



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 5

#### POLICE ORGANISATION

##### *Police authorities etc.*

#### 104 Vice-chairmen

- (1) In Schedule 2 to the 1996 Act (police authorities outside London), after paragraph 9 there shall be inserted—

*“Vice-chairmen*

- 9A (1) At an annual meeting a police authority may appoint one or more vice-chairmen from among its members.
- (2) The making of appointments under sub-paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.
- (3) Where a vice-chairman ceases to hold office at any time between annual meetings, a police authority may make an appointment to fill the vacancy at any meeting of the authority held more than fourteen days after the occurrence of the vacancy.
- (4) Subject to any standing orders made by a police authority, 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.”

- (2) In Schedule 2A to that Act (the Metropolitan Police Authority), after paragraph 6 there shall be inserted—

*“Vice-chairmen*

- 6A (1) At an annual meeting the Metropolitan Police Authority may appoint one or more vice-chairmen from among its members.
- (2) The making of appointments under sub-paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.
- (3) Where a vice-chairman ceases to hold office at any time between annual meetings, the Metropolitan Police Authority may make an appointment to fill the vacancy at any meeting of the Authority held more than fourteen days after the occurrence of the vacancy.
- (4) Subject to any standing orders made by the Metropolitan Police Authority, 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.”
- (3) In Schedule 1 to the 1997 Act, the following paragraph shall be inserted at the end of Part 1—
- “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.”
- (4) In the following provisions (tenure of office, eligibility for reappointment and validity of acts of chairman and members of police authorities etc.)—
- (a) paragraphs 17(1) and 21 to 23 of Schedule 2 to the 1996 Act,
- (b) paragraphs 12(1) and 16 to 18 of Schedule 2A to that Act, and
- (c) paragraphs 6(1)(a) and (2), 8(1) and (3), 12 and 15 of Schedule 2 to the 1997 Act,
- after “chairman”, wherever it occurs, there shall be inserted “or vice-chairman”.
- (5) In paragraph 24 of Schedule 2 to the 1996 Act, paragraph 19 of Schedule 2A to that Act and paragraph 16 of Schedule 2 to the 1997 Act (validity of acts)—
- (a) after “of chairman”, in each case, there shall be inserted, “by a vacancy for a vice-chairman”; and
- (b) after “as chairman”, in each case, there shall be inserted “or vice-chairman”.
- (6) In paragraph 25 of Schedule 2 to the 1996 Act (allowances for members of police authorities)—
- (a) in sub-paragraph (1), after “chairman” there shall be inserted “, vice-chairmen”; and
- (b) in sub-paragraph (2), after “chairman,” there shall be inserted “a vice-chairman,”.

- (7) In paragraph 20 of Schedule 2A to the 1996 Act (allowances for members of the Metropolitan Police Authority etc.)—
- (a) in sub-paragraph (1), after “chairman” there shall be inserted “, vice-chairmen”; and
  - (b) in sub-paragraph (3), after “chairman,” there shall be inserted “a vice-chairman,”.
- (8) In paragraph 17 of Schedule 2 to the 1997 Act (allowances for members of the Service Authorities for NCIS and NCS)—
- (a) in sub-paragraph (1), after “chairman” there shall be inserted “, vice-chairmen”; and
  - (b) in sub-paragraph (3), after “chairman,” there shall be inserted “a vice-chairman,”.
- (9) In paragraph 6B(b) of Schedule 12 to the Local Government Act 1972 (c. 70) (persons to preside in the case of a police authority in the absence of the chairman), for the words from “another member” to “preside” there shall be substituted “the following person shall preside—
- (i) in a case in which only one vice-chairman is present at the meeting, that vice-chairman;
  - (ii) in a case in which more than one vice-chairman is present at the meeting, the vice-chairman chosen by the members present; and
  - (iii) in any other case, the member chosen by the members present;”.

