituted (1.4.2002) for Sch. 1 Pt. II para. 8(1)(h) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 9(2)(e); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F31** Words in Sch. 1 Pt. II para. 8(1)(i) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 9(2)(f); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F32** Sch. 1 Pt. II para. 8(2) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 2 para. 9(3), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F33** Sch. 1 para. 8(4) repealed (3.7.2000) by 1999 c. 29, s. 325, 423, Sch. 27 para. 113(4)(b), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F34** Words in Sch. 1 Pt. II para. 8(5) inserted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 2 para. 9(4); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)

### PART III

#### ADDITIONAL MEMBERS OF NCS SERVICE AUTHORITY

- 9 <sup>[F35]</sup>(1) Where the NCS Service Authority is to consist of <sup>[F36]</sup>eleven members by virtue of section 47, then in addition to the <sup>[F37]</sup>eight core members—
- (a) one member shall be appointed by the relevant police officers, from among their number; and
  - (b) <sup>[F38]</sup>one shall be appointed by the <sup>F39</sup>. . . members of police authorities for areas in England and Wales, from among their number. <sup>[F40]</sup>and
  - (c) one shall be appointed by the Secretary of State.]
- <sup>[F41]</sup>(2) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(c) as it applies to appointments under paragraph 2.]

#### Textual Amendments

- F35** Sch. 1 Pt. III para. 9 renumbered (1.4.2002) as Sch. 1 Pt. III para. 9(1) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 10(1); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F36** Word in Sch. 1 Pt. III para. 9(1) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 10(2)(a); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F37** Word in Sch. 1 Pt. III para. 9(1) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 10(2)(b); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F38** Word in Sch. 1 Pt. III para. 9(1)(b) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 10(2)(c)(i); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)

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- F39** Words in Sch. 1 Pt. III para. 9(1)(b) repealed (1.4.2002) by 2001 c. 16, ss. 108, 137, Sch. 5 Pt. 3 para. 10(2)(c)(ii), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F40** Sch. 1 Pt. III para. 9(1)(c) and preceding word inserted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 10(2)(d); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F41** Sch. 1 Pt. III para. 9(2) inserted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 10(3); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)

- 10 (1) Where the Authority is to consist of more than [<sup>F42</sup>eleven] members by virtue of an order under section 47(3), then in addition to the [<sup>F42</sup>eight] core members—
- (a) a prescribed number of members shall be appointed by the Secretary of State;
  - (b) a prescribed number shall be appointed by the relevant police officers, from among their number; and
  - (c) a prescribed number <sup>F43</sup> . . . shall be appointed by the <sup>F44</sup> . . . members of police authorities for areas in England and Wales, from among their number.
- (2) <sup>F45</sup> . . . . .
- (3) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(a), as it applies to appointments under paragraph 2.
- <sup>F46</sup>(4) . . . . .
- (5) The power to make an order under section 47(3) includes power to prescribe anything which is required to be prescribed for the purposes of this paragraph [<sup>F47</sup>; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1)].

#### Textual Amendments

- F42** Words in Sch. 1 Pt. III para. 10(1) substituted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 11(a)(i)(ii); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)
- F43** Words in Sch. 1 Pt. III para. 10(1)(c) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 3 para. 11(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F44** Words in Sch. 1 Pt. III para. 10(1)(c) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 3 para. 11(b), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F45** Sch. 1 Pt. III para. 10(2) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 3 para. 11(c), Sch. 7 Pt. 5(1); S.I. 2002/344, **art. 3(e)(j)(m)** (with transitional provisions in art. 4)
- F46** Sch. 1 para. 10(4) repealed (3.7.2000) by 1999 c. 29, s. 325, 423, Sch. 27 para. 113(4)(c), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1))
- F47** Words in Sch. 1 Pt. III para. 10(5) inserted (1.4.2002) by 2001 c. 16, s. 108(3), Sch. 5 Pt. 3 para. 11(d); S.I. 2002/344, **art. 3(e)** (with transitional provisions in art. 4)

## PART IV

### GENERAL

#### Extent Information

- E2** Sch. 1 Pts. I, IV extend to E.W. only so far as they relate to the Service Authority for the National Crime Squad, see s. 137(2)(c)

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*Membership of more than one Service Authority by non-core members*

- 11 (1) Nothing in this Schedule shall prevent a member of the NCS Service Authority appointed under Part III from being appointed as a member of the NCIS Service Authority under Part II.
- (2) Nothing in this Schedule shall prevent a member of the NCIS Service Authority appointed under Part II from being appointed as a member of the NCS Service Authority under Part III.

*Local authority members*

12 <sup>F48</sup> .....

**Textual Amendments**  
**F48** Sch. 1 Pt. IV para. 12 repealed (1.4.2002) by 2001 c. 16, ss. 108, 137, 138(2), Sch. 5 Pt. 4 para. 12, Sch. 7 Pt. 5 para. 1; S.I. 2002/344, art. 3(e)(j)(m) (with transitional provisions in art. 4)

- 13 The clerk to a Service Authority shall make such arrangements as he considers necessary to facilitate the appointment to the Authority, in accordance with this Schedule, of—
  - (a) <sup>F49</sup> . . . members of police authorities for areas in England and Wales, and
  - (b) in the case of the clerk to the NCIS Service Authority, members of police authorities for areas in Scotland and members of the [<sup>F50</sup>Northern Ireland Policing Board].

**Textual Amendments**  
**F49** Words in Sch. 1 Pt. IV para. 13(a) repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 4 para. 13, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(e)(j)(m) (with transitional provisions in art. 4)  
**F50** Words in Sch. 1 para. 13 substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 20(3); S.R. 2001/396, art. 2, Sch.

*Interpretation*

14 <sup>F51</sup> .....

**Textual Amendments**  
**F51** Sch. 1 Pt. IV para. 14 repealed (1.4.2002) by 2001 c. 16, ss. 108(3), 137, Sch. 5 Pt. 4 para. 14, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(e)(j)(m) (with transitional provisions in art. 4)

- 15 In this Schedule—
  - (a) “the relevant police officers” shall be construed in accordance with paragraph 3(1), and
  - (b) “customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the <sup>M1</sup>Customs and Excise Management Act 1979.



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### Marginal Citations

M1 1979 c. 2.

- 16 For the purposes of this Schedule, [<sup>F52</sup>the Commissioner of Police for the City of London shall be treated as if he were a member of the City of London police force.].

### Textual Amendments

F52 Words in Sch. 1 para. 16 substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 113(6) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

## SCHEDULE 2

Sections 1(7) and 47(7).

### OTHER PROVISIONS ABOUT MEMBERS OF SERVICE AUTHORITIES

#### Extent Information

E3 Sch. 2 extends to E.W. only so far as it relates to the Service Authority for the National Crime Squad, see s. 137(2)(c)

#### Commencement Information

I2 Sch. 2 wholly in force at 23.7.1997; Sch. 2 not in force at Royal Assent see s. 135; Sch. 2 in force for certain purposes at 25.6.1997 (subject to modifications in S.I. 1997/1377, art. 3(3)(4)) by s. 135 and S.I. 1997/1377, art. 3(2)(d); Sch. 2 wholly in force at 23.7.1997 by S.I. 1997/1377, art. 4(2)(a)

### *Disqualification*

- 1 A person shall be disqualified for being appointed as a member of a Service Authority if—
- (a) he has not yet attained the age of twenty-one years, <sup>F53</sup> . . .
  - (b) <sup>F53</sup> . . . . .

#### Textual Amendments

F53 Sch. 2 para. 1(b) and preceding word repealed (1.4.2002) by 2001 c. 16, ss. 106(1)(b), 137, Sch. 7 Pt. 4; S.I. 2002/344, art. 3(c)(j)(l) (with transitional provisions in art. 4)

- 2 (1) A person shall be disqualified for being appointed as a member of a Service Authority if neither his principal or only place of work, nor his principal or only place of residence, has been in the relevant area during the whole of the period of twelve months ending with the day of appointment.
- (2) A person shall be disqualified for being a member of a Service Authority if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within the relevant area.
- (3) In this paragraph “relevant area”—

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- (a) in relation to appointments under Part I or III of Schedule 1, means England and Wales, and
  - (b) in relation to appointments under Part II of that Schedule, means the United Kingdom.
- 3 (1) Subject to sub-paragraphs (2) and (3), a person shall be disqualified for being appointed as or being a member of a Service Authority if—
- [<sup>F54</sup>(a) he is—
    - (i) a member of NCIS or of the National Crime Squad, or
    - (ii) an employee or officer of the Authority (who is not such a member);]
  - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order [<sup>F55</sup>or disqualification undertaking] under the <sup>M2</sup>Company Directors Disqualification Act 1986 or [<sup>F56</sup>to a disqualification order under] Part II of the <sup>M3</sup>Companies (Northern Ireland) Order 1989, or to an order made under section 429(2)(b) of the <sup>M4</sup>Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge, and
  - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (4) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

#### Textual Amendments

**F54** Sch. 2 para. 3(1)(a) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(1); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

**F55** Words in Sch. 2 para. 3(1)(c) inserted (2.4.2001) by 2000 c. 39, s. 8, Sch. 4 Pt. II para. 22(3)(a); S.I. 2001/766, art. 2(1)(a) (subject to the transitional provisions and savings in art. 3)

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**F56** Words in **Sch. 2 para. 3(1)(c)** inserted (2.4.2001) by **2000 c. 39, s. 8, Sch. 4 Pt. II para. 22(3)(b)**; **S.I. 2001/766, art. 2(1)(a)** (subject to the transitional provisions and savings in **art. 3**)

#### Marginal Citations

- M2** 1986 c. 46.  
**M3** S.I. 1989/2404 (N.I.18).  
**M4** 1986 c. 45.

