

---

STATUTORY INSTRUMENTS

---

**1998 No. 633**

**The Police Act 1997 (Provisions in relation to the NCIS Service Authority) Order 1998**

**PART D**

**DISCHARGE OF FUNCTIONS**

**Arrangements for discharge of functions by the Authority**

**D1.**—(1) Subject to any express provision contained in this Order or any other enactment passed after this Order, the 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 article any functions of the 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 and where by virtue of this article any function of the Authority may be discharged by a sub-committee of the Authority then, unless the Authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the Authority.

(3) Any arrangements made by the Authority or a committee under this article for the discharge of any functions by a committee, sub-committee or officer shall not prevent the Authority or committee by whom the arrangements were made from exercising those functions.

(4) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so,—

- (a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and paragraph (2) above shall apply in relation to those functions as it applies in relation to the functions of individual authorities; and
- (b) any enactment relating to those functions 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) The Authority's functions with respect to levying or borrowing money shall be discharged only by the Authority.

(6) References in this article and article D2 below to the discharge of any of the functions of the 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.

(7) The officers who may discharge the functions of the Authority in pursuance of arrangements under paragraphs (1), (2) and (4) above shall include the Director General of NCIS, his deputy while performing the duties of the Director General and any person employed by the Authority.

(8) Where pursuant to arrangements made by virtue of paragraph (7) above—

- (a) the Director General; or

(b) the deputy of the Director General,  
 may discharge functions of the Authority, he may himself arrange for the discharge of any of those functions by a member, including a police member, of NCIS.

(9) Nothing in this article affects the operation of the Local Authority (Goods and Services) Act 1970(1).

### **Appointment of committees**

**D2.**—(1) For the purpose of discharging any functions in pursuance of arrangements made under article D1 above—

- (a) the Authority may appoint a committee of the Authority; or
- (b) two or more local authorities (the appointing authorities) may appoint a joint committee of those authorities; or
- (c) any such committee may appoint one or more sub-committees.

(2) Subject to the provisions of this article, the number of members of a committee appointed under paragraph (1) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the Authority, or, in the case of a joint committee the appointing authorities, or, in the case of a sub-committee, by the appointing committee.

(3) Any committee or sub-committee appointed under paragraph (1) above may consist only of members of the Authority or, in the case of a joint committee, members of the appointing authorities.

(4) The Authority may appoint a committee and two or more local authorities may appoint a joint committee to advise the Authority on any matter relating to the discharge of its functions, and any such committee—

- (a) may consist of such persons (whether members of the Authority or appointing authorities or not) appointed for such term as may be determined by the Authority or appointing authorities; and
- (b) may appoint one or more sub-committees to advise the committee with respect to any such matter.

(5) Every member of a committee appointed under this article who at the time of his appointment was a member of the Authority or another appointing authority shall upon ceasing to be a member of the Authority or appointing authority also cease to be a member of the committee; but for the purposes of this article a member of the Authority or appointing authority shall not be deemed to have ceased to be a member of the Authority or another appointing authority by reason of retirement if he has been re-appointed a member thereof not later than the day of his retirement.

### **Expenses of joint committees**

**D3.** The expenses incurred by a joint committee of two or more local authorities whether established under this Order or any other enactment shall be defrayed by those authorities in such proportions as they may agree or in case of disagreement as may be determined by a single arbitrator agreed on by the appointing authorities or, in default of agreement, appointed by the Secretary of State.

### **Disqualification for membership of committees**

**D4.** A person who is employed by the Authority shall be disqualified for being a member of a committee (including a sub-committee) of the Authority, whether the committee is appointed under this Order or under any other enactment.

---

(1) 1970 c. 39.

### **Standing orders of committees**

**D5.** Standing orders may be made as respects any committee of the Authority, whether appointed or established under this Order or any other enactment, by the Authority or as respects a joint committee by the appointing authorities, with respect to the quorum, proceedings and place of meeting of the committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee may determine.