## **105 Political balance on police authorities**

- (1) In paragraph 4(1) of Schedule 2 to the 1996 Act (balance of parties on council to be reflected in appointments to police authority), for the words from “the members for” onwards there shall be substituted “in the case of the members for whose appointment it is responsible, the proportion who are members of any given party—
- (a) where it is a council that is responsible for their appointment, is the same as the proportion of the members of the council who are members of that party; and
  - (b) where it is a joint committee that is so responsible, is the same as the proportion of the members of the relevant councils taken as a whole who are members of that party.”
- (2) In paragraph 2(3) of Schedule 2A to that Act (which makes corresponding provision for the Metropolitan Police Authority), for the words from “the members for” onwards there shall be substituted “in the case of the members of the Authority who are members of the London Assembly appointed under this paragraph, the proportion who are members of any given party is the same as the proportion of the members of the London Assembly who are members of that party”.

## **106 Removal of age qualification for membership**

- (1) The following provisions (which disqualify persons of more than seventy years old from membership of police authorities etc. and from selection panels of police authorities) shall cease to have effect—

- (a) paragraph 10 of Schedule 2 to the 1996 Act (police authorities outside London);
  - (b) paragraph 1(b) of Schedule 2 to the 1997 Act (service authorities for the National Crime Squad and the National Criminal Intelligence Service).
- (2) Accordingly, in paragraphs 12 to 14 of Schedule 2 to the 1996 Act, for the words “paragraphs 10 and 11”, wherever they occur, there shall be substituted “paragraph 11”.

### **107 Payment of allowances to authority members etc.**

- (1) In each of the following provisions (which provide for the members of certain authorities to be made such payments by way of reimbursement of expenses and allowances as the Secretary of State may determine), the words “and allowances” shall be omitted—
- (a) paragraph 25(1) of Schedule 2 to the 1996 Act (police authorities outside London);
  - (b) paragraph 20(1) of Schedule 2A to that Act (the Metropolitan Police Authority);
  - (c) paragraph 17(1) of Schedule 2 to the 1997 Act (the authorities for NCS and NCIS).
- (2) After paragraph 25 of Schedule 2 to the 1996 Act (the police authorities outside London) there shall be inserted—

#### *“Allowances for members etc.*

- 25A (1) Subject to the following provisions of this paragraph, a police authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as the authority may determine.
- (2) Subject to sub-paragraph (6), no payment shall be made under this paragraph except in accordance with arrangements published by the authority not more than twelve months before the making of the payment.
- (3) A police 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 the authority.
- (4) It shall be the duty of a police 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 or other member or is appointed under paragraph 2, 5 or 8.
- (6) 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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- (7) A statutory instrument containing regulations under sub-paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Members of standards committees*

25B Paragraphs 25 and 25A shall have effect in relation to a police authority as if references to members of the authority included references to persons who are not members of the authority but are members of the authority's standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of the authority but are members of the authority's standards committee."

- (3) After paragraph 20 of Schedule 2A to that Act (the Metropolitan Police Authority) there shall be inserted—

*"Allowances for members etc.*

20A (1) Subject to the following provisions of this paragraph, the Metropolitan Police Authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as that 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 Metropolitan Police Authority not more than twelve months before the making of the payment.

(3) The Metropolitan Police 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 the Metropolitan Police 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 or one of the other members of the Metropolitan Police Authority, or is appointed under paragraph 3 or 5.

(6) No payment shall be made under this paragraph to any member of the Metropolitan Police Authority who is also a member of the London Assembly.

(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.

(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.

*Members of standards committees*

20B Paragraphs 20 and 20A shall have effect in relation to the Metropolitan Police Authority as if references to the members of that Authority included references to persons who are not members of that Authority but are members of the Authority’s standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of that Authority but are members of the Authority’s standards committee.”

- (4) After paragraph 17 of Schedule 2 to the 1997 Act (the Service Authorities for NCS and NCIS), there shall be inserted—

*“Allowances for members etc.*

- 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.
- (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.”

### *Constitution of the Service Authorities for NCIS and NCS*

#### **108 Number and appointment of members**

- (1) In section 1 of the 1997 Act (establishment of the Service Authority for the National Criminal Intelligence Service), in each of subsections (2) and (3) (which make provision about the number of members of the Authority), for “nineteen” there shall be substituted “eleven”.
- (2) In section 47 of the 1997 Act (establishment of the Service Authority for the National Crime Squad), in each of subsections (2) and (3) (which make provision about the number of members of the Authority), for “seventeen” there shall be substituted “eleven”.
- (3) Schedule 5 (which amends the provision made for the appointment of members of the Service Authorities in Schedule 1 to the 1997 Act) shall have effect.

