



# Police Act 1997

## 1997 CHAPTER 50

An Act to make provision for the National Criminal Intelligence Service and the National Crime Squad; to make provision about entry on and interference with property and with wireless telegraphy in the course of the prevention or detection of serious crime; to make provision for the Police Information Technology Organisation; to provide for the issue of certificates about criminal records; to make provision about the administration and organisation of the police; to repeal certain enactments about rehabilitation of offenders; and for connected purposes. [21st March 1997]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

##### *The Service Authority*

#### **1 The Service Authority for the National Criminal Intelligence Service**

- (1) There shall be a body corporate to be known as the Service Authority for the National Criminal Intelligence Service (in this Part referred to as “the NCIS Service Authority”).
- (2) Subject to the following provisions of this section, the NCIS Service Authority shall consist of nineteen members.
- (3) The Secretary of State may by order provide that the number of members shall be a specified odd number greater than nineteen.
- (4) Before making an order under subsection (3), the Secretary of State shall consult—

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- (a) the NCIS Service Authority (if it is then in existence),
  - (b) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
  - (c) persons whom the Secretary of State considers to represent the interests of chief officers of police of police forces in England and Wales, chief constables of police forces in Scotland and the Chief Constable of the Royal Ulster Constabulary, and
  - (d) the Commissioners of Customs and Excise.
- (5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.
- (6) The NCIS Service Authority may co-opt such additional members as it thinks fit.
- (7) Parts I, II and IV of Schedule 1 and Schedule 2 shall have effect in relation to the NCIS Service Authority.

### *Functions*

## **2 General functions of the NCIS Service Authority and NCIS**

- (1) The NCIS Service Authority shall maintain a body to be known as the National Criminal Intelligence Service (in this Part referred to as “NCIS”).
- (2) The functions of NCIS shall be—
- (a) to gather, store and analyse information in order to provide criminal intelligence,
  - (b) to provide criminal intelligence to police forces in Great Britain, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies, and
  - (c) to act in support of such police forces, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies carrying out their criminal intelligence activities.
- (3) For the purposes of subsection (2), “law enforcement agency” includes—
- (a) any government department,
  - (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary,
  - (c) any other person charged with the duty of investigating offences or charging offenders, and
  - (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCIS Service Authority, NCIS, a police authority, a police force, the NCS Service Authority or the National Crime Squad.
- (4) In discharging its functions, the NCIS Service Authority shall have regard to—
- (a) any objectives determined by the Secretary of State under section 26,
  - (b) any objectives determined by the Authority under section 3,
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise, and
  - (d) any service plan issued by the Authority under section 4.

- (5) In discharging any function to which a code of practice issued under section 28 relates, the NCIS Service Authority shall have regard to the code.
- (6) The NCIS Service Authority shall comply with any direction given to it by the Secretary of State under section 27 or 30 or under Schedule 3.

### **3 Objectives**

- (1) The NCIS Service Authority shall secure that NCIS is efficient and effective.
- (2) The NCIS Service Authority shall, before the beginning of each financial year, determine objectives for that year for NCIS.
- (3) Objectives determined under this section may relate to matters to which objectives determined under section 26 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (4) Before determining objectives under this section, the NCIS Service Authority shall consult—
  - (a) the Director General of NCIS,
  - (b) persons whom it considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
  - (c) the NCS Service Authority, and
  - (d) the Commissioners of Customs and Excise.

### **4 Service plans**

- (1) The NCIS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by NCIS of its functions during the year (“the service plan”).
- (2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
  - (a) any objectives determined by the Secretary of State under section 26,
  - (b) any objectives determined by the Authority under section 3, and
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise.
- (3) A draft of the service plan shall be prepared by the Director General of NCIS and submitted by him to the Authority for it to consider.
- (4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.
- (5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the Police (Scotland) Act 1967) and the Police Authority for Northern Ireland,

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- (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the Royal Ulster Constabulary,
- (d) the NCS Service Authority,
- (e) the Director General of the National Crime Squad, and
- (f) the Commissioners of Customs and Excise.

## **5 Annual reports**

- (1) The NCIS Service Authority shall, as soon as possible after the end of each financial year, issue a report on the carrying out of its functions during that year.
- (2) A report issued under this section for any year shall include an assessment of the extent to which the service plan for that year issued under section 4 has been carried out.
- (3) The NCIS Service Authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the Police (Scotland) Act 1967) and the Police Authority for Northern Ireland,
  - (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the Royal Ulster Constabulary,
  - (d) the NCS Service Authority,
  - (e) the Director General of the National Crime Squad, and
  - (f) the Commissioners of Customs and Excise.

*Director General and other members*

## **6 Appointment of Director General**

- (1) NCIS shall have a Director General appointed by the NCIS Service Authority on such terms and conditions as the Authority considers appropriate.
- (2) The Director General shall be chosen by a panel of members of the Authority from a list of persons eligible for appointment which has been prepared by that panel and approved by the Secretary of State.
- (3) A person shall be eligible for appointment as Director General for the purposes of subsection (2) if—
  - (a) he holds the rank of chief constable in a police force in Great Britain or in the Royal Ulster Constabulary,
  - (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis,
  - (c) he is the Commissioner of Police for the City of London, or
  - (d) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to any of the ranks or posts mentioned in paragraphs (a) to (c).

- (4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCIS Service Authority and shall consist only of members of that Authority appointed—
  - (a) by the Secretary of State (other than under paragraph 6, 7(f) or 8(1)(h) of Schedule 1), or
  - (b) by local authority members of police authorities for areas in England and Wales (as defined in paragraph 14 of that Schedule), members of police authorities for areas in Scotland or members of the Police Authority for Northern Ireland.
- (5) The Director General shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4 to the Police Act 1996 before a justice of the peace appointed for an area in England and Wales.
- (6) Without prejudice to any other enactment conferring powers on constables for particular purposes, the Director General shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- (7) The Director General shall hold the rank of chief constable.
- (8) In subsection (6)—

“powers” includes powers under any enactment, whenever passed or made;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;

and that subsection, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.

## **7 Removal of Director General by the Authority**

- (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976, the NCIS Service Authority, acting with the approval of the Secretary of State, may call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness.
- (2) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the Director General an opportunity to make representations and shall consider any representations that he makes.
- (3) A Director General 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 upon between him and the Authority.

## **8 Deputy Director General**

- (1) The Director General of NCIS shall designate a member of NCIS appointed under section 9, other than a member appointed by the Director General by virtue of subsection (8) of that section, to exercise all the powers and duties of the Director General—
  - (a) during any absence, incapacity or suspension from duty of the Director General, or
  - (b) during any vacancy in the office of Director General.

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- (2) The Director General shall consult the NCIS Service Authority before designating a member under subsection (1).
- (3) No more than one person shall be authorised to act by virtue of a designation under subsection (1) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.

## **9 Members of NCIS**

- (1) NCIS shall consist of—
  - (a) the Director General of NCIS appointed under section 6,
  - (b) persons appointed by the NCIS Service Authority under this paragraph as police members of NCIS, and
  - (c) other persons appointed by the NCIS Service Authority under this paragraph to be members of NCIS as employees of the Authority.
- (2) A person shall be appointed as a police member of NCIS only if—
  - (a) he is appointed to the rank of assistant chief constable in NCIS and he met the requirements of subsection (3) immediately prior to his being appointed, or
  - (b) he is engaged with NCIS on a period of temporary service to which section 97 of the Police Act 1996, section 38A of the Police (Scotland) Act 1967 or section 21 of the Police Act (Northern Ireland) 1970 applies.
- (3) A person meets the requirements of this subsection if—
  - (a) he holds the rank of assistant chief constable or a higher rank in a police force in Great Britain or in the Royal Ulster Constabulary,
  - (b) he holds the rank of commander or a higher rank in the metropolitan police force or in the City of London police force, or
  - (c) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to the rank of assistant chief constable or commander in any of the police forces, or in the Constabulary, mentioned in paragraph (a) or (b).
- (4) Subsections (5), (6) and (8) of section 6 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of NCIS.
- (5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.
- (6) Before making an appointment under subsection (1)(b) or (c), or determining the terms and conditions on which such an appointment is to be made, the NCIS Service Authority shall consult the Director General of NCIS.
- (7) A police member to whom subsection (2)(b) applies shall cease to be a member of NCIS at the end of his period of temporary service (unless re-appointed under this section).
- (8) Where an order under section 44 authorises the NCIS Service Authority to make arrangements for the discharge of its functions by the Director General of NCIS, the Authority shall exercise its powers under that order so as to secure that, subject to

subsection (9) below, the Director General appoints persons under subsection (1)(b) or (c) to be members of NCIS.

- (9) Subsection (8) shall not apply to—
- (a) the appointment of any person to whom subsection (2)(a) applies as a police member, or
  - (b) the appointment of such other persons as may be agreed between the Director General and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (10) Section 7 applies to a member appointed under this section, other than a member appointed by the Director General by virtue of subsection (8) above, as it applies to the Director General.

### *Functions of Director General*

#### **10 General function of Director General**

- (1) NCIS shall be under the direction and control of the Director General.
- (2) In discharging his functions, the Director General shall have regard to the service plan issued by the NCIS Service Authority under section 4.

#### **11 Reports by Director General to the Authority**

- (1) The Director General of NCIS shall, as soon as possible after the end of each financial year, submit to the NCIS Service Authority a general report on the activities of NCIS during that year.
- (2) The Director General shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The NCIS Service Authority may require the Director General to submit to it a report on such matters connected with the activities of NCIS as may be specified in the requirement.
- (4) A report submitted under subsection (3) shall be in such form as the Authority may specify.
- (5) If it appears to the Director General that a report in compliance with a requirement under subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the Authority, he may request the Authority to refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (6) The Authority may arrange, or require the Director General to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

#### **12 Responsibility for co-ordination of police and Security Service activities**

In section 2(2) of the Security Service Act 1989 (which imposes duties on the Director-General of the Security Service), in paragraph (c) (which provides for the Secretary of

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State to designate the person responsible for co-ordinating police and Security Service activities) for “a person designated by the Secretary of State” there shall be substituted “the Director General of the National Criminal Intelligence Service”.

*Service Authority’s officers and employees*

**13 Officers and employees**

- (1) The NCIS Service Authority may appoint officers and employees to enable it to discharge its functions.
- (2) Persons appointed under this section shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.

**14 Appointment of clerk**

The NCIS Service Authority shall appoint a person to be the clerk to the Authority.

**15 Appointment of persons not employed by the NCIS Service Authority**

Where the NCIS Service Authority is required or authorised by any Act—

- (a) to appoint a person to a specified office under the Authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the Authority may appoint or designate either a person employed by the Authority under section 13, or a person not holding any office or employment under the Authority.

*Financial provisions*

**16 NCIS service fund**

- (1) The NCIS Service Authority shall keep a fund to be known as the NCIS service fund.
- (2) Subject to any regulations under the Police Pensions Act 1976 and to section 21 below, all receipts of the Authority shall be paid into the NCIS service fund and all expenditure of the Authority shall be paid out of that fund.
- (3) Accounts shall be kept by the Authority of payments made into or out of the NCIS service fund.

**17 Power to issue levies**

- (1) The NCIS Service Authority shall, in respect of every financial year beginning after the establishment of that Authority, issue levies to—
  - (a) police authorities for areas in England and Wales (other than the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.
- (2) The Secretary of State shall, by order, make provision in relation to the calculation, setting, collection, administration and payment of levies under this section.
- (3) An order under this section may include provision—

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- (a) as to apportionment of levies issued under this section;
  - (b) conferring a right to interest on anything unpaid.
- (4) An order under this section may also include provision—
- (a) that the Common Council of the City of London making calculations in accordance with section 32 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;
  - (b) that a police authority established under section 3 of the Police Act 1996, or the Receiver for the Metropolitan Police District, making calculations in accordance with section 43 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;
  - (c) as to the treatment as special expenses of amounts so anticipated;
  - (d) as to the treatment of any levy actually issued.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Schedule 3 (which makes further provision in connection with levies under this section) shall have effect.

## **18 Initial financing of NCIS Service Authority**

The Secretary of State may make grants to the NCIS Service Authority in respect of expenditure incurred (or to be incurred) by it at any time before the financial year in which revenue is first received by it as a result of levies issued by it under section 17.

## **19 Charges**

- (1) The NCIS Service Authority may make charges in respect of the provision of any services, or an agreement for the provision of any services, to any person by the Authority or by NCIS.
- (2) Any charges made under this section may include amounts calculated by reference to the expenditure incurred or expected to be incurred by the NCIS Service Authority, or by NCIS, otherwise than directly in connection with the provision of the services concerned.

## **20 Acceptance of gifts and loans**

- (1) The NCIS Service Authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the Authority to be appropriate.
- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the Authority or of NCIS.

## **21 Pensions and gratuities**

- (1) The NCIS Service Authority may—
  - (a) pay, or make payments in respect of, pensions or gratuities to or in respect of any persons who are, or have been, its officers or employees;

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- (b) provide and maintain schemes (whether contributory or not) for the payment of pensions or gratuities to or in respect of any such persons.
- (2) The NCIS Service Authority may—
- (a) pay, or make payments in respect of, such pensions or gratuities as it may determine, with the consent of the Secretary of State, to or in respect of any persons who are or have been the Director General of NCIS or police members of NCIS;
  - (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities to or in respect of any such persons.
- (3) Before exercising its powers under subsection (2), the Authority shall have regard to any provision made under the Police Pensions Act 1976 or section 25(2)(k) of the Police Act (Northern Ireland) 1970.
- (4) References in this section to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of any of the persons mentioned in subsection (1) or (2) who suffer loss of office or employment or loss or diminution of emoluments.

### *General provisions*

## **22 Collaboration agreements**

- (1) If it appears to the Director General of NCIS and to—
- (a) the chief officers of police of one or more police forces in England and Wales, or
  - (b) the chief constables of one or more police forces in Scotland, or
  - (c) the Chief Constable of the Royal Ulster Constabulary, or
  - (d) the Director General of the National Crime Squad,
- that any police functions can more efficiently or effectively be discharged by members of NCIS and members of their respective forces or, as the case may be, the Squad acting jointly, they may, with the approval of the appropriate authorities, enter into an agreement for that purpose.
- (2) For the purposes of this section, the “appropriate authorities” means the NCIS Service Authority and—
- (a) in relation to an agreement entered by a chief officer of police of a police force in England and Wales, the police authority which maintains that force,
  - (b) in relation to an agreement entered by a chief constable of a police force in Scotland, the police authority which maintains that force or, as the case may be, the police authorities for the police areas comprised in a combined area,
  - (c) in relation to an agreement entered by the Chief Constable of the Royal Ulster Constabulary, the Police Authority for Northern Ireland, and
  - (d) in relation to an agreement entered by the Director General of the National Crime Squad, the NCS Service Authority.
- (3) In subsection (1) “police functions” includes the functions of NCIS and, in the case of an agreement entered by the Director General of the National Crime Squad, the functions of that Squad.

- (4) If it appears to the NCIS Service Authority and to—
- (a) one or more police authorities for areas in England and Wales, or
  - (b) one or more police authorities for areas (or combined areas) in Scotland, or
  - (c) the Police Authority for Northern Ireland, or
  - (d) the NCS Service Authority,
- that any premises, equipment or other material or facilities can with advantage be provided jointly for NCIS and the forces maintained by the authorities concerned or, as the case may be, the National Crime Squad, they may enter an agreement for that purpose.
- (5) Any expenditure incurred under an agreement made under this section shall be borne—
- (a) in the case of an agreement under subsection (1), by the appropriate authorities who approved it, and
  - (b) in the case of an agreement under subsection (4), by the parties to it,
- in such proportions as they may agree or as may, in the absence of agreement, be determined by the Secretary of State.
- (6) An agreement under subsection (1) or (4) may be varied or determined by a subsequent agreement.
- (7) If it appears to the Secretary of State that any party should enter an agreement to which subsection (1), (4) or (6) applies, the Secretary of State may, after considering any representations made by the party concerned, direct the party to enter into such an agreement under those provisions as may be specified in the direction.
- (8) The provisions of this section shall not prejudice the power of the NCIS Service Authority, any police authority, the Police Authority for Northern Ireland or the NCS Service Authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

## **23 Aid by and for NCIS**

- (1) The Director General of NCIS may, on the application of—
- (a) the chief officer of police of a police force in England and Wales,
  - (b) the chief constable of a police force in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary, or
  - (d) the Director General of the National Crime Squad,
- provide constables or other assistance for the purposes of enabling the police force or the Royal Ulster Constabulary or, as the case may be, the National Crime Squad to meet any special demand on its resources.
- (2) On the application of the Director General of NCIS—
- (a) the chief officer of police of a police force in England and Wales,
  - (b) the chief constable of a police force in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary, or
  - (d) the Director General of the National Crime Squad,
- may provide constables or other assistance for the purposes of enabling NCIS to meet any special demand on its resources.

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- (3) If it appears to the Secretary of State—
- (a) that it is expedient in the interests of public safety or order that a police force, the Royal Ulster Constabulary, the National Crime Squad or NCIS should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and
  - (b) that satisfactory arrangements under subsection (1) or (2) cannot be made, or cannot be made in time,
- he may direct the Director General of NCIS, the chief officer of police of any police force in England and Wales, the chief constable of any police force in Scotland, the chief constable of the Royal Ulster Constabulary or the Director General of the National Crime Squad to provide such constables or other assistance for that purpose as may be specified in the direction.
- (4) While a constable is provided under this section for the assistance of a police force, the Royal Ulster Constabulary or the National Crime Squad he shall, notwithstanding section 10(1), be under the direction and control of the chief officer of that force or, as the case may be, the chief constable of that force or Constabulary or the Director General of that Squad.
- (5) While a constable is provided under this section for the assistance of NCIS he shall, notwithstanding section 56(1) below, section 10(1) of the Police Act 1996, section 17(2) of the Police (Scotland) Act 1967 or section 6(2) of the Police Act (Northern Ireland) 1970, be under the direction and control of the Director General of NCIS.
- (6) For the purposes of this section “constable”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

## **24 Provision of special services**

The Director General of NCIS may, at the request of any person, provide services at any premises or in any locality in the United Kingdom, if those services are consistent with the functions of, and do not prejudice the efficiency or effectiveness of, NCIS.

### *Central supervision and direction*

## **25 General duty of Secretary of State**

The Secretary of State shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of NCIS.

## **26 Setting of objectives**

- (1) The Secretary of State may by order determine objectives for NCIS.
- (2) Before making an order under this section, the Secretary of State shall consult—
  - (a) the NCIS Service Authority,
  - (b) the Director General of NCIS,

- (c) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
  - (d) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, the chief constables of police forces in Scotland and the Chief Constable of the Royal Ulster Constabulary,
  - (e) the NCS Service Authority,
  - (f) the Director General of the National Crime Squad, and
  - (g) the Commissioners of Customs and Excise.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

## **27 Setting of performance targets**

- (1) Where an objective has been determined under section 26, the Secretary of State may direct the NCIS Service Authority to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.
- (2) A direction given under this section may impose conditions with which the performance targets must conform.
- (3) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

## **28 Codes of practice**

- (1) The Secretary of State may issue codes of practice relating to the discharge by the NCIS Service Authority of its functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

## **29 Removal of Director General etc**

- (1) The Secretary of State may require the NCIS Service Authority to exercise its power under section 7 to call upon the Director General of NCIS, or any other member (other than a member appointed by the Director General by virtue of section 9(8)), to retire in the interests of efficiency or effectiveness.
- (2) Before—
- (a) exercising any power conferred on him by subsection (1), or
  - (b) approving the exercise by the NCIS Service Authority of its power under section 7,

the Secretary of State shall give the person in relation to whom it is proposed to exercise the power (the “relevant person”) an opportunity to make representations to him and shall consider any representations so made.

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- (3) Where representations are made under this section, the Secretary of State may, and in a case where he proposes to exercise a power conferred by subsection (1) shall, appoint one or more persons to hold an inquiry and report to him.
- (4) The Secretary of State shall take account of any report made under subsection (3).
- (5) The person appointed under subsection (3) (or, in a case where more than one person is so appointed, at least one of the persons so appointed) shall not be an officer of police, of a Government department, of NCIS or of the National Crime Squad.
- (6) The costs incurred by a relevant person in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the NCIS service fund.

### **30 Power to give directions after adverse report**

- (1) The Secretary of State may at any time—
  - (a) require the inspectors of constabulary appointed under section 54 of the Police Act 1996 to carry out an inspection of NCIS under that section,
  - (b) 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, or
  - (c) require the inspectors of constabulary appointed under section 16 of the Police Act (Northern Ireland) 1970 to carry out an inspection of NCIS under that section.
- (2) Where a report made to the Secretary of State on an inspection 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 Secretary of State may direct the NCIS Service Authority to take such measures as may be specified in the direction.

### **31 Reports from NCIS Service Authority**

- (1) The Secretary of State may require the NCIS Service Authority to submit to him a report on such matters connected with the discharge of the Authority's functions, or otherwise with the activities of NCIS, as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

### **32 Reports from Director General**

- (1) The Secretary of State may require the Director General of NCIS to submit to him a report on such matters connected with the activities of NCIS as may be specified in the requirement.

- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Director General to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) The Director General shall, as soon as possible after the end of each financial year, submit to the Secretary of State the like report as is required by section 11 to be submitted to the NCIS Service Authority.

### **33 Criminal statistics**

- (1) The Director General of NCIS shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime as the Secretary of State may require.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

### **34 Inquiries**

- (1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with NCIS.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) For the purposes of an inquiry under this section, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths.
- (4) No person shall be required, in obedience to a summons under subsection (3), to attend to give evidence or to produce any documents, unless the necessary expenses of his attendance are paid or tendered to him.
- (5) Nothing in subsection (3) shall empower a person holding an inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of the NCIS Service Authority.
- (6) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.
- (7) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.