#### *Tenure of office*

- 4 Subject to the following paragraphs (and to the provisions of any order under section 1(3) or 47(3)) a person shall hold and vacate office as a member of a Service Authority in accordance with the terms of his appointment.
- 5 A person shall be appointed to hold office as a member for—
- (a) a term of four years <sup>F57</sup> . . . , or
  - (b) such shorter term as the person or persons appointing him may determine in any particular case.

#### Textual Amendments

**F57** Words in **Sch. 2 para. 5(a)** repealed (1.4.2002) by **2001 c. 16, s. 137, Sch. 7 Pt. 4**; **S.I. 2002/344, art. 3(j)(i)** (with transitional provisions in **art. 4**)

- 6 (1) A person may at any time—
- (a) resign his office as chairman [<sup>F58</sup>or vice-chairman] or as a core member by notice in writing to both of the Service Authorities, or
  - (b) resign his office as a member of a Service Authority appointed under Part II or III of Schedule 1 by notice in writing to that Service Authority.
- (2) Where a member resigns his office as a member or as chairman [<sup>F58</sup>or vice-chairman] under sub-paragraph (1), he shall send a copy of the notice—
- (a) to the Secretary of State, <sup>F59</sup> . . .
  - (b) if he was appointed under paragraph [<sup>F60</sup>6A] or 8(1)(i) of Schedule 1, to the Commissioners of Customs and Excise.
- [<sup>F61</sup>and
- (c) if he was appointed under paragraph [<sup>F62</sup>7(a) or 8(1)(ha)] of Schedule 1 by the Scottish Ministers, to the Scottish Ministers.]

#### Textual Amendments

- F58** Words in **Sch. 2 para. 6(1)(a)(2)** inserted (1.4.2002) by **2001 c. 16, s. 104(4)(c)**; **S.I. 2002/344, art. 3(b)** (with transitional provisions in **art. 4**)
- F59** Word in **Sch. 2 para. 6(2)(a)** omitted (1.7.1999) by virtue of **S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2(29)(a)**; **S.I. 1998/3178, art. 3**
- F60** Word in **Sch. 2 para. 6(2)(b)** substituted (1.4.2002) by **2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(2)(a)**; **S.I. 2002/344, art. 3(k)** (with transitional provisions in **art. 4**)

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- F61** Sch. 6 para. 6(2)(c) and preceding word inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 18 Pt. II para. 2(29)(b)**; S.I. 1998/3178, **art. 3**
- F62** Words in Sch. 2 para. 6(2)(c) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(2)(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

- 7 (1) A member of a police authority appointed to be a member of a Service Authority under paragraph 4, [<sup>F63</sup>7(a) or (b), 8(1)(e), (f) or (g), 9(1)(b)] or 10(1)(c), of Schedule 1 shall cease to be a member of the Service Authority if he ceases to be a member of the police authority eligible for appointment under the paragraph concerned (unless re-elected or re-appointed on the same day).
- (2) A member of a Service Authority appointed other than as mentioned in sub-paragraph (1) shall cease to be a member if he becomes a member of a police authority for an area in Great Britain, or of the [<sup>F64</sup>Northern Ireland Policing Board], eligible for appointment under one of the paragraphs mentioned in sub-paragraph (1).
- (3) A Crown servant appointed to be a member of a Service Authority under paragraph 6, [<sup>F65</sup>7(a) or (b) or 8(1)(h) or (ha)] of Schedule 1 shall cease to be a member of the Service Authority if he ceases to be a Crown servant.
- (4) A person appointed to be a member of a Service Authority in accordance with paragraph 3, 7(a) or (b) [<sup>F66</sup>(by virtue of being a person within paragraph 7A(1)(a) or 7B(1)(a))], 8(1)(b), (c) or (d), [<sup>F67</sup>9(1)(a)] or 10(1)(b) of Schedule 1 (appointment of senior police officers) shall cease to be a member of the Service Authority if he ceases to be a person eligible for appointment under the paragraph concerned.
- (5) A person appointed to be a member of [<sup>F68</sup>a Service Authority under paragraph 6A] or 8(1)(i) of Schedule 1 shall cease to be a member if he ceases to be a customs officer within the meaning of paragraph 15 of that Schedule.
- [<sup>F69</sup>(6) A person appointed to be a member of the NCIS Service Authority under paragraph 7(c) shall cease to be a member if he ceases to be a member of the Security Service.]

#### Textual Amendments

- F63** Words in Sch. 2 para. 7(1) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(a); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F64** Words in Sch. 2 para. 7(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F65** Words in Sch. 2 para. 7(3) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(b); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F66** Words in Sch. 2 para. 7(4) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(c)(i); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F67** Words in Sch. 2 para. 7(4) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(c)(ii); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F68** Words in Sch. 2 para. 7(5) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(d); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)
- F69** Sch. 2 para. 7(6) inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(3)(e); S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

- 8 (1) Subject to sub-paragraph (3), a member of a Service Authority may be removed from office as such a member or as chairman [<sup>F70</sup>or vice-chairman] by the authorised person, by notice in writing, if—

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- (a) he has been absent from meetings of the Service Authority for a period longer than four consecutive months without the consent of the Authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 3),
  - (c) the authorised person is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the authorised person is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) For the purposes of sub-paragraph (1) “the authorised person”, in relation to a member of a Service Authority, means—
- (a) the Service Authority, or
  - (b) the person or persons who would be required to appoint his successor.
- (3) A Service Authority shall not, under sub-paragraph (1), remove its chairman [<sup>F70</sup>or vice-chairman] from office as chairman [<sup>F70</sup>or vice-chairman] or as a member of the Service Authority.
- (4) Where a Service Authority removes a member under sub-paragraph (1), it shall give notice of that fact—
- (a) to the person or persons who are required to appoint his successor, and
  - (b) if the member was appointed under Part I of Schedule 1, to the other Service Authority.
- (5) Where a member of a Service Authority is removed under sub-paragraph (1) by the person mentioned in sub-paragraph (2)(b), that person shall give notice of that fact—
- (a) to the Service Authority, and
  - (b) if he is a member appointed under Part I of Schedule 1 and is not also removed from the other Service Authority, to that other Authority.
- [<sup>F71</sup>(6) For the purposes of this paragraph, in relation to a member appointed under paragraph 7(a) or (b) of Schedule 1 the references to the person or persons who are (or would be) required to appoint his successor are to be read as references to the Secretary of State.]

#### Textual Amendments

- F70** Words in [Sch. 2 para. 8\(1\)\(3\)](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(4\)\(c\)](#); [S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))
- F71** [Sch. 2 para. 8\(6\)](#) inserted (1.4.2002) by [2001 c. 16, s. 128\(1\)](#), [Sch. 6 Pt. 1 para. 20\(4\)](#); [S.I. 2002/344, art. 3\(k\)](#) (with transitional provisions in [art. 4](#))

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<sup>F72</sup>

#### Textual Amendments

- F72** [Sch. 2 para. 9](#) repealed (1.4.2002) by [2001 c. 16, ss. 128\(1\), 137](#), [Sch. 6 Pt. 1 para. 20\(5\)](#), [Sch. 7 Pt. 5\(1\)](#); [S.I. 2002/344, art. 3\(j\)\(k\)\(m\)](#) (with transitional provisions in [art. 4](#))

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Where a core member appointed under Part I of Schedule 1 is removed from a Service Authority under paragraph 8 <sup>F73</sup>. . . , he shall cease to be a member of the other Service Authority.

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#### Textual Amendments

**F73** Words in [Sch. 2 para. 10](#) repealed (1.4.2002) by [2001 c. 16, ss. 128\(1\), 137, Sch. 6 Pt. 1 para. 20\(6\), Sch. 7 Pt. 5\(1\); S.I. 2002/344, art. 3\(j\)\(k\)\(m\)](#) (with transitional provisions in [art. 4](#))

#### *Chairman*

- 11 (1) On being notified of a casual vacancy occurring in the office of chairman of the Service Authorities, the Secretary of State—
- (a) shall take such steps as are reasonably practicable to fill the vacancy, and
  - (b) shall [<sup>F74</sup>, after consultation with the Scottish Ministers,] appoint a core member appointed under paragraph 2 of Schedule 1 to be the temporary chairman of the Service Authorities.
- (2) A temporary chairman appointed in accordance with this paragraph—
- (a) shall not continue in office as chairman for a period exceeding six months, and
  - (b) shall cease to hold that office on the appointment, by the Secretary of State, of a person to the office of chairman.

#### Textual Amendments

**F74** Words in [Sch. 2 para. 11\(1\)\(b\)](#) inserted (1.7.1999) by [S.I. 1999/1747, arts. 1, 3, Sch. 18 Pt. II para. 2\(30\); S.I. 1998/3178, art. 3](#)

#### *Eligibility for re-appointment*

- 12 A person who ceases to be a member or to be chairman [<sup>F75</sup> or vice-chairman], otherwise than by virtue of paragraph 8(1)(a), (b) or (d), may (if otherwise eligible) be re-appointed.

