

## **POLICE REFORM ACT 2002**

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### **EXPLANATORY NOTES**

#### **THE ACT**

##### *Commentary on Sections*

##### **Part 6: Miscellaneous**

##### *Section 85: Director General of NCIS*

413. This section amends section 6 of the Police Act 1997 to broaden the eligibility for appointment as Director General of the National Criminal Intelligence Service. Currently the post is open only to chief constables; the Commissioner of the City of London Police; the Commissioner, Deputy Commissioner, Assistant Commissioners and Deputy Assistant Commissioners of the Metropolitan Police; or officers eligible to be appointed to these ranks. The Director General holds the rank of chief constable. The intention is that any person with relevant experience and expertise should be eligible to apply.
414. NCIS is a multi-agency organisation employing civilians and police officers. The Director General's job is not comparable to that of a chief constable in so far as the exercise of police powers is concerned. NCIS's focus is on intelligence, not operational work, and police officers are not the only individuals with the skills and expertise necessary to head the organisation.
415. The section provides that if a police officer is appointed as Director General, he will (as now) hold the rank of chief constable. A civilian so appointed will not have that rank, but will have the necessary powers to carry out his functions through existing legislative provision. The authority the Director General has is drawn from his position as Director General, rather than by virtue of being a Chief Constable. For example, the Director General is specifically mentioned in the Regulation of Investigatory Powers Act 2000, and in the Police Act 1997 relating to mutual aid and temporary service.
416. *Subsection (2)* provides that a panel of the Service Authority shall draw up a shortlist of candidates for approval by the Secretary of State. The current wording restricts the list of candidates to those "eligible for appointment".
417. *Subsection (3)* deletes section 6(3) of the 1997 Act. That subsection lists the police officers eligible to apply to be Director General.
418. *Subsection (4)* adds a new subsection (5A), which provides that the Director General shall not be attested as a constable if he was not a serving officer before his appointment, or is already attested as a constable.
419. *Subsection (5)* provides that sections 6(6) and 6(7) of the 1997 Act will not apply if the Director General is not a police officer. These subsections confer on the Director General the powers of a constable and the rank of chief constable.
420. *Subsection (6)* adds two new subsections to section 6 of the 1997 Act, defining terms used in that section.