#### **109 Transitional provision relating to section 108 etc**

- (1) An order under section 138(2) bringing into force section 108 and Schedule 5 may include such transitional provision as appears to the Secretary of State to be necessary or expedient.
- (2) In particular, such an order may—
  - (a) provide that the persons who are members of one or both of the Service Authorities, immediately before the relevant provisions come into force, shall be treated as having resigned, in accordance with Schedule 2 to the 1997 Act, at that time;
  - (b) make provision to ensure that members (“the new members”) are appointed to the Service Authorities in accordance with the 1997 Act, as amended by this Act, with effect from the time the relevant provisions come into force; and
  - (c) provide that (notwithstanding the coming into force of the relevant provisions and the appointment of the new members) for such purposes and in respect of such period as may be specified in the order—
    - (i) Parts 1 and 2 of the 1997 Act shall continue to have effect as if sections 108 and 128 of, and Schedules 5 and 6 to, this Act had not been enacted, and
    - (ii) any provision made under paragraph (a) shall not apply.
- (3) For the purposes of subsection (2)—

“the relevant provisions” means section 108 and Schedule 5; and

“the Service Authorities” means the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad.
- (4) In relation to any time before the coming into force of section 2(3) of the Police (Northern Ireland) Act 2000 (c. 32), the references to the Northern Ireland Policing Board in paragraph 7B of Schedule 1 to the 1997 Act (inserted by Schedule 5 to this Act) shall be construed as references to the Police Authority for Northern Ireland.

*Financial provisions for NCIS Service Authority***110 Preparation of budget statement by NCIS Service Authority**

After section 16 of the 1997 Act (NCIS service fund) there shall be inserted—

**“16A Budget statement**

- (1) The NCIS Service Authority shall, before the beginning of each financial year, submit to the Secretary of State a budget statement for that year.
- (2) In this section references to a budget statement for a financial year are to a statement of the amount which the Authority estimates it requires by way of grant under section 17 for that year.
- (3) In preparing a budget statement for a financial year, the Authority shall take account of—
  - (a) the expenditure which the Director General of NCIS estimates will be incurred in connection with NCIS in the year,
  - (b) any income which it is estimated will be received in that year, whether by way of payments under section 18A or by way of charges imposed by the Authority under section 19, or otherwise,
  - (c) the financial reserves of the Authority and the reserves which it estimates it will be appropriate to raise in the year for meeting its estimated future expenditure,
  - (d) the current and proposed level of borrowing of the Authority,
  - (e) the views of all members of the Authority, and
  - (f) such other matters as may be prescribed.
- (4) A budget statement submitted under subsection (1) shall be in such form, and contain such information, as may be prescribed.
- (5) Where the NCIS Service Authority has submitted a budget statement for a financial year, it shall notify the Secretary of State, as soon as is practicable, of any change in circumstances which results in a material change (whether an increase or a reduction) in the amount required (or expected to be required) by it by way of grant under section 17 for that year.
- (6) In this section “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.”

**111 Funding of NCIS Service Authority**

For section 17 of the 1997 Act (which empowers the NCIS Service Authority to issue levies to police authorities in England and Wales) there shall be substituted—

**“17 Grants from the Secretary of State**

- (1) The Secretary of State shall for each financial year make a grant to the NCIS Service Authority.



- (2) If the Authority fails, in relation to a financial year,—
  - (a) to submit to the Secretary of State a budget statement in accordance with section 16A, or
  - (b) to comply with a requirement under section 17A(1),subsection (1) above shall not apply in respect of that year, but the Secretary of State may make a grant to the Authority for that year.
- (3) For every financial year the Secretary of State shall determine the amount of the grant to be made under this section; and a determination under this subsection may be varied by a subsequent determination under this subsection.
- (4) If the Secretary of State considers it appropriate, he may make any payment of grant under this section on conditions.
- (5) The conditions may (among other things)—
  - (a) regulate the purposes for which the payment or any part of it may be used;
  - (b) require repayment to the Secretary of State in specified circumstances.