#### Textual Amendments

**F75** Words in [Sch. 2 para. 12](#) inserted (1.4.2002) by [2001 c. 16, s. 104\(4\)\(c\); S.I. 2002/344, art. 3\(b\)](#) (with transitional provisions in [art. 4](#))

#### *Eligibility to vote*

- 13 A member of a Service Authority appointed under paragraph 3, 7(a) or (b) [<sup>F76</sup>(by virtue of being a person within paragraph 7A(1)(a) or 7B(1)(a))], 8(1)(b), (c) or (d), [<sup>F77</sup>9(1)(a)] or 10(1)(b) of Schedule 1 (appointment of senior police officers) shall not be entitled to vote on any decision taken by the Authority—
- (a) on a motion of censure of the Director General or of any other member of NCIS or, as the case may be, the National Crime Squad (other than a member appointed by the Director General by virtue of section 9(8) or 55(8)), including any motion on disciplinary action to be taken against him, or

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- (b) relating to the exercise by the Authority of its power under [F78 section 9A or, as the case may be, 55A to require a member of NCIS or the National Crime Squad] to resign in the interests of efficiency or effectiveness.

#### Textual Amendments

- F76** Words in Sch. 2 para. 13 inserted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(7)(a); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F77** Words in Sch. 2 para. 13 substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(7)(b); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)
- F78** Words in Sch. 2 para. 13(b) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(7)(c); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

- 14 A member of a Service Authority appointed under paragraph 6, [F797(a) or (b) (by virtue of being a person within paragraph 7A(1)(c) or 7B(1)(c)), 7(c) or 8(1)(h) or (ha)] of Schedule 1 shall not be entitled to vote at any meeting of the Service Authority, or of any committee of that Authority.

#### Textual Amendments

- F79** Words in Sch. 2 para. 14 substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(8); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

#### *Validity of acts*

- 15 The acts and proceedings of any person appointed to be a member or chairman [F80 or vice-chairman] of a Service Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

#### Textual Amendments

- F80** Words in Sch. 2 para. 15 inserted (1.4.2002) by 2001 c. 16, s. 104(4)(c); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

- 16 The proceedings of a Service Authority shall not be invalidated by a vacancy in the membership of the Authority or in the office of chairman [F81 by a vacancy for a vice-chairman] or by any defect in the appointment of a person as a member or as chairman [F82 or vice-chairman].

#### Textual Amendments

- F81** Words in Sch. 2 para. 16 inserted (1.4.2002) by 2001 c. 16, ss. 104(5)(a); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)
- F82** Words in Sch. 2 para. 16 inserted (1.4.2002) by 2001 c. 16, ss. 104(5)(b); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

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### Allowances

- 17 (1) Subject to sub-paragraph (2), a Service Authority may make to its chairman [<sup>F83</sup>, vice-chairmen] and other members such payments by way of reimbursement of expenses <sup>F84</sup> . . . as the Secretary of State may determine.
- (2) <sup>F85</sup> . . . . .
- (3) Payments made under sub-paragraph (1) may differ according to whether the recipient is the chairman, [<sup>F86</sup> a vice-chairman,] a core member or another member.

#### Textual Amendments

- F83** Words in Sch. 2 para. 17(1) inserted (1.4.2002) by 2001 c. 16, s. 104(8)(a); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)
- F84** Words in Sch. 2 para. 17(1) repealed (1.4.2002) by 2001 c. 16, ss. 107(1)(c), 137, Sch. 7 Pt. 4; S.I. 2002/344, art. 3(d)(j)(i) (with transitional provisions in art. 4)
- F85** Sch. 2 para. 17(2) repealed (1.4.2002) by 2001 c. 16, s. 137, Sch. 7 Pt. 4; S.I. 2002/344, art. 3(j)(i) (with transitional provisions in art. 4)
- F86** Words Sch. 2 para. 17(3) inserted (1.4.2002) by 2001 c. 16, s. 104(8)(b); S.I. 2002/344, art. 3(b) (with transitional provisions in art. 4)

#### *Allowances for members etc.*

- [<sup>F87</sup>17A(1)] Subject to the following provisions of this paragraph, a Service Authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as that Service Authority may determine.
- (2) Subject to sub-paragraphs (6) and (7), no payment shall be made under this paragraph except in accordance with arrangements published by the Service Authority not more than twelve months before the making of the payment.
- (3) A Service Authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by that Authority.
- (4) It shall be the duty of a Service Authority, when making or revising any arrangements made for the purposes of this paragraph, to have regard to any guidance given by the Secretary of State about the payment of allowances.
- (5) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice chairman a core member or another member.
- (6) No payment shall be made under this paragraph to—
- (a) any member of a Service Authority appointed under paragraph 3, 6 or 6A of Schedule 1,
  - (b) any member of a Service Authority appointed, otherwise than by virtue of his being within paragraph 7A(1)(b) or 7B(1)(b), under paragraph 7A of that Schedule; or
  - (c) any member of a Service Authority appointed under paragraph 8(1)(b), (c), (d), (h), (ha) or (i), 9(1)(a) or 10(1)(b) of that Schedule.
- (7) The Secretary of State may by regulations impose such limits as may be provided for by or under the regulations on the payments that may be made under this paragraph.



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- (8) A statutory instrument containing regulations under sub-paragraph (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F87** Sch. 2 para. 17A inserted (1.4.2002) by 2001 c. 16, s. 107(4); S.I. 2002/344, art. 3(d) (with transitional provisions in art. 4)

#### *Co-opted Members*

- 18 (1) Paragraphs 1 to 3 apply to a person co-opted as a member of a Service Authority as they apply to a person appointed as such a member.
- (2) Except as provided by sub-paragraph (1), the preceding paragraphs of this Schedule do not apply to a person co-opted as a member of a Service Authority.
- [<sup>F88</sup>(3) A member of the Security Service shall be disqualified for being co-opted as a member of the NCS Service Authority; and a person shall cease to be a co-opted member of that Authority if he becomes a member of the Security Service.]
- (4) A person co-opted as a member of a Service Authority shall be co-opted to serve as such a member for a term not exceeding twelve months, but may (if otherwise eligible) again be co-opted.
- (5) A person co-opted as a member of a Service Authority shall not be entitled to vote at any meeting of the Authority, or of any committee of that Authority.
- (6) A Service Authority may make to a person co-opted to serve as a member of the Authority such payments by way of reimbursement of expenses as the Secretary of State may determine.

#### Textual Amendments

**F88** Sch. 2 para. 18(3) substituted (1.4.2002) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 20(9); S.I. 2002/344, art. 3(k) (with transitional provisions in art. 4)

#### *Interpretation*

- 19 For the purposes of this Schedule—
- (a) “Service Authority” means—
- (i) the NCS Service Authority, or
- (ii) the NCIS Service Authority, and
- (b) “core member” means a member appointed under Part I of Schedule 1.

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## [<sup>F89</sup>SCHEDULE 2A

### FURTHER PROVISIONS ABOUT SERVICE AUTHORITIES

#### Textual Amendments

**F89** Sch. 2A inserted (1.4.2002 save for Sch. 2A para. 4 which remains prosp.) by 2001 c. 16, s. 128(1), Sch. 6 Pt. 1 para. 21 (with s. 128(2)); S.I. 2002/344, art. 3(k) (with art. 4)

#### *Powers*

- 1 (1) For the purpose of exercising its functions a Service Authority may, subject to the provisions of this Act—
- (a) enter into contracts and other agreements (whether legally binding or not);
  - (b) acquire and dispose of property (including land);
  - (c) borrow money; and
  - (d) do such other things as the Authority thinks necessary or expedient.
- (2) But the Authority may exercise a power conferred by sub-paragraph (1)(b) or (c) only with the consent of the Secretary of State.
- (3) Such consent may be given—
- (a) with respect to a particular case or with respect to a class of cases;
  - (b) subject to such conditions as the Secretary of State considers appropriate.

#### *Committees*

- 2 (1) A person who is not a member of a Service Authority shall not be appointed to a committee or sub-committee of the Authority unless the Secretary of State has consented to the appointment.
- (2) Remuneration and allowances paid to members of committees and sub-committees of a Service Authority who are not members of the Authority shall be of such amounts as the Secretary of State may determine.

#### *Proceedings*

- 3 Subject to the provisions of this Schedule, each Service Authority shall regulate its own procedure.

PROSPECTIVE

<sup>F90</sup>4 .....

