

SCHEDULE 18

Article 3

NATIONAL CRIMINAL INTELLIGENCE SERVICE  
THE SERVICE AUTHORITY FOR THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

PART I

APPLICATION

1. This Schedule shall apply to the National Criminal Intelligence Service and the Service Authority for the National Criminal Intelligence Service.

PART II

MODIFICATIONS

2.—(1) Part I of the Police Act 1997 is amended as follows.

(2) In section 1 (the Service Authority for the National Criminal Intelligence Service), in subsection (4)—

(a) the word “and” at the end of paragraph (c) is omitted; and

(b) at the end of paragraph (d) there is inserted—

“and

(e) the Scottish Ministers.”.

(3) In section 2 (general functions of the NCIS Service Authority and NCIS)—

(a) subsection (3)(a) is amended by inserting after the words “government department” the words “and the Scottish Administration”; and

(b) subsection (6) is amended by inserting after the words “Schedule 3” the words “or by the Scottish Ministers under section 30”.

(4) In section 4 (service plans), in subsection (5)—

(a) the word “and” at the end of paragraph (e) is omitted; and

(b) at the end of paragraph (f) there is inserted—

“and

(g) the Scottish Ministers.”.

(5) In section 5 (annual reports), in subsection (3)—

(a) at the end of paragraph (e) the word “and” is omitted; and

(b) at the end of paragraph (f) there is inserted—

“and

(g) the Scottish Ministers.”.

(6) In section 6 (appointment of Director General) in subsection (2), after “Secretary of State”, there is inserted “after consultation with the Scottish Ministers”.

(7) In section 7 (removal of Director General by the Authority), after subsection (2), there is inserted—

“(2A) Before giving approval under subsection (1), the Secretary of State shall consult the Scottish Ministers.”.

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(8) In section 8 (Deputy Director General), after subsection (3), there is inserted—

“(4) Before giving consent under subsection (3), the Secretary of State shall consult the Scottish Ministers.”.

(9) In section 11 (reports by Director General to the Authority), after subsection (5), there is inserted—

“(5A) Before confirming any requirement under subsection (5), the Secretary of State shall consult the Scottish Ministers.”.

(10) After section 18 (initial financing of NCIS Service Authority) there is inserted—

**“Financing by the Scottish Ministers**

**18A.**—(1) The Scottish Ministers may make payments to the NCIS Service Authority in respect of expenditure incurred (or to be incurred) by it in relation to the exercise by it, or the exercise by NCIS, of their respective functions in or as regards Scotland.

(2) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under subsection (1) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.”.

(11) For section 25 (general duty of the Secretary of State), there is substituted—

**“25 General duty of the Secretary of State and the Scottish Ministers**

**25.** The Secretary of State and the Scottish Ministers shall exercise the powers respectively conferred on them under this Part in such manner and to such extent as appear to him and them to be best calculated to promote the efficiency and effectiveness of NCIS.”.

(12) In section 26 (setting of objectives), in subsection (2)—

(a) at the end of paragraph (f) the word “and” is omitted; and

(b) at the end of paragraph (g) there is inserted—

“and

(h) the Scottish Ministers.”.

(13) In section 27 (setting of performance targets), in subsection (1), after the words “Secretary of State”, there are inserted the words “, after consultation with the Scottish Ministers,”.

(14) In section 28 (codes of practice)—

(a) in subsection (1), after the words “Secretary of State may”, there are inserted the words “, after consultation with the Scottish Ministers,”;

(b) in subsection (2), after the words “Secretary of State”, there are inserted the words “, after consultation with the Scottish Ministers,”; and

(c) after subsection (3) there is inserted—

“(4) The Secretary of State shall forthwith provide the Scottish Ministers with a copy of any code of practice, and of any revision of a code of practice, issued by him under this section and the Scottish Ministers shall lay any such copy before the Scottish Parliament.”.

(15) In section 29 (removal of Director General etc.)—

(a) in subsection (1), after the words “Secretary of State may”, there are inserted the words “, after consultation with the Scottish Ministers,”;

(b) in subsection (5), after the words “Government Department,” there are inserted the words “of the Scottish Administration,”.