#### **17A Provision supplemental to section 17**

- (1) The Secretary of State may require the NCIS Service Authority to provide him, in connection with the exercise of his functions under section 17, with such information as he may specify, within such period as he may specify.
- (2) Where the Secretary of State makes a determination under section 17, he shall prepare a report—
  - (a) setting out the determination (including any conditions imposed by virtue of section 17(4)), and
  - (b) stating the considerations which he took into account in making it.
- (3) A copy of every report prepared under subsection (2) shall—
  - (a) be sent to the NCIS Service Authority, and
  - (b) be laid before the House of Commons.
- (4) A grant to the NCIS Service Authority under section 17 shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may determine; and any such time may fall within or after the financial year concerned.
- (5) Where in consequence of a further determination under section 17(3) the amount of the Authority's grant is less than the amount already paid to it for the year, a sum equal to the difference shall be paid by the Authority to the Secretary of State at such time as he may specify."

#### **112 Duty of NCIS Service Authority to prepare accounts**

After section 21 of the 1997 Act (pensions and gratuities) there shall be inserted—

##### **“21A Accounts**

- (1) The NCIS Service Authority shall—

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- (a) keep proper accounts and proper records in relation to the accounts,
  - (b) prepare a statement of accounts in respect of each financial year, and
  - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General within such period following the end of the financial year to which it relates as the Secretary of State may specify.
- (2) A statement of accounts under subsection (1) shall be in such form, and contain such information, as the Secretary of State may direct.
- (3) Before specifying a period for the purposes of subsection (1)(c), or giving a direction under subsection (2), the Secretary of State must consult the Scottish Ministers.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts, and
  - (b) lay copies of the statement and of his report before each House of Parliament.”

*Financial provisions for NCS Service Authority*

**113 Preparation of budget statement by NCS Service Authority**

After section 61 of the 1997 Act (NCS service fund) there shall be inserted—

**“61A Budget statement**

- (1) The NCS Service Authority shall, before the beginning of each financial year, submit to the Secretary of State a budget statement for that year.
- (2) In this section references to a budget statement for a financial year are to a statement of the amount which the Authority estimates it requires by way of grant under section 62 for that year.
- (3) In preparing a budget statement for a financial year, the Authority shall take account of—
  - (a) the expenditure which the Director General of the National Crime Squad estimates will be incurred in connection with the National Crime Squad in the year,
  - (b) any income which it is estimated will be received in that year, whether by way of charges imposed by the Authority under section 64, or otherwise,
  - (c) the financial reserves of the Authority and the reserves which it estimates it will be appropriate to raise in the year for meeting its estimated future expenditure,
  - (d) the current and proposed level of borrowing of the Authority,
  - (e) the views of all members of the Authority, and
  - (f) such other matters as may be prescribed.
- (4) A budget statement submitted under subsection (1) shall be in such form, and contain such information, as may be prescribed.

- (5) Where the NCS Service Authority has submitted a budget statement for a financial year, it shall notify the Secretary of State, as soon as is practicable, of any change in circumstances which results in a material change (whether an increase or a reduction) in the amount required (or expected to be required) by it by way of grant under section 62 for that year.
- (6) In this section “prescribed” means prescribed by an order made by the Secretary of State.
- (7) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.”

## **114 Funding of NCS Service Authority**

For section 62 of the 1997 Act (which empowers the NCS Service Authority to issue levies to police authorities in England and Wales) there shall be substituted—

### **“62 Grants from the Secretary of State**

- (1) The Secretary of State shall for each financial year make a grant to the NCS Service Authority.
- (2) If the Authority fails, in relation to a financial year,—
  - (a) to submit to the Secretary of State a budget statement in accordance with section 61A, or
  - (b) to comply with a requirement under section 62A(1),subsection (1) above shall not apply in respect of that year, but the Secretary of State may make a grant to the Authority for that year.
- (3) For every financial year the Secretary of State shall determine the amount of the grant to be made under this section; and a determination under this subsection may be varied by a subsequent determination under this subsection.
- (4) If the Secretary of State considers it appropriate, he may make any payment of grant under this section on conditions.
- (5) The conditions may (among other things)—
  - (a) regulate the purposes for which the payment or any part of it may be used;
  - (b) require repayment to the Secretary of State in specified circumstances.

