

## SCHEDULES

### 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;
  - (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.

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- (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—
- (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

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- 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.
- (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.

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- (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
  - (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

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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.

#### *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.