#### Textual Amendments

**F90** Schs. 1-2A repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 106, Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(dd)

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

### *Arrangements for discharge of functions by Service Authorities*

- 5 (1) Each Service Authority may arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Authority.
- (2) Where by virtue of this paragraph any functions of an Authority may be discharged by a committee of the Authority, then, unless the Authority otherwise directs, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the Authority.
- (3) Where by virtue of this paragraph any functions of an Authority may be discharged by a sub-committee of the Authority, then, unless the Authority or the committee otherwise directs, the sub-committee may arrange for the discharge of any of those functions by an officer of the Authority.
- (4) Any arrangements made by an Authority, a committee or sub-committee under this paragraph shall not prevent it from exercising the functions concerned.
- 6 (1) A Service Authority may discharge any of its functions jointly with—
- (a) the other Service Authority;
  - (b) one or more police authorities; or
  - (c) the other Service Authority and one or more police authorities.
- (2) Where such arrangements (“joint arrangements”) are in force, the parties to the arrangements may also provide for the discharge of those functions by a joint committee of theirs or by an officer of one of them.
- (3) Where, under sub-paragraph (2), joint arrangements provide that functions may be discharged by a joint committee, then, unless the parties to the arrangements otherwise direct, that committee may arrange for the discharge of any of those functions by a sub-committee of the joint committee or an officer of one of the parties to the arrangements.
- (4) Where joint arrangements are in force, any enactment relating to the functions to which the arrangements relate or to the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in respect of its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- (5) For the purposes of sub-paragraph (1) “police authorities” means—
- (a) police authorities for areas in England and Wales;
  - (b) police authorities for areas in Scotland; and
  - (c) the Northern Ireland Policing Board.
- 7 References in paragraphs 5 and 6 to the discharge of any of the functions of a Service Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.
- 8 (1) For the purposes of paragraphs 5 and 6, “officer”—
- (a) in relation to the NCIS Service Authority, means the Director General of NCIS, his deputy while performing the duties of the Director General and any person employed by the Authority; and
  - (b) in relation to the NCS Service Authority, means the Director General of the National Crime Squad, his deputy while performing the duties of the Director General and any person employed by the Authority.

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

- (2) Where pursuant to arrangements made by virtue of paragraph 5 or 6 the Director General of NCIS, or his deputy, may discharge functions of the NCIS Service Authority, he may arrange for the discharge of any of those functions by any other member of NCIS.
- (3) Where pursuant to arrangements made by virtue of paragraph 5 or 6 the Director General of the National Crime Squad, or his deputy, may discharge functions of the NCS Service Authority, he may arrange for the discharge of any of those functions by any other member of that Squad.

### Interpretation

- 9 In this Schedule “Service Authority” means—
- (a) the NCIS Service Authority, or
  - (b) the NCS Service Authority.]

## <sup>F91</sup>SCHEDULE 3

Section 17(6).

### Textual Amendments

**F91** Sch. 3 (paras. 1-5) repealed (1.8.2001) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2001/2223, art. 3(j)(i)(ii)

## <sup>F96</sup>SCHEDULE 4

Section 44(1).

### Textual Amendments

**F96** Sch. 4 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)

## <sup>F97</sup>SCHEDULE 5

Section 62(6).

### Textual Amendments

**F97** Sch. 5 (paras. 1-5) repealed (1.8.2001) by 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2001/2323, art. 3(i)(ii)

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

SCHEDULE 6

Section 88.

APPLICATION TO NCS SERVICE AUTHORITY OF LOCAL GOVERNMENT ENACTMENTS

*Local Government Act 1972 (c. 70)*

1 F102 .....

**Textual Amendments**

**F102** Sch. 6 para. 1 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); and that same provision expressed to be repealed by 2000 c. 22, ss. 107(2), 108(3)(c)(vii), Sch. 6

2 F103 .....

**Textual Amendments**

**F103** Sch. 6 para. 2 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); and that same provision expressed to be repealed by 2000 c. 22, ss. 107(2), 108(3)(c)(vii), Sch. 6

3 F104 .....

**Textual Amendments**

**F104** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

4 F105 .....

**Textual Amendments**

**F105** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

- 5 (1) Section 107 (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
- (2) In subsection (7) for “(a) and (b)” there shall be substituted “(a), (aa) and (b)”.
- (3) F106 .....

**Textual Amendments**

**F106** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

- 6 (1) Section 146A (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

- (2) In subsection (1)—
  - (a) for “subsection (1A)” there shall be substituted “ subsections (1A) and (1AA) ”, and
  - (b) for “shall be” there shall be substituted “ and the Service Authority for the National Crime Squad shall each be ”.
- (3) In subsection (1A)—
  - (a) for “A” there shall be substituted “ Neither a ”,
  - (b) <sup>F107</sup> .....
  - (c) the word “not” shall be omitted.
- (4) <sup>F107</sup> .....

**Textual Amendments**  
**F107** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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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**Commencement Information**  
**I3** Sch. 6 para. 6 wholly in force at 31.10.1997; Sch. 6 para. 6 not in force at Royal Assent, see s. 135; Sch. 6 para. 6 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))

- 7 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad ”.
- 8 <sup>F108</sup> .....

**Textual Amendments**  
**F108** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

- 9 <sup>F109</sup> .....

**Textual Amendments**  
**F109** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

- 10 <sup>F110</sup> .....

**Textual Amendments**  
**F110** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

*Local Government Act 1974 (c. 7)*

11 F111 .....

**Textual Amendments**

**F111** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

12 F112 .....

**Textual Amendments**

**F112** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

13 F113 .....

**Textual Amendments**

**F113** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Local Government, Planning and Land Act 1980 (c. 65)*

14 F114 .....

**Textual Amendments**

**F114** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

15 F115 .....

**Textual Amendments**

**F115** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

16 F116 .....

**Textual Amendments**

**F116** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Status: Point in time view as at 21/02/2003.*

**Changes to legislation:** Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

17 F117 .....

**Textual Amendments**

F117 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

18 F118 .....

**Textual Amendments**

F118 Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Local Government Finance Act 1982 (c. 32)*

F119 19 .....

**Textual Amendments**

F119 Sch. 6 para. 19 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

F120 20 .....

**Textual Amendments**

F120 Sch. 6 para. 20 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

F121 21 .....

**Textual Amendments**

F121 Sch. 6 para. 21 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

F122 22 .....

**Textual Amendments**

F122 Sch. 6 para. 22 repealed (11.9.1998 for E.W., 1.4.2002 otherwise) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5 and 2001 c. 16, s. 137, Sch. 7 Pt. 5(1); S.I. 2002/344, art. 3(j)(m) (with transitional provisions in art. 4)

*Local Government Act 1986 (c. 10)*

23 F123 .....



*Status: Point in time view as at 21/02/2003.*

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**Textual Amendments**

**F123** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

24 **F124** .....

**Textual Amendments**

**F124** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

PROSPECTIVE

*Local Government Act 1988 (c. 9)*

25 **F125** .....

**Textual Amendments**

**F125** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

26 **F126** .....

**Textual Amendments**

**F126** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Local Government Finance Act 1988 (c. 41)*

27 **F127** .....

**Textual Amendments**

**F127** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

28 **F128** .....

**Textual Amendments**

**F128** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

*Status: Point in time view as at 21/02/2003.*

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*Local Government and Housing Act 1989 (c. 42)*

29 In section 21 of the Local Government and Housing Act 1989, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.), in paragraph (g), after “1996” there shall be inserted “ or the Service Authority for the National Crime Squad ”.

**Commencement Information**

**I4** Sch. 6 para. 29 wholly in force at 31.10.1997; Sch. 6 para. 29 not in force at Royal Assent, see s. 135; Sch. 6 para. 29 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))

30 F129 .....

**Textual Amendments**

**F129** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

31 F130 .....

**Textual Amendments**

**F130** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

32 F131 .....

**Textual Amendments**

**F131** Sch. 6 (other than paras. 5(1)(2), 6(1)(2)(3)(a)(c), 7, 29) 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)

F132 SCHEDULE 7

**Textual Amendments**

**F132** Sch. 7 repealed (25.9.2000) by 2000 c. 23, ss. 70(2)(c), 82(2), Sch. 5 (with s. 82(3)); S.I. 2000/2543, art. 2 (and by art. 6(1) of that S.I. the repeal is expressed to be brought into force at 2.10.2000 subject to the provisions of art. 6(2)-(5))

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

## SCHEDULE 8

Section 109(2).

### THE POLICE INFORMATION TECHNOLOGY ORGANISATION

#### *Constitution*

- 1 (1) [<sup>F134</sup>Subject to sub-paragraph (2A)]The Police Information Technology Organisation (“the Organisation”) shall consist of a chairman and other members appointed by the Secretary of State [<sup>F134</sup>or, where so provided in sub-paragraph (3) below, the Scottish Ministers].
- (2) Before appointing the chairman the Secretary of State shall consult—
- (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.
- [<sup>F135</sup>(2A) Before appointing the Chairman the Secretary of State shall consult the Scottish Ministers.]
- (3) The members apart from the chairman at any time shall include—
- (a) at least three members nominated by persons whom the Secretary of State considers to represent police authorities for areas in England and Wales;
  - (b) at least three members nominated by persons whom the Secretary of State considers to represent chief officers of police of police forces in England and Wales;
  - (c) at least one member nominated by persons whom the [<sup>F136</sup>Scottish Ministers]considers to represent police authorities for areas in Scotland;
  - (d) at least one member nominated by persons whom the [<sup>F136</sup>Scottish Ministers]considers to represent the interests of chief constables of police forces in Scotland;
  - (e) at least one member nominated by the [<sup>F137</sup>Northern Ireland Policing Board];
  - (f) at least one member nominated by the Chief Constable of the [<sup>F138</sup>Police Service of Northern Ireland]; and
  - [<sup>F139</sup>(g) at least three other members of whom—
    - (i) at least one shall be appointed by the Secretary of State;
    - (ii) at least one shall be appointed by the Secretary of State after consultation with the Scottish Ministers; and
    - (iii) at least one shall be appointed by the Scottish Ministers.]

#### **Textual Amendments**

- F134** Words in Sch. 8 para. 1(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(4)(a); S.I. 1998/3178, art. 3
- F135** Sch. 8 para. 1(2A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(4)(b); S.I. 1998/3178, art. 3
- F136** Words in Sch. 8 para. 1(3)(c)(d) substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(4)(c); S.I. 1998/3178, art. 3
- F137** Words in Sch. 8 para. 1(3)(e) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 20(3); S.R. 2001/396, art. 2, Sch.