### **62A Provision supplemental to section 62**

- (1) The Secretary of State may require the NCS Service Authority to provide him, in connection with the exercise of his functions under section 62, with such information as he may specify, within such period as he may specify.
- (2) Where the Secretary of State makes a determination under section 62 he shall prepare a report—
  - (a) setting out the determination (including any conditions imposed by virtue of section 62(4)), and
  - (b) stating the considerations which he took into account in making it.

- (3) A copy of every report prepared under subsection (2) shall—
  - (a) be sent to the NCS Service Authority, and
  - (b) be laid before the House of Commons.
- (4) A grant to the NCS Service Authority under section 62 shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may determine; and any such time may fall within or after the financial year concerned.
- (5) Where in consequence of a further determination under section 62(3) the amount of the Authority's grant is less than the amount already paid to it for the year, a sum equal to the difference shall be paid by the Authority to the Secretary of State at such time as he may specify."

### **115 Duty of NCS Service Authority to prepare accounts**

After section 66 of the 1997 Act (pensions and gratuities) there shall be inserted—

#### **“66A Accounts**

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

*Director General and other members of NCIS*

### **116 Appointment of NCIS Director General**

- (1) Section 6 of the 1997 Act (appointment of Director General) shall be amended as follows.
- (2) In subsection (1)—
  - (a) for “NCIS Service Authority” there shall be substituted “Secretary of State”, and
  - (b) for “the Authority” there shall be substituted “he”.
- (3) After that subsection, there shall be inserted—
  - “(1A) The NCIS Service Authority shall pay to the Director General such remuneration and allowances as the Secretary of State may determine.”

- (4) In subsection (2)—
- (a) for “a panel of members of the Authority” there shall be substituted “the Secretary of State”,
  - (b) for “that panel” there shall be substituted “a panel of members of the NCIS Service Authority”, and
  - (c) the words “after consultation with the Scottish Ministers” shall be omitted.
- (5) After subsection (2) there shall be inserted—
- “(2A) Where an appointment falls to be made under this section and a list has been approved by the Secretary of State for the purposes of subsection (2), the panel mentioned in that subsection may make, to the Secretary of State, such recommendations as it thinks fit.
- (2B) Before making an appointment under this section, the Secretary of State shall—
- (a) have regard to any recommendations made to him under subsection (2A), and
  - (b) consult the Scottish Ministers.”
- (6) In subsection (4)(a), the words “(other than under paragraph 6, 7(f) or 8(1)(h) of Schedule 1)” shall be omitted.
- (7) An order under section 138(2) bringing into force subsections (1) to (6) of this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient.

## **117 Removal of NCIS members (other than the Director General)**

After section 9 of the 1997 Act (members of NCIS) there shall be inserted—

### **“9A Removal of certain members appointed under section 9**

- (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the NCIS Service Authority, acting with the approval of the Secretary of State, may call upon a member of NCIS appointed under section 9 to retire in the interests of efficiency or effectiveness.
- (2) Subsection (1) does not apply to any member of NCIS appointed by the Director General by virtue of section 9(8).
- (3) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the member concerned an opportunity to make representations and shall consider any representations that he makes.
- (4) Before giving an approval for the purposes of subsection (1), the Secretary of State shall consult the Scottish Ministers.
- (5) A member who is called upon to retire under subsection (1) shall retire on such date as the Authority may specify or on such earlier date as may be agreed between him and the Authority.”

**118 Removal of NCIS Director General, etc.**

(1) In section 29 of the 1997 Act (removal of Director General at direction of the Secretary of State) for subsections (1) to (3) there shall be substituted—

“(1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the Secretary of State may—

- (a) call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness, or
- (b) require the NCIS Service Authority to exercise its power under section 9A to call upon a member of NCIS (other than a member to which subsection (2) of that section applies) to retire in the interests of efficiency or effectiveness.

(2) Before exercising his powers under subsection (1)(a) in relation to the Director General, or under subsection (1)(b) in relation to any other member, the Secretary of State shall—

- (a) give the person concerned an opportunity to make representations,
- (b) consider any representations that he makes, and
- (c) consult the Scottish Ministers.

