

## SCHEDULES

### SCHEDULE 1

#### NATIONAL POLICING IMPROVEMENT AGENCY

##### PART 7

##### CONSEQUENTIAL AMENDMENTS

###### *Public Records Act 1958 (c. 51)*

- 49 In Part 2 of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (bodies whose records are public records), at the appropriate place there is inserted—
- “National Policing Improvement Agency.”

###### *Parliamentary Commissioner Act 1967 (c. 13)*

- 50 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place there is inserted—
- “National Policing Improvement Agency.”

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

- 51 The Police (Scotland) Act 1967 is amended as follows.
- 52 In section 38(3A) (status of certain constables on secondment), after “(bb)” there is inserted “or (bh)”.
- 53 (1) Section 38A (constables engaged on service outside their force) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (bg) there is inserted—
- “(bh) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsection (6)(a) (which provides for relevant service to be treated for certain purposes as service in constable’s home force), after “(bg)” there is inserted “, (bh),”.

###### *Health and Safety at Work etc. Act 1974 (c. 37)*

- 54 In section 51A(2E) of the Health and Safety at Work etc. Act 1974 (provisions which impose liability on others for unlawful conduct of constables but which do not apply to liability under Part 1 of the 1974 Act), after paragraph (f) there is inserted—

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“(g) paragraph 20 of Schedule 1 to the Police and Justice Act 2006;”.

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

55 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place there is inserted—  
 “The National Policing Improvement Agency.”

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

56 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place there is inserted—  
 “The National Policing Improvement Agency.”

*Police Pensions Act 1976 (c. 35)*

57 The Police Pensions Act 1976 is amended as follows.

58 In section 7(2) (persons eligible for police pensions), after paragraph (ce) there is inserted—  
 “(cf) a member of the staff of the National Policing Improvement Agency who holds the office of constable;”.

59 (1) Section 11 (interpretation) is amended as follows.

(2) In subsection (1) (references to membership of a police force etc), after paragraph (be) there is inserted—  
 “(bf) service, by a person holding the office of constable, as a member of the staff of the National Policing Improvement Agency;”.

(3) In subsection (2) (meaning of “police authority”), after paragraph (e) there is inserted—  
 “(f) in relation to any service such as is mentioned in subsection (1)(bf), it means the National Policing Improvement Agency;”.

(4) In subsection (3) (meaning of “police force”), in paragraph (b), after “(be),” there is inserted “(bf),”.

*Race Relations Act 1976 (c. 74)*

60 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), at the appropriate place under the heading “Police” there is inserted—  
 “The National Policing Improvement Agency.”

*Police Act 1996 (c. 16)*

61 The Police Act 1996 is amended as follows.

62 (1) Section 39A (power of Secretary of State to issue codes of practice for chief officers) is amended as follows.

(2) In subsection (3) (preparation of drafts and revisions)—

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- (a) for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”, and
  - (b) for “that Authority” there is substituted “that Agency”.
- (3) In subsection (4) (consultation), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- 63 (1) Section 53A (regulation of procedures and practices of police forces) is amended as follows.
  - (2) In subsection (2) (advice), for paragraph (b) there is substituted—
    - “(b) the National Policing Improvement Agency.”
  - (3) In subsection (5) (consultation), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
  - (4) In subsection (6)(a) (consideration of advice etc), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- 64 In section 57(5) (consultation about regulations requiring police forces to use specified facilities or services), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- 65 In section 59 (Police Federations), after subsection (7) there is inserted—
  - “(7A) For the purposes of subsection (1), a member of the staff of the National Policing Improvement Agency who is—
    - (a) a constable, and
    - (b) an employee of the Agency,shall be treated as a member of a police force in England and Wales, and references in this section to police service shall be construed accordingly.”
- 66 In section 61(1) (Police Negotiating Board), before paragraph (c) there is inserted—
  - “(bb) the members of the staff of the National Policing Improvement Agency who are constables.”
- 67 (1) Section 62 (functions of the Police Negotiating Board) is amended as follows.
  - (2) In subsection (1) (duty to consult Board before making regulations about certain matters), after paragraph (c) there is inserted “or
    - (d) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency),”.
  - (3) Before subsection (2) there is inserted—
    - “(1D) Before issuing a document under paragraph 18 of Schedule 1 to the Police and Justice Act 2006 (rules and principles for contents of contracts of employment of constables employed as members of the staff of the National Policing Improvement Agency), the Secretary of State shall—
      - (a) consult the Police Negotiating Board for the United Kingdom about any provision in the document 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.