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

**F138** Words in Sch. 8 para. 1(3)(f) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 20(2)(b); S.R. 2001/396, art. 2, Sch.

**F139** Sch. 8 para. 1(3)(g) substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(4)(c); S.I. 1998/3178, art. 3

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

**C2** Sch. 8 para. 1(2) amended (1.9.1997) by S.I. 1997/1930, art. 2

**Commencement Information**

**I5** Sch. 8 partly in force; Sch 8 not in force at Royal Assent, see s. 135; Sch. 8 para. 1 (1)(2)and(3)(a)-(d) and (g) in force at 1.9.1997 by S.I. 1997/1930 art. 2

*Members*

- 2 (1) Subject to the provisions of this Schedule, a member of the Organisation shall hold office in accordance with the terms of his appointment.
- (2) A member shall not be appointed for more than five years at a time.
- (3) A person may at any time resign as a member or as chairman by notice in writing to the Secretary of State.
- (4) <sup>F140</sup>Subject to sub-paragraphs (4A) and (4B),]the Secretary of State may remove a person from office as a member or as chairman if satisfied that—
- (a) he has without reasonable excuse failed to discharge his functions for a continuous period of three months;
  - (b) he has without reasonable excuse been absent from three consecutive meetings of the Organisation;
  - (c) he has been convicted of a criminal offence;
  - (d) he has become bankrupt, his estate has been sequestrated or he has made an arrangement with or granted a trust deed for his creditors;
  - (e) he has failed to comply with the terms of his appointment; or
  - (f) he is otherwise unable or unfit to discharge his functions.
- <sup>F141</sup>(4A) Before removing a person from office as chairman, the Secretary of State shall consult the Scottish Ministers.
- <sup>F141</sup>(4B) The Scottish Ministers shall, instead of the Secretary of State, exercise the power of removal from office as a member under sub-paragraph (4) in respect of any person who was appointed by them.]
- (5) The Secretary of State shall not remove from office a member nominated by persons representing certain interests in accordance with paragraph <sup>F142</sup>1(3)(a) and (b)]unless he has first consulted persons whom he considers to represent those interests.
- <sup>F143</sup>(5) The Scottish Ministers shall not remove from office a member nominated by persons representing certain interests in accordance with paragraph 1(3)(c) and (d) unless they have first consulted persons whom they consider to represent those interests.]
- (6) The Secretary of State shall not remove from office a member nominated in accordance with paragraph 1(3)(e) or (f) unless he has first consulted the <sup>F144</sup>Northern Ireland Policing Board] or, as the case may be, the Chief Constable of the <sup>F145</sup>Police Service of Northern Ireland].

*Status: Point in time view as at 21/02/2003.*

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#### Textual Amendments

- F140** Words in Sch. 8 para. 2(4) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 20 Pt. II para. 2(5)(a)**; S.I. 1998/3178, **art. 3**
- F141** Sch. 8 para. 2(4A)(4B) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 20 Pt. II para. 2(5)(b)**; S.I. 1998/3178, **art. 3**
- F142** Words in Sch. 8 para. 2(5)(c) substituted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 20 Pt. II para. 2(5)(c)**; S.I. 1998/3178, **art. 3**
- F143** By S.I. 1999/1747, arts. 1, 3, **Sch. 20 Pt. II para. 2(5)(d)** (1.7.1999) it is provided that after Sch. 8 para. (5) there is inserted sub-paragraph (5); S.I. 1998/3178, **art. 3**
- F144** Words in Sch. 8 para. 2(6) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(3)**; S.R. 2001/396, art. 2, **Sch.**
- F145** Words in Sch. 8 para. 2(6) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 20(2)(b)**; S.R. 2001/396, art. 2, **Sch.**

#### Commencement Information

- I6** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent, see s. 135; Sch. 8 para. 2(1)-(5) in force at 1.9.1997 by S.I. 1997/1930, **art. 2**

- 3 (1) The Organisation shall pay to its members such remuneration and allowances as the Secretary of State may determine.
- (2) The Organisation shall, as regards any member or former member in whose case the Secretary of State may so determine, pay or make payments in respect of such pension or gratuity as the Secretary of State may determine.
- (3) If a person ceases to be a member, or ceases to be chairman, and it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may direct the Organisation to make a payment of such amount as he may determine.

*Staff, &c.*

- 4 (1) The Organisation shall not appoint employees except with the approval of the Secretary of State as to numbers and as to terms and conditions of service.
- (2) No person shall be appointed to act as the chief executive of the Organisation unless the Secretary of State [<sup>F146</sup>after consultation with the Scottish Ministers,] has consented to the appointment.

#### Textual Amendments

- F146** Words in Sch. 8 para. 4(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 20 Pt. II para. 2(6)**; S.I. 1998/3178, **art. 3**

- 5 (1) The Organisation shall pay to its employees such remuneration and allowances as it may, with the consent of the Secretary of State, determine.
- (2) The Organisation shall—
- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of employees or former employees as it may, with the consent of the Secretary of State, determine;

*Status: Point in time view as at 21/02/2003.*

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- (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 in respect of employees or former employees.
- (3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.
- (4) If any person—
- (a) on ceasing to be employed by the Organisation, becomes or continues to be one of its members, and
- (b) was, by reference to his employment, a participant in a pension scheme maintained by the Organisation,
- the Organisation may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Secretary of State determine, as if his service as a member were service as an employee; and any such provision shall be without prejudice to paragraph 3.
- 6 (1) Employment with the Organisation shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M6</sup>Superannuation Act 1972 can apply.
- (2) The Organisation shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the Organisation is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Organisation, the Minister for the Civil Service may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3 above).

**Marginal Citations**

**M6** 1972 c. 11.

- 7 (1) The Organisation shall be liable in respect of [<sup>F147</sup>any unlawful conduct of] a member of a police force engaged on service with the Organisation in the performance or purported performance of his functions in like manner as a master is liable in respect of [<sup>F148</sup>any unlawful conduct of] his servants in the course of their employment, and shall [<sup>F149</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (2) In relation to Scotland, sub-paragraph (1) shall not apply but the Organisation shall be liable in reparation in respect of a wrongful act or omission on the part of a member of a police force engaged on service with the Organisation in the performance or purported performance of his functions in like manner as a master is so liable in respect of any wrongful act or omission on the part of his servant in the course of the servant's employment.

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#### Textual Amendments

- F147** Words in Sch. 8 para. 7(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 102(3)(a); S.I. 2002/2306, art. 2(f)(xi)
- F148** Words in Sch. 8 para. 7(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 102(3)(b); S.I. 2002/2306, art. 2(f)(xi)
- F149** Words in Sch. 8 para. 7(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), s. 102(3)(c); S.I. 2002/2306, art. 2(f)(xi)

#### Committees

- 8 (1) No person who is not a member of the Organisation shall be appointed to a committee or sub-committee of the Organisation unless the Secretary of State [<sup>F150</sup>, after consultation with the Scottish Ministers,] has consented to the appointment.
- (2) Remuneration and allowances paid to members of committees and sub-committees of the Organisation who are not members of the Organisation shall be of such amounts as the Secretary of State may determine.

#### Textual Amendments

- F150** Words in Sch. 8 para. 8(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(7); S.I. 1998/3178, art. 3

#### Commencement Information

- I7** Sch. 8 para. 8 wholly in force at 1.4.1998; Sch. 8 not in force at Royal Assent see s. 135; Sch. 8 para. 8(1) in force at 1.9.1997 by S.I. 1997/1930, art. 2; Sch. 8 para. 8 otherwise in force at 1.4.1998 by S.I. 1998/354, art. 2(1)(2)(ba)

#### Proceedings

- 9 Subject to the provisions of this Schedule, the Organisation shall regulate its own procedure.
- 10 (1) The Organisation shall make provision for a quorum for its meetings to include at least—
- (a) one member appointed in accordance with paragraph 1(3)(a), (c) or (e);
  - (b) one member appointed in accordance with paragraph 1(3)(b), (d) or (f); and
  - (c) one member appointed in accordance with paragraph 1(3)(g).
- (2) The Organisation shall make provision for a quorum for meetings of any committee or sub-committee to include at least one member or employee of the Organisation.

#### Commencement Information

- I8** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent see s. 135; Sch. 8 para. 10 (except specified provisions) in force at 1.9.1997 by S.I. 1997/1930, art. 2(2)(t)

- 11 The validity of the proceedings of the Organisation (or any committee or sub-committee) shall not be affected by—

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- (a) any vacancy among the members of the Organisation or in the office of chairman of the Organisation, or
- (b) any defect in the appointment of any person as a member of the Organisation or as chairman of the Organisation.

#### *Evidence*

- 12 A document purporting to be—
- (a) duly executed under the seal of the Organisation, or
  - (b) signed on behalf of the Organisation,
- shall be received in evidence and, unless the contrary is proved, deemed to be so executed or signed.

#### *Money*

- 13 The Secretary of State may make payments to the Organisation out of money provided by Parliament.
- [<sup>F151</sup>13(A)] The Scottish Ministers may make payments to the Organisation in relation to the exercise by it of its functions in or as regards Scotland.
- (2) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under sub-paragraph (1) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.]