(3) Where representations are made under subsection (2), the Secretary of State may, and in a case where he proposes to exercise his power under subsection (1)(a) or (b) shall, appoint one or more persons to hold an inquiry and report to him.”

(2) After subsection (6) of that section there shall be inserted—

“(7) A Director General who is called upon to retire under subsection (1)(a) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between the Director General and the Secretary of State.”

*Director General and other members of NCS***119 Appointment of NCS Director General**

(1) Section 52 of the 1997 Act (appointment of Director General) shall be amended as follows.

(2) In subsection (1)—

- (a) for “NCS Service Authority” there shall be substituted “Secretary of State”, and
- (b) for “the Authority” there shall be substituted “he”.

(3) After that subsection, there shall be inserted—

“(1A) The NCS Service Authority shall pay to the Director General such remuneration and allowances as the Secretary of State may determine.”

(4) In subsection (2)—

- (a) for “a panel of members of the Authority” there shall be substituted “the Secretary of State”, and
- (b) for “that panel” there shall be substituted “a panel of members of the NCS Service Authority”.

(5) After subsection (2), there shall be inserted—

“(2A) Where an appointment falls to be made under this section and a list has been approved by the Secretary of State for the purposes of subsection (2), the panel mentioned in that subsection may make, to the Secretary of State, such recommendations as it thinks fit.

(2B) Before making an appointment under this section, the Secretary of State shall have regard to any recommendations made to him under subsection (2A).”

(6) In subsection (4)(a), the words “(other than under paragraph 6 of Schedule 1)” shall be omitted.

(7) An order under section 138(2) bringing into force subsections (1) to (6) above may make such transitional provision as appears to the Secretary of State to be necessary or expedient.

## **120 Removal of NCS members (other than the Director General)**

After section 55 of the 1997 Act (members of the National Crime Squad) there shall be inserted—

### **“55A Removal of certain members appointed under section 55**

- (1) Without prejudice to section 66 or to any regulations under section 81 or under the Police Pensions Act 1976 (c. 35), the NCS Service Authority, acting with the approval of the Secretary of State, may call upon a member of the National Crime Squad appointed under section 55 to retire in the interests of efficiency or effectiveness.
- (2) Subsection (1) does not apply to any member of the National Crime Squad appointed by the Director General by virtue of section 55(8).
- (3) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the member concerned an opportunity to make representations and shall consider any representations that he makes.
- (4) A member who is called upon to retire under subsection (1) shall retire on such date as the Authority may specify or on such earlier date as may be agreed between him and the Authority.”

## **121 Removal of NCS Director General etc.**

(1) In section 74 of the 1997 Act (removal of Director General at direction of Secretary of State), for subsections (1) to (3) there shall be substituted—

- “(1) Without prejudice to section 66 or to any regulations under section 81 or under the Police Pensions Act 1976 (c. 35), the Secretary of State may—
- (a) call upon the Director General of the National Crime Squad to retire in the interests of efficiency or effectiveness, or
  - (b) require the NCS Service Authority to exercise its power under section 55A to call upon a member of the National Crime Squad (other than a member to which subsection (2) of that section applies) to retire in the interests of efficiency or effectiveness.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Before exercising his powers under subsection (1)(a) in relation to the Director General, or under subsection (1)(b) in relation to any other member, the Secretary of State shall—
- (a) give the person concerned an opportunity to make representations, and
  - (b) consider any representations that he makes.
- (3) Where representations are made under subsection (2), the Secretary of State may, and in a case where he proposes to exercise his power under subsection (1)(a) or (b) shall, appoint one or more persons to hold an inquiry and report to him.”
- (2) After subsection (6) of that section there shall be inserted—
- “(7) A Director General who is called upon to retire under subsection (1)(a) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between the Director General and the Secretary of State.”