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- (1E) Before determining the terms and conditions on which a constable is to be appointed to the staff of the National Policing Improvement Agency as an employee of the Agency, the Secretary of State (where the constable is to be appointed as the chief executive of the Agency) or the Agency (in any other case) 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.”
- (4) In subsection (2) (arrangements under section 61(3) apply in relation to recommendations under section 62), for “subsection (1) or (1A)” there is substituted “subsection (1), (1A), (1D) or (1E)”.
- 68 (1) Section 63 (Police Advisory Boards) is amended as follows.
- (2) Before subsection (2) there is inserted—
- “(1C) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting members of the staff of the National Policing Improvement Agency who are constables.”
- (3) In subsection (3) (Board to be consulted on certain regulations), after paragraph (b) there is inserted “or
- (c) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency), other than regulations with respect to any of the matters mentioned in section 61(1),”.
- 69 In section 64 (membership of trade unions), before subsection (5) there is inserted—
- “(4C) This section applies to a member of the staff of the National Policing Improvement Agency who is—
- (a) a constable, and
  - (b) an employee of the Agency,
- as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4D) In its application by virtue of subsection (4C), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the chief executive of the National Policing Improvement Agency.”
- 70 In section 90(4) (impersonation etc: interpretation), for the words after paragraph (a) and before paragraph (b) (paragraph (aa) having been superseded by section 68(2) of the Railways and Transport Safety Act 2003) there is substituted—
- “(ab) “member of a police force” includes a member of the staff of the National Policing Improvement Agency who is a constable, and”.
- 71 In section 91(2) (offence under subsection (1) of causing disaffection etc amongst members of police forces applies also in relation to certain other police personnel), after paragraph (a) there is inserted—
- “(aa) members of the staff of the National Policing Improvement Agency who are constables,”.

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- 72 (1) Section 97 (police officers engaged on service outside their force) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (cf) there is inserted—
- “(cg) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsections (6)(a) and (8), after “(cf)” there is inserted “, (cg)”.

*Police (Northern Ireland) Act 1998 (c. 32)*

- 73 (1) Section 27 of the Police (Northern Ireland) Act 1998 (members of the Police Service of Northern Ireland engaged on other police service) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (cb) there is inserted—
- “(cc) temporary service with the National Policing Improvement Agency on which a member of the Police Service of Northern Ireland is engaged with the consent of the Chief Constable;”.
- (3) In subsection (5)(b), after “(cb),” there is inserted “(cc),”.
- (4) In subsection (7)—
- (a) for “(1)(c), (ca)” there is substituted “(1)(ca)”;
- (b) for “or (cb)” there is substituted “, (cb) or (cc)”.

*Freedom of Information Act 2000 (c. 36)*

- 74 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public bodies and offices), at the appropriate place there is inserted—
- “The National Policing Improvement Agency.”

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 75 (1) Section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records) is amended as follows.
- (2) In subsection (1), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- (3) In subsection (2), for “Organisation” there is substituted “National Policing Improvement Agency”.

*Vehicles (Crime) Act 2001 (c. 3)*

- 76 The Vehicles (Crime) Act 2001 is amended as follows.
- 77 In section 18(7) (access to information contained in register of registration plate suppliers), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- 78 (1) Section 36 (access to certain motor insurance information) is amended as follows.

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(2) In subsection (1), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.

(3) In subsection (2)(a), for “Organisation” there is substituted “Agency”.

*Criminal Justice and Police Act 2001 (c. 16)*

79 (1) Section 97 of the Criminal Justice and Police Act 2001 (regulations for police forces as to training and qualifications for deployment) is amended as follows.