#### **Textual Amendments**

**F151** Sch. 8 para. 13A inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 20 para. 2(8)**; S.I. 1998/3178, **art. 3**

- 14 (1) The Organisation may impose such charges as it considers appropriate for the provision of goods and services in accordance with section 109(3) and (4).
- (2) The Organisation shall pay any sums received in the course of carrying out its functions to the Secretary of State.
- (3) Sub-paragraph (2) shall not apply where the Secretary of State, with the consent of the Treasury, so directs.
- (4) Any sums received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.
- 15 The Organisation may, for purposes related to information technology, make payments to any police authority.
- 16 (1) The Organisation shall keep proper accounts and records in relation to the accounts.
- (2) The Organisation shall prepare in respect of each financial year a statement of accounts.
- (3) The statement shall be in such form, and shall contain such information, as the Secretary of State may, with the consent of the Treasury, direct.



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- (4) The Organisation shall send copies of the statement to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (5) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in accordance with this paragraph and shall lay copies of the statement and his report before each House of Parliament.
- (6) In this paragraph “financial year” means the period of twelve months ending with 31st March; but the first financial year shall be the period beginning with the establishment of the Organisation and ending with the next 31st March.

#### *Annual report*

- 17 (1) As soon as possible after the end of each financial year, the Organisation shall send to the Secretary of State [<sup>F152</sup>and the Scottish Ministers] a report on the discharge of its functions during that year.
- (2) The Secretary of State shall lay a copy of each report before each House of Parliament.
- [<sup>F153</sup>(2A) The Scottish Ministers shall lay a copy of each report before the Scottish Parliament.]
- (3) In this paragraph, “financial year” has the same meaning as in paragraph 16.

#### **Textual Amendments**

- F152** Words in Sch. 8 para. 17(1) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(9)(a); S.I. 1998/3178, art. 3
- F153** Sch. 8 para. 17(2A) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, Sch. 20 Pt. II para. 2(9)(b); S.I. 1998/3178, art. 3

#### *Status of the Organisation*

- 18 The Organisation shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Organisation shall not be regarded as property of, or property held on behalf of, the Crown.

### SCHEDULE 9

Section 134(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### **Extent Information**

- E4** The amendments in Sch. 9 have the same extent as the enactments to which they refer

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*Explosives Act 1875 (c. 17)*

1 In the Explosives Act 1875, at the end of section 75 (inspections of ships with explosives on board, etc.) (which becomes subsection (1)) there shall be added—

“(2) In subsection (1)—

- (a) “officer of police” includes any member of the National Criminal Intelligence Service appointed under section 9(1)(b) of the Police Act 1997 (police members) and any member of the National Crime Squad appointed under section 55(1)(b) of that Act (police members), and
- (b) “chief officer of police” includes the Director General of that Service and the Director General of that Squad.”.

*Civil Defence Act 1948 (c. 5)*

2 In section 9 of the Civil Defence Act 1948 (interpretation etc.), after subsection (3) there shall be inserted—

“(3A) For the purposes of this Act (other than section 3(3)) 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 the National Criminal Intelligence Service and the National Crime Squad as police forces.”.

*Public Records Act 1958 (c. 51)*

3 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 there shall be inserted at the appropriate place—

“Police Information Technology Organisation”.

*Trustee Investments Act 1961 (c. 62)*

4 In section 11 of the Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)—

- (a) in paragraph (a) after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”, and
- (b) after paragraph (d) there shall be added—
  - “(e) in any part of the United Kingdom, the Service Authority for the National Criminal Intelligence Service.”.

5 In Schedule 1, in Part II (narrower-range investments requiring advice), in paragraph 9, after sub-paragraph (d) there shall be inserted—

“(da) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

6 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (4) (persons treated as employed for purposes of that Act), after paragraph (c) there shall be added—

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“(d) a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act (police members).”.

*Parliamentary Commissioner Act 1967 (c. 13)*

7 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), there shall be inserted at the appropriate place—

“Police Information Technology Organisation”.

*Police (Scotland) Act 1967 (c. 77)*

8 The Police (Scotland) Act 1967 shall be amended as follows.

9 In section 27(3) (regulations as to police cadets), after “(1A),” there shall be inserted “(2B),”.

10 At the end of section 28 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—

“(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) of this section “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.”.

11 In section 33 (inspectors of constabulary), in each of subsections (3) and (4), after “generally” there shall be inserted “ and the National Criminal Intelligence Service”.

12 At the end of section 36 (common services) there shall be added—

“(7) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(8) In subsection (7) of this section “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.”.

13 In section 38 (constables engaged on central service and certain temporary service), in subsection (3A), after “service” there shall be inserted “, or on temporary service such as is mentioned in paragraph (ba) or (bb) of the said section 38A(1),”.

**Commencement Information**

**19** Sch. 9 para. 13 wholly in force at 31.10.1997; Sch. 9 para. 13 not in force at Royal Assent see s. 135; Sch. 9 para. 13 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))

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- 14 In section 38A (constables engaged on service outside their force)—
- (a) in subsection (1), after paragraph (b) there shall be inserted—
- “(ba) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
- (bb) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”;
- (b) in subsection (6)(a), after “(b),” there shall be inserted “ (ba) or (bb) ”.

#### Commencement Information

**I10** Sch. 9 para. 14 wholly in force at 31.10.1997; Sch. 9 para. 14 not in force at Royal Assent see s. 135; Sch. 9 para. 14 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))

- 15 In section 39 (liability for wrongful acts of constables), in subsection (4), after “1996” there shall be inserted “ or section 23 of the Police Act 1997 ”.

#### *Leasehold Reform Act 1967 (c. 88)*

- 16 In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), after paragraph (bb) there shall be inserted—
- “(bc) the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service;”.

#### *Public Expenditure and Receipts Act 1968 (c. 14)*

- 17 In section 4 of the Public Expenditure and Receipts Act 1968 (compensation to civil defence employees for loss of employment etc.) after subsection (6) (interpretation) there shall be added—
- “(7) For the purposes of this section, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities.”.

#### *Firearms Act 1968 (c. 27)*

- 18 In section 54 of the Firearms Act 1968 (application of Act to Crown servants), in subsection (3) (which provides that members of police forces and certain employees of police authorities are deemed to be in the service of Her Majesty), at the end of paragraph (b) there shall be inserted “, or
- (c) a member of the National Criminal Intelligence Service or the National Crime Squad.”.

#### *Post Office Act 1969 (c. 48)*

F154 19 .....

*Status: Point in time view as at 21/02/2003.*

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**Textual Amendments**

**F154** Sch. 9 para. 19 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2

*Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)*

20 In section 3 of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(b) for “and any police authority” there shall be substituted “, any police authority, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

*Police Act (Northern Ireland) 1970 (c. 9 (N.I.))*

**F155** 21 .....

**Textual Amendments**

**F155** Sch. 9 para. 21 repealed (1.4.1999) by 1998 c. 32, ss. 74(2)(3), Sch. 6 (with Sch. 5 para. 1); S.R. 1999/176, art. 3

**F156** 22 .....

**Textual Amendments**

**F156** Sch. 9 para. 22 repealed (1.4.1999) by 1998 c. 32, ss. 74(2)(3), Sch. 6 (with Sch. 5 para. 1); S.R. 1999/176, art. 3

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

23 **F157** .....

**Textual Amendments**

**F157** Sch. 9 para. 23 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)

*Superannuation Act 1972 (c. 11)*

24 The following entry shall be inserted at the appropriate place in the list of “Other Bodies” in Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply)—

“Police Information Technology Organisation”.

*Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (NI 6)*

25 **F158** .....

*Status: Point in time view as at 21/02/2003.*

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### Textual Amendments

**F158** *Sch. 9 para. 25* 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**)

### *Employment Agencies Act 1973 (c. 35)*

- 26 In section 13 of the Employment Agencies Act 1973, in subsection (7) (cases in which the Act is not to apply), in paragraph (f), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

### *Juries Act 1974 (c. 23)*

- 27 In Part I of Schedule 1 to the Juries Act 1974, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after the entry for civilians employed for police purposes and members of the metropolitan civil staffs there shall be inserted—
- “A member of the National Criminal Intelligence Service or the National Crime Squad.
- A member of the Service Authority for the National Criminal Intelligence Service; a member of the Service Authority for the National Crime Squad; a person employed by the Service Authority for the National Criminal Intelligence Service under section 13 of the Police Act 1997 or by the Service Authority for the National Crime Squad under section 58 of that Act.”.

### Commencement Information

**III** *Sch. 9 para. 27* wholly in force 1.4.1998; *Sch. 9 para. 27* not in force at Royal Assent see s. 135; *Sch. 9 para. 27* in force for certain purposes at 23.7.1997 by S.I. 1997/1377 art. 4; *Sch. 9 para. 27* otherwise in force at 1.4.1998 by S.I. 1998/354, **art. 2**

### *District Courts (Scotland) Act 1975 (c. 20)*

- 28 In subsection (2) of section 12 of the District Courts (Scotland) Act 1975 (disqualification in certain cases of justices who are members of local authorities), the following shall be inserted as the first paragraph—
- “(aa) any reference to a local authority includes a reference to the Service Authority for the National Criminal Intelligence Service;”.

### *House of Commons Disqualification Act 1975 (c. 24)*

- 29 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In section 1(1) (disqualification of certain office holders and places), after paragraph (d) there shall be inserted—
- “(da) is a member of the National Criminal Intelligence Service or the National Crime Squad;”.
- (3) In Part III of Schedule 1 (disqualifying offices), there shall be inserted at the appropriate place—

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“Any member of the Police Information Technology Organisation in receipt of remuneration.”.