(16) In section 30 (power to give directions after adverse report)—

- (a) paragraph (b) of subsection (1) is repealed;
- (b) after subsection (1) there is inserted—
  - “(1A) The Scottish Ministers may at any time require the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 to carry out an inspection of NCIS under that section.”;
- (c) in subsection (2), after the words “Secretary of State” where they occur for the second time, there are inserted the words “after consultation with the Scottish Ministers”; and
- (d) after subsection (2), there is inserted—
  - “(3) Where a report made to the Scottish Ministers carried out in accordance with this section states—
    - (a) that, in the opinion of the person making the report, NCIS is not efficient or not effective; or
    - (b) that in his opinion, unless remedial measures are taken, NCIS will cease to be efficient or will cease to be effective,the Scottish Ministers may, after consultation with the Secretary of State, direct the NCIS Service Authority to take such measures as may be specified in the direction.”.
- (17) In section 31 (reports from NCIS Service Authority), in subsection (1), after the words “Secretary of State may”, there are inserted the words “, after consultation with the Scottish Ministers.”.
- (18) In section 32 (reports from Director General)—
  - (a) in subsection (1), after the words “Secretary of State may”, there are inserted the words “, after consultation with the Scottish Ministers.”; and
  - (b) in subsection (4), after the words “Secretary of State”, there are inserted the words “and to the Scottish Ministers”.
- (19) In section 33 (criminal statistics)—
  - (a) after subsection (1), there is inserted—
    - “(1A) Before making any direction or requirement under subsection (1), the Secretary of State shall consult the Scottish Ministers.
    - (1B) The Director General of NCIS shall send to the Scottish Ministers a copy of any particulars which he transmits under subsection (1).”; and
  - (b) after subsection (2), there is inserted—
    - “(3) The Scottish Ministers shall cause a consolidated and classified abstract of the information which has been received by them under this section to be prepared and laid before the Scottish Parliament.”.
- (20) In section 34 (inquiries), after subsection (8), there is inserted—
  - “(9) Before exercising any power conferred on him by subsection (1), (7) or (8), the Secretary of State shall consult the Scottish Ministers.”.
- (21) In section 35 (regulations as to standard of equipment), after the words “Secretary of State may”, there are inserted the words “, after consultation with the Scottish Ministers.”.
- (22) In section 36 (common services), after subsection (2), there is inserted—
  - “(3) Before making regulations under this section which would relate to police forces in Scotland, the Secretary of State shall obtain the consent of the Scottish Ministers.”.
- (23) In section 39 (complaints)—
  - (a) after subsection (2), there is inserted—

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- “(2A) Before making regulations containing provision for the purposes mentioned in paragraph (a) of subsection (2), the Secretary of State shall obtain the consent of the Scottish Ministers.”; and
- (b) in subsection (3), after the words “Secretary of State may”, there are inserted the words “, after consultation with the Scottish Ministers,”.
- (24) In section 41 (arrangements for consultation), after subsection (5), there is inserted—
- “(5A) Before exercising the powers conferred on him by subsection (4) or (5), the Secretary of State shall consult the Scottish Ministers.”.
- (25) In section 44 (orders governing NCIS Service Authority), after subsection (1), there is inserted—
- “(1A) Before making any order under this section, the Secretary of State shall consult the Scottish Ministers.”.
- (26) In paragraph 2 of Schedule 1, after sub-paragraph (3), there is inserted—
- “(4) Before making any appointment under this paragraph in relation to the NCIS Service Authority, the Secretary of State shall consult the Scottish Ministers.”.
- (27) In paragraph 7 of Schedule 1, for sub-paragraph (f), there is substituted—
- “(f) two shall be Crown servants—
- (i) one of whom shall be appointed by the Secretary of State under this paragraph; and
- (ii) one of whom shall be appointed by the Scottish Ministers under this paragraph;”.
- (28) In paragraph 8 of Schedule 1—
- (a) in sub-paragraph (a), after the word “paragraph”, there are inserted the words “after consultation with the Scottish Ministers”; and
- (b) for sub-paragraph (h), there is substituted—
- “(h) two shall be Crown servants—
- (i) one of whom shall be appointed by the Secretary of State under this paragraph; and
- (ii) one of whom shall be appointed by the Scottish Ministers under this paragraph.”.
- (29) In paragraph 6 of Schedule 2, in sub-paragraph (2)—
- (a) at the end of head (a), the word “and” is omitted; and
- (b) at the end of head (b), there is inserted—
- “and
- (c) if he was appointed under paragraph 7(f) or 8(1)(h) of Schedule 1 by the Scottish Ministers, to the Scottish Ministers.”.
- (30) In paragraph 11(1)(b) of Schedule 2, after the word “shall”, there are inserted the words “, after consultation with the Scottish Ministers,”.