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- (8) The Secretary of State may direct that the whole or part of the costs (or, in relation to any inquiry held in Scotland, the expenses) incurred by any person for the purposes of an inquiry held under this section shall be defrayed out of the NCIS service fund; and any costs (or expenses) payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

### **35 Regulations as to standard of equipment**

The Secretary of State may make regulations requiring equipment provided or used for the purposes of NCIS to satisfy such requirements as to design and performance as may be prescribed in the regulations.

### **36 Common services**

- (1) The Secretary of State may, by regulations, make provision for requiring NCIS and—
- (a) all police forces in England and Wales, or
  - (b) all police forces in Scotland, or
  - (c) the Royal Ulster Constabulary, or
  - (d) the National Crime Squad,
- to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under section 57(1) of the Police Act 1996 or section 36 of the Police (Scotland) Act 1967) if he considers that it would be in the interests of efficiency or effectiveness for them to do so.
- (2) Before making regulations under this section the Secretary of State shall consult the NCIS Service Authority and the Director General of NCIS and—
- (a) where the regulations relate to police forces in England and Wales, persons whom the Secretary of State considers to represent the interests of police authorities for areas in England and Wales and persons whom he considers to represent the interests of chief officers of police of police forces there,
  - (b) where the regulations relate to police forces in Scotland, persons whom the Secretary of State considers to represent the interests of police authorities for areas in Scotland and persons whom he considers to represent the interests of chief constables of police forces there,
  - (c) where the regulations relate to the Royal Ulster Constabulary, the Police Authority for Northern Ireland and the Chief Constable of the Royal Ulster Constabulary, and
  - (d) where the regulations relate to the National Crime Squad, the NCS Service Authority and the Director General of the National Crime Squad.

### *Discipline and complaints*

### **37 Discipline regulations**

- (1) The Secretary of State may make regulations relating to the conduct of members of NCIS and the maintenance of discipline in NCIS.
- (2) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the NCIS Service Authority, the Director General of NCIS or other persons, or
  - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **38 Appeals**

- (1) Where the Director General of NCIS, or a police member to whom section 9(2)(a) applies, is dismissed or required to resign by a decision taken under or by virtue of regulations made under section 37, he may appeal to an appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed or required to resign.
- (2) The Secretary of State shall, by order, make provision in relation to appeals tribunals and appeals under subsection (1) corresponding (with or without modification) to that which is or may be made in relation to police appeals tribunals and appeals under section 85(1) of the Police Act 1996 by, or by virtue of, section 85(2) to (4) of and Schedule 6 to that Act.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **39 Complaints**

- (1) The Secretary of State shall, by regulations, make provision for the handling of any complaint about the conduct of any member of NCIS which is submitted by, or on behalf of, a member of the public.
- (2) Regulations under subsection (1) shall, so far as the Secretary of State thinks it desirable, make provision—
- (a) for the procedures for the handling of complaints relating to anything done or omitted to be done by a person in Scotland to be procedures corresponding or similar to those established by or by virtue of sections 40 and 40A of the Police (Scotland) Act 1967;
  - (b) for the procedures for the handling of complaints relating to anything done or omitted to be done by a person in Northern Ireland to be procedures corresponding or similar to those established by or by virtue of the Police (Amendment) (Northern Ireland) Order 1995, and for that purpose the regulations may confer additional functions on the Independent Commission for Police Complaints for Northern Ireland;
  - (c) for the procedures for the handling of any other complaint to be procedures corresponding or similar to those established by or by virtue of Chapter I of Part IV of the Police Act 1996 (police complaints), and for that purpose the regulations may confer additional functions on the Police Complaints Authority.
- (3) The Secretary of State may issue guidance to persons on whom functions are conferred by regulations under this section concerning the performance of their functions under

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those regulations, and they shall have regard to any such guidance in the performance of those functions.

- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **40 Information as to the manner of dealing with complaints etc**

The NCIS Service Authority in carrying out its duty under section 3(1), and inspectors of constabulary appointed under section 54 of the Police Act 1996, section 33 of the Police (Scotland) Act 1967 or section 16 of the Police Act (Northern Ireland) 1970 in carrying out their duties with respect to the efficiency and effectiveness of NCIS, shall keep themselves informed as to the operation of procedures established under section 39.

#### *Miscellaneous*

#### **41 Arrangements for consultation**

- (1) The NCIS Service Authority shall, after consulting the Director General of NCIS, make arrangements for obtaining the views of—
- (a) the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
  - (b) the NCS Service Authority,
  - (c) the Commissioners of Customs and Excise, and
  - (d) such other persons or bodies as the NCIS Service Authority considers appropriate,
- about the Authority and NCIS.
- (2) The Director General of NCIS shall, after consulting the Authority, make arrangements for obtaining the views of—
- (a) the chief officers of police of police forces in England and Wales,
  - (b) the chief constables of police forces in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary,
  - (d) the Director General of the National Crime Squad,
  - (e) the Commissioners of Customs and Excise, and
  - (f) such other persons or bodies as the Director General of NCIS considers appropriate,
- about NCIS.
- (3) Arrangements made under subsection (1) or (2) shall be reviewed from time to time.
- (4) If it appears to the Secretary of State that arrangements made for consultation by the NCIS Service Authority or the Director General under this section are not adequate for the purposes set out in subsection (1) or (2), he may require the Authority or Director General whose duty it is to make the arrangements to submit a report to him concerning the arrangements.
- (5) After considering a report submitted under subsection (4), the Secretary of State may require the Authority or Director General who submitted it to review the arrangements and submit a further report to him concerning them.

- (6) The Authority or Director General shall be under the same duties to consult when reviewing arrangements as when making them.

#### **42 Liability for wrongful acts of constables etc**

- (1) The Director General of NCIS shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the NCIS service fund—
- (a) any damages or costs awarded against the Director General in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and
  - (b) any sum required in connection with the settlement of any claim made against the Director General by virtue of this section, if the settlement is approved by the NCIS Service Authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the Director General of NCIS for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the Director General; and references in this section to the Director General shall be construed accordingly.
- (4) The NCIS Service Authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the NCIS service fund—
- (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for a tort committed by that person,
  - (b) any costs incurred and not recovered by such a person in such proceedings, and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
- (a) a member of NCIS, or
  - (b) a constable for the time being required to serve with NCIS by virtue of section 23.
- (6) In relation to Scotland—
- (a) subsection (1) shall not apply but—
    - (i) the Director General of NCIS shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his direction and control in the performance or purported performance of his functions in the like manner as a master is so liable in respect of any wrongful act or omission on the part of his servant in the course of the servant's employment, and
    - (ii) subsection (4)(a) shall apply as if the reference to proceedings for a tort committed by a person were a reference to proceedings for a wrongful act or omission on the part of that person, and
  - (b) any reference in subsection (2) or (4) to costs shall be construed as a reference to expenses.

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#### **43 Causing disaffection**

Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of NCIS within section 9(1)(a) or (b), or induces or attempts to induce, or does any act calculated to induce, any such member to withhold his services, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

#### **44 Orders governing NCIS Service Authority**

- (1) The Secretary of State may by order make provision (including provision as regards Scotland and Northern Ireland) in relation to the NCIS Service Authority about matters of the kind dealt with in the enactments listed in Schedule 4 (which lists enactments which make provision about police authorities established under section 3 of the Police Act 1996).
- (2) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *General*

#### **45 Orders and regulations**

Any power of the Secretary of State to make orders or regulations under this Part shall be exercisable by statutory instrument.

#### **46 Interpretation of Part I**

In this Part—

- “financial year” means the twelve months ending with 31st March;
- “NCIS” has the meaning given in section 2;
- “NCIS Service Authority” has the meaning given in section 1(1);
- “NCIS service fund” means the fund established under section 16;
- “NCS Service Authority” means the Service Authority for the National Crime Squad.

### **PART II**

#### **THE NATIONAL CRIME SQUAD**

#### *The Service Authority*

#### **47 The Service Authority for the National Crime Squad**

- (1) There shall be a body corporate to be known as the Service Authority for the National Crime Squad (in this Part referred to as “the NCS Service Authority”).

- (2) Subject to the following provisions of this section, the NCS Service Authority shall consist of seventeen members.
- (3) The Secretary of State may by order provide that the number of its members shall be a specified odd number greater than seventeen.
- (4) Before making an order under subsection (3), the Secretary of State shall consult—
  - (a) the NCS Service Authority (if it is then in existence),
  - (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales, and
  - (c) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales.
- (5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.
- (6) The NCS Service Authority may co-opt such additional members as it thinks fit.
- (7) Parts I, III and IV of Schedule 1 and Schedule 2 shall have effect in relation to the NCS Service Authority.

### *Functions*

#### **48 General functions of the NCS Service Authority and the National Crime Squad**

- (1) The NCS Service Authority shall maintain a body to be known as the National Crime Squad.
- (2) The function of the National Crime Squad shall be to prevent and detect serious crime which is of relevance to more than one police area in England and Wales.
- (3) The National Crime Squad may also—
  - (a) at the request of a chief officer of police of a police force in England and Wales, act in support of the activities of his force in the prevention and detection of serious crime;
  - (b) at the request of the Director General of NCIS, act in support of the activities of NCIS;
  - (c) institute criminal proceedings;
  - (d) co-operate with other police forces in the United Kingdom in the prevention and detection of serious crime;
  - (e) act in support of other law enforcement agencies in the prevention and detection of serious crime.
- (4) For the purposes of subsection (3), “law enforcement agency” includes—
  - (a) any government department,
  - (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary,
  - (c) any other person charged with the duty of investigating offences or charging offenders, and
  - (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCS Service Authority, the National

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Crime Squad, a police authority, a police force, the NCIS Service Authority or NCIS.

- (5) In discharging its functions, the NCS Service Authority shall have regard to—
  - (a) any objectives determined by the Secretary of State under section 71,
  - (b) any objectives determined by the Authority under section 49,
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 72 or otherwise, and
  - (d) any service plan issued by the Authority under section 50.
- (6) In discharging any function to which a code of practice issued under section 73 relates, the NCS Service Authority shall have regard to the code.
- (7) The NCS Service Authority shall comply with any direction given to it by the Secretary of State under section 72 or 75 or under Schedule 5.

#### **49 Objectives**

- (1) The NCS Service Authority shall secure that the National Crime Squad is efficient and effective.
- (2) The NCS Service Authority shall, before the beginning of each financial year, determine objectives for that year for the National Crime Squad.
- (3) Objectives determined under this section may relate to matters to which objectives determined under section 71 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (4) Before determining objectives under this section, the NCS Service Authority shall consult—
  - (a) the Director General of the National Crime Squad,
  - (b) the NCIS Service Authority, and
  - (c) persons whom it considers to represent the interests of police authorities for areas in England and Wales.

#### **50 Service plans**

- (1) The NCS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by the National Crime Squad of its functions during the year (“the service plan”).
- (2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
  - (a) any objectives determined by the Secretary of State under section 71,
  - (b) any objectives determined by the Authority under section 49, and
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 72 or otherwise.
- (3) A draft of the service plan shall be prepared by the Director General of the National Crime Squad and submitted by him to the Authority for it to consider.
- (4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.

- (5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to—
- (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales,
  - (c) the chief officer of police of each police force in England and Wales,
  - (d) the NCIS Service Authority, and
  - (e) the Director General of NCIS.

## **51 Annual reports**

- (1) The NCS Service Authority shall, as soon as possible after the end of each financial year, issue a report on the carrying out of its functions during that year.
- (2) A report issued under this section for any year shall include an assessment of the extent to which the service plan for that year issued under section 50 has been carried out.
- (3) The NCS Service Authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales,
  - (c) the chief officer of police of each police force in England and Wales,
  - (d) the NCIS Service Authority, and
  - (e) the Director General of NCIS.

*Director General and other members*

## **52 Appointment of Director General**

- (1) The National Crime Squad shall have a Director General appointed by the NCS Service Authority on such terms and conditions as the Authority considers appropriate.
- (2) The Director General shall be chosen by a panel of members of the Authority from a list of persons eligible for appointment which has been prepared by that panel and approved by the Secretary of State.
- (3) A person is eligible for appointment as Director General for the purposes of subsection (2) if—
  - (a) he holds the rank of chief constable in a police force in Great Britain or in the Royal Ulster Constabulary,
  - (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis,
  - (c) he is the Commissioner of Police for the City of London, or
  - (d) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to any of the ranks or posts mentioned in paragraphs (a) to (c).
- (4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCS Authority and shall consist only of members of that Authority appointed—

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- (a) by the Secretary of State (other than under paragraph 6 of Schedule 1), or
  - (b) by local authority members of police authorities for areas in England and Wales (as defined in paragraph 14 of that Schedule).
- (5) The Director General shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4 to the Police Act 1996 before a justice of the peace appointed for an area in England and Wales.
- (6) Without prejudice to any other enactment conferring powers on constables for particular purposes, the Director General shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- (7) The Director General shall hold the rank of chief constable.
- (8) In subsection (6)—
- “powers” includes powers under any enactment, whenever passed or made;
  - “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;
- and that subsection, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.

### **53 Removal of Director General by the Authority**

- (1) Without prejudice to section 66 or to any regulations under section 81 or under the Police Pensions Act 1976, the NCS Service Authority, acting with the approval of the Secretary of State, may call upon the Director General of the National Crime Squad to retire in the interests of efficiency or effectiveness.
- (2) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the Director General an opportunity to make representations and shall consider any representations that he makes.
- (3) A Director General 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 upon between him and the Authority.

### **54 Deputy Director General**

- (1) The Director General of the National Crime Squad shall designate a police member of the National Crime Squad to whom section 55(2)(a) applies to exercise all the powers and duties of the Director General—
- (a) during any absence, incapacity or suspension from duty of the Director General, or
  - (b) during any vacancy in the office of Director General.
- (2) The Director General shall consult the NCS Service Authority before designating a member under subsection (1).
- (3) No more than one person shall be authorised to act by virtue of a designation under subsection (1) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.

## **55 Members of the National Crime Squad**

- (1) The National Crime Squad shall consist of—
  - (a) the Director General appointed under section 52,
  - (b) persons appointed by the NCS Service Authority under this paragraph as police members of the National Crime Squad, and
  - (c) other persons appointed by the NCS Service Authority under this paragraph to be members of the National Crime Squad as employees of the Authority.
- (2) A person shall be appointed as a police member of the National Crime Squad only if—
  - (a) he is appointed to the rank of assistant chief constable in the National Crime Squad and he met the requirements of subsection (3) immediately prior to his being appointed, or
  - (b) he is engaged with the National Crime Squad on a period of temporary service to which section 97 of the Police Act 1996 applies.
- (3) A person meets the requirements of this subsection if—
  - (a) he holds the rank of assistant chief constable or a higher rank in a police force in Great Britain or in the Royal Ulster Constabulary,
  - (b) he holds the rank of commander or a higher rank in the metropolitan police force or in the City of London police force, or
  - (c) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to the rank of assistant chief constable or commander in any of the police forces, or in the Constabulary, mentioned in paragraph (a) or (b).
- (4) Subsections (5), (6) and (8) of section 52 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of the National Crime Squad.
- (5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCS Service Authority considers appropriate.
- (6) Before making an appointment under subsection (1)(b) or (c), or determining the terms and conditions on which such an appointment is to be made, the NCS Service Authority shall consult the Director General of the National Crime Squad.
- (7) A police member to whom subsection (2)(b) applies shall cease to be a member of the National Crime Squad at the end of his period of temporary service (unless re-appointed under this section).
- (8) The NCS Service Authority shall exercise its powers under section 101 (and section 107) of the Local Government Act 1972 so as to secure that, subject to subsection (9) below, the Director General of the National Crime Squad appoints persons under subsection (1)(b) or (c) to be members of the National Crime Squad.
- (9) Subsection (8) shall not apply to—
  - (a) the appointment of any person to whom subsection (2)(a) applies as a police member, or
  - (b) the appointment of such other persons as may be agreed between the Director General and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.

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- (10) Section 53 applies to a member appointed under this section, other than a member appointed by the Director General by virtue of subsection (8), as it applies to the Director General.

### *Functions of Director General*

#### **56 General function of Director General**

- (1) The National Crime Squad shall be under the direction and control of the Director General.
- (2) In discharging his functions, the Director General shall have regard to the service plan issued by the NCS Service Authority under section 50.

#### **57 Reports by Director General to the Authority**

- (1) The Director General of the National Crime Squad shall, as soon as possible after the end of each financial year, submit to the NCS Service Authority a general report on the activities of the Squad during that year.
- (2) The Director General shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The NCS Service Authority may require the Director General to submit to it a report on such matters connected with the activities of the National Crime Squad as may be specified in the requirement.
- (4) A report submitted under subsection (3) shall be in such form as the Authority may specify.
- (5) If it appears to the Director General that a report in compliance with subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the Authority, he may request the Authority to refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (6) The Authority may arrange, or require the Director General to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

### *Service Authority's officers and employees*

#### **58 Officers and employees**

- (1) The NCS Service Authority may appoint officers and employees to enable the Authority to discharge its functions.
- (2) Persons appointed under this section shall be appointed on such terms and conditions as the NCS Service Authority considers appropriate.

#### **59 Appointment of clerk**

The NCS Service Authority shall appoint a person to be the clerk to the Authority.

## **60 Appointment of persons not employed by the NCS Service Authority**

Where the NCS Service Authority is required or authorised by any Act—

- (a) to appoint a person to a specified office under the Authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the Authority may appoint or designate either a person employed by the Authority under section 58, or a person not holding any office or employment under the Authority.

### *Financial provisions*

## **61 NCS service fund**

- (1) The NCS Service Authority shall keep a fund to be known as the NCS service fund.
- (2) Subject to any regulations under the Police Pensions Act 1976 and to section 66 below, all receipts of the Authority shall be paid into the NCS service fund and all expenditure of the Authority shall be paid out of that fund.
- (3) Accounts shall be kept by the Authority of payments made into or out of the NCS service fund.

## **62 Power to issue levies**

- (1) The NCS Service Authority shall, in respect of every financial year beginning after the establishment of that Authority, issue levies to—
  - (a) police authorities for areas in England and Wales (other than the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.
- (2) The Secretary of State shall, by order, make provision in relation to the calculation, setting, collection, administration and payment of levies under this section.
- (3) An order under this section may include provision—
  - (a) as to apportionment of levies issued under this section;
  - (b) conferring a right to interest on anything unpaid.
- (4) An order under this section may also include provision—
  - (a) that the Common Council of the City of London making calculations in accordance with section 32 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;
  - (b) that a police authority established under section 3 of the Police Act 1996, or the Receiver for the Metropolitan Police District, making calculations in accordance with section 43 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;
  - (c) as to the treatment as special expenses of amounts so anticipated;
  - (d) as to the treatment of any levy actually issued.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Schedule 5 (which makes further provision in connection with levies under this section) shall have effect.

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### **63 Initial financing of NCS Service Authority**

The Secretary of State may make grants to the NCS Service Authority in respect of expenditure incurred (or to be incurred) by it at any time before the financial year in which revenue is first received by it as a result of levies issued by it under section 62.

### **64 Charges**

- (1) The NCS Service Authority may make charges in respect of the provision of any services, or an agreement for the provision of any services, to any person by the Authority or by the National Crime Squad.
- (2) Any charges made under this section may include amounts calculated by reference to the expenditure incurred or expected to be incurred by the NCS Service Authority, or by the National Crime Squad, otherwise than directly in connection with the provision of the services concerned.

### **65 Acceptance of gifts and loans**

- (1) The NCS Service Authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the Authority to be appropriate.
- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the Authority or of the National Crime Squad.

### **66 Pensions and gratuities**

- (1) The NCS Service Authority may—
  - (a) pay, or make payments in respect of, pensions or gratuities to or in respect of any persons who are, or have been, its officers or employees;
  - (b) provide and maintain schemes (whether contributory or not) for the payment of pensions or gratuities to or in respect of any such persons.
- (2) The NCS Service Authority may—
  - (a) pay, or make payments in respect of, such pensions or gratuities as it may determine, with the consent of the Secretary of State, to or in respect of any persons who are or have been the Director General of the National Crime Squad or police members of the Squad;
  - (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities to or in respect of any such persons.
- (3) Before exercising its powers under subsection (2), the Authority shall have regard to any provision made under the Police Pensions Act 1976 or section 25(2)(k) of the Police Act (Northern Ireland) 1970.
- (4) References in this section to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of any of the persons mentioned in subsection (1) or (2) who suffer loss of office or employment or loss or diminution of emoluments.

## **67 Revenue accounts and capital finance**

In section 39 of the Local Government and Housing Act 1989, in subsection (1) (authorities to which provisions about revenue accounts and capital finance apply), after paragraph (j) there shall be inserted—

“(ja) the Service Authority for the National Crime Squad;”.

## **68 Financial administration**

In section 111 of the Local Government Finance Act 1988, in subsection (2) (definition of “relevant authority” for the purposes of provisions regulating financial administration), after paragraph (e) there shall be inserted—

“(ea) the Service Authority for the National Crime Squad;”.

### *Special services*

## **69 Provision of special services**

The Director General of the National Crime Squad may, at the request of any person, provide services at any premises or in any locality in England and Wales, if those services are consistent with the functions of, and do not prejudice the efficiency or effectiveness of, the Squad.

### *Central supervision and direction*

## **70 General duty of Secretary of State**

The Secretary of State shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the National Crime Squad.

## **71 Setting of objectives**

- (1) The Secretary of State may by order determine objectives for the National Crime Squad.
- (2) Before making an order under this section, the Secretary of State shall consult—
  - (a) the NCS Service Authority,
  - (b) the Director General of the National Crime Squad,
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities for areas in England and Wales,
  - (d) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales,
  - (e) the NCIS Service Authority, and
  - (f) the Director General of NCIS.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

## **72 Setting of performance targets**

- (1) Where an objective has been determined under section 71, the Secretary of State may direct the NCS Service Authority to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.
- (2) A direction given under this section may impose conditions with which the performance targets must conform.
- (3) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

## **73 Codes of practice**

- (1) The Secretary of State may issue codes of practice relating to the discharge by the NCS Service Authority of its functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

## **74 Removal of Director General etc**

- (1) The Secretary of State may require the NCS Service Authority to exercise its power under section 53 to call upon the Director General of the National Crime Squad, or any other member (other than a member appointed by the Director General by virtue of section 55(8)) to retire in the interests of efficiency or effectiveness.
- (2) Before—
  - (a) exercising any power conferred on him by subsection (1), or
  - (b) approving the exercise by the NCS Service Authority of its power under section 53,the Secretary of State shall give the person in relation to whom it is proposed to exercise the power (the “relevant person”) an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to exercise a power conferred by subsection (1) shall, appoint one or more persons to hold an inquiry and report to him.
- (4) The Secretary of State shall take account of any report made under subsection (3).
- (5) The person appointed under subsection (3) (or, in a case where more than one person is so appointed, at least one of the persons so appointed) shall not be an officer of police, of a Government department, of the National Crime Squad or of NCIS.
- (6) The costs incurred by a relevant person in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the NCS service fund.