#### *Police ranks*

### **122 Deputy Assistant Commissioners of Police of the Metropolis**

- (1) Before section 9G of the 1996 Act (appointment and removal of Commanders in the metropolitan police force), there shall be inserted—
- “9F Appointment and removal of Deputy Assistant Commissioners**
- (1) The ranks that may be held in the metropolitan police force shall include that of Deputy Assistant Commissioner of Police of the Metropolis (“Deputy Assistant Commissioner”).
  - (2) Any appointment of a Deputy Assistant Commissioner shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.
  - (3) Subsections (1) to (3) of section 9E shall apply in relation to a Deputy Assistant Commissioner as they apply in relation to the Commissioner of Police of the Metropolis.
  - (4) Subsection (3) of this section is without prejudice to—
    - (a) any regulations under section 50, or
    - (b) any regulations under the Police Pensions Act 1976 (c. 35).”
- (2) In section 9H(2) of that Act (ranks that may be held in the metropolitan police force), for “and” at the end of paragraph (c) there shall be substituted—
- “(ca) Deputy Assistant Commissioner of Police of the Metropolis, and”.
- (3) In section 42(5) of that Act (application of section 42 to the powers of the Metropolitan Police Authority to call upon Commissioner of Police of the Metropolis etc. to resign), for “or” at the end of paragraph (c) there shall be substituted—
- “(ca) a Deputy Assistant Commissioner of Police of the Metropolis, or”.



### **123 Appointment and removal of deputy chief constables**

- (1) After section 11 of the 1996 Act (appointment and removal of chief constables), there shall be inserted—

#### **“11A Appointment and removal of deputy chief constables**

- (1) Every police force maintained under section 2 shall have a deputy chief constable.
- (2) The appointment of a person to be the deputy chief constable of a police force shall be made, in accordance with regulations under section 50, by the police authority responsible for maintaining that force, but only after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (2) to (4) of section 11 shall apply in relation to a deputy chief constable as they apply in relation to a chief constable.”
- (2) In section 13 of that Act (ranks that may be held in police forces)—
- (a) in subsection (1), after “chief constable” there shall be inserted “, deputy chief constable”; and
- (b) subsection (2) shall be omitted.
- (3) In section 42 of that Act (removal of chief constables, etc.)—
- (a) in subsection (2)—
- (i) after “with respect to” there shall be inserted “a deputy chief constable or”;
- (ii) for “or assistant chief constable” there shall be substituted “, the deputy chief constable or, as the case may be, the assistant chief constable”;
- and
- (b) in subsection (4), after “chief constable” there shall be inserted “, deputy chief constable”.

### **124 Power of deputy to exercise functions of chief constable**

- (1) In section 12 of the 1996 Act (assistant chief constable), subsections (4) to (6) shall be omitted.
- (2) After that section, there shall be inserted—

#### **“12A Power of deputy to exercise functions of chief constable**

- (1) A deputy chief constable of a police force may exercise or perform any or all of the powers or duties of the chief constable of that force—
- (a) during any absence, incapacity or suspension from duty of the chief constable,
- (b) during any vacancy in the office of the chief constable, or
- (c) at any other time, with the consent of the chief constable.
- (2) A police authority responsible for maintaining a police force may designate a person holding the rank of assistant chief constable in that force to exercise or perform any or all of the powers or duties of the chief constable of that force—

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*Status: This is the original version (as it was originally enacted).*

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- (a) during any absence, incapacity or suspension from duty of both the chief constable and the deputy chief constable, or
  - (b) during any vacancy in the offices of both the chief constable and the deputy chief constable.
- (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2).
- (4) The power to act by virtue of subsection (1)(a) or (b) or subsection (2) shall not be exercisable for a continuous period exceeding three months except with the consent of the Secretary of State.
- (5) The provisions of subsections (1) and (2) shall be without prejudice to any other enactment that makes provision for the exercise by any other person of powers conferred on a chief constable.”