#### Commencement Information

**I12** Sch. 9 para. 29 wholly in force at 1.4.1998; Sch. 9 para. 29 not in force at Royal Assent see s. 135; Sch. 9 para. 29(3), in force at 1.9.1997 by S.I. 1997/1930, art. 2(1)(2)(x); otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

#### *Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 30 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.
- (2) In section 1(1) (disqualification of certain office holders and places), after paragraph (d) there shall be inserted—
- “(da) is a member of the National Criminal Intelligence Service or the National Crime Squad;”.
- (3) In Part III of Schedule 1 (disqualifying offices), there shall be inserted at the appropriate place—
- “Any member of the Police Information Technology Organisation in receipt of remuneration.”.

#### *Sex Discrimination Act 1975 (c. 65)*

- 31 In section 17 of the Sex Discrimination Act 1975 (police), in subsection (7)—
- (a) in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—
- “(aa) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad;”, and
- (b) in the definition of “police fund” after “1996” there shall be inserted “, in relation to a chief officer of police within paragraph (aa) of that definition means the service fund established under section 16 or, as the case may be, 61 of the Police Act 1997”.

#### *Fair Employment (Northern Ireland) Act 1976 (c.25)*

- [<sup>F159</sup>32 In section 53 of the Fair Employment (Northern Ireland) Act 1976 (police), in subsection (6), in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—
- “(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.]

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**Textual Amendments**

**F159** Sch. 9 para. 32 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

*Police Pensions Act 1976 (c. 35)*

33 (1) Section 11 of the Police Pensions Act 1976 (interpretation) shall be amended as follows.

(2) In subsection (2)—

- (a) the word “and” after paragraph (a) shall be omitted,
- (b) in paragraph (b) after “it means” there shall be inserted “, subject to paragraphs (c) to (e) below, ”, and
- (c) after paragraph (b) there shall be added—

“(c) in relation to service of the kind described in section 97(1)(ca) of the Police Act 1996 or section 38A(1)(ba) of the Police (Scotland) Act 1967, it means the Service Authority for the National Criminal Intelligence Service,

(d) in relation to service of the kind described in section 97(1)(cb) of the Police Act 1996, it means the Service Authority for the National Crime Squad, and

(e) in relation to service of the kind described in section 97(1)(cc) of the Police Act 1996 or section 38A(1)(bb) of the Police (Scotland) Act 1967, it means the Police Information Technology Organisation.”.

(3) In subsection (5), in the definition of “central service”—

- (a) after “within paragraph (b), (c)” there shall be inserted “, (ca), (cb), (cc) ”, and
- (b) after “1967” there shall be inserted “ or means relevant service within paragraph (ba) or (bb) of section 38A(1) of the said Act of 1967 ”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

34 In each of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of drivers of private hire vehicles and hackney carriages), subsection (1A) shall be omitted.

*Race Relations Act 1976 (c. 74)*

F160<sup>35</sup> .....

**Textual Amendments**

**F160** Sch. 9 para. 35 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1)

F161<sup>36</sup> .....



*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

**Textual Amendments**

**F161** Sch. 9 para. 36 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3 (with s. 10(5)); S.I. 2001/566, art. 2(1)

*Sex Discrimination (Northern Ireland) Order 1976 (NI 15)*

[<sup>F162</sup>37 In Article 19 of the Sex Discrimination (Northern Ireland) Order 1976 (police), in paragraph (6), in the definition of “chief officer of police”, after sub-paragraph (a) there shall be inserted—

“(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.]

**Textual Amendments**

**F162** Sch. 9 para. 37 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

*Rent (Agriculture) Act 1976 (c. 80)*

38 <sup>F163</sup> .....

**Textual Amendments**

**F163** Sch. 9 para. 38 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)

*Rent Act 1977 (c. 42)*

39 <sup>F164</sup> .....

**Textual Amendments**

**F164** Sch. 9 para. 39 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)

*Justices of the Peace Act 1979 (c. 55)*

40 In section 64 of the Justices of the Peace Act 1979 (disqualification in certain cases of justices who are members of local authorities), in subsection (6) (definition of local authority), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

41 In Part I of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after paragraph (n) there shall be inserted—

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- “(na) members of the National Criminal Intelligence Service;  
 (nb) members of the Service Authority for the National Criminal Intelligence Service and persons employed by that Authority under section 13 of the Police Act 1997;”.

**Commencement Information**

**I13** Sch. 9 para. 41 wholly in force at 1.4.1998; Sch. 9 para. 41 in force for certain purposes at 23.7.1997 by S.I. 1997/1377 art. 4; Sch. 9 para. 41 otherwise in force at 1.4.1998 by S.I. 1998/354 art. 2

*Finance Act 1981 (c. 35)*

42            **F165** .....

**Textual Amendments**

**F165** Sch. 9 para. 42 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)

*Acquisition of Land Act 1981 (c. 67)*

43            **F166** .....

**Textual Amendments**

**F166** Sch. 9 para. 43 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)

*Stock Transfer Act 1982 (c. 41)*

44            In Schedule 1 to the Stock Transfer Act 1982 (securities that can be transferred through a computerised system), in paragraph 7(1), for “or” at the end of paragraph (ba) there shall be substituted—

- “(bb) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad; or”.

*County Courts Act 1984 (c. 28)*

45            **F167** .....

**Textual Amendments**

**F167** Sch. 9 para. 45 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)

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

*Police and Criminal Evidence Act 1984 (c. 60)*

46 In section 5 of the Police and Criminal Evidence Act 1984 (reports of recorded searches and of road checks), after subsection (1) there shall be inserted—

“(1A) Every annual report under section 57 of the Police Act 1997 (reports by Director General of the National Crime Squad) shall contain information—

- (a) about searches recorded under section 3 above which have been carried out by members of the National Crime Squad during the period to which the report relates, and
- (b) about road checks authorised by members of the National Crime Squad during that period under section 4 above.”.

47 In section 55 (intimate searches), after subsection (14) there shall be inserted—

“(14A) Every annual report under section 57 of the Police Act 1997 (reports by Director General of the National Crime Squad) shall contain information about searches authorised under this section by members of the National Crime Squad during the period to which the report relates.”.

*Prosecution of Offences Act 1985 (c. 23)*

48 In section 3 of the Prosecution of Offences Act 1985 (functions of Director), in subsection (3), in the definition of “police force”, after “1996” there shall be inserted “, the National Crime Squad ”.

*Housing Act 1985 (c. 68)*

49 **F168** .....

**Textual Amendments**

**F168** Sch. 9 para. 49 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)

*Housing Associations Act 1985 (c. 69)*

50 In section 106 of the Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority”, after “1996” there shall be inserted “ and the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service ”.

**Commencement Information**

**I14** Sch. 9 para. 50 wholly in force at 31.10.1997; Sch. 9 para. 50 not in force at Royal Assent see s. 135; Sch. 9 para. 50 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))

*Landlord and Tenant Act 1985 (c. 70)*

51 **F169** .....

*Status: Point in time view as at 21/02/2003.*

**Changes to legislation:** Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)

**Textual Amendments**

**F169** Sch. 9 para. 51 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)

*Landlord And Tenant Act 1987 (c. 31)*

52 **F170** .....

**Textual Amendments**

**F170** Sch. 9 para. 52 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)

*Income and Corporation Taxes Act 1988 (c.1)*

53 **F171** .....

**Textual Amendments**

**F171** Sch. 9 para. 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)

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

54 In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (a), after sub-paragraph (i) there shall be inserted—  
“(ia) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Local Government Finance Act 1988 (c. 41)*

55 **F172** .....

**Textual Amendments**

**F172** Sch. 9 para. 55 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)

56 In section 65A (which was inserted by section 3 of the <sup>M7</sup>Local Government and Rating Act 1997 and makes provision about Crown property), in subsection (4)(b) for the words from “or by a police authority” to the end there shall be substituted “, a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”.

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#### Marginal Citations

M7 1997 c. 29.

#### *Housing Act 1988 (c. 50)*

- 57 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 12 (local authority tenancies, etc.), in sub-paragraph (2) (g), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

#### Commencement Information

**I15** Sch. 9 para. 57 wholly in force at 31.10.1997; Sch. 9 para. 57 not in force at Royal Assent see s. 135; Sch. 9 para. 57 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))

#### *Road Traffic Act 1988 (c. 52)*

- 58 In section 124 of the Road Traffic Act 1988 (exemption of police instructors from prohibition imposed by section 123), in subsection (2), after “section—” there shall be inserted—
- ““chief officer of police” includes the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad;
- “police authority” includes the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;
- “police force” includes the National Criminal Intelligence Service and the National Crime Squad;”.
- 59 In section 144 (exceptions from requirement of third-party insurance or security), after subsection (2)(b) there shall be inserted—
- “(ba) to a vehicle owned by the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, at a time when it is being driven under the owner’s control, or to a vehicle at a time when it is being driven for the purposes of the body maintained by such an Authority by or under the direction of a constable, or by a person employed by such an Authority;”.

#### *Security Service Act 1989 (c. 5)*

- 60 In section 1 of the Security Service Act 1989, in subsection (4) (Security Service to act in support of police forces etc.), after “forces” there shall be inserted “, the National Criminal Intelligence Service, the National Crime Squad”.
- 61 In section 2 (which imposes duties on the Director General of the Security Service), in subsection (2)(c), after “forces” there shall be inserted “, the National Criminal Intelligence Service, the National Crime Squad”.