## **75 Power to give directions after adverse report**

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection of the National Crime Squad under section 54 of the Police Act 1996.
- (2) Where a report made to the Secretary of State on an inspection carried out in accordance with this section states—
  - (a) that, in the opinion of the person making the report, the National Crime Squad is not efficient or not effective, or
  - (b) that in his opinion, unless remedial measures are taken, the National Crime Squad will cease to be efficient or will cease to be effective,the Secretary of State may direct the NCS Service Authority to take such measures as may be specified in the direction.

## **76 Reports from NCS Service Authority**

- (1) The Secretary of State may require the NCS Service Authority to submit to him a report on such matters connected with the discharge of the Authority's functions, or otherwise with the activities of the National Crime Squad, as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

## **77 Reports from Director General**

- (1) The Secretary of State may require the Director General of the National Crime Squad to submit to him a report on such matters connected with the activities of the National Crime Squad as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Director General to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) The Director General shall, as soon as possible after the end of each financial year, submit to the Secretary of State the like report as is required by section 57 to be submitted to the NCS Service Authority.

## **78 Criminal statistics**

- (1) The Director General of the National Crime Squad shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime as the Secretary of State may require.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be included in the abstract laid before Parliament under section 45 of the Police Act 1996.

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## **79 Inquiries**

- (1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with the National Crime Squad.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (power to summon and examine witnesses) shall apply to an inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of an inquiry held under this section shall be defrayed out of the NCS service fund; and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

## **80 Regulations as to standard of equipment**

The Secretary of State may make regulations requiring equipment provided or used for the purposes of the National Crime Squad to satisfy such requirements as to design and performance as may be prescribed in the regulations.

### *Discipline and complaints*

## **81 Discipline regulations**

- (1) The Secretary of State may make regulations as to the conduct of members of the National Crime Squad and the maintenance of discipline in that Squad.
- (2) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
  - (a) authorise or require provision to be made by, or confer discretionary powers on, the NCS Service Authority, the Director General of the National Crime Squad or other persons, or
  - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **82 Appeals**

- (1) Where the Director General of the National Crime Squad, or a police member to whom section 55(2)(a) applies, is dismissed or required to resign by a decision taken under or by virtue of regulations made under section 81, he may appeal to an appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed or required to resign.

- (2) Section 85(2) to (5) of, and Schedule 6 to, the Police Act 1996 (police appeals tribunals) shall apply, subject to such modifications as the Secretary of State may by order prescribe, in relation to an appeals tribunal and an appeal under subsection (1) above as they apply in relation to a police appeals tribunal and an appeal under section 85(1) of that Act.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **83 Complaints**

- (1) The Secretary of State shall, by regulations, make provision for the handling of any complaint about the conduct of any member of the National Crime Squad which is submitted by, or on behalf of, a member of the public.
- (2) The procedures established by virtue of subsection (1) shall, so far as the Secretary of State thinks it desirable, be procedures corresponding or similar to those established by or by virtue of Chapter I of Part IV of the Police Act 1996 (police complaints), and for that purpose regulations may confer additional functions on the Police Complaints Authority.
- (3) The Secretary of State may issue guidance to persons on whom functions are conferred by regulations under this section concerning the performance of their functions under those regulations, and they shall have regard to any such guidance in the performance of those functions.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **84 Information as to the manner of dealing with complaints etc**

The NCS Service Authority in carrying out its duty under section 49(1), and the inspectors of constabulary in carrying out their duties with respect to the efficiency and effectiveness of the National Crime Squad, shall keep themselves informed as to the operation of procedures established under section 83.

#### *Miscellaneous*

### **85 Arrangements for consultation**

- (1) The NCS Service Authority shall, after consulting the Director General of the National Crime Squad, make arrangements for obtaining the views of—
  - (a) police authorities for areas in England and Wales,
  - (b) the NCIS Service Authority, and
  - (c) such other persons or bodies as the NCS Service Authority considers appropriate,about the Authority and the National Crime Squad.
- (2) The Director General of the National Crime Squad shall, after consulting the Authority, make arrangements for obtaining the views of—
  - (a) the chief officers of police of police forces in England and Wales,
  - (b) the Director General of NCIS, and

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- (c) such other persons or bodies as the Director General of the National Crime Squad considers appropriate,  
about the National Crime Squad.
- (3) Arrangements made under subsection (1) or (2) shall be reviewed from time to time.
- (4) If it appears to the Secretary of State that arrangements made for consultation by the NCS Service Authority or the Director General under this section are not adequate for the purposes set out in subsection (1) or (2), he may require the Authority or Director General whose duty it is to make the arrangements to submit a report to him concerning the arrangements.
- (5) After considering a report submitted under subsection (4), the Secretary of State may require the Authority or Director General who submitted it to review the arrangements and submit a further report to him concerning them.
- (6) The Authority or Director General shall be under the same duties to consult when reviewing arrangements as when making them.

## **86 Liability for wrongful acts of constables etc**

- (1) The Director General of the National Crime Squad shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the NCS service fund—
  - (a) any damages or costs awarded against the Director General in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and
  - (b) any sum required in connection with the settlement of any claim made against the Director General by virtue of this section, if the settlement is approved by the NCS Service Authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the Director General of the National Crime Squad for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the Director General; and references in subsections (1) and (2) to the Director General shall be construed accordingly.
- (4) The NCS Service Authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the NCS service fund—
  - (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for a tort committed by that person,
  - (b) any costs incurred and not recovered by such a person in such proceedings, and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
  - (a) a member of the National Crime Squad, or
  - (b) a constable for the time being required to serve with the National Crime Squad by virtue of section 23 above or section 24 or 98 of the Police Act 1996.

## **87 Causing disaffection**

Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of the National Crime Squad within section 55(1) (a) or (b), or induces or attempts to induce, or does any act calculated to induce, any such member to withhold his services, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

## **88 Application to NCS Service Authority of local authority enactments**

Schedule 6 (which amends local authority enactments applying to police authorities so as to apply those enactments in a similar way to the NCS Service Authority) shall have effect.

### *General*

## **89 Orders and regulations**

Any power of the Secretary of State to make orders or regulations under this Part shall be exercisable by statutory instrument.

## **90 Interpretation of Part II**

In this Part—

- “financial year” means the twelve months ending with 31st March;
- “NCIS” means the National Criminal Intelligence Service;
- “NCIS Service Authority” means the Service Authority for the National Criminal Intelligence Service;
- “NCS Service Authority” has the meaning given in section 47(1);
- “NCS service fund” means the fund established under section 61.

## **PART III**

### **AUTHORISATION OF ACTION IN RESPECT OF PROPERTY**

#### *The Commissioners*

## **91 The Commissioners**

- (1) The Prime Minister shall appoint for the purposes of this Part—
  - (a) a Chief Commissioner, and
  - (b) such number of other Commissioners as the Prime Minister thinks fit.
- (2) The persons appointed under subsection (1) shall be persons who hold or have held high judicial office within the meaning of the Appellate Jurisdiction Act 1876.

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- (3) Subject to subsections (4) to (7), each Commissioner shall hold and vacate office in accordance with the terms of his appointment.
- (4) Each Commissioner shall be appointed for a term of three years.
- (5) A person who ceases to be a Commissioner (otherwise than under subsection (7)) may be reappointed under this section.
- (6) Subject to subsection (7), a Commissioner shall not be removed from office before the end of the term for which he is appointed unless a resolution approving his removal has been passed by each House of Parliament.
- (7) A Commissioner may be removed from office by the Prime Minister if after his appointment—
  - (a) a bankruptcy order is made against him or his estate is sequestrated or he makes a composition or arrangement with, or grants a trust deed for, his creditors;
  - (b) a disqualification order under the Company Directors Disqualification Act 1986 or Part II of the Companies (Northern Ireland) Order 1989, or an order under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order), is made against him; or
  - (c) he is convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has passed on him a sentence of imprisonment (whether suspended or not).
- (8) The Secretary of State shall pay to each Commissioner such allowances as the Secretary of State considers appropriate.
- (9) The Secretary of State shall, after consultation with the Chief Commissioner, provide the Commissioners with such staff as the Secretary of State considers necessary for the discharge of their functions.
- (10) The decisions of the Chief Commissioner or, subject to sections 104 and 106, any other Commissioner (including decisions as to his jurisdiction) shall not be subject to appeal or liable to be questioned in any court.

### *Authorisations*

## **92 Effect of authorisation under Part III**

No entry on or interference with property or with wireless telegraphy shall be unlawful if it is authorised by an authorisation having effect under this Part.

## **93 Authorisations to interfere with property etc**

- (1) Where subsection (2) applies, an authorising officer may authorise—
  - (a) the taking of such action, in respect of such property in the relevant area, as he may specify, or
  - (b) the taking of such action in the relevant area as he may specify, in respect of wireless telegraphy.
- (2) This subsection applies where the authorising officer believes—

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- (a) that it is necessary for the action specified to be taken on the ground that it is likely to be of substantial value in the prevention or detection of serious crime, and
  - (b) that what the action seeks to achieve cannot reasonably be achieved by other means.
- (3) An authorising officer shall not give an authorisation under this section except on an application made—
- (a) if the authorising officer is within subsection (5)(a) to (e), by a member of his police force,
  - (b) if the authorising officer is within subsection (5)(f), by a member of the National Criminal Intelligence Service,
  - (c) if the authorising officer is within subsection (5)(g), by a member of the National Crime Squad, or
  - (d) if the authorising officer is within subsection (5)(h), by a customs officer.
- (4) For the purposes of subsection (2), conduct which constitutes one or more offences shall be regarded as serious crime if, and only if,—
- (a) it involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose, or
  - (b) the offence or one of the offences is an offence for which a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more,
- and, where the authorising officer is within subsection (5)(h), it relates to an assigned matter within the meaning of section 1(1) of the Customs and Excise Management Act 1979.
- (5) In this section “authorising officer” means—
- (a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (maintenance of police forces for areas in England and Wales except London);
  - (b) the Commissioner, or an Assistant Commissioner, of Police of the Metropolis;
  - (c) the Commissioner of Police for the City of London;
  - (d) the chief constable of a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (maintenance of police forces for areas in Scotland);
  - (e) the Chief Constable or a Deputy Chief Constable of the Royal Ulster Constabulary;
  - (f) the Director General of the National Criminal Intelligence Service;
  - (g) the Director General of the National Crime Squad; or
  - (h) the customs officer designated by the Commissioners of Customs and Excise for the purposes of this paragraph.
- (6) In this section “relevant area”—
- (a) in relation to a person within paragraph (a), (b) or (c) of subsection (5), means the area in England and Wales for which his police force is maintained;
  - (b) in relation to a person within paragraph (d) of that subsection means the area in Scotland for which his police force is maintained;
  - (c) in relation to a person within paragraph (e) of that subsection, means Northern Ireland;

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- (d) in relation to the Director General of the National Criminal Intelligence Service, means the United Kingdom;
  - (e) in relation to the Director General of the National Crime Squad, means England and Wales; and
  - (f) in relation to the customs officer designated for the purposes of paragraph (h) of that subsection, means the United Kingdom,
- and in each case includes the adjacent United Kingdom waters.
- (7) The powers conferred by, or by virtue of, this section are additional to any other powers which a person has as a constable either at common law or under or by virtue of any other enactment and are not to be taken to affect any of those other powers.

#### **94 Authorisations given in absence of authorising officer**

- (1) Subsection (2) applies where it is not reasonably practicable for an authorising officer to consider an application for an authorisation under section 93 and—
- (a) if the authorising officer is within paragraph (b) or (e) of section 93(5), it is also not reasonably practicable for the application to be considered by any of the other persons within the paragraph concerned; or
  - (b) if the authorising officer is within paragraph (a), (c), (d), (f) or (g) of section 93(5), it is also not reasonably practicable for the application to be considered by his designated deputy.
- (2) Where this subsection applies, the powers conferred on the authorising officer by section 93 may, in an urgent case, be exercised—
- (a) where the authorising officer is within paragraph (a) or (d) of subsection (5) of that section, by a person holding the rank of assistant chief constable in his force;
  - (b) where the authorising officer is within paragraph (b) of that subsection, by a person holding the rank of commander in the metropolitan police force;
  - (c) where the authorising officer is within paragraph (c) of that subsection, by a person holding the rank of commander in the City of London police force;
  - (d) where the authorising officer is within paragraph (e) of that subsection, by a person holding the rank of assistant chief constable in the Royal Ulster Constabulary;
  - (e) where the authorising officer is within paragraph (f) or (g) of that subsection by a person designated for the purposes of this section by the Director General of the National Criminal Intelligence Service or, as the case may be, of the National Crime Squad;
  - (f) where the authorising officer is within paragraph (h) of that subsection, by a customs officer designated by the Commissioners of Customs and Excise for the purposes of this section.
- (3) A police member of the National Criminal Intelligence Service or the National Crime Squad appointed under section 9(1)(b) or 55(1)(b) may not be designated under subsection (2)(e) unless—
- (a) he has held the rank of assistant chief constable in a police force maintained under section 2 of the Police Act 1996 or under or by virtue of section 1 of the Police (Scotland) Act 1967, or in the Royal Ulster Constabulary, or
  - (b) he has held the rank of commander in the metropolitan police force or the City of London police force.

- (4) In subsection (1), “designated deputy”—
- (a) in the case of an authorising officer within paragraph (a) or (d) of section 93(5), means the person holding the rank of assistant chief constable designated to act in his absence under section 12(4) of the Police Act 1996 or, as the case may be, section 5(4) of the Police (Scotland) Act 1967;
  - (b) in the case of an authorising officer within paragraph (c) of section 93(5), means the person authorised to act in his absence under section 25 of the City of London Police Act 1839; and
  - (c) in the case of an authorising officer within paragraph (f) or (g) of section 93(5), means the person designated to act in his absence under section 8 or 54.

## **95 Authorisations: form and duration etc**

- (1) An authorisation shall be in writing, except that in an urgent case an authorisation (other than one given by virtue of section 94) may be given orally.
- (2) An authorisation shall, unless renewed under subsection (3), cease to have effect—
  - (a) if given orally or by virtue of section 94, at the end of the period of 72 hours beginning with the time when it took effect;
  - (b) in any other case, at the end of the period of three months beginning with the day on which it took effect.
- (3) If at any time before an authorisation would cease to have effect the authorising officer who gave the authorisation, or in whose absence it was given, considers it necessary for the authorisation to continue to have effect for the purpose for which it was issued, he may, in writing, renew it for a period of three months beginning with the day on which it would cease to have effect.
- (4) A person shall cancel an authorisation given by him if satisfied that the action authorised by it is no longer necessary.
- (5) An authorising officer shall cancel an authorisation given in his absence if satisfied that the action authorised by it is no longer necessary.
- (6) If the authorising officer who gave the authorisation is within paragraph (b) or (e) of section 93(5), the power conferred on that person by subsections (3) and (4) above shall also be exercisable by each of the other persons within the paragraph concerned.
- (7) Nothing in this section shall prevent a designated deputy from exercising the powers conferred on an authorising officer within paragraph (a), (c), (d), (f) or (g) of section 93(5) by subsections (3), (4) and (5) above.

## **96 Notification of authorisations etc**

- (1) Where a person gives, renews or cancels an authorisation, he shall, as soon as is reasonably practicable and in accordance with arrangements made by the Chief Commissioner, give notice in writing that he has done so to a Commissioner appointed under section 91(1)(b).
- (2) Subject to subsection (3), a notice under this section shall specify such matters as the Secretary of State may by order prescribe.
- (3) A notice under this section of the giving or renewal of an authorisation shall specify—

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- (a) whether section 97 applies to the authorisation or renewal, and
  - (b) where that section does not apply by virtue of subsection (3) of that section, the grounds on which the case is believed to be one of urgency.
- (4) Where a notice is given to a Commissioner under this section, he shall, as soon as is reasonably practicable, scrutinise the notice.
- (5) An order under subsection (2) shall be made by statutory instrument.
- (6) A statutory instrument which contains an order under subsection (2) shall not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.

### *Authorisations requiring approval*

## **97 Authorisations requiring approval**

- (1) An authorisation to which this section applies shall not take effect until—
- (a) it has been approved in accordance with this section by a Commissioner appointed under section 91(1)(b), and
  - (b) the person who gave the authorisation has been notified under subsection (4).
- (2) Subject to subsection (3), this section applies to an authorisation if, at the time it is given, the person who gives it believes—
- (a) that any of the property specified in the authorisation—
    - (i) is used wholly or mainly as a dwelling or as a bedroom in a hotel, or
    - (ii) constitutes office premises, or
  - (b) that the action authorised by it is likely to result in any person acquiring knowledge of—
    - (i) matters subject to legal privilege,
    - (ii) confidential personal information, or
    - (iii) confidential journalistic material.
- (3) This section does not apply to an authorisation where the person who gives it believes that the case is one of urgency.
- (4) Where a Commissioner receives a notice under section 96 which specifies that this section applies to the authorisation, he shall as soon as is reasonably practicable—
- (a) decide whether to approve the authorisation or refuse approval, and
  - (b) give written notice of his decision to the person who gave the authorisation.
- (5) A Commissioner shall approve an authorisation if, and only if, he is satisfied that there are reasonable grounds for believing the matters specified in section 93(2).
- (6) Where a Commissioner refuses to approve an authorisation, he shall, as soon as is reasonably practicable, make a report of his findings to the authorising officer who gave it or in whose absence it was given (and paragraph 7 of Schedule 7 shall apply for the purposes of this subsection as it applies for the purposes of that Schedule).
- (7) This section shall apply in relation to a renewal of an authorisation as it applies in relation to an authorisation (the references in subsection (2)(a) and (b) to the authorisation being construed as references to the authorisation renewed).

(8) In this section—

“office premises” has the meaning given in section 1(2) of the Offices, Shops and Railway Premises Act 1963;

“hotel” means premises used for the reception of guests who desire to sleep in the premises.

## **98 Matters subject to legal privilege**

(1) Subject to subsection (5) below, in section 97 “matters subject to legal privilege” means matters to which subsection (2), (3) or (4) below applies.

(2) This subsection applies to communications between a professional legal adviser and—

- (a) his client, or
- (b) any person representing his client,

which are made in connection with the giving of legal advice to the client.

(3) This subsection applies to communications—

- (a) between a professional legal adviser and his client or any person representing his client, or
- (b) between a professional legal adviser or his client or any such representative and any other person,

which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.

(4) This subsection applies to items enclosed with or referred to in communications of the kind mentioned in subsection (2) or (3) and made—

- (a) in connection with the giving of legal advice, or
- (b) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.

(5) For the purposes of section 97—

- (a) communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and
- (b) communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

## **99 Confidential personal information**

(1) In section 97 “confidential personal information” means—

- (a) personal information which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office, and which he holds in confidence, and
- (b) communications as a result of which personal information—
  - (i) is acquired or created as mentioned in paragraph (a), and
  - (ii) is held in confidence.

(2) For the purposes of this section “personal information” means information concerning an individual (whether living or dead) who can be identified from it and relating—

- (a) to his physical or mental health, or

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- (b) to spiritual counselling or assistance given or to be given to him.
- (3) A person holds information in confidence for the purposes of this section if he holds it subject—
  - (a) to an express or implied undertaking to hold it in confidence, or
  - (b) to a restriction on disclosure or an obligation of secrecy contained in any enactment (including an enactment contained in an Act passed after this Act).

## **100 Confidential journalistic material**

- (1) In section 97 “confidential journalistic material” means—
  - (a) material acquired or created for the purposes of journalism which—
    - (i) is in the possession of persons who acquired or created it for those purposes,
    - (ii) is held subject to an undertaking, restriction or obligation of the kind mentioned in section 99(3), and
    - (iii) has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism, and
  - (b) communications as a result of which information is acquired for the purposes of journalism and held as mentioned in paragraph (a)(ii).
- (2) For the purposes of subsection (1), a person who receives material, or acquires information, from someone who intends that the recipient shall use it for the purposes of journalism is to be taken to have acquired it for those purposes.

### *Code of Practice*

## **101 Code of practice**

- (1) The Secretary of State shall issue a code of practice in connection with the performance of functions under this Part by persons other than Commissioners appointed under section 91.
- (2) Before issuing a code of practice under subsection (1), the Secretary of State shall prepare and publish a draft of that code, shall consider any representations made to him about the draft and may modify the draft accordingly.
- (3) The Secretary of State shall lay before both Houses of Parliament a draft of the code of practice prepared by him under this section.
- (4) The code of practice laid before Parliament in draft under subsection (3) shall not be brought into operation except in accordance with an order made by the Secretary of State by statutory instrument.
- (5) A statutory instrument which contains an order under subsection (4) shall not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (6) An order bringing the code into operation may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the bringing into operation of that code.