## **125 Chief superintendents**

- (1) In section 9H(2) of the 1996 Act (ranks that shall be prescribed for the metropolitan police force), after “those of” there shall be inserted “chief superintendent,”.
- (2) In section 13(1) of that Act (ranks that shall be prescribed for other police forces), after “ranks of” there shall be inserted “chief superintendent,”.
- (3) In the provisions of that Act that are set out in subsection (4), before the word “superintendent”, wherever occurring, there shall be inserted “chief”.
- (4) Those provisions are—
- (a) section 50(3) (meaning of “senior officer” for the purposes of proceedings in which a member of a police force may be dismissed etc.);
  - (b) section 65 (meaning of “senior officer” for the purposes of complaints made against members of a police force); and
  - (c) section 84(1) and (3) (representation at disciplinary and other proceedings).
- (5) In Schedule 6 to the 1996 Act (appeals to police appeal tribunals)—
- (a) in paragraph 10(a), before “superintendent” there shall be inserted “chief”; and
  - (b) in paragraph 10(c)(i)—
    - (i) after “of the rank of” there shall be inserted “chief superintendent or”; and
    - (ii) for “that rank” there shall be substituted “one of those ranks”.
- (6) The amendments of Schedule 6 to that Act by virtue of this section shall not affect any appeal brought by a member of a police force under section 85 of that Act before the coming into force of this section.

*Police pensions etc.*

## **126 Pensions for members of NCIS and NCS**

- (1) In section 7(2) of the Police Pensions Act 1976 (c. 35) (payment of pensions and contributions into Consolidated Fund or out of moneys provided by Parliament), before paragraph (d) there shall be inserted—

- “(ca) the Director General of the National Criminal Intelligence Service;
  - (cb) the Director General of the National Crime Squad;
  - (cc) a police member of the National Criminal Intelligence Service appointed under subsection (1)(b) of section 9 of the Police Act 1997 (c. 50) by virtue of subsection (2)(a) of that section;
  - (cd) a police member of the National Crime Squad appointed under subsection (1)(b) of section 55 of the Police Act 1997 by virtue of subsection (2)(a) of that section;”.
- (2) In section 11(1) of that Act (meaning of membership of police force or service in a police force), before paragraph (c) there shall be inserted—
- “(ba) service as the Director General of the National Criminal Intelligence Service;
  - (bb) service as the Director General of the National Crime Squad;
  - (bc) service as a police member of the National Criminal Intelligence Service appointed under subsection (1)(b) of section 9 of the Police Act 1997 by virtue of subsection (2)(a) of that section;
  - (bd) service as a police member of the National Crime Squad appointed under subsection (1)(b) of section 55 of the Police Act 1997 by virtue of subsection (2)(a) of that section;”.
- (3) In section 11(2) of that Act (meaning of “police authority”), for paragraphs (c) and (d) (service for which the service Authorities for the NCIS and NCS are treated as police authorities) there shall be substituted—
- “(c) in relation to any such service as is mentioned in subsection (ba) or (bc) above or any service of the kind described in section 97(1)(ca) of the Police Act 1996 (c. 16) or section 38A(1)(ba) of the Police (Scotland) Act 1967 (c. 77), it means the Service Authority for the National Criminal Intelligence Service;
  - (d) in relation to any such service as is mentioned in subsection (bb) or (bd) above or any 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;”.
- (4) In section 11(3)(b) of that Act (meaning of “police force”), after “(ab),” there shall be inserted “(ba), (bb), (bc), (bd)”.

## 127 Pensions for ACPO staff

- (1) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) (“the 1972 Act”) applies (persons to or in respect of whom benefits may be provided by schemes under that Act) shall include persons who at any time after the coming into force of this section are serving in employment with the Association of Chief Police Officers of England, Wales and Northern Ireland; and, accordingly, in Schedule 1 to that Act (kinds of employment to which that Act applies), in the entries under the heading “Other bodies”, there shall be inserted, at the appropriate place—
- “The Association of Chief Police Officers of England, Wales and Northern Ireland”.
- (2) Section 1 of the 1972 Act shall also apply to persons who at any time before the coming into force of this section have ceased to serve with the Association of Chief Police Officers of England, Wales and Northern Ireland.

- (3) The Association of Chief Police Officers of England, Wales and Northern Ireland 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 any increase attributable to this section in the sums payable under the 1972 Act out of money provided by Parliament.

*Minor and consequential amendments*

**128 Amendments relating to NCIS and NCS**

- (1) Schedule 6 to this Act (which makes minor and consequential amendments relating to this Part) shall have effect.
- (2) In relation to any time before the coming into force of section 2(3) of the Police (Northern Ireland) Act 2000 (c. 32), the reference to the Northern Ireland Policing Board in Schedule 2A to the 1997 Act (inserted by Schedule 6 to this Act) shall be construed as a reference to the Police Authority for Northern Ireland.