

*Status: Point in time view as at 02/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### POLICE, CUSTOMS AND IMMIGRATION POWERS

#### PART 2

#### DIRECTOR GENERAL: DESIGNATION UNDER SECTION 9

##### *Advisory panel*

- 4 (1) The Secretary of State must appoint an advisory panel (to enable recommendations to be made as to the operational powers which the Director General should have)—
- (a) whenever there is an appointment of a Director General; and
  - (b) at any other time when the Secretary of State considers that it is appropriate to do so.
- (2) But that duty is subject to regulations under paragraph 5.
- (3) An advisory panel is to consist of—
- (a) a person to chair the panel, who must not be a civil servant; and
  - (b) an appropriate number of other members (the “expert members”) who, when taken together, have appropriate knowledge of the following matters—
    - (i) the training of constables in England and Wales police forces;
    - (ii) the training of officers of Revenue and Customs and general customs officials to exercise powers in relation to customs matters;
    - (iii) the training of immigration officers;
    - (iv) the training of NCA officers.
- (4) The expert members of the advisory panel must—
- (a) consider the question of the adequacy of the Director General's training, and
  - (b) give the panel's chair such information in respect of their consideration of that question as the chair may require.
- (5) The panel's chair must then—
- (a) consider the information given by the expert members,
  - (b) decide the question of the adequacy of the Director General's training, and
  - (c) produce a report containing recommendations as to the operational powers which the Director General should have.
- (6) The report must not recommend that the Director General should have a particular operational power unless the panel's chair has decided that the Director General has received adequate training in respect of that power.
- (7) That process for producing a report is to be conducted in accordance with the terms of appointment of the advisory panel (which may include terms about the particular

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operational powers in respect of which the question of the adequacy of the Director General's training is to be considered).

(8) A reference in this paragraph to the question of the adequacy of the Director General's training is a reference to—

- (a) which operational powers the Director General has received adequate training in respect of, and
- (b) which operational powers the Director General has not received adequate training in respect of.

(9) In this paragraph—

“adequate training”, in relation to a particular operational power, means training that is adequate to enable that power to be properly exercised;

“appropriate” means appropriate in the Secretary of State's view;

“report” means a report for the purposes of section 9 containing recommendations as to the operational powers which the Director General should have.

**Commencement Information**

**I1** Sch. 5 para. 4 in force at 27.5.2013 by S.I. 2013/1042, art. 3(k)

*No advisory panel*

5 (1) The Secretary of State may, by regulations, make provision about the circumstances in which the Director General may be designated as a person having operational powers otherwise than on recommendations made in accordance with paragraph 4.

(2) Regulations under this paragraph may, in particular, provide that the Secretary of State must designate the Director General as a person having particular operational powers if specified conditions are met.

(3) Those conditions may, in particular, relate to training received by a person before appointment as the Director General.

(4) In this paragraph “specified” means specified in regulations under this paragraph.

**Commencement Information**

**I2** Sch. 5 para. 5 in force at 8.5.2013 by S.I. 2013/1042, art. 2(l)

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