- (7) The Secretary of State may from time to time revise the whole or any part of a code to which this section applies and issue that revised code; and the foregoing provision of this section shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of the code.
- (8) Persons, other than Commissioners appointed under section 91, shall have regard to any code of practice issued under this section in the performance of their functions under this Part.
- (9) A failure on the part of any person to comply with any provision of a code of practice issued under this section shall not of itself render him liable to any criminal or civil proceedings.
- (10) A code issued under this section shall be admissible in evidence in criminal and civil proceedings; and if any provision of such a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

#### *Complaints etc.*

### **102 Complaints**

- (1) Where a complaint is made, in accordance with arrangements made by the Chief Commissioner, to a Commissioner appointed under section 91(1)(b), the Commissioner shall investigate the complaint if and so far as it alleges that anything has been done in relation to any property of the complainant in pursuance of an authorisation under section 93(1)(a) or (b).
- (2) For the purposes of subsection (1), a place where the complainant works or resides shall be treated as property of the complainant.
- (3) A Commissioner's duty under this section does not extend to a complaint if he considers that it is frivolous or vexatious.
- (4) Schedule 7 makes further provision in relation to the investigation of complaints by a Commissioner.

### **103 Quashing of authorisations etc**

- (1) Where, at any time, a Commissioner appointed under section 91(1)(b) is satisfied that, at the time an authorisation was given or renewed, there were no reasonable grounds for believing the matters specified in section 93(2), he may quash the authorisation or, as the case may be, renewal.
- (2) Where, in the case of an authorisation or renewal to which section 97 does not apply, a Commissioner appointed under section 91(1)(b) is at any time satisfied that, at the time the authorisation was given or, as the case may be, renewed,—
  - (a) there were reasonable grounds for believing any of the matters specified in subsection (2) of section 97, and
  - (b) there were no reasonable grounds for believing the case to be one of urgency for the purposes of subsection (3) of that section,he may quash the authorisation or, as the case may be, renewal.

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- (3) Where a Commissioner quashes an authorisation or renewal under subsection (1) or (2), he may order the destruction of any records relating to information obtained by virtue of the authorisation (or, in the case of a renewal, relating wholly or partly to information so obtained after the renewal) other than records required for pending criminal or civil proceedings.
- (4) If a Commissioner appointed under section 91(1)(b) is satisfied that, at any time after an authorisation was given or, in the case of an authorisation renewed under section 95, after it was renewed, there were no reasonable grounds for believing the matters specified in section 93(2), he may cancel the authorisation.
- (5) Where—
- (a) an authorisation has ceased to have effect (otherwise than by virtue of subsection (1) or (2)), and
  - (b) a Commissioner appointed under section 91(1)(b) is satisfied that, at any time during the period of the authorisation, there were no reasonable grounds for believing the matters specified in section 93(2),
- he may order the destruction of any records relating, wholly or partly, to information which was obtained by virtue of the authorisation after that time (other than records required for pending criminal or civil proceedings).
- (6) Where a Commissioner exercises his powers under subsection (1), (2) or (4), he shall, if he is satisfied that there are reasonable grounds for doing so, order that the authorisation shall be effective, for such period as he shall specify, so far as it authorises the taking of action to retrieve anything left on property in accordance with the authorisation.
- (7) Where a Commissioner exercises a power conferred by this section, he shall, as soon as is reasonably practicable, make a report of his findings—
- (a) to the authorising officer who gave the authorisation or in whose absence it was given, and
  - (b) to the Chief Commissioner;
- and paragraph 7 of Schedule 7 shall apply for the purposes of this subsection as it applies for the purposes of that Schedule.
- (8) Where—
- (a) a decision is made under subsection (1) or (2) and an order for the destruction of records is made under subsection (3), or
  - (b) a decision to order the destruction of records is made under subsection (5),
- the order shall not become operative until the period for appealing against the decision has expired and, where an appeal is made, a decision dismissing it has been made by the Chief Commissioner.
- (9) A Commissioner may exercise any of the powers conferred by this section notwithstanding any approval given under section 97.

### *Appeals*

#### **104 Appeals by authorising officers**

- (1) An authorising officer who gives an authorisation, or in whose absence it is given, may, within the prescribed period, appeal to the Chief Commissioner against—

- (a) any refusal to approve the authorisation or any renewal of it under section 97;
  - (b) any decision to quash the authorisation, or any renewal of it, under subsection (1) of section 103;
  - (c) any decision to quash the authorisation, or any renewal of it, under subsection (2) of that section;
  - (d) any decision to cancel the authorisation under subsection (4) of that section;
  - (e) any decision to order the destruction of records under subsection (5) of that section;
  - (f) any refusal to make an order under subsection (6) of that section;
  - (g) any determination in favour of a complainant under Schedule 7.
- (2) In subsection (1), “the prescribed period” means the period of seven days beginning with the day on which the refusal, decision or, as the case may be, determination appealed against is reported to the authorising officer.
- (3) In determining an appeal within subsection (1)(a), the Chief Commissioner shall, if he is satisfied that there are reasonable grounds for believing the matters specified in section 93(2), allow the appeal and direct the Commissioner to approve the authorisation or renewal under that section.
- (4) In determining—
- (a) an appeal within subsection (1)(b), or
  - (b) an appeal within subsection (1)(g), in a case where paragraph 2(2) of Schedule 7 applies,
- the Chief Commissioner shall allow the appeal unless he is satisfied that, at the time the authorisation was given or, as the case may be, renewed there were no reasonable grounds for believing the matters specified in section 93(2).
- (5) In determining—
- (a) an appeal within subsection (1)(c), or
  - (b) an appeal within subsection (1)(g), in a case where paragraph 2(3) of Schedule 7 applies,
- the Chief Commissioner shall allow the appeal unless he is satisfied as mentioned in section 103(2).
- (6) In determining—
- (a) an appeal within subsection (1)(d) or (e), or
  - (b) an appeal within subsection (1)(g), in a case where paragraph 2(4) of Schedule 7 applies,
- the Chief Commissioner shall allow the appeal unless he is satisfied that at the time to which the decision relates there were no reasonable grounds for believing the matters specified in section 93(2).
- (7) In determining an appeal within subsection (1)(f), the Chief Commissioner shall allow the appeal and order that the authorisation shall be effective to the extent mentioned in section 103(6), for such period as he shall specify, if he is satisfied that there are reasonable grounds for making such an order.
- (8) Where an appeal is allowed under this section, the Chief Commissioner shall—
- (a) in the case of an appeal within subsection (1)(b) or (c), also quash any order made by the Commissioner to destroy records relating to information obtained by virtue of the authorisation concerned, and

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- (b) in the case of an appeal within subsection (1)(g), also quash any direction to pay compensation to the complainant.

### **105 Appeals by authorising officers: supplementary**

- (1) Where the Chief Commissioner determines an appeal under section 104—
  - (a) he shall give notice of his determination—
    - (i) to the authorising officer concerned,
    - (ii) to the Commissioner against whose refusal, decision or determination the appeal was made, and
    - (iii) in the case of an appeal within subsection (1)(g) of that section, to the complainant, and
  - (b) if he dismisses the appeal, he shall make a report of his findings—
    - (i) to the authorising officer concerned,
    - (ii) to the Commissioner against whose refusal, decision or determination the appeal was made, and
    - (iii) under section 107(2), to the Prime Minister.
- (2) Subject to subsection (1)(b), the Chief Commissioner shall not give any reasons for a determination under section 104.
- (3) Nothing in section 104 shall prevent a designated deputy from exercising the powers conferred by subsection (1) of that section on an authorising officer within paragraph (a), (c), (d), (f) or (g) of section 93(5).

### **106 Appeals by complainants**

- (1) Where a complainant is notified under paragraph 3(2) of Schedule 7 that no determination in his favour has been made on a complaint, he may, within the period of seven days beginning with the day on which he receives the notice, appeal to the Chief Commissioner against the decision.
- (2) Where a complainant appeals under this section, the Chief Commissioner shall have—
  - (a) all the powers and duties conferred by Schedule 7 on a Commissioner appointed under section 91(1)(b) who is required to investigate a complaint, and
  - (b) where the Chief Commissioner makes a determination in favour of the complainant by virtue of paragraph (a), all the powers and duties conferred by section 103.
- (3) Where, by virtue of subsection (2), the Chief Commissioner makes an order to destroy records under section 103 or directs the payment of compensation under Schedule 7, subsection (8) of that section and paragraph 5(2) of that Schedule shall not apply.
- (4) The Chief Commissioner shall make a report of his findings on an appeal under this section—
  - (a) to the Commissioner who made the decision appealed against, and
  - (b) where he allows the appeal, to the Prime Minister under section 107(2).

### General

#### 107 Supplementary provisions relating to Commissioners

- (1) The Chief Commissioner shall keep under review the performance of functions under this Part.
- (2) The Chief Commissioner shall make an annual report on the discharge of functions under this Part to the Prime Minister and may at any time report to him on any matter relating to those functions.
- (3) The Prime Minister shall lay before each House of Parliament a copy of each annual report made by the Chief Commissioner under subsection (2) together with a statement as to whether any matter has been excluded from that copy in pursuance of subsection (4) below.
- (4) The Prime Minister may exclude a matter from the copy of a report as laid before each House of Parliament, if it appears to him, after consultation with the Chief Commissioner, that the publication of that matter in the report would be prejudicial to the prevention or detection of serious crime or otherwise to the discharge of—
  - (a) the functions of any police authority,
  - (b) the functions of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, or
  - (c) the duties of the Commissioners of Customs and Excise.
- (5) Any person having functions under this Part, and any person taking action in relation to which an authorisation was given, shall comply with any request of a Commissioner for documents or information required by him for the purpose of enabling him to discharge his functions.
- (6) In this section, “serious crime” shall be construed in accordance with section 93(4).

#### 108 Interpretation of Part III

- (1) In this Part—
  - “authorisation” means an authorisation under section 93;
  - “authorising officer” has the meaning given by section 93(5);
  - “criminal proceedings” includes—
    - (a) proceedings in the United Kingdom or elsewhere before a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or a disciplinary court constituted under section 50 of the Act of 1957,
    - (b) proceedings before the Courts-Martial Appeal Court, and
    - (c) proceedings before a Standing Civilian Court;
  - “customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979;
  - “designated deputy” has the meaning given in section 94(4);
  - “United Kingdom waters” has the meaning given in section 30(5) of the Police Act 1996; and

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“wireless telegraphy” has the same meaning as in the Wireless Telegraphy Act 1949 and, in relation to wireless telegraphy, “interfere” has the same meaning as in that Act.

- (2) Where, under this Part, notice of any matter is required to be given in writing, the notice may be transmitted by electronic means.
- (3) For the purposes of this Part, an authorisation (or renewal) given—
  - (a) by the designated deputy of an authorising officer, or
  - (b) by a person on whom an authorising officer’s powers are conferred by section 94,
 shall be treated as an authorisation (or renewal) given in the absence of the authorising officer concerned; and references to the authorising officer in whose absence an authorisation (or renewal) was given shall be construed accordingly.

## PART IV

### POLICE INFORMATION TECHNOLOGY ORGANISATION

#### **109 Police Information Technology Organisation**

- (1) There shall be a body corporate to be known as the Police Information Technology Organisation (“the Organisation”).
- (2) Schedule 8 (which makes provision about the Organisation) shall have effect.
- (3) The Organisation may carry out activities (including the commissioning of research) relating to information technology equipment and systems for the use of—
  - (a) police authorities and police forces, and
  - (b) such other bodies as the Secretary of State may determine by order made by statutory instrument.
- (4) The Organisation may also procure or assist in procuring other equipment, systems and services for any body falling within subsection (3)(a) or (b).
- (5) Any statutory instrument made by virtue of subsection (3)(b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this Part “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.

#### **110 Relationship between the Organisation and the Secretary of State**

- (1) In exercising its functions the Organisation shall comply with any general or specific directions given in writing by the Secretary of State.
- (2) Before giving directions under subsection (1), the Secretary of State shall consult the Organisation.
- (3) The Organisation shall provide the Secretary of State with such information about its activities as he may request.

## **111 Interpretation of Part IV**

- (1) In this Part, except where the context otherwise requires, “police authority” means—
  - (a) a police authority for an area in Great Britain or a joint police board (within the meaning of the Police (Scotland) Act 1967),
  - (b) the Police Authority for Northern Ireland,
  - (c) the Service Authority for the National Criminal Intelligence Service, and
  - (d) the Service Authority for the National Crime Squad.
- (2) In this Part, except where the context otherwise requires, “chief officer of police” means—
  - (a) a chief officer of police of a police force in England and Wales,
  - (b) a chief constable of a police force in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary,
  - (d) the Director General of the National Criminal Intelligence Service, and
  - (e) the Director General of the National Crime Squad.
- (3) In this Part “police force” means—
  - (a) a police force in Great Britain,
  - (b) the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve,
  - (c) the National Criminal Intelligence Service, and
  - (d) the National Crime Squad.

## **PART V**

### **CERTIFICATES OF CRIMINAL RECORDS, &C.**

## **112 Criminal conviction certificates**

- (1) The Secretary of State shall issue a criminal conviction certificate to any individual who—
  - (a) makes an application in the prescribed form, and
  - (b) pays any fee that is payable in relation to the application under regulations made by the Secretary of State.
- (2) A criminal conviction certificate is a certificate which—
  - (a) gives the prescribed details of every conviction of the applicant which is recorded in central records, or
  - (b) states that there is no such conviction.
- (3) In this section—

“central records” means such records of convictions held for the use of police forces generally as may be prescribed;

“conviction” means a conviction within the meaning of the Rehabilitation of Offenders Act 1974, other than a spent conviction.
- (4) Where an applicant has received a criminal conviction certificate, the Secretary of State may refuse to issue another certificate to that applicant during such period as may be prescribed.

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### **113 Criminal record certificates**

- (1) The Secretary of State shall issue a criminal record certificate to any individual who—
  - (a) makes an application under this section in the prescribed form countersigned by a registered person, and
  - (b) pays any fee that is payable in relation to the application under regulations made by the Secretary of State.
- (2) An application under this section must be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question.
- (3) A criminal record certificate is a certificate which—
  - (a) gives the prescribed details of every relevant matter relating to the applicant which is recorded in central records, or
  - (b) states that there is no such matter.
- (4) The Secretary of State shall send a copy of a criminal record certificate to the registered person who countersigned the application.
- (5) In this section—
  - “central records” means such records of convictions and cautions held for the use of police forces generally as may be prescribed;
  - “exempted question” means a question in relation to which section 4(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (effect of rehabilitation) has been excluded by an order of the Secretary of State under section 4(4);
  - “relevant matter” means—
    - (i) a conviction within the meaning of the Rehabilitation of Offenders Act 1974, including a spent conviction, and
    - (ii) a caution.

### **114 Criminal record certificates: Crown employment**

- (1) The Secretary of State shall issue a criminal record certificate to any individual who—
  - (a) makes an application under this section in the prescribed form, and
  - (b) pays any fee that is payable in relation to the application under regulations made by the Secretary of State.
- (2) An application under this section must be accompanied by a statement by a Minister of the Crown that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant’s suitability for an appointment by or under the Crown.
- (3) Section 113(3) to (5) shall apply in relation to this section with any necessary modifications.

### **115 Enhanced criminal record certificates**

- (1) The Secretary of State shall issue an enhanced criminal record certificate to any individual who—
  - (a) makes an application under this section in the prescribed form countersigned by a registered person, and

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- (b) pays any fee that is payable in relation to the application under regulations made by the Secretary of State.
- (2) An application under this section must be accompanied by a statement by the registered person that the certificate is required for the purposes of an exempted question asked—
  - (a) in the course of considering the applicant's suitability for a position (whether paid or unpaid) within subsection (3) or (4), or
  - (b) for a purpose relating to any of the matters listed in subsection (5).
- (3) A position is within this subsection if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.
- (4) A position is within this subsection if—
  - (a) it is of a kind specified in regulations made by the Secretary of State, and
  - (b) it involves regularly caring for, training, supervising or being in sole charge of persons aged 18 or over.
- (5) The matters referred to in subsection (2)(b) are—
  - (a) a certificate for the purposes of sections 19 or 27(1) or (5) of the Gaming Act 1968 (gaming);
  - (b) a certificate of consent, or a licence, for any purpose of Schedule 2 to that Act (licences);
  - (c) registration or certification in accordance with Schedule 1A, 2 or 2A to the Lotteries and Amusements Act 1976 (societies, schemes and lottery managers);
  - (d) a licence under section 5 or 6 of the National Lottery etc. Act 1993 (running or promoting lotteries);
  - (e) registration under section 71 of the Children Act 1989 or Article 118 of the Children (Northern Ireland) Order 1995 (child minding and day care);
  - (f) the placing of children with foster parents in accordance with any provision of, or made by virtue of, the Children Act 1989 or the Children (Northern Ireland) Order 1995 or the exercise of any duty under or by virtue of section 67 of that Act or Article 108 of that Order (welfare of privately fostered children);
  - (g) the approval of any person as a foster carer by virtue of section 5(2), (3) and (4) of the Social Work (Scotland) Act 1968, the exercise by a local authority of their functions under the Foster Children (Scotland) Act 1984 or the placing of children with foster parents by virtue of section 70 of the Children (Scotland) Act 1995 (disposal of referral by children's hearing).
- (6) An enhanced criminal record certificate is a certificate which—
  - (a) gives—
    - (i) the prescribed details of every relevant matter relating to the applicant which is recorded in central records, and
    - (ii) any information provided in accordance with subsection (7), or
  - (b) states that there is no such matter or information.
- (7) Before issuing an enhanced criminal record certificate the Secretary of State shall request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
  - (a) might be relevant for the purpose described in the statement under subsection (2), and

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- (b) ought to be included in the certificate.
- (8) The Secretary of State shall also request the chief officer of every relevant police force to provide any information which, in the chief officer's opinion—
  - (a) might be relevant for the purpose described in the statement under subsection (2),
  - (b) ought not to be included in the certificate, in the interests of the prevention or detection of crime, and
  - (c) can, without harming those interests, be disclosed to the registered person.
- (9) The Secretary of State shall send to the registered person who countersigned an application under this section—
  - (a) a copy of the enhanced criminal record certificate, and
  - (b) any information provided in accordance with subsection (8).
- (10) In this section—
  - “central records”, “exempted question” and “relevant matter” have the same meaning as in section 113; and
  - “relevant police force”, in relation to an application under this section, means a police force which is a relevant police force in relation to that application under regulations made by the Secretary of State.

#### **116 Enhanced criminal record certificates: judicial appointments and Crown employment**

- (1) The Secretary of State shall issue an enhanced criminal record certificate to any individual who—
  - (a) makes an application under this section in the prescribed form, and
  - (b) pays any fee that is payable in relation to the application under regulations made by the Secretary of State.
- (2) An application under this section must be accompanied by a statement by a Minister of the Crown, or a person nominated by a Minister of the Crown, that the certificate is required for the purposes of an exempted question asked in the course of considering the applicant's suitability for—
  - (a) a judicial appointment, or
  - (b) an appointment by or under the Crown to a position to which subsection (3) or (4) of section 115 applies.
- (3) Section 115(6) to (10) shall apply in relation to this section with any necessary modifications.

#### **117 Disputes about accuracy of certificates**

- (1) Where an applicant for a certificate under any of sections 112 to 116 believes that the information contained in the certificate is inaccurate he may make an application in writing to the Secretary of State for a new certificate.
- (2) The Secretary of State shall consider any application under this section; and where he is of the opinion that the information in the certificate is inaccurate he shall issue a new certificate.

## **118 Evidence of identity**

- (1) The Secretary of State may refuse to issue a certificate under this Part, or to consider an application under section 117, unless the application is supported by such evidence of identity as he may require.
- (2) In particular, the Secretary of State may refuse to issue a certificate or consider an application unless the applicant—
  - (a) has his fingerprints taken at such place and in such manner as may be prescribed, and
  - (b) pays the prescribed fee to such person as may be prescribed.
- (3) Regulations dealing with the taking of fingerprints may make provision requiring their destruction in specified circumstances and by specified persons.
- (4) Regulations prescribing a fee for the purposes of subsection (2)(b) shall make provision for a refund in cases of an application under section 117 where a new certificate is issued.

## **119 Sources of information**

- (1) Any person who holds records of convictions or cautions for the use of police forces generally shall make those records available to the Secretary of State for the purposes of an application under this Part.
- (2) Where the chief officer of a police force receives a request under section 115 or 116 he shall comply with it as soon as practicable.
- (3) The Secretary of State shall pay to the appropriate police authority, or, in the case of the metropolitan police force, the Receiver for the Metropolitan Police District, the prescribed fee for information provided in accordance with subsection (2).
- (4) Any person who holds records of fingerprints for the use of police forces generally shall make those records available to the Secretary of State for the purposes of an application under this Part.
- (5) No proceedings shall lie against the Secretary of State by reason of an inaccuracy in the information made available or provided to him in accordance with this section.

## **120 Registered persons**

- (1) For the purposes of this Part a registered person is a person who is listed in a register to be maintained by the Secretary of State for the purposes of this Part.
- (2) Subject to regulations under subsection (3), the Secretary of State shall include in the register any person who applies to him in writing to be registered and satisfies the conditions in subsections (4) to (6).
- (3) The Secretary of State may make regulations about the maintenance of the register; and regulations may, in particular, provide for—
  - (a) the information to be included in the register,
  - (b) the removal from the register of persons who are, in the opinion of the Secretary of State, no longer likely to wish to countersign applications under section 113 or 115, and
  - (c) the payment of fees.

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- (4) A person applying for registration under this section must be—
  - (a) a body corporate or unincorporate,
  - (b) a person appointed to an office by virtue of any enactment, or
  - (c) an individual who employs others in the course of a business.
- (5) A body applying for registration under this section must satisfy the Secretary of State that it—
  - (a) is likely to ask exempted questions, or
  - (b) is likely to countersign applications under section 113 or 115 at the request of bodies or individuals asking exempted questions.
- (6) A person, other than a body, applying for registration under this section must satisfy the Secretary of State that he is likely to ask exempted questions.
- (7) In this section “exempted question” has the same meaning as in section 113.

#### **121 Performance by constables on central service in Scotland of functions under this Part**

In Scotland a constable engaged on central service (within the meaning of section 38 of the Police (Scotland) Act 1967) may perform functions under this Part (other than functions under section 114(2), 115(4) or (10), 116(2), 122(1) or (2) or 125) on behalf of the Secretary of State; and without prejudice to the application of subsection (5) of section 119 in respect of any other person performing functions on behalf of the Secretary of State, that subsection shall apply in respect of any constable performing functions by virtue of this section as the subsection applies in respect of the Secretary of State.