(2) In subsection (4) (persons who must be consulted before regulations about training etc may be made), for paragraph (a) there is substituted—

“(a) the National Policing Improvement Agency;”.

(3) For subsection (6) (interpretation of section) there is substituted—

“(6) In this section—

- (a) references to the provision of police training are references to the provision of training and opportunities for professional development for persons serving or employed for policing purposes in England and Wales;
- (b) references to the provision of training include references to the provision of assessment and examination services;
- (c) references to a person serving or employed for policing purposes in England and Wales are references to a person who is—
  - (i) a member of a police force in England and Wales,
  - (ii) a special constable appointed under section 27 of the 1996 Act, or
  - (iii) a person employed for the purposes of a police force in England and Wales.”

*Police Reform Act 2002 (c. 30)*

80 The Police Reform Act 2002 is amended as follows.

81 In section 9(3) (persons ineligible for membership of the Independent Police Complaints Commission), after paragraph (da) there is inserted—

“(db) he is or has been—

- (i) the chairman or chief executive of, or
- (ii) another member of, or
- (iii) another member of the staff of,

the National Policing Improvement Agency;”.

82 (1) Section 10 (general functions of the Independent Police Complaints Commission) is amended as follows.

(2) In subsection (1) (general functions), after paragraph (g) there is inserted “; and

- (h) to carry out functions in relation to the National Policing Improvement Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection.”

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- (3) In subsection (3) (functions conferred by other provisions), after paragraph (ba) there is inserted—
- “(bb) any agreement under section 26B of this Act (National Policing Improvement Agency);”.
- (4) In subsection (7)(c) (Commission may impose charges for making recommendations, and giving advice, for purposes of subsection (1)(g)), after “subsection (1)(g)” there is inserted “or (h)”.
- 83 (1) Section 11 (reports) is amended as follows.
- (2) In subsection (6) (persons to whom Independent Police Complaints Commission must send copies of its annual reports), after paragraph (d) there is inserted “; and (e) to the National Policing Improvement Agency.”
- (3) After subsection (9) there is inserted—
- “(9A) Where a report under subsection (3) relates to the National Policing Improvement Agency, the Commission shall send a copy of that report to the Agency.”
- (4) In subsection (10) (persons to whom reports under subsection (4) must be sent), after paragraph (g) there is inserted “; and (h) the National Policing Improvement Agency.”
- 84 (1) Section 15 (general duties of police authorities etc in relation to Part 2 of the Act) is amended as follows.
- (2) After subsection (1A) there is inserted—
- “(1B) It shall be the duty of the National Policing Improvement Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).”
- (3) For the second sentence of subsection (8) (meaning of “third force” in subsection (8)) there is substituted—
- “(8A) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the National Policing Improvement Agency—
- (a) the chief officer of a third force, or
- (b) the police authority maintaining a third force,
- may be required to give that assistance and co-operation only with the approval of the chief executive of the National Policing Improvement Agency.
- (8B) In subsections (8) and (8A) “third force”, in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.”
- (4) In subsection (9) (approval that is needed before Director General of Serious Organised Crime Agency can be required to give assistance etc under subsection (5)), for the words after paragraph (b) there is substituted—
- “the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer.”

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(5) After subsection (9) there is inserted—

“(10) In subsection (9) “the relevant directing officer”—

- (a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; and
- (b) in a case where the person who requires assistance and co-operation is a member of the staff of the National Policing Improvement Agency, means the chief executive of that Agency.”