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*Official Secrets Act 1989 (c. 6)*

- 62 In section 12 of the Official Secrets Act 1989, in subsection (1) (meaning of “Crown servant” for purposes of that Act), in paragraph (e) after “1970)” there shall be inserted “ or of the National Criminal Intelligence Service or the National Crime Squad ”.

*Town and Country Planning Act 1990 (c. 8)*

- 63 F173 .....

**Textual Amendments**

**F173** Sch. 9 para. 63 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)

*Aviation and Maritime Security Act 1990 (c. 31)*

- 64 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (4)(b)—
- (a) the words “who is a member of a body of constables maintained” shall be omitted,
  - (b) at the beginning of both sub-paragraph (i) and sub-paragraph (ii) there shall be inserted “ who is a member of a body of constables maintained ”, and
  - (c) at the end of sub-paragraph (ii) there shall be inserted “, or  
 (iii) who is a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act.”.

*Road Traffic Act 1991 (c. 40)*

- 65 Section 47 of the Road Traffic Act 1991 (applications for licences to drive hackney carriages etc.) shall cease to have effect.

**Commencement Information**

**I16** Sch. 9 para. 65 partly in force; Sch. 9 para. 65 not in force at Royal Assent, see s. 135(1); Sch. 9 para. 65 in force for E.W. at 1.3.2002 by S.I. 2002/413, art. 2

*Local Government Finance Act 1992 (c. 14)*

- 66 In section 19 of the Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3), for “and” at the end of paragraph (c) there shall be substituted—
- “(ca) the Service Authority for the National Criminal Intelligence Service;
  - (cb) the Service Authority for the National Crime Squad;”.

*Status: Point in time view as at 21/02/2003.*

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**Commencement Information**

**I17** Sch. 9 para. 66 wholly in force at 31.10.1997; Sch. 9 para. 66 not in force at Royal Assent see s. 135; Sch. 9 para. 66 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))

67 **F174** .....

**Textual Amendments**

**F174** Sch. 9 para. 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)

68 **F175** .....

**Textual Amendments**

**F175** Sch. 9 para. 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)

*Tribunals and Inquiries Act 1992 (c. 53)*

69 (1) In section 7 of the Tribunals and Inquiries Act 1992, in subsection (2), after “36A” there shall be inserted “ (a) or (b) ”.

70 In Schedule 1 to that Act, in Part I, at the end of paragraph 36A (which becomes sub-paragraph (a)) there shall be inserted—

“(b) An appeals tribunal constituted in accordance with an order under section 38(2) of the Police Act 1997 (c.50) and an appeals tribunal constituted in accordance with Schedule 6 to the Police Act 1996 as applied by section 82(2) of the Police Act 1997.”.

*Criminal Appeals Act 1995 (c. 35)*

71 (1) Section 22 of the Criminal Appeals Act 1995 (meaning of “public body” etc.) shall be amended as follows.

(2) In subsection (2)—

(a) in paragraph (a) (meaning of police force), after “Reserve” there shall be inserted “, the National Crime Squad ”,

(b) for paragraph (b) (meaning of “chief officer of police”) there shall be substituted—

“(b) references to the chief officer of police—

(i) in relation to the [F176Police Service of Northern Ireland] and the [F176Police Service of Northern

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- Ireland Reserve], are to the Chief Constable of the Constabulary,
- (ii) in relation to the National Crime Squad, are to the Director General of the Squad, and
- (iii) in relation to any other police force maintained otherwise than by a police authority, are to the chief constable,”
- (c) in paragraph (c) for “or the City of London police force” there shall be substituted “, the City of London police force or the National Crime Squad”, and
- (d) after paragraph (c) there shall be added—
- “(d) “police authority” includes the Service Authority for the National Crime Squad, and
- (e) references to a person serving in a police force or to a member of a police force, in relation to the National Crime Squad, mean a police member of that Squad appointed under section 55(1)(b) of the Police Act 1997.”.
- (3) In subsection (4) (meaning of “appropriate person”), after paragraph (a) there shall be inserted—
- “(aa) in relation to the National Criminal Intelligence Service, the Director General of that Service,”.

#### Textual Amendments

**F176** Words in [Sch. 9 para. 71\(2\)\(b\)](#) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(2\)\(a\)\(b\)](#); [S.R. 2001/396, art. 2](#), [Sch.](#)

#### *Police Act 1996 (c. 16)*

72 The Police Act 1996 shall be amended as follows.

#### Commencement Information

**I18** [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.”.



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#### Commencement Information

**II9** 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—
- “(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.”.

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- (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
- (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;”.

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#### Commencement Information

**I20** 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.

(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 <sup>M8</sup>Police Act 1997 (other than members engaged with that Service on a period of temporary service to which section 38A(1)(ba) of the <sup>M9</sup>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

**M8** 1967 c. 77.

**M9** 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

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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;”.

(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

**I21** 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 [F177Police Service of Northern Ireland], provide constables or other assistance for the purpose of enabling the Scottish force or the [F177Police Service of Northern Ireland] to meet any special demand on its resources.”.

*Status: Point in time view as at 21/02/2003.*

*Changes to legislation: Police Act 1997 is up to date with all changes known to be in force on or before 21 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. (See end of Document for details)*

- (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.”.

#### Textual Amendments

**F177** Words in [Sch. 9 para. 87\(4\)](#) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(2\)\(b\)](#); [S.R. 2001/396, art. 2](#), [Sch.](#)

#### *Employment Rights Act 1996 (c. 18)*

- 88 In section 50 of the Employment Rights Act 1996 (right to time off for public duties), in subsection (2), after paragraph (c) there shall be inserted—
- “(ca) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad,”.

#### *Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

- 89 In section 3 of the Housing Grants, Construction and Regeneration Act 1996 (persons ineligible for grant under Chapter I of Part I of that Act), in subsection (2), for paragraph (g) there shall be substituted—
- “(g) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.
- 90 In section 64, in subsection (7) (persons ineligible to participate in group repair schemes as assisted participants), for paragraph (e) there shall be substituted—
- “(e) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Status: Point in time view as at 21/02/2003.*

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*Juries (Northern Ireland) Order 1996 (NI 6)*

- 91 In Schedule 2 to the Juries (Northern Ireland) Order 1996 (persons ineligible for jury service), after the entry for members and staff of the [<sup>F178</sup>Northern Ireland Policing Board] there shall be inserted—

“Members of the National Criminal Intelligence Service, members of the Service Authority for the National Criminal Intelligence Service and persons employed by the Authority.”.

**Textual Amendments**

**F178** Words in [Sch. 9 para. 91](#) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 20\(3\)](#); [S.R. 2001/396, art. 2](#), [Sch.](#)

**Commencement Information**

**I22** [Sch. 9 para. 91](#) wholly in force at 31.10.1997; [Sch. 9 para. 91](#) not in force at Royal Assent see [s. 135](#); [Sch. 9 para. 91](#) 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](#)))

*Justices of the Peace Act 1997 (c.25)*

- 92 In section 66 of the Justices of the Peace Act 1997, in subsection (7), after paragraph (b) there shall be inserted—

“(ba) the Service Authority for the National Criminal Intelligence Service;  
(bb) the Service Authority for the National Crime Squad;”.

SCHEDULE 10

Section 134(2).

REPEALS

**Extent Information**

**E5** The repeals in [Sch. 10](#) have the same extent as the enactments to which they refer.

**Commencement Information**

**I23** [Sch. 10](#) partly in force; [Sch. 10](#) not in force at Royal Assent see [s. 135\(1\)](#); [Sch. 10](#) in force for certain purposes at: 1.4.1998 by [S.I. 1998/354, art. 2\(2\)\(ay\)\(bc\)](#); 1.3.2002 for E.W. by [S.I. 2002/413, art. 2](#)

Chapter	Short title	Extent of repeal
1967 c. 77.	Police (Scotland) Act 1967.	In section 39(4), the word “or” in the third place where it occurs.
1967 c. 88.	Leasehold Reform Act 1967.	In section 28(5)(a), the word “and” in the second place where it occurs.
1972 c. 70.	Local Government Act 1972.	In section 146A(1A), the word “not”. In

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		section 223(2), the word “and”.
1976 c. 35.	Police Pensions Act 1976.	After section 11(2)(a), the word “and”.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	Sections 51(1A) and 59(1A).
1986 c. 60.	Financial Services Act 1986.	Section 189. Schedule 14.
1987 c. 22.	Banking Act 1987.	Section 95.
1989 c. 5.	Security Service Act 1989.	Section 2(3B).
1990 c. 31.	Aviation and Maritime Security Act 1990.	In section 22(4)(b), the words “who is a member of a body of constables maintained”.
1991 c. 40.	Road Traffic Act 1991.	Section 47.
1993 c. 21.	Osteopaths Act 1993.	Section 39.
1993 c. 39.	National Lottery etc. Act 1993.	Section 19.
1994 c. 17.	Chiropractors Act 1994.	Section 40.
1995 c. 25.	Environment Act 1995.	In Schedule 22, paragraph 17(a).
1996 c. 16.	Police Act 1996.	In section 62(1), at the end of paragraph (b) the word “or”. In section 98(4), the word “or” in the sixth place it occurs.
1996 c. 35.	Security Service Act 1996.	Section 1(3).

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**Status:**

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