#### **122 Code of practice**

- (1) The Secretary of State shall publish, and may from time to time revise, a code of practice in connection with the use of information provided to registered persons under this Part.
- (2) The Secretary of State shall lay before Parliament the code of practice under this section as soon as practicable after publication and after revision.
- (3) The Secretary of State may refuse to issue a certificate under section 113 or 115 if he believes that the registered person who countersigned the application—
  - (a) has failed to comply with the code of practice under this section, or
  - (b) countersigned at the request of a body which, or individual who, has failed to comply with the code of practice.

#### **123 Offences: falsification, &c**

- (1) A person commits an offence if, with intent to deceive, he—
  - (a) makes a false certificate under this Part,
  - (b) alters a certificate under this Part,
  - (c) uses a certificate under this Part which relates to another person in a way which suggests that it relates to himself, or

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- (d) allows a certificate under this Part which relates to him to be used by another person in a way which suggests that it relates to that other person.
- (2) A person commits an offence if he knowingly makes a false statement for the purpose of obtaining, or enabling another person to obtain, a certificate under this Part.
- (3) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

## **124 Offences: disclosure**

- (1) A member, officer or employee of a body registered under section 120 commits an offence if he discloses information provided following an application under section 113 or 115 unless he discloses it, in the course of his duties,—
  - (a) to another member, officer or employee of the registered body,
  - (b) to a member, officer or employee of a body at the request of which the registered body countersigned the application, or
  - (c) to an individual at whose request the registered body countersigned the relevant application.
- (2) Where information is provided under section 113 or 115 following an application countersigned at the request of a body which is not registered under section 120, a member, officer or employee of the body commits an offence if he discloses the information unless he discloses it, in the course of his duties, to another member, officer or employee of that body.
- (3) Where information is provided under section 113 or 115 following an application countersigned by or at the request of an individual—
  - (a) the individual commits an offence if he discloses the information unless he discloses it to an employee of his for the purpose of the employee's duties, and
  - (b) an employee of the individual commits an offence if he discloses the information unless he discloses it, in the course of his duties, to another employee of the individual.
- (4) Where information provided under section 113 or 115 is disclosed to a person and the disclosure—
  - (a) is an offence under this section, or
  - (b) would be an offence under this section but for subsection (5) or (6)(a), (d), (e) or (f),the person to whom the information is disclosed commits an offence (subject to subsections (5) and (6)) if he discloses it to any other person.
- (5) Subsections (1) to (4) do not apply to a disclosure of information provided in accordance with section 115(8) which is made with the written consent of the chief officer who provided the information.
- (6) Subsections (1) to (4) do not apply to a disclosure of information contained in a certificate under section 113 or 115 which is made—
  - (a) with the written consent of the applicant for the certificate, or
  - (b) to a government department, or
  - (c) to a person appointed to an office by virtue of any enactment, or

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- (d) in accordance with an obligation to provide information under or by virtue of any enactment, or
  - (e) for the purposes of answering an exempted question (within the meaning of section 113) of a kind specified in regulations made by the Secretary of State, or
  - (f) for some other purpose specified in regulations made by the Secretary of State.
- (7) A person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale, or to both.

## **125 Regulations**

- (1) Anything authorised or required by any provision of this Part to be prescribed shall be prescribed by regulations made by the Secretary of State.
- (2) Regulations under this Part shall be made by statutory instrument.
- (3) A statutory instrument which contains (whether alone or with other provisions) regulations made by virtue of section 115(4) shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (4) A statutory instrument to which subsection (3) does not apply shall be subject to annulment pursuant to a resolution of either House of Parliament.
- (5) Regulations under this Part may make different provision for different cases.

## **126 Interpretation of Part V**

- (1) In this Part—
  - “caution” means a caution given to a person in England and Wales or Northern Ireland in respect of an offence which, at the time when the caution is given, he has admitted;
  - “certificate” means any one or more documents issued in response to a particular application;
  - “chief officer” means—
    - (i) a chief officer of police of a police force in England and Wales,
    - (ii) a chief constable of a police force in Scotland, and
    - (iii) the Chief Constable of the Royal Ulster Constabulary;
  - “government department” includes a Northern Ireland department;
  - “Minister of the Crown” includes a Northern Ireland department;
  - “police authority” means—
    - (i) a police authority for an area in Great Britain or a joint police board (within the meaning of the Police (Scotland) Act 1967), and
    - (ii) the Police Authority for Northern Ireland;
  - “police force” means—
    - (i) a police force in Great Britain, and
    - (ii) the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;
  - “prescribed” shall be construed in accordance with section 125(1).

- (2) In the application of this Part to Northern Ireland, a reference to the Rehabilitation of Offenders Act 1974, or to a provision of that Act, shall be construed as a reference to the Rehabilitation of Offenders (Northern Ireland) Order 1978 or, as the case may be, to the corresponding provision of that order.

### **127 Saving: disclosure of information and records**

Nothing in sections 112 to 119 shall be taken to prejudice any power which exists apart from this Act to disclose information or to make records available.

## **PART VI**

### MISCELLANEOUS

#### *Amendments of Police Act 1996*

### **128 Regulations for special constables and police cadets**

- (1) In section 51 of the Police Act 1996 (regulations for special constables), after subsection (3) there shall be inserted—

“(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.”.

- (2) In section 52 of that Act (regulations for police cadets) after subsection (1) there shall be inserted—

“(1A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.”.

### **129 Change of name or description of certain police areas**

In Schedule 1 to the Police Act 1996 (police areas for England and Wales except London)—

- (a) in the entry in the first column for “Humberside” there shall be substituted “Humber”;
- (b) in the entry in the second column opposite the name of the Dyfed Powys police area for “Cardiganshire” there shall be substituted “Ceredigion”;
- (c) for the entry in that column opposite the name of the North Wales police area there shall be substituted—

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“The counties of the Isle of Anglesey, Gwynedd, Denbighshire and Flintshire and the county boroughs of Conwy and Wrexham.”;

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- (d) in the entry in that column opposite the name of the South Wales police area for “Neath and Port Talbot” there shall be substituted “Neath Port Talbot”.

*Amendments of Police Act (Northern Ireland) 1970*

**130 Members of RUC engaged on service outside their force**

For section 21 of the Police Act (Northern Ireland) 1970 there shall be substituted—

**“21 Members of RUC engaged on service outside their force**

- (1) For the purposes of this section “relevant service” means—
- (a) service in a police force in England and Wales or a police force in Scotland on which a member of the Royal Ulster Constabulary (other than the Chief Constable) is engaged with the consent of the Secretary of State and the Chief Constable;
  - (b) temporary service with the National Criminal Intelligence Service on which a member of the Royal Ulster Constabulary (other than the Chief Constable) is engaged with the consent of the Chief Constable; or
  - (c) temporary service with the Police Information Technology Organisation on which a member of the Royal Ulster Constabulary (other than the Chief Constable) is engaged with the consent of the Chief Constable.
- (2) Subject to the following provisions of this section, a member of the Royal Ulster Constabulary engaged on relevant service shall be treated as if he were not a member of that Constabulary during that service; but, except where a pension, allowance or gratuity becomes payable to him by virtue of regulations under section 25—
- (a) he shall be entitled at the end of the period of relevant service to revert to that Constabulary in the rank in which he was serving immediately before that period began; and
  - (b) he shall be treated as if he had been serving in that Constabulary during the period of relevant service for the purpose of any scale prescribed by or under regulations made under section 25 fixing his rate of pay by reference to his length of service.
- (3) A member of the Royal Ulster Constabulary may, when engaged on relevant service, be promoted in that Constabulary, as if he were serving in it; and in any such case—
- (a) the reference in paragraph (a) of subsection (2) to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted; and
  - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.

- (4) A member of the Royal Ulster Constabulary who—
- (a) while engaged on relevant service within subsection (1)(a), is dismissed from that service or is required to resign as an alternative to dismissal, or
  - (b) has completed a period of relevant service within subsection (1)(b) or (c),
- may be dealt with under regulations under section 25(3) for anything done or omitted while he was engaged on that service as if that service had been service in the Royal Ulster Constabulary.
- (5) For the purposes of subsection (4)(a), a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified if it is given by or on behalf of the chief officer of the police force in which that person was engaged in relevant service.
- (6) A member of the Royal Ulster Constabulary engaged on relevant service within subsection (1)(b) or (c)—
- (a) shall continue to be a constable; and
  - (b) shall be treated for the purposes of—
    - (i) section 17 of this Act; and
    - (ii) sections 2 and 8 of the Constabulary and Police (Ireland) Act 1919,as if he were a member of that Constabulary.”.

### **131 Regulations requiring use of specified facilities or services**

In the Police Act (Northern Ireland) 1970 at the end of section 27 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—

- “(2) The Secretary of State may by regulations make provision for requiring the police force to use specified facilities or services, or facilities or services of a specified description, if he considers that it would be in the interests of the efficiency and effectiveness of the police force for it to do so.
- (3) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (4) In subsection (3) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.

### **132 Expenditure by Secretary of State for police purposes**

After section 31 of the Police Act (Northern Ireland) 1970 there shall be inserted—

#### **“31A Expenditure by Secretary of State for police purposes**

The Secretary of State may—

- (a) make such contribution to the provision or maintenance of such organisations, facilities and services; and

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(b) make such other payments,  
as he thinks necessary or expedient for promoting the efficiency and effectiveness of the police force.”.

### *Rehabilitation of Offenders*

#### **133 Rehabilitation of Offenders**

The following provisions (which restrict the effect of the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders (Northern Ireland) Order 1978) shall cease to have effect—

- (a) section 189 of, and Schedule 14 to, the Financial Services Act 1986;
- (b) section 95 of the Banking Act 1987;
- (c) section 39 of the Osteopaths Act 1993;
- (d) section 19 of the National Lottery etc. Act 1993;
- (e) section 40 of the Chiropractors Act 1994.

## **PART VII**

### GENERAL

#### **134 Amendments and repeals**

- (1) Schedule 9 (minor and consequential amendments) shall have effect.
- (2) The enactments mentioned in Schedule 10 are hereby repealed to the extent specified in the third column of that Schedule.

#### **135 Commencement**

- (1) The preceding provisions of this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (2) An order under this section may—
  - (a) appoint different days for different purposes or different areas, and
  - (b) make transitional provision and savings (including provision modifying this Act).
- (3) An order under this section may, in relation to Part I, II or IV make provision—
  - (a) for the transfer and apportionment of property and for the transfer, apportionment and creation of rights and liabilities;
  - (b) for the transfer of members of police forces in Great Britain, members of the Royal Ulster Constabulary and other persons;
  - (c) for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
  - (d) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (c).

- (4) Any day appointed by an order under this section for the coming into force of section 93, 94 or 95 of this Act shall not be earlier than the day on which a code of practice issued under section 101 comes into operation.
- (5) A statutory instrument containing provisions made by virtue of subsection (2)(b) or (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **136 Police: co-operation on implementation**

It shall be the duty of police authorities for areas in Great Britain, and the Police Authority for Northern Ireland, and their staff to co-operate with each other, and generally to exercise their functions, so as to facilitate the implementation of Parts I and II of this Act and any transfer of property or staff made by an order under section 135.

### **137 Extent**

- (1) Subject to subsections (2) to (4), this Act extends throughout the United Kingdom.
- (2) The following provisions of this Act extend to England and Wales only—
  - (a) Part II;
  - (b) Part III of Schedule 1;
  - (c) Parts I and IV of Schedule 1, and Schedule 2, so far as they relate to the Service Authority for the National Crime Squad;
  - (d) Schedule 5;
  - (e) sections 128 and 129.
- (3) Sections 130 to 132 extend to Northern Ireland only.
- (4) The amendments in Schedules 6 and 9, and the repeals in Schedule 10, have the same extent as the enactments to which they refer.

### **138 Short title**

This Act may be cited as the Police Act 1997.

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## SCHEDULES

### SCHEDULE 1

Sections 1(7) and 47(7).

#### APPOINTMENT OF MEMBERS OF THE SERVICE AUTHORITIES

#### PART I

##### CORE MEMBERS

- 1 (1) The NCS Service Authority and the NCIS Service Authority shall have a common core membership consisting of ten members (“the core members”) appointed in accordance with this Part.
- 2 (1) Three of the core members shall be persons appointed by the Secretary of State under this paragraph.  
(2) A person shall not be appointed under this paragraph if he is—
  - (a) a member of a police force in Great Britain or of the Royal Ulster Constabulary,
  - (b) a Crown servant, or
  - (c) a local authority member of a police authority for an area in England and Wales, a member of a police authority for an area in Scotland or a member of the Police Authority for Northern Ireland.
- 3 (3) One of the core members appointed under this paragraph shall be appointed by the Secretary of State to be the chairman of both the NCS Service Authority and the NCIS Service Authority.  
(1) Two of the core members shall be appointed by the chief officers of police of forces in England and Wales and the Assistant Commissioners of Police of the Metropolis (“the relevant police officers”), from among their number.  
(2) The relevant police officers shall exercise their powers under sub-paragraph (1) so as to ensure that—
  - (a) one of the members appointed by them is the chief constable of a police force maintained under section 2 of the Police Act 1996 (forces in England and Wales outside London), and
  - (b) the other is the Commissioner or an Assistant Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London.
- 4 Three of the core members shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number.
- 5 One of the core members shall be a person (other than a member of a police force) appointed by the Secretary of State under this paragraph to represent the Secretary of State in his capacity as police authority for the metropolitan police district.
- 6 One of the core members shall be a Crown servant appointed by the Secretary of State under this paragraph.

## PART II

### ADDITIONAL MEMBERS OF NCIS SERVICE AUTHORITY

- 7 Where the NCIS Service Authority is to consist of nineteen members by virtue of section 1, then in addition to the ten core members—
- (a) one of the members shall be appointed by the chief constables of police forces in Scotland, from among their number;
  - (b) one shall be a person holding at least the rank of deputy chief constable in the Royal Ulster Constabulary, appointed by the Chief Constable of that Constabulary;
  - (c) two shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number;
  - (d) one shall be appointed by the members of police authorities for areas in Scotland, from among their number;
  - (e) one shall be appointed by the members of the Police Authority for Northern Ireland, from among their number;
  - (f) two shall be Crown servants appointed by the Secretary of State under this paragraph; and
  - (g) one shall be a customs officer appointed by the Commissioners of Customs and Excise.
- 8 (1) Where the Authority is to consist of more than nineteen members by virtue of an order under section 1(3), then in addition to the ten core members—
- (a) a prescribed number of members shall be appointed by the Secretary of State under this paragraph;
  - (b) a prescribed number shall be appointed by the relevant police officers, from among their number;
  - (c) a prescribed number of members shall be appointed by the chief constables of police forces in Scotland, from among their number;
  - (d) one shall be a person holding at least the rank of deputy chief constable in the Royal Ulster Constabulary, appointed by the Chief Constable of that Constabulary;
  - (e) a prescribed number (being not less than two) shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number;
  - (f) a prescribed number shall be appointed by the members of police authorities for areas in Scotland, from among their number;
  - (g) a prescribed number shall be appointed by the members of the Police Authority for Northern Ireland, from among their number;
  - (h) two shall be Crown servants appointed by the Secretary of State under this paragraph; and
  - (i) one shall be a customs officer appointed by the Commissioners of Customs and Excise.
- (2) An order under section 1(3) shall ensure—
- (a) that a majority of the members of the Authority are members appointed—
    - (i) by the Secretary of State (other than under sub-paragraph (1)(h) or paragraph 6),
    - (ii) by local authority members of police authorities for areas in England and Wales,

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- (iii) by members of police authorities for areas in Scotland, or
- (iv) by members of the Police Authority for Northern Ireland, and
- (b) that the number of members appointed by local authority members of police authorities in England and Wales is—
  - (i) greater than the total number appointed under sub-paragraph (1)(a) or paragraph 2,
  - (ii) greater than the total number appointed under sub-paragraph (1)(b), (c) or (d) or paragraph 3, and
  - (iii) greater than the number appointed under each of paragraphs (f) and (g) of sub-paragraph (1).
- (3) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(a), as it applies to appointments under paragraph 2.
- (4) A person appointed under sub-paragraph (1)(a) shall not be so appointed to represent the Secretary of State in his capacity as police authority for the metropolitan police district.
- (5) The power to make an order under section 1(3) includes power to prescribe anything which is required to be prescribed for the purposes of this paragraph.

### PART III

#### ADDITIONAL MEMBERS OF NCS SERVICE AUTHORITY

- 9 Where the NCS Service Authority is to consist of seventeen members by virtue of section 47, then in addition to the ten core members—
  - (a) one member shall be appointed by the relevant police officers, from among their number; and
  - (b) six shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number.
- 10 (1) Where the Authority is to consist of more than seventeen members by virtue of an order under section 47(3), then in addition to the ten core members—
  - (a) a prescribed number of members shall be appointed by the Secretary of State;
  - (b) a prescribed number shall be appointed by the relevant police officers, from among their number; and
  - (c) a prescribed number (being not less than six) shall be appointed by the local authority members of police authorities for areas in England and Wales, from among their number.
- (2) An order under section 47(3) shall ensure—
  - (a) that a majority of the members of the Authority are members appointed—
    - (i) by the Secretary of State (other than under paragraph 6), or
    - (ii) by local authority members of police authorities for areas in England and Wales, and
  - (b) that the number of members appointed by such local authority members of police authorities is—
    - (i) greater than the total number appointed under sub-paragraph (1)(a) or paragraph 2, and

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- (ii) greater than the total number appointed under sub-paragraph (1)(b) or paragraph 3.
- (3) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(a), as it applies to appointments under paragraph 2.
- (4) A person appointed under sub-paragraph (1)(a) shall not be so appointed to represent the Secretary of State in his capacity as the police authority for the metropolitan police district.
- (5) The power to make an order under section 47(3) includes power to prescribe anything which is required to be prescribed for the purposes of this paragraph.

#### PART IV

##### GENERAL

###### *Membership of more than one Service Authority by non-core members*

- 11 (1) Nothing in this Schedule shall prevent a member of the NCS Service Authority appointed under Part III from being appointed as a member of the NCIS Service Authority under Part II.
- (2) Nothing in this Schedule shall prevent a member of the NCIS Service Authority appointed under Part II from being appointed as a member of the NCS Service Authority under Part III.

###### *Local authority members*

- 12 Local authority members of police authorities for areas in England and Wales shall exercise—
  - (a) their powers to appoint members of the NCIS Service Authority under paragraphs 4, 7(c) and 8(1)(e), and
  - (b) their powers to appoint members of the NCS Service Authority under paragraphs 4, 9(b) and 10(1)(c),so as to ensure that, so far as practicable, the members of the Authority appointed by them reflect the balance of parties for the time being prevailing among the local authority members of such police authorities taken as a whole.
- 13 The clerk to a Service Authority shall make such arrangements as he considers necessary to facilitate the appointment to the Authority, in accordance with this Schedule, of—
  - (a) local authority members of police authorities for areas in England and Wales, and
  - (b) in the case of the clerk to the NCIS Service Authority, members of police authorities for areas in Scotland and members of the Police Authority for Northern Ireland.

###### *Interpretation*

- 14 In this Schedule “local authority members of police authorities”, in relation to areas in England and Wales, means—

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- (a) the members of police authorities appointed under paragraph 2 of Schedule 2 to the Police Act 1996 (local authority members), and
  - (b) the members of the Common Council of the City of London who are members of any committee appointed under section 26 of the City of London Police Act 1839.
- 15 In this Schedule—
- (a) “the relevant police officers” shall be construed in accordance with paragraph 3(1), and
  - (b) “customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979.
- 16 For the purposes of this Schedule, the Commissioner and Assistant Commissioners of Police of the Metropolis and the Commissioner of Police for the City of London shall be treated as if they were members of the metropolitan police force and the City of London police force respectively.

## SCHEDULE 2

Sections 1(7) and 47(7).