85 After section 16 there is inserted—

**“16A Investigations: National Policing Improvement Agency involvement**

- (1) Where a police authority or chief officer requires the NPIA and its chief executive to provide a member of the NPIA’s staff who is a constable for appointment under paragraph 16, 17 or 18 of Schedule 3, it shall be the duty of the NPIA and its chief executive to comply with the requirement.
- (2) It shall be the duty of the NPIA and its chief executive to ensure that a person appointed under paragraph 16, 17 or 18 of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying-out of that investigation as that person may reasonably require.
- (3) It shall be the duty of the NPIA and its chief executive to provide the Commission and every member of the Commission’s staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying-out of any investigation by the Commission under this Part.
- (4) Where the person who requires assistance and co-operation under subsection (2) is a person serving with the police, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the chief officer of the force to which that person belongs.
- (5) Where the person who requires assistance and co-operation under subsection (2) is a member of the staff of the Serious Organised Crime Agency, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the Director General of the Serious Organised Crime Agency.
- (6) Subsection (7) applies where the NPIA and its chief executive comply with a requirement under subsection (1) or (2) that is made in connection with—
  - (a) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of a police force; or
  - (b) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of a police force.
- (7) The police authority maintaining the police force mentioned in subsection (6)(a) or (b) shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—
  - (a) as may be agreed between them; or
  - (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—



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- (i) have been agreed to by police authorities generally and by the NPIA, and
      - (ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements of the kind mentioned in subsection (6); or
    - (c) in the absence of any such arrangements, as may be determined by the Secretary of State.
  - (8) Where the NPIA and its chief executive comply with a requirement under subsection (3), the Commission shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—
    - (a) as may be agreed between the Commission and the NPIA; or
    - (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
      - (i) have been agreed to by the Agency and by the Commission, and
      - (ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements under subsection (3); or
    - (c) in the absence of any such arrangements, as may be determined by the Secretary of State.
  - (9) In this section “the NPIA” means the National Policing Improvement Agency.”
- 86 In section 17 (provision of information to the Independent Police Complaints Commission), after subsection (5) there is inserted—
- “(6) In this section—
- “chief officer” includes the chief executive of the National Policing Improvement Agency;
  - “police authority” includes the National Policing Improvement Agency.”
- 87 After section 26A there is inserted—

### **“26B National Policing Improvement Agency**

- (1) The Commission and the National Policing Improvement Agency must enter into an agreement for the establishment in relation to members of the Agency’s staff of procedures corresponding or similar to those provided for by or under this Part.
- (2) An agreement under this section—
  - (a) must not be made or varied except with the approval of the Secretary of State; and
  - (b) must not be terminated unless—
    - (i) it is replaced by another such agreement, and
    - (ii) the Secretary of State approves.

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- (3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary hearings in relation to members of the Agency's staff.
- (4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Agency's chief executive or by other members of the Agency.
- (5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the Agency's staff."

88 In section 29(3)(c) (meaning of references to a member of the public), for "Central Police Training and Development Authority" there is substituted "National Policing Improvement Agency".

89 (1) Schedule 3 (handling of complaints and conduct matters etc) is amended as follows.

(2) In paragraph 16(3) (investigations by the appropriate authority on its own behalf: appointment of person to conduct investigation), after paragraph (b) there is inserted "or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,".

(3) In paragraph 17(2) (investigations supervised by the Independent Police Complaints Commission: appointment of person to conduct investigation), after paragraph (b) there is inserted "or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,".

(4) In paragraph 17(4) (power of Commission to require different person to be selected to conduct investigation), for "or (b)" there is substituted ", (b) or (c)".

*Sexual Offences Act 2003 (c. 42)*

90 In section 94(3) of the Sexual Offences Act 2003 (supply of information to Secretary of State etc for verification), for paragraph (b) there is substituted—

“(b) the National Policing Improvement Agency,”.

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

91 In section 20(7)(a) of the Commissioners for Revenue and Customs Act 2005 (public interest disclosure), for "Police Information Technology Organisation" there is substituted "National Policing Improvement Agency".

*Serious Organised Crime and Police Act 2005 (c. 15)*

92 (1) Section 153 of the Serious Organised Crime and Police Act 2005 (disclosure of information about insurance status of vehicles) is amended as follows.

(2) In subsections (1) and (3)(a) and (b), for "PITO" there is substituted "NPIA".

(3) In subsection (4), for the definition of "PITO" there is substituted—

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““NPIA” means the National Policing Improvement Agency.”