### OTHER PROVISIONS ABOUT MEMBERS OF SERVICE AUTHORITIES

#### *Disqualification*

- 1 A person shall be disqualified for being appointed as a member of a Service Authority if—
- (a) he has not yet attained the age of twenty-one years, or
  - (b) he has attained the age of seventy years.
- 2 (1) A person shall be disqualified for being appointed as a member of a Service Authority if neither his principal or only place of work, nor his principal or only place of residence, has been in the relevant area during the whole of the period of twelve months ending with the day of appointment.
- (2) A person shall be disqualified for being a member of a Service Authority if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within the relevant area.
- (3) In this paragraph “relevant area”—
- (a) in relation to appointments under Part I or III of Schedule 1, means England and Wales, and
  - (b) in relation to appointments under Part II of that Schedule, means the United Kingdom.
- 3 (1) Subject to sub-paragraphs (2) and (3), a person shall be disqualified for being appointed as or being a member of a Service Authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the Service Authority or any committee or sub-committee of the Authority, or by a joint committee on which the Authority is represented, or by any person holding any such office or employment;

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- (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order under the Company Directors Disqualification Act 1986 or Part II of the Companies (Northern Ireland) Order 1989, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge, and
  - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (4) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

#### *Tenure of office*

- 4 Subject to the following paragraphs (and to the provisions of any order under section 1(3) or 47(3)) a person shall hold and vacate office as a member of a Service Authority in accordance with the terms of his appointment.
- 5 A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
  - (b) such shorter term as the person or persons appointing him may determine in any particular case.
- 6 (1) A person may at any time—
- (a) resign his office as chairman or as a core member by notice in writing to both of the Service Authorities, or
  - (b) resign his office as a member of a Service Authority appointed under Part II or III of Schedule 1 by notice in writing to that Service Authority.
- (2) Where a member resigns his office as a member or as chairman under sub-paragraph (1), he shall send a copy of the notice—

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- (a) to the Secretary of State, and
  - (b) if he was appointed under paragraph 7(g) or 8(1)(i) of Schedule 1, to the Commissioners of Customs and Excise.
- 7 (1) A member of a police authority appointed to be a member of a Service Authority under paragraph 4, 7(c), (d) or (e), 8(1)(e), (f) or (g), 9(b) or 10(1)(c), of Schedule 1 shall cease to be a member of the Service Authority if he ceases to be a member of the police authority eligible for appointment under the paragraph concerned (unless re-elected or re-appointed on the same day).
- (2) A member of a Service Authority appointed other than as mentioned in sub-paragraph (1) shall cease to be a member if he becomes a member of a police authority for an area in Great Britain, or of the Police Authority for Northern Ireland, eligible for appointment under one of the paragraphs mentioned in sub-paragraph (1).
- (3) A Crown servant appointed to be a member of a Service Authority under paragraph 6, 7(f) or 8(1)(h) of Schedule 1 shall cease to be a member of the Service Authority if he ceases to be a Crown servant.
- (4) A person appointed to be a member of a Service Authority in accordance with paragraph 3, 7(a) or (b), 8(1)(b), (c) or (d), 9(a) or 10(1)(b) of Schedule 1 (appointment of senior police officers) shall cease to be a member of the Service Authority if he ceases to be a person eligible for appointment under the paragraph concerned.
- (5) A person appointed to be a member of the NCIS Service Authority under paragraph 7(g) or 8(1)(i) of Schedule 1 shall cease to be a member if he ceases to be a customs officer within the meaning of paragraph 15 of that Schedule.
- 8 (1) Subject to sub-paragraph (3), a member of a Service Authority may be removed from office as such a member or as chairman by the authorised person, by notice in writing, if—
- (a) he has been absent from meetings of the Service Authority for a period longer than four consecutive months without the consent of the Authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 3),
  - (c) the authorised person is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the authorised person is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) For the purposes of sub-paragraph (1) “the authorised person”, in relation to a member of a Service Authority, means—
- (a) the Service Authority, or
  - (b) the person or persons who would be required to appoint his successor.
- (3) A Service Authority shall not, under sub-paragraph (1), remove its chairman from office as chairman or as a member of the Service Authority.
- (4) Where a Service Authority removes a member under sub-paragraph (1), it shall give notice of that fact—
- (a) to the person or persons who are required to appoint his successor, and
  - (b) if the member was appointed under Part I of Schedule 1, to the other Service Authority.

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- (5) Where a member of a Service Authority is removed under sub-paragraph (1) by the person mentioned in sub-paragraph (2)(b), that person shall give notice of that fact—
- (a) to the Service Authority, and
  - (b) if he is a member appointed under Part I of Schedule 1 and is not also removed from the other Service Authority, to that other Authority.
- 9 (1) A member of a Service Authority appointed under paragraph 4, 7(c), 8(1)(e), 9(b) or 10(1)(c) of Schedule 1 may be removed from office by the persons responsible for appointing his successor if those persons consider that his removal, and the appointment of another person in his place, would further the object provided for by paragraph 12 of that Schedule.
- (2) Persons who remove a member under this paragraph shall—
- (a) if the member was a core member, give notice to both Service Authorities, and
  - (b) in any other case, give notice to the Service Authority of which he was a member.
- 10 Where a core member appointed under Part I of Schedule 1 is removed from a Service Authority under paragraph 8 or 9, he shall cease to be a member of the other Service Authority.

#### *Chairman*

- 11 (1) On being notified of a casual vacancy occurring in the office of chairman of the Service Authorities, the Secretary of State—
- (a) shall take such steps as are reasonably practicable to fill the vacancy, and
  - (b) shall appoint a core member appointed under paragraph 2 of Schedule 1 to be the temporary chairman of the Service Authorities.
- (2) A temporary chairman appointed in accordance with this paragraph—
- (a) shall not continue in office as chairman for a period exceeding six months, and
  - (b) shall cease to hold that office on the appointment, by the Secretary of State, of a person to the office of chairman.

#### *Eligibility for re-appointment*

- 12 A person who ceases to be a member or to be chairman, otherwise than by virtue of paragraph 8(1)(a), (b) or (d), may (if otherwise eligible) be re-appointed.

#### *Eligibility to vote*

- 13 A member of a Service Authority appointed under paragraph 3, 7(a) or (b), 8(1)(b), (c) or (d), 9(a) or 10(1)(b) of Schedule 1 (appointment of senior police officers) shall not be entitled to vote on any decision taken by the Authority—
- (a) on a motion of censure of the Director General or of any other member of NCIS or, as the case may be, the National Crime Squad (other than a member appointed by the Director General by virtue of section 9(8) or 55(8)), including any motion on disciplinary action to be taken against him, or

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- (b) relating to the exercise by the Authority of its power under section 7 or, as the case may be, 53 to require the Director General, or any other member, to resign in the interests of efficiency or effectiveness.

- 14 A member of a Service Authority appointed under paragraph 6, 7(f) or 8(1)(h) of Schedule 1 shall not be entitled to vote at any meeting of the Service Authority, or of any committee of that Authority.

*Validity of acts*

- 15 The acts and proceedings of any person appointed to be a member or chairman of a Service Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 16 The proceedings of a Service Authority shall not be invalidated by a vacancy in the membership of the Authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

*Allowances*

- 17 (1) Subject to sub-paragraph (2), a Service Authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may determine.
- (2) No payments by way of allowances shall be made under sub-paragraph (1) to a member of a Service Authority appointed under paragraph 3, 6, 7(a), (b), (f) or (g), 8(1)(b), (c), (d), (h) or (i), 9(a) or 10(1)(b) of Schedule 1.
- (3) Payments made under sub-paragraph (1) may differ according to whether the recipient is the chairman, a core member or another member.

*Co-opted Members*

- 18 (1) Paragraphs 1 to 3 apply to a person co-opted as a member of a Service Authority as they apply to a person appointed as such a member.
- (2) Except as provided by sub-paragraph (1), the preceding paragraphs of this Schedule do not apply to a person co-opted as a member of a Service Authority.
- (3) A customs officer (within the meaning of paragraph 15 of Schedule 1) shall be disqualified for being co-opted as a member of the NCS Service Authority; and a person shall cease to be a co-opted member of that Authority if he becomes a customs officer.
- (4) A person co-opted as a member of a Service Authority shall be co-opted to serve as such a member for a term not exceeding twelve months, but may (if otherwise eligible) again be co-opted.
- (5) A person co-opted as a member of a Service Authority shall not be entitled to vote at any meeting of the Authority, or of any committee of that Authority.
- (6) A Service Authority may make to a person co-opted to serve as a member of the Authority such payments by way of reimbursement of expenses as the Secretary of State may determine.

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### *Interpretation*

- 19 For the purposes of this Schedule—
- (a) “Service Authority” means—
    - (i) the NCS Service Authority, or
    - (ii) the NCIS Service Authority, and
  - (b) “core member” means a member appointed under Part I of Schedule 1.

## SCHEDULE 3

Section 17(6).

### LEVIES ISSUED BY NCIS SERVICE AUTHORITY

#### *Decisions of Service Authority*

- 1 (1) Where an order under section 17 requires the NCIS Service Authority to determine the total amount of the levies which it proposes to issue under that section for any financial year, that determination shall not be made except by a decision which—
- (a) is made only by independent members and police authority members of the NCIS Service Authority, and
  - (b) complies with sub-paragraphs (2) and (3).
- (2) A decision complies with this sub-paragraph only if a majority of the members making the decision (whether or not approving it) are police authority members of the Authority.
- (3) A decision complies with this sub-paragraph only if the members approving it include more than half of the independent members and more than half of the police authority members of the Authority at the time of the decision.
- (4) Before making such a determination as is mentioned in sub-paragraph (1) in respect of any financial year, the independent members and police authority members of 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 by way of charges imposed by the Authority under section 19, or otherwise, in the year,
  - (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.
- (5) In this paragraph “independent members” means members of the Authority appointed by the Secretary of State under paragraph 2 or 8(1)(a) of Schedule 1.
- (6) In this paragraph “police authority members” means members appointed—
- (a) by the local authority members of police authorities for areas in England and Wales (as defined by paragraph 14 of Schedule 1), or
  - (b) by the Secretary of State under paragraph 5 of that Schedule.

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*Approval by Secretary of State*

- 2 (1) Subject to paragraph 3, a levy shall not be issued by the NCIS Service Authority under section 17 in respect of a financial year, unless the Secretary of State has notified the Authority in writing that he approves the total amount of the levies the Authority proposes to issue for that year.
- (2) Where the Secretary of State gives an approval under sub-paragraph (1), levies shall not be issued by the Authority in respect of the financial year concerned in excess of the amount so approved.
- (3) Before deciding whether to give an approval under sub-paragraph (1), the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, and
  - (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales.
- (4) The Secretary of State shall give a copy of any notice sent to the NCIS Service Authority under sub-paragraph (1) to—
- (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

*Directions*

- 3 (1) Where the Secretary of State does not approve, under paragraph 2, the total amount of the levies the NCIS Service Authority proposes to issue for a financial year—
- (a) he shall notify the Authority of his decision, and
  - (b) he may direct the Authority to issue such levies under section 17 for that year as he considers appropriate.
- (2) Where the NCIS Service Authority does not, within the prescribed period, make a determination of the total amount of levies it proposes to issue under section 17 in respect of a financial year, the Secretary of State may direct the Authority to issue, under that section, such levies as he considers appropriate.
- (3) The NCIS Service Authority shall provide the Secretary of State with such information as he may require to enable him to give a direction under this paragraph.
- (4) Before giving a direction under this paragraph, the Secretary of State may take into account any matter he considers relevant.
- (5) A direction under this paragraph shall be in writing.
- (6) The Secretary of State shall send a copy of any direction under this paragraph to—
- (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

*Notices*

- 4 (1) The NCIS Service Authority shall, within the prescribed period, give notice of any levy to be issued under section 17 to—

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- (a) the Secretary of State,
- (b) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
- (c) the Receiver for the Metropolitan Police District.

(2) A notice under this paragraph shall contain such information as may be prescribed.

#### *Interpretation*

5 In this Schedule “prescribed” means prescribed by an order under section 17.

### SCHEDULE 4

Section 44(1).

#### SUBJECT-MATTER OF ORDERS ABOUT NCIS SERVICE AUTHORITY

The enactments referred to in section 44 are—

- (a) in the Local Government Act 1972—
  - (i) sections 94 to 98 (restrictions on voting);
  - (ii) section 99 and Schedule 12 (meetings and proceedings);
  - (iii) Part VA (regulation of access to meetings and documents)
  - (iv) Part VI (discharge of functions by local authorities);
  - (v) section 111 (subsidiary powers of local authorities);
  - (vi) sections 113 to 119 (provision regarding officers of local authorities);
  - (vii) sections 120 (except subsection (1)(b)), 121, 123 and 128 to 131 (land transactions);
  - (viii) section 135 (making of contracts);
  - (ix) section 136 (contribution towards expenditure on concurrent functions);
  - (x) section 140 (personal injury insurance in respect of members);
  - (xi) section 143 (subscription to local government associations);
  - (xii) section 223 (appearance of local authorities in legal proceedings);
  - (xiii) sections 228 and 229 (inspection of documents and status of photocopies);
  - (xiv) sections 231 to 234 (notices);
- (b) Part III of the Local Government Act 1974 (investigation of complaints about maladministration etc.);
- (c) in the Local Government (Miscellaneous Provisions) Act 1976—
  - (i) sections 13 to 16 and 29 (land);
  - (ii) section 30 (power to forgo repayment of advances of remuneration paid to deceased employees);
  - (iii) section 38 (use of spare capacity of computers);
  - (iv) section 39 (personal liability insurance);
  - (v) section 41 (evidence of resolutions and minutes of proceedings);
- (d) in the Local Government, Planning and Land Act 1980—
  - (i) Part III (direct labour organisations); and
  - (ii) Part X (land held by public bodies);
- (e) in the Local Government (Miscellaneous Provisions) Act 1982—
  - (i) section 33 (covenants relating to land);

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- (ii) section 41 (lost and uncollected property);
- (f) Part III of the Local Government Finance Act 1982 (accounts and audit);
- (g) in the Local Government Act 1986—
  - (i) Part II (local authority publicity);
  - (ii) Part III (transfer of local authority mortgages);
- (h) in the Local Government Act 1988—
  - (i) Part I (competition);
  - (ii) Part II (public supply or works contracts);
- (i) Part VIII of the Local Government Finance Act 1988 (financial administration);
- (j) in the Local Government and Housing Act 1989—
  - (i) Part I (local authority members, officers, staff and committees, etc.);
  - (ii) Part IV (revenue accounts and capital finance);
  - (iii) Part V (companies in which local authorities have interests);
  - (iv) section 155 (emergency financial assistance to local authorities);
  - (v) section 157 (commutation of, and interest on, periodic payments of grants, etc).

## SCHEDULE 5

Section 62(6).

### LEVIES ISSUED BY NCS SERVICE AUTHORITY

#### *Decisions of Service Authority*

- 1 (1) Where an order under section 62 requires the NCS Service Authority to determine the total amount of the levies which it proposes to issue under that section for any financial year, that determination shall not be made except by a decision which—
  - (a) is made only by independent members and police authority members of the Authority, and
  - (b) complies with sub-paragraphs (2) and (3).
- (2) A decision complies with this sub-paragraph only if a majority of the members making the decision (whether or not approving it) are police authority members of the Authority.
- (3) A decision complies with this sub-paragraph only if the members approving it include more than half of the independent members and more than half of the police authority members of the Authority at the time of the decision.
- (4) Before making such a determination as is mentioned in sub-paragraph (1) in respect of any financial year, the independent members and police authority members of 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 Squad in the year,
  - (b) any income which it is estimated will be received by way of charges imposed by the NCS Service Authority under section 64, or otherwise, in the year,
  - (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,

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- (e) the views of all members of the Authority, and
  - (f) such other matters as may be prescribed.
- (5) In this paragraph “independent members” means members of the Authority appointed by the Secretary of State under paragraph 2 or 10(1)(a) of Schedule 1.
- (6) In this paragraph “police authority members” means members appointed—
- (a) by the local authority members of police authorities for areas in England and Wales (as defined by paragraph 14 of Schedule 1), or
  - (b) by the Secretary of State under paragraph 5 of that Schedule.

#### *Approval by Secretary of State*

- 2
- (1) Subject to paragraph 3, a levy shall not be issued by the NCS Service Authority under section 62 in respect of a financial year, unless the Secretary of State has notified the Authority in writing that he approves the total amount of the levies the Authority proposes to issue for that year.
- (2) Where the Secretary of State gives an approval under sub-paragraph (1), levies shall not be issued by the Authority in respect of the financial year concerned in excess of the amount so approved.
- (3) Before deciding whether to give an approval under sub-paragraph (1), the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, and
  - (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales.
- (4) The Secretary of State shall give a copy of any notice sent to the Authority under sub-paragraph (1) to—
- (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

#### *Directions*

- 3
- (1) Where the Secretary of State does not approve, under paragraph 2, the total amount of the levies the Authority proposes to issue for a financial year—
- (a) he shall notify the Authority of his decision, and
  - (b) he may direct the Authority to issue such levies under section 62 for that year as he considers appropriate.
- (2) Where the NCS Service Authority does not, within the prescribed period, make a determination of the total amount of levies it proposes to issue under section 62 in respect of a financial year, the Secretary of State may direct the Authority to issue, under that section, such levies as he considers appropriate.
- (3) The Authority shall provide the Secretary of State with such information as he may require to enable him to give a direction under this paragraph.
- (4) Before giving a direction under this paragraph, the Secretary of State may take into account any matter he considers relevant.

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- (5) A direction under this paragraph shall be in writing.
- (6) The Secretary of State shall send a copy of any direction under this paragraph to—
  - (a) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.

#### *Notices*

- 4 (1) The NCS Service Authority shall, within the prescribed period, give notice of any levy to be issued under section 62 to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in England and Wales (other than the authority for the metropolitan police district), and
  - (c) the Receiver for the Metropolitan Police District.
- (2) A notice under this paragraph shall contain such information as may be prescribed.

#### *Interpretation*

- 5 In this Schedule “prescribed” means prescribed by an order under section 62.

### SCHEDULE 6

Section 88.

#### APPLICATION TO NCS SERVICE AUTHORITY OF LOCAL GOVERNMENT ENACTMENTS

#### *Local Government Act 1972 (c. 70)*

- 1 In section 94 of the Local Government Act 1972 (disability of members of authorities for voting on account of interest in contracts, etc.), in subsection (5)(b) (receipt of certain allowances not to be treated as a pecuniary interest) after “1996” there shall be inserted “or paragraph 17 of Schedule 2 to the Police Act 1997”.
- 2 In section 98—
  - (a) in subsection (1A) (application to joint authorities of provisions about members' interests) after “1996” there shall be inserted “and the Service Authority for the National Crime Squad”, and
  - (b) after subsection (1A) there shall be inserted—
    - “(1B) In the application of section 97 above to a member of the Service Authority for the National Crime Squad, subsection (1) of that section shall apply as if the words from “or in any other case” to the end were omitted.”
- 3 In section 99 (meetings and proceedings of local authorities) after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”.
- 4 (1) Section 100J (application to joint authorities etc. of provisions relating to access to meetings and documents) shall be amended as follows.
  - (2) In subsection (1), after paragraph (e) there shall be inserted—
    - “(ea) the Service Authority for the National Crime Squad;”.

- (3) In subsection (3), after “(e)” there shall be inserted “, (ea)”.
- (4) After subsection (3) there shall be inserted—
- “(3A) In its application by virtue of subsection (1) above in relation to the Service Authority for the National Crime Squad, section 100A(6)(a) shall also have effect with the substitution for the word “three” of the word “seven”.”
- (5) In subsection (4), in paragraph (a), after “1996” there shall be inserted “or the Service Authority for the National Crime Squad”.
- 5 (1) Section 107 (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
- (2) In subsection (7) for “(a) and (b)” there shall be substituted “(a), (aa) and (b)”.
- (3) After subsection (8) there shall be inserted—
- “(8A) References in this section to a police authority, a police force, a chief officer of police or his deputy include references to the Service Authority for the National Crime Squad, the National Crime Squad, the Director General of that Squad and his deputy respectively.”
- 6 (1) Section 146A (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “subsection (1A)” there shall be substituted “subsections (1A) and (1AA)”, and
- (b) for “shall be” there shall be substituted “and the Service Authority for the National Crime Squad shall each be”.
- (3) In subsection (1A)—
- (a) for “A” there shall be substituted “Neither a”,
- (b) after “1996” there shall be inserted “nor the Service Authority for the National Crime Squad”, and
- (c) the word “not” shall be omitted.
- (4) After subsection (1A) there shall be inserted—
- “(1AA) The Service Authority for the National Crime Squad shall not be treated as a local authority for the purposes of section 146 above.”
- 7 In section 223 (appearance of local authorities in legal proceedings), in subsection (2), after “1996” there shall be inserted “and the Service Authority for the National Crime Squad”.
- 8 In section 228 (inspection of documents), in subsection (7A), after “1996” there shall be inserted “or the Service Authority for the National Crime Squad”.
- 9 The words “and the Service Authority for the National Crime Squad” shall be inserted after “1996”—
- (a) in section 229 (photographic copies of documents), in subsection (8);
- (b) in section 231 (service of notices on local authorities, etc.), in subsection (4);
- (c) in section 232 (public notices), in subsection (1A);

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- (d) in section 233 (service of notices by local authorities), in subsection (11); and
  - (e) in section 234 (authentication of documents), in subsection (4).
- 10 (1) Schedule 12 (meetings and proceedings of local authorities) shall be amended as follows.
- (2) In paragraph 6A, in sub-paragraph (1), after “1996” there shall be inserted “or the Service Authority for the National Crime Squad”.
- (3) In paragraph 6B—
- (a) in sub-paragraph (b), after “1996” there shall be inserted “, or of the Service Authority for the National Crime Squad,”, and
  - (b) at the end of sub-paragraph (b) there shall be added “, and
  - (c) in the case of the Service Authority for the National Crime Squad, paragraph 4(2) shall apply as if the reference to three clear days were a reference to seven clear days.”
- (4) In paragraph 46, after “1996” there shall be inserted “and the Service Authority for the National Crime Squad”.

*Local Government Act 1974 (c. 7)*

- 11 In section 25 of the Local Government Act 1974 (authorities subject to investigation by Commission for Local Administration), in subsection (1) after paragraph (ca) there shall be inserted—
- “(caa) the Service Authority for the National Crime Squad;”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 12 In section 30 of the Local Government (Miscellaneous Provisions) Act 1976 (power to forgo repayment of remuneration paid to deceased employees), in subsection (3), after “the authority” there shall be inserted “, and a member of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997 shall be treated as employed by the Service Authority for the National Crime Squad.”.
- 13 In section 44 (interpretation), in subsection (1), in paragraph (a) of the definition of “local authority”, after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”.

*Local Government, Planning and Land Act 1980 (c. 65)*

- 14 In section 20 of the Local Government, Planning and Land Act 1980 (interpretation of provisions relating to direct labour organisations), in subsection (1)—
- (a) in paragraph (a) of the definition of “local authority”, in sub-paragraph (i), after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”, and
  - (b) in paragraph (aa) of the definition, after “1996” there shall be inserted “or the Service Authority for the National Crime Squad”.
- 15 In section 99 (directions to dispose of land), in subsection (4), after paragraph (dc) there shall be inserted—
- “(dd) the Service Authority for the National Crime Squad;”.

- 16 In Schedule 16 (bodies to whom provisions of Part X relating to registration of land apply), after paragraph 5C there shall be inserted—

“5D The Service Authority for the National Crime Squad.”

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

- 17 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a), after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”.

- 18 In section 41 (lost and uncollected property), in subsection (13), in the definition of “local authority”, for “and” at the end of paragraph (ca) there shall be substituted—  
“(cb) the Service Authority for the National Crime Squad; and”.

*Local Government Finance Act 1982 (c. 32)*

- 19 In section 12 of the Local Government Finance Act 1982 (accounts subject to audit), in subsection (2), after paragraph (g) there shall be inserted—

“(ga) the Service Authority for the National Crime Squad;”.

- 20 In section 19 (declaration that item of account is unlawful), at the end of subsection (7) there shall be added “and the Service Authority for the National Crime Squad”.

- 21 In section 20 (recovery of amount not accounted for etc.), at the end of subsection (10) there shall be added “and the Service Authority for the National Crime Squad”.

- 22 For section 28B (delivery of documents relating to police authorities to Secretary of State), as inserted by paragraph 28 of Schedule 4 to the Police and Magistrates' Courts Act 1994, there shall be substituted—

**“28F Delivery of documents relating to police authorities etc. to Secretary of State**

- (1) The Commission shall send to the Secretary of State a copy of any report of which a copy is sent to the Commission under section 18(4) above and which relates—
- (a) to a police authority established under section 3 of the Police Act 1996, or
  - (b) to the Service Authority for the National Crime Squad.
- (2) If it appears to the Commission appropriate to do so, it may send to the Secretary of State a copy of any document—
- (a) which relates to one or more police authorities established under section 3 of the Police Act 1996 or to the Service Authority for the National Crime Squad, and
  - (b) which has been sent (or a copy of which has been sent) by the Commission to a police authority established under that section or to that Authority.”

*Local Government Act 1986 (c. 10)*

23 In section 6 of the Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality), in subsection (2)(a), after “1996,” there shall be inserted—

“the Service Authority for the National Crime Squad.”

24 In section 9 (interpretation of provisions relating to the transfer of mortgages), in subsection (1)(a), after “1996,” there shall be inserted—

“the Service Authority for the National Crime Squad.”

*Local Government Act 1988 (c. 9)*

25 In section 1 of the Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1), after paragraph (e) there shall be inserted—

“(ea) the Service Authority for the National Crime Squad.”

26 In Schedule 2, in the list of public authorities to which provisions on public supply or works contracts apply, after the entry relating to police authorities there shall be inserted—

“The Service Authority for the National Crime Squad.”

*Local Government Finance Act 1988 (c. 41)*

27 In section 112 of the Local Government Finance Act 1988 (financial administration as to certain police and fire authorities), in subsection (2), for “and” at the end of paragraph (c) there shall be substituted—

“(ab) the Service Authority for the National Crime Squad, and”.

28 In section 114 (functions of the chief finance officer as regards reports), at the end there shall be added—

“(9) The National Crime Squad shall be treated as a police force for the purposes of subsection (2) above.”

*Local Government and Housing Act 1989 (c. 42)*

29 In section 21 of the Local Government and Housing Act 1989, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.), in paragraph (g), after “1996” there shall be inserted “or the Service Authority for the National Crime Squad”.

30 In section 67 (application of provisions relating to companies in which local authorities have interests), in subsection (3) (definition of local authority), in paragraph (i), after “1996” there shall be inserted “or the Service Authority for the National Crime Squad”.

31 In section 155 (emergency assistance to local authorities), after subsection (4)(ea) there shall be inserted—

“(eb) the Service Authority for the National Crime Squad;”.

32 In section 157 (commutation of, and interest on, periodic payments of grants etc.), in subsection (6), after paragraph (g) there shall be inserted—

“(ga) the Service Authority for the National Crime Squad;”.

SCHEDULE 7

Section 102(4).

INVESTIGATION OF COMPLAINTS BY COMMISSIONERS ETC

*Investigation*

- 1       Where a Commissioner appointed under section 91(1)(b) is required by virtue of section 102 to investigate a complaint, he shall investigate whether an authorisation was given under section 93 in relation to the doing of the act or acts in question in relation to the property concerned (“a relevant authorisation”).
- 2       (1) In a case where the Commissioner determines that a relevant authorisation was given he shall, if sub-paragraph (2), (3) or (4) applies, make a determination in favour of the complainant.
- (2) This sub-paragraph applies if the Commissioner is satisfied that there were, at the time the relevant authorisation was given or renewed, no reasonable grounds for believing the matters specified in section 93(2).
- (3) This sub-paragraph applies where section 97 did not apply to the relevant authorisation or its renewal, but the Commissioner is satisfied as mentioned in section 103(2).
- (4) This sub-paragraph applies if the Commissioner is satisfied that anything has been done in relation to any property of the complainant in pursuance of the relevant authorisation (other than by virtue of section 103(6) or section 104(7)) at a time when there were no reasonable grounds for believing the matters specified in section 93(2).

*Report of conclusions*

- 3       (1) If the Commissioner makes a determination in favour of the complainant under paragraph 2, he shall—
- (a) give notice to the complainant that he has done so, and
- (b) make a report of his findings to the authorising officer who gave the authorisation, or in whose absence it was given, and to the Chief Commissioner.
- (2) In any other case, the Commissioner shall give notice to the complainant that no determination in his favour has been made on the complaint.
- (3) Subject to sub-paragraph (1)(b), the Commissioner shall not give any reasons for the making of, or any refusal to make, a determination in favour of the complainant.
- 4       Where—
- (a) the Chief Commissioner receives a report of the Commissioner’s findings under paragraph 3(1)(b), and
- (b) no appeal is made against the determination in favour of the complainant, the Chief Commissioner shall, under section 107(2), make a report of those findings to the Prime Minister.

*Remedies*

- 5       (1) Where the Commissioner gives a complainant notice that a determination in his favour has been made on the complaint, he may (whether or not he has exercised, or intends to exercise, any of the powers under section 103) direct the authorising

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officer who gave the authorisation, or in whose absence it was given, to pay the complainant such sum by way of compensation as may be specified in the direction.

- (2) Where a direction to pay compensation has been made under sub-paragraph (1), it shall not become operative until—
- (a) the period for appealing against the determination in favour of the complainant has expired, and
  - (b) where such an appeal is made, a decision dismissing it has been made by the Chief Commissioner.
- 6 Any compensation which the Commissioner directs the authorising officer to pay under paragraph 5 shall be paid—
- (a) in the case of an authorising officer within paragraph (a), (b) or (c) of subsection (5) of section 93, out of the police fund,
  - (b) in the case of an authorising officer within paragraph (d) of that subsection, by the police authority or, as the case may be, the joint police board (within the meaning of the Police (Scotland) Act 1967),
  - (c) in the case of an authorising officer within paragraph (e) of that subsection, by the Police Authority for Northern Ireland,
  - (d) in the case of an authorising officer within paragraph (f) or (g) of that subsection, out of the appropriate service fund established under section 16 or 61, and
  - (e) in the case of an authorising officer within paragraph (h) of section 93(5), by the Commissioners of Customs and Excise.

#### *Interpretation*

- 7 The references in this Schedule to the authorising officer who gave the authorisation or in whose absence it was given shall, in the case of an authorisation given by or in the absence of a person within paragraph (b) or (e) of section 93(5), be construed as references to the Commissioner of Police or, as the case may be, the Chief Constable mentioned in the paragraph concerned.

### SCHEDULE 8

Section 109(2).

#### THE POLICE INFORMATION TECHNOLOGY ORGANISATION

#### *Constitution*

- 1 (1) The Police Information Technology Organisation (“the Organisation”) shall consist of a chairman and other members appointed by the Secretary of State.
- (2) Before appointing the chairman the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of police authorities, and
  - (b) persons whom he considers to represent the interests of chief officers of police.
- (3) The members apart from the chairman at any time shall include—
- (a) at least three members nominated by persons whom the Secretary of State considers to represent police authorities for areas in England and Wales;

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- (b) at least three members nominated by persons whom the Secretary of State considers to represent chief officers of police of police forces in England and Wales;
- (c) at least one member nominated by persons whom the Secretary of State considers to represent police authorities for areas in Scotland;
- (d) at least one member nominated by persons whom the Secretary of State considers to represent the interests of chief constables of police forces in Scotland;
- (e) at least one member nominated by the Police Authority for Northern Ireland;
- (f) at least one member nominated by the Chief Constable of the Royal Ulster Constabulary; and
- (g) at least one other member.

#### *Members*

- 2
- (1) Subject to the provisions of this Schedule, a member of the Organisation shall hold office in accordance with the terms of his appointment.
  - (2) A member shall not be appointed for more than five years at a time.
  - (3) A person may at any time resign as a member or as chairman by notice in writing to the Secretary of State.
  - (4) The Secretary of State may remove a person from office as a member or as chairman if satisfied that—
    - (a) he has without reasonable excuse failed to discharge his functions for a continuous period of three months;
    - (b) he has without reasonable excuse been absent from three consecutive meetings of the Organisation;
    - (c) he has been convicted of a criminal offence;
    - (d) he has become bankrupt, his estate has been sequestrated or he has made an arrangement with or granted a trust deed for his creditors;
    - (e) he has failed to comply with the terms of his appointment; or
    - (f) he is otherwise unable or unfit to discharge his functions.
  - (5) The Secretary of State shall not remove from office a member nominated by persons representing certain interests in accordance with paragraph 1(3)(a) to (d) unless he has first consulted persons whom he considers to represent those interests.
  - (6) The Secretary of State shall not remove from office a member nominated in accordance with paragraph 1(3)(e) or (f) unless he has first consulted the Police Authority for Northern Ireland or, as the case may be, the Chief Constable of the Royal Ulster Constabulary.
- 3
- (1) The Organisation shall pay to its members such remuneration and allowances as the Secretary of State may determine.
  - (2) The Organisation shall, as regards any member or former member in whose case the Secretary of State may so determine, pay or make payments in respect of such pension or gratuity as the Secretary of State may determine.
  - (3) If a person ceases to be a member, or ceases to be chairman, and it appears to the Secretary of State that there are special circumstances which make it right that he

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should receive compensation, the Secretary of State may direct the Organisation to make a payment of such amount as he may determine.

*Staff, &c.*

- 4 (1) The Organisation shall not appoint employees except with the approval of the Secretary of State as to numbers and as to terms and conditions of service.
- (2) No person shall be appointed to act as the chief executive of the Organisation unless the Secretary of State has consented to the appointment.
- 5 (1) The Organisation shall pay to its employees such remuneration and allowances as it may, with the consent of the Secretary of State, determine.
- (2) The Organisation shall—
- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of employees or former employees as it may, with the consent of the Secretary of State, determine;
  - (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities in respect of employees or former employees.
- (3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or loss or diminution of emoluments.
- (4) If any person—
- (a) on ceasing to be employed by the Organisation, becomes or continues to be one of its members, and
  - (b) was, by reference to his employment, a participant in a pension scheme maintained by the Organisation,
- the Organisation may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as it may with the consent of the Secretary of State determine, as if his service as a member were service as an employee; and any such provision shall be without prejudice to paragraph 3.
- 6 (1) Employment with the Organisation shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply.
- (2) The Organisation 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 the increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under that Act.
- (3) Where an employee of the Organisation is, by reference to that employment, a participant in a scheme under section 1 of that Act and is also a member of the Organisation, the Minister for the Civil Service may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee (whether or not any benefits are payable to or in respect of him by virtue of paragraph 3 above).
- 7 (1) The Organisation shall be liable in respect of a tort committed by a member of a police force engaged on service with the Organisation in the performance or purported performance of his functions in like manner as a master is liable in respect of torts

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committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

- (2) In relation to Scotland, sub-paragraph (1) shall not apply but the Organisation shall be liable in reparation in respect of a wrongful act or omission on the part of a member of a police force engaged on service with the Organisation in the performance or purported performance of his functions in like manner as a master is so liable in respect of any wrongful act or omission on the part of his servant in the course of the servant's employment.

#### *Committees*

- 8 (1) No person who is not a member of the Organisation shall be appointed to a committee or sub-committee of the Organisation unless the Secretary of State has consented to the appointment.
- (2) Remuneration and allowances paid to members of committees and sub-committees of the Organisation who are not members of the Organisation shall be of such amounts as the Secretary of State may determine.

#### *Proceedings*

- 9 Subject to the provisions of this Schedule, the Organisation shall regulate its own procedure.
- 10 (1) The Organisation shall make provision for a quorum for its meetings to include at least—
- (a) one member appointed in accordance with paragraph 1(3)(a), (c) or (e);
  - (b) one member appointed in accordance with paragraph 1(3)(b), (d) or (f); and
  - (c) one member appointed in accordance with paragraph 1(3)(g).
- (2) The Organisation shall make provision for a quorum for meetings of any committee or sub-committee to include at least one member or employee of the Organisation.
- 11 The validity of the proceedings of the Organisation (or any committee or sub-committee) shall not be affected by—
- (a) any vacancy among the members of the Organisation or in the office of chairman of the Organisation, or
  - (b) any defect in the appointment of any person as a member of the Organisation or as chairman of the Organisation.

#### *Evidence*

- 12 A document purporting to be—
- (a) duly executed under the seal of the Organisation, or
  - (b) signed on behalf of the Organisation,
- shall be received in evidence and, unless the contrary is proved, deemed to be so executed or signed.

#### *Money*

- 13 The Secretary of State may make payments to the Organisation out of money provided by Parliament.

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- 14 (1) The Organisation may impose such charges as it considers appropriate for the provision of goods and services in accordance with section 109(3) and (4).
- (2) The Organisation shall pay any sums received in the course of carrying out its functions to the Secretary of State.
- (3) Sub-paragraph (2) shall not apply where the Secretary of State, with the consent of the Treasury, so directs.
- (4) Any sums received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.
- 15 The Organisation may, for purposes related to information technology, make payments to any police authority.
- 16 (1) The Organisation shall keep proper accounts and records in relation to the accounts.
- (2) The Organisation shall prepare in respect of each financial year a statement of accounts.
- (3) The statement shall be in such form, and shall contain such information, as the Secretary of State may, with the consent of the Treasury, direct.
- (4) The Organisation shall send copies of the statement to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.
- (5) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in accordance with this paragraph and shall lay copies of the statement and his report before each House of Parliament.
- (6) In this paragraph “financial year” means the period of twelve months ending with 31st March; but the first financial year shall be the period beginning with the establishment of the Organisation and ending with the next 31st March.

*Annual report*

- 17 (1) As soon as possible after the end of each financial year, the Organisation shall send to the Secretary of State a report on the discharge of its functions during that year.
- (2) The Secretary of State shall lay a copy of each report before each House of Parliament.
- (3) In this paragraph, “financial year” has the same meaning as in paragraph 16.

*Status of the Organisation*

- 18 The Organisation shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Organisation shall not be regarded as property of, or property held on behalf of, the Crown.

SCHEDULE 9

Section 134(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

*Explosives Act 1875 (c. 17)*

1 In the Explosives Act 1875, at the end of section 75 (inspections of ships with explosives on board, etc.) (which becomes subsection (1)) there shall be added—

“(2) In subsection (1)—

- (a) “officer of police” includes any member of the National Criminal Intelligence Service appointed under section 9(1)(b) of the Police Act 1997 (police members) and any member of the National Crime Squad appointed under section 55(1)(b) of that Act (police members), and
- (b) “chief officer of police” includes the Director General of that Service and the Director General of that Squad.”.

*Civil Defence Act 1948 (c. 5)*

2 In section 9 of the Civil Defence Act 1948 (interpretation etc.), after subsection (3) there shall be inserted—

“(3A) For the purposes of this Act (other than section 3(3)) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities and the National Criminal Intelligence Service and the National Crime Squad as police forces.”.

*Public Records Act 1958 (c. 51)*

3 In Schedule 1 to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3 there shall be inserted at the appropriate place—

“Police Information Technology Organisation”.

*Trustee Investments Act 1961 (c. 62)*

4 In section 11 of the Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)—

- (a) in paragraph (a) after “1996” there shall be inserted “, the Service Authority for the National Crime Squad”, and
- (b) after paragraph (d) there shall be added—
  - “(e) in any part of the United Kingdom, the Service Authority for the National Criminal Intelligence Service.”.

5 In Schedule 1, in Part II (narrower-range investments requiring advice), in paragraph 9, after sub-paragraph (d) there shall be inserted—

“(da) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

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*Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 6 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (4) (persons treated as employed for purposes of that Act), after paragraph (c) there shall be added—
- “(d) a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act (police members).”.

*Parliamentary Commissioner Act 1967 (c. 13)*

- 7 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), there shall be inserted at the appropriate place—
- “Police Information Technology Organisation”.

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

- 8 The Police (Scotland) Act 1967 shall be amended as follows.
- 9 In section 27(3) (regulations as to police cadets), after “(1A),” there shall be inserted “(2B),”.
- 10 At the end of section 28 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—
- “(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (3) In subsection (2) of this section “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 11 In section 33 (inspectors of constabulary), in each of subsections (3) and (4), after “generally” there shall be inserted “and the National Criminal Intelligence Service”.
- 12 At the end of section 36 (common services) there shall be added—
- “(7) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (8) In subsection (7) of this section “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.
- 13 In section 38 (constables engaged on central service and certain temporary service), in subsection (3A), after “service” there shall be inserted “, or on temporary service such as is mentioned in paragraph (ba) or (bb) of the said section 38A(1),”.
- 14 In section 38A (constables engaged on service outside their force)—
- (a) in subsection (1), after paragraph (b) there shall be inserted—

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- “(ba) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
- (bb) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”;
- (b) in subsection (6)(a), after “(b),” there shall be inserted “(ba) or (bb)”.
- 15 In section 39 (liability for wrongful acts of constables), in subsection (4), after “1996” there shall be inserted “or section 23 of the Police Act 1997”.

*Leasehold Reform Act 1967 (c. 88)*

- 16 In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), after paragraph (bb) there shall be inserted—
- “(bc) the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service;”.

*Public Expenditure and Receipts Act 1968 (c. 14)*

- 17 In section 4 of the Public Expenditure and Receipts Act 1968 (compensation to civil defence employees for loss of employment etc.) after subsection (6) (interpretation) there shall be added—
- “(7) For the purposes of this section, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities.”.

*Firearms Act 1968 (c. 27)*

- 18 In section 54 of the Firearms Act 1968 (application of Act to Crown servants), in subsection (3) (which provides that members of police forces and certain employees of police authorities are deemed to be in the service of Her Majesty), at the end of paragraph (b) there shall be inserted “, or
- (c) a member of the National Criminal Intelligence Service or the National Crime Squad.”.

*Post Office Act 1969 (c. 48)*

- 19 In section 7 of the Post Office Act 1969 (powers of the Post Office), in subsection (1AA), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

*Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

- 20 In section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2)(b) for “and any police authority” there shall be substituted “, any police authority, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

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*Police Act (Northern Ireland) 1970 (c. 9 (N.I.))*

- 21 In section 14 of the Police Act (Northern Ireland) 1970 (liability for wrongful acts of members of the police force), in subsection (5), after “Police Act 1996” there shall be inserted “or section 23 of the Police Act 1997”.
- 22 In section 16(1) of that Act (appointment and functions of inspectors of constabulary) at the end there shall be added “and the National Criminal Intelligence Service”.

*Local Authorities (Goods and Services) Act 1970 (c. 39)*

- 23 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in subsection (4), in the definition of “public body”, after “1996” there shall be inserted “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”.

*Superannuation Act 1972 (c. 11)*

- 24 The following entry shall be inserted at the appropriate place in the list of “Other Bodies” in Schedule 1 to the Superannuation Act 1972 (kinds of employment to which schemes may apply)—
- “Police Information Technology Organisation”.

*Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (NI 6)*

- 25 In Article 7 of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (employers exempted from insurance), after paragraph (aa) there shall be inserted—
- “(ab) the Service Authority for the National Criminal Intelligence Service;”.

*Employment Agencies Act 1973 (c. 35)*

- 26 In section 13 of the Employment Agencies Act 1973, in subsection (7) (cases in which the Act is not to apply), in paragraph (f), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Juries Act 1974 (c. 23)*

- 27 In Part I of Schedule 1 to the Juries Act 1974, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after the entry for civilians employed for police purposes and members of the metropolitan civil staffs there shall be inserted—
- “A member of the National Criminal Intelligence Service or the National Crime Squad.
- A member of the Service Authority for the National Criminal Intelligence Service; a member of the Service Authority for the National Crime Squad; a person employed by the Service Authority for the National Criminal

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Intelligence Service under section 13 of the Police Act 1997 or by the Service Authority for the National Crime Squad under section 58 of that Act.”.

*District Courts (Scotland) Act 1975 (c. 20)*

28 In subsection (2) of section 12 of the District Courts (Scotland) Act 1975 (disqualification in certain cases of justices who are members of local authorities), the following shall be inserted as the first paragraph—

“(aa) any reference to a local authority includes a reference to the Service Authority for the National Criminal Intelligence Service;”.

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

29 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.

(2) In section 1(1) (disqualification of certain office holders and places), after paragraph (d) there shall be inserted—

“(da) is a member of the National Criminal Intelligence Service or the National Crime Squad;”.

(3) In Part III of Schedule 1 (disqualifying offices), there shall be inserted at the appropriate place—

“Any member of the Police Information Technology Organisation in receipt of remuneration.”.

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

30 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.

(2) In section 1(1) (disqualification of certain office holders and places), after paragraph (d) there shall be inserted—

“(da) is a member of the National Criminal Intelligence Service or the National Crime Squad;”.

(3) In Part III of Schedule 1 (disqualifying offices), there shall be inserted at the appropriate place—

“Any member of the Police Information Technology Organisation in receipt of remuneration.”.

*Sex Discrimination Act 1975 (c. 65)*

31 In section 17 of the Sex Discrimination Act 1975 (police), in subsection (7)—

(a) in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—

“(aa) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad;”, and

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- (b) in the definition of “police fund” after “1996” there shall be inserted “, in relation to a chief officer of police within paragraph (aa) of that definition means the service fund established under section 16 or, as the case may be, 61 of the Police Act 1997”.

*Fair Employment (Northern Ireland) Act 1976 (c. 25)*

- 32 In section 53 of the Fair Employment (Northern Ireland) Act 1976 (police), in subsection (6), in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—

“(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.

*Police Pensions Act 1976 (c. 35)*

- 33 (1) Section 11 of the Police Pensions Act 1976 (interpretation) shall be amended as follows.

(2) In subsection (2)—

- (a) the word “and” after paragraph (a) shall be omitted,  
 (b) in paragraph (b) after “it means” there shall be inserted “, subject to paragraphs (c) to (e) below;”, and  
 (c) after paragraph (b) there shall be added—
- “(c) in relation to service of the kind described in section 97(1) (ca) of the Police Act 1996 or section 38A(1)(ba) of the Police (Scotland) Act 1967, it means the Service Authority for the National Criminal Intelligence Service,  
 (d) in relation to 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, and  
 (e) in relation to service of the kind described in section 97(1) (cc) of the Police Act 1996 or section 38A(1)(bb) of the Police (Scotland) Act 1967, it means the Police Information Technology Organisation.”.

(3) In subsection (5), in the definition of “central service”—

- (a) after “within paragraph (b), (c)” there shall be inserted “, (ca), (cb), (cc)”, and  
 (b) after “1967” there shall be inserted “or means relevant service within paragraph (ba) or (bb) of section 38A(1) of the said Act of 1967”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

- 34 In each of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (licensing of drivers of private hire vehicles and hackney carriages), subsection (1A) shall be omitted.

*Race Relations Act 1976 (c. 74)*

- 35 In section 16 of the Race Relations Act 1976 (police), in subsection (5)—

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(a) in the definition of “chief officer of police”, after paragraph (a) there shall be inserted—

“(aa) in relation to a person appointed, or an appointment falling to be made, under section 9(1)(b) or 55(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service and the National Crime Squad) means the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad.”, and,

(b) in the definition of “police fund” after “Act” there shall be inserted “, in relation to a chief officer of police within paragraph (aa) of that definition means the service fund established under section 16 or, as the case may be, 61 of the Police Act 1997”.

36 In section 71 of that Act (local authorities: general statutory duty) after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Sex Discrimination (Northern Ireland) Order 1976 (NI 15)*

37 In Article 19 of the Sex Discrimination (Northern Ireland) Order 1976 (police), in paragraph (6), in the definition of “chief officer of police”, after sub-paragraph (a) there shall be inserted—

“(aa) in relation to a person appointed, or to an appointment falling to be made, under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service;”.

*Rent (Agriculture) Act 1976 (c. 80)*

38 In section 5 of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to Crown or to local authority, etc.), in subsection (3), in paragraph (baa), after “1996” there shall be added “, the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service”.

*Rent Act 1977 (c. 42)*

39 In section 14 of the Rent Act 1977 (landlord’s interest belonging to local authority, etc.), after paragraph (caa) there shall be inserted—

“(caaa) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Justices of the Peace Act 1979 (c. 55)*

40 In section 64 of the Justices of the Peace Act 1979 (disqualification in certain cases of justices who are members of local authorities), in subsection (6) (definition of local authority), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

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

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*Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)*

- 41 In Part I of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Group B (ineligibility for jury service of certain persons concerned with the administration of justice), after paragraph (n) there shall be inserted—
- “(na) members of the National Criminal Intelligence Service;
  - (nb) members of the Service Authority for the National Criminal Intelligence Service and persons employed by that Authority under section 13 of the Police Act 1997;”.

*Finance Act 1981 (c. 35)*

- 42 In section 107 of the Finance Act 1981 (sale of houses at discount by local authorities etc.), after subsection (3)(k) there shall be inserted—
- “(ka) the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service;”.

*Acquisition of Land Act 1981 (c. 67)*

- 43 In section 17 of the Acquisition of Land Act 1981 (compulsory purchase of local authority and statutory undertakers' land), in subsection (4), in the definition (for the purposes of subsection (3)) of “local authority”—
- (a) in paragraph (a), after “1996” there shall be inserted “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”; and
  - (b) in paragraph (b), after “1996” there shall be inserted “, the Service Authority for the National Crime Squad or the Service Authority for the National Criminal Intelligence Service”.

*Stock Transfer Act 1982 (c. 41)*

- 44 In Schedule 1 to the Stock Transfer Act 1982 (securities that can be transferred through a computerised system), in paragraph 7(1), for “or” at the end of paragraph (ba) there shall be substituted—
- “(bb) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad; or”.

*County Courts Act 1984 (c. 28)*

- 45 In section 60 of the County Courts Act 1984 (right of audience for officer of local authority in proceedings brought by authority), in subsection (3), in the definition of “local authority”, after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 46 In section 5 of the Police and Criminal Evidence Act 1984 (reports of recorded searches and of road checks), after subsection (1) there shall be inserted—
- “(1A) Every annual report under section 57 of the Police Act 1997 (reports by Director General of the National Crime Squad) shall contain information—

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- (a) about searches recorded under section 3 above which have been carried out by members of the National Crime Squad during the period to which the report relates, and
- (b) about road checks authorised by members of the National Crime Squad during that period under section 4 above.”.

47 In section 55 (intimate searches), after subsection (14) there shall be inserted—

“(14A) Every annual report under section 57 of the Police Act 1997 (reports by Director General of the National Crime Squad) shall contain information about searches authorised under this section by members of the National Crime Squad during the period to which the report relates.”.

*Prosecution of Offences Act 1985 (c. 23)*

48 In section 3 of the Prosecution of Offences Act 1985 (functions of Director), in subsection (3), in the definition of “police force”, after “1996” there shall be inserted “, the National Crime Squad”.

*Housing Act 1985 (c. 51)*

49 In section 4 of the Housing Act 1985 (interpretation), in paragraph (e) (definition of “local authority”), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Housing Associations Act 1985 (c. 69)*

50 In section 106 of the Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority”, after “1996” there shall be inserted “and the Service Authority for the National Crime Squad and the Service Authority for the National Criminal Intelligence Service”.

*Landlord and Tenant Act 1985 (c. 70)*

51 In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Landlord And Tenant Act 1987 (c. 31)*

52 In section 58 of the Landlord and Tenant Act 1987, in subsection (1) (definition of “exempt landlord”), in paragraph (a), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service, the Service Authority for the National Crime Squad”.

*Income and Corporation Taxes Act 1988 (c. 1)*

53 In section 842A of the Income and Corporation Taxes Act 1988, in subsection (1)—

- (a) in paragraph (a), after “paragraph” there shall be inserted “or the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”,

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- (b) in paragraph (b), after “paragraph” there shall be inserted “or the Service Authority for the National Criminal Intelligence Service”, and
- (c) in paragraph (c), after “paragraph” there shall be inserted “or the Service Authority for the National Criminal Intelligence Service”.

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

- 54 In section 19 of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), in paragraph (a), after sub-paragraph (i) there shall be inserted—
- “(ia) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Local Government Finance Act 1988 (c. 41)*

- 55 In section 64 of the Local Government Finance Act 1988, in subsection (7) (exclusion from Crown exemption of hereditaments of certain authorities), after paragraph (d) there shall be inserted—
- “(da) the Service Authority for the National Criminal Intelligence Service;  
 (db) the Service Authority for the National Crime Squad;”.
- 56 In section 65A (which was inserted by section 3 of the Local Government and Rating Act 1997 and makes provision about Crown property), in subsection (4)(b) for the words from “or by a police authority” to the end there shall be substituted “, a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad”.

*Housing Act 1988 (c. 50)*

- 57 In Schedule 1 to the Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 12 (local authority tenancies, etc.), in sub-paragraph (2) (g), after “1996” there shall be inserted “, the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad”.

*Road Traffic Act 1988 (c. 52)*

- 58 In section 124 of the Road Traffic Act 1988 (exemption of police instructors from prohibition imposed by section 123), in subsection (2), after “section—” there shall be inserted—
- ““chief officer of police” includes the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad;
- “police authority” includes the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;
- “police force” includes the National Criminal Intelligence Service and the National Crime Squad;”.
- 59 In section 144 (exceptions from requirement of third-party insurance or security), after subsection (2)(b) there shall be inserted—

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“(ba) to a vehicle owned by the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad, at a time when it is being driven under the owner’s control, or to a vehicle at a time when it is being driven for the purposes of the body maintained by such an Authority by or under the direction of a constable, or by a person employed by such an Authority;”.

*Security Service Act 1989 (c. 5)*

60 In section 1 of the Security Service Act 1989, in subsection (4) (Security Service to act in support of police forces etc.), after “forces” there shall be inserted “, the National Criminal Intelligence Service, the National Crime Squad”.

61 In section 2 (which imposes duties on the Director General of the Security Service), in subsection (2)(c), after “forces” there shall be inserted “, the National Criminal Intelligence Service, the National Crime Squad”.

*Official Secrets Act 1989 (c. 6)*

62 In section 12 of the Official Secrets Act 1989, in subsection (1) (meaning of “Crown servant” for purposes of that Act), in paragraph (e) after “1970)” there shall be inserted “or of the National Criminal Intelligence Service or the National Crime Squad”.

*Town and Country Planning Act 1990 (c. 8)*

63 In section 252 of the Town and Country Planning Act 1990 (procedure for making of orders relating to highways), in subsection (12), in the definition of “local authority”, after “1996” there shall be inserted “, the Service Authority for the National Crime Squad, the Service Authority for the National Criminal Intelligence Service”.

*Aviation and Maritime Security Act 1990 (c. 31)*

64 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (4)(b)—

- (a) the words “who is a member of a body of constables maintained” shall be omitted,
- (b) at the beginning of both sub-paragraph (i) and sub-paragraph (ii) there shall be inserted “who is a member of a body of constables maintained”, and
- (c) at the end of sub-paragraph (ii) there shall be inserted “, or  
(iii) who is a member of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or a member of the National Crime Squad within section 55(1)(a) or (b) of that Act.”.

*Road Traffic Act 1991 (c. 40)*

65 Section 47 of the Road Traffic Act 1991 (applications for licences to drive hackney carriages etc.) shall cease to have effect.

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

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*Local Government Finance Act 1992 (c. 14)*

- 66 In section 19 of the Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3), for “and” at the end of paragraph (c) there shall be substituted—
- “(ca) the Service Authority for the National Criminal Intelligence Service;  
 (cb) the Service Authority for the National Crime Squad;”.
- 67 In section 32 (calculation of budget requirement by billing authorities), after subsection (6) there shall be inserted—
- “(6A) In estimating under subsection (2)(a) above, the Common Council shall take into account the amount of any levy issued to it under section 17 or 62 of the Police Act 1997 (levies issued by the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad) for the year, but (except as provided by an order under either of those sections) shall not anticipate a levy not issued.”.
- 68 (1) Section 43 (calculation of budget requirement by major precepting authorities) shall be amended as follows.
- (2) After subsection (5) there shall be inserted—
- “(5A) In estimating under subsection (2)(a) above—
- (a) a police authority established under section 3 of the Police Act 1996 (authorities for areas outside London), and
- (b) the Receiver for the Metropolitan Police District,
- shall take into account the amount of any levy issued to it under section 17 or 62 of the Police Act 1997 (levies issued by the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad) for the year, but (except as provided by an order under either of those sections) shall not anticipate a levy not issued.”.
- (3) In subsection (7)(b), after “subsections (5)” there shall be inserted “, (5A)”.

*Tribunals and Inquiries Act 1992 (c. 53)*

- 69 (1) In section 7 of the Tribunals and Inquiries Act 1992, in subsection (2), after “36A” there shall be inserted “(a) or (b)”.
- 70 In Schedule 1 to that Act, in Part I, at the end of paragraph 36A (which becomes sub-paragraph (a)) there shall be inserted—

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“(b) An appeals tribunal constituted in accordance with an order under section 38(2) of the Police Act 1997 (c. 00) and an appeals tribunal constituted in accordance with Schedule 6 to the Police Act 1996 as applied by section 82(2) of the Police Act 1997.”.

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*Criminal Appeals Act 1995 (c. 35)*

- 71 (1) Section 22 of the Criminal Appeals Act 1995 (meaning of “public body” etc.) shall be amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) (meaning of police force), after “Reserve” there shall be inserted “, the National Crime Squad”,
  - (b) for paragraph (b) (meaning of “chief officer of police”) there shall be substituted—
    - “(b) references to the chief officer of police—
      - (i) in relation to the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve, are to the Chief Constable of the Constabulary,
      - (ii) in relation to the National Crime Squad, are to the Director General of the Squad, and
      - (iii) in relation to any other police force maintained otherwise than by a police authority, are to the chief constable,”
  - (c) in paragraph (c) for “or the City of London police force” there shall be substituted “, the City of London police force or the National Crime Squad”, and
  - (d) after paragraph (c) there shall be added—
    - “(d) “police authority” includes the Service Authority for the National Crime Squad, and
    - (e) references to a person serving in a police force or to a member of a police force, in relation to the National Crime Squad, mean a police member of that Squad appointed under section 55(1)(b) of the Police Act 1997.”.
- (3) In subsection (4) (meaning of “appropriate person”), after paragraph (a) there shall be inserted—
- “(aa) in relation to the National Criminal Intelligence Service, the Director General of that Service,”.

*Police Act 1996 (c. 16)*

- 72 The Police Act 1996 shall be amended as follows.
- 73 At the end of section 23 (collaboration agreements) there shall be added—
- “(8) For the purposes of this section, the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad shall be treated as if they were a police authority, the police force maintained by that authority and the chief officer of police of that force respectively, and the reference in subsection (1) to “police functions” shall include the functions of that Squad.”.
- 74 At the end of section 24 (mutual aid) there shall be added—
- “(5) This section shall apply in relation to the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad as it applies to a police authority, a police force and a chief officer of police respectively, and accordingly the reference in subsection (3) to

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section 10(1) shall be construed, in a case where constables are provided by the Director General of the National Crime Squad, as including a reference to section 56(1) of the Police Act 1997.”.

75 At the end of section 53 (regulations as to standards of equipment) (which becomes subsection (1)) there shall be added—

“(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(3) In subsection (2) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.

76 In section 54 (appointment and functions of inspectors of constabulary), at the end of subsection (2) there shall be added “and the National Criminal Intelligence Service and the National Crime Squad”.

77 In section 55 (publication of reports), after subsection (6) there shall be added—

“(7) Subsections (3) to (6) above shall apply in relation to a report relating to the National Criminal Intelligence Service or the National Crime Squad as if—

- (a) the body to which the report relates were a police force,
- (b) the Service Authority which maintains that body were the police authority which maintains that force, and
- (c) the Director General of that body were the chief officer of police of that force.”.

78 (1) Section 57 (common services) shall be amended as follows.

(2) After subsection (3) there shall be inserted—

“(3A) Regulations under this section relating to all police forces may also require the National Crime Squad to use the specified facilities or services, or the facilities or services of a specified description, if the Secretary of State considers that it would be in the interests of the efficiency or effectiveness of the Squad for the Squad to do so.”.

(3) In subsection (4), at the end of paragraph (b) there shall be added “, and

- (c) if the regulations relate to the National Crime Squad, the Service Authority for the National Crime Squad and the Director General of that Squad.”.

(4) After subsection (4) there shall be added—

“(5) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(6) In subsection (5) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.”.

79 In section 59 (Police Federations), after subsection (7) there shall be added—

“(8) For the purposes of subsection (1)—

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- (a) the Director General of the National Criminal Intelligence Service and persons within section 9(2)(a) of the Police Act 1997 (former members of police forces) appointed as police members of the National Criminal Intelligence Service, and
- (b) the Director General of the National Crime Squad and persons within section 55(2)(a) of that Act (former members of police forces) appointed as police members of the National Crime Squad, shall be treated as members of a police force in England and Wales, and references in this section to police service shall be construed accordingly.”.
- 80 In section 60 (regulations for police federations), after subsection (2) there shall be inserted—
- “(2A) For the purposes of paragraphs (c) and (d) of subsection (2)—
- (a) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities, and
- (b) the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad shall be treated as chief officers of police, and the reference in paragraph (d) of that subsection to “police purposes” shall be construed accordingly.”.
- 81 In section 61 (Police Negotiating Board for the United Kingdom), in subsection (1) —
- (a) after paragraph (a), there shall be inserted—
- “(aa) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;”, and
- (b) after paragraph (b) there shall be inserted—
- “(ba) the persons who are members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act;”.
- 82 (1) Section 62 (functions of Police Negotiating Board) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) Before determining the terms and conditions on which a person is to be appointed under section 6, 9(1)(b), 52 or 55(1)(b) of the Police Act 1997, the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad 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.”.
- (3) In subsection (2), after “subsection (1)” there shall be inserted “or (1A)”.
- 83 (1) Section 63 (Police Advisory Boards) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—

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- “(1A) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting—
- (a) members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 (other than members engaged with that Service on a period of temporary service to which section 38A(1)(ba) of the Police (Scotland) Act 1967 or section 21 of the Police Act (Northern Ireland) 1970 applies), or
  - (b) members of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997.
- (1B) The Police Advisory Board for Scotland shall also advise the Secretary of State on general questions affecting members of the National Criminal Intelligence Service engaged on periods of temporary service to which section 38A(1)(ba) of the Police (Scotland) Act 1967 applies.”.
- (3) In subsection (3), at the end of paragraph (b) there shall be inserted “, or
- (c) regulations under section 37, 39, 81 or 83 of the Police Act 1997”.
- 84 In section 64 (membership of trade unions), after subsection (4) there shall be inserted—
- “(4A) This section applies to members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act (police members) as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4B) In its application by virtue of subsection (4A), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad.”.
- 85 In section 88 (liability for wrongful acts of constables), in subsection (5)(b), after “or 98” there shall be inserted “of this Act or section 23 of the Police Act 1997”.
- 86 (1) Section 97 (police officers engaged on service outside their force) shall be amended as follows.
- (2) In subsection (1), after paragraph (c) there shall be inserted—
- “(ca) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
  - (cb) temporary service with the National Crime Squad on which a person is engaged with the consent of the appropriate authority;
  - (cc) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsection (6)(a) after “(c),” there shall be inserted “(ca), (cb), (cc),”
- (4) In subsection (8) after “(c)” there shall be inserted “, (ca), (cb), (cc),”.
- 87 (1) Section 98 (cross-border aid) shall be amended as follows.
- (2) In subsection (2)—

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- (i) after “Constabulary”, in the first place it occurs, there shall be inserted “or the Director General of the National Crime Squad”, and
  - (ii) after “Constabulary”, in the second place it occurs there shall be inserted “or the National Crime Squad”.
- (3) In subsection (3)—
- (i) after “Scotland” there shall be inserted “or the Director General of the National Crime Squad”, and
  - (ii) after “Scottish force” there shall be inserted “or the National Crime Squad”.
- (4) After subsection (3) there shall be inserted—
- “(3A) The Director General of the National Crime Squad may, on the application of the chief officer of a police force in Scotland or the Chief Constable of the Royal Ulster Constabulary, provide constables or other assistance for the purpose of enabling the Scottish force or the Royal Ulster Constabulary to meet any special demand on its resources.”.
- (5) In subsection (4)—
- (a) in paragraph (a) after “force” there shall be inserted “or the National Crime Squad”,
  - (b) in paragraph (b), for “or (3)” there shall be substituted “, (3) or (3A)”, and
  - (c) after “Constabulary” there shall be inserted “or the Director General of the National Crime Squad”.
- (6) In subsection (5)—
- (a) after “force” in the first place it occurs there shall be inserted “or the National Crime Squad”,
  - (b) after “Constabulary” in the first place it occurs there shall be inserted “or the National Crime Squad”, and
  - (c) after “Constabulary” in the second place it occurs there shall be inserted “or the Director General of the National Crime Squad”.
- (7) After subsection (6) there shall be inserted—
- “(6A) For the purposes of subsection (6), the Service Authority for the National Crime Squad shall be treated as a police authority and the National Crime Squad as the police force maintained by it.”.

*Employment Rights Act 1996 (c. 18)*

- 88 In section 50 of the Employment Rights Act 1996 (right to time off for public duties), in subsection (2), after paragraph (c) there shall be inserted—
- “(ca) the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad,”.

*Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

- 89 In section 3 of the Housing Grants, Construction and Regeneration Act 1996 (persons ineligible for grant under Chapter I of Part I of that Act), in subsection (2), for paragraph (g) there shall be substituted—

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“(g) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

90 In section 64, in subsection (7) (persons ineligible to participate in group repair schemes as assisted participants), for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the Police Act 1996, the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;”.

*Juries (Northern Ireland) Order 1996 (NI 6)*

91 In Schedule 2 to the Juries (Northern Ireland) Order 1996 (persons ineligible for jury service), after the entry for members and staff of the Police Authority for Northern Ireland there shall be inserted—

“Members of the National Criminal Intelligence Service, members of the Service Authority for the National Criminal Intelligence Service and persons employed by the Authority.”.

*Justices of the Peace Act 1997 (c. 25)*

92 In section 66 of the Justices of the Peace Act 1997, in subsection (7), after paragraph (b) there shall be inserted—

“(ba) the Service Authority for the National Criminal Intelligence Service;  
(bb) the Service Authority for the National Crime Squad;”.

SCHEDULE 10

Section 134(2).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1967 c. 77.	Police (Scotland) Act 1967.	In section 39(4), the word “or” in the third place where it occurs.
1967 c. 88.	Leasehold Reform Act 1967.	In section 28(5)(a), the word “and” in the second place where it occurs.
1972 c. 70.	Local Government Act 1972.	In section 146A(1A), the word “not”. In section 223(2), the word “and”.
1976 c. 35.	Police Pensions Act 1976.	After section 11(2)(a), the word “and”.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	Sections 51(1A) and 59(1A).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1986 c. 60.	Financial Services Act 1986.	Section 189. Schedule 14.
1987 c. 22.	Banking Act 1987.	Section 95.
1989 c. 5.	Security Service Act 1989.	Section 2(3B).
1990 c. 31.	Aviation and Maritime Security Act 1990.	In section 22(4)(b), the words “who is a member of a body of constables maintained”.
1991 c. 40.	Road Traffic Act 1991.	Section 47.
1993 c. 21.	Osteopaths Act 1993.	Section 39.
1993 c. 39.	National Lottery etc. Act 1993.	Section 19.
1994 c. 17.	Chiropractors Act 1994.	Section 40.
1995 c. 25.	Environment Act 1995.	In Schedule 22, paragraph 17(a).
1996 c. 16.	Police Act 1996.	In section 62(1), at the end of paragraph (b) the word “or”. In section 98(4), the word “or” in the sixth place it occurs.
1996 c. 35.	Security Service Act 1996.	Section 1(3).

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