

Changes to legislation: Police Reform Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1} SCHEDULE 2

Section 9

^{F1}THE INDEPENDENT OFFICE FOR POLICE CONDUCT]

Textual Amendments

F1 Sch. 2 title substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 55(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

C1 Sch. 2 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(3)(6)**, Sch. 2

C2 Sch. 2 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

^{F2}Director General]

- 1 ^{F3}(1) The Director General holds office in accordance with the terms of his or her appointment.
 - (1A) A person who holds office as Director General must not be an employee of the Office (but may have been such an employee before appointment as the Director General).]
 - (2) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he was sentenced, be appointed as ^{F4}Director General]; and an appointment made in contravention of this sub-paragraph shall have no effect.
 - (3) The appointment of the ^{F5}Director General] shall be for a term not exceeding five years; but the ^{F6}Director General] shall be eligible for re-appointment at the end of his term of office.
 - (4) The ^{F7}Director General] may be removed from office by Her Majesty either—
 - (a) at his own request; or
 - (b) on being advised by the Secretary of State that there are grounds falling with sub-paragraph (5) for the removal of the ^{F8}Director General].
 - (5) The following are grounds for removing the ^{F9}Director General] from office—
 - (a) that he has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months;
 - (b) that he has become a person falling within one or more paragraphs of section 9(3);
 - (c) that he has, since his appointment, been sentenced to imprisonment for a term of three months or more;

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- (d) that he is a person who—
 - (i) has had a bankruptcy order made against him;
 - (ii) has had his estate sequestrated; or
 - (iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (e) that he is subject to—
 - (i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [F10the Company Directors Disqualification (Northern Ireland) Order 2002] (S.I. 1989/2404 (N.I. 18)); or
 - (ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);
 - (f) that he has acted improperly in relation to his duties; or
 - (g) that he is otherwise unable or unfit to perform his duties.
- (6) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

Textual Amendments

- F2** Sch. 2 para. 1 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(3); S.I. 2017/1249, reg. 2 (with reg. 3)
- F3** Sch. 2 para. 1(1)(1A) substituted for Sch. 2 para. 1(1) (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(2); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F4** Words in Sch. 2 para. 1(2) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(3); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Words in Sch. 2 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(4)(a); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F6** Words in Sch. 2 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(4)(b); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F7** Words in Sch. 2 para. 1(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(5)(a); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in Sch. 2 para. 1(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(5)(b); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F9** Words in Sch. 2 para. 1(5) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 2(6); S.I. 2017/399, reg. 2, Sch. para. 39(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F10** Words in Sch. 2 para. 1(5)(e)(i) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), Sch. 1 para. 197(a) (with art. 10)

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Appointment of members

- [^{F11}1A (1) The non-executive members of the Office are to be appointed by the Secretary of State.
- (2) A person who is a non-executive member must not be an employee of the Office (but may have been such an employee before appointment as a non-executive member).

Textual Amendments

F11 Sch. 2 paras. 1A, 1B and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 for the insertion of Sch. 2 para. 1A(1) for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 3; S.I. 2017/399, reg. 2, Sch. para. 39(c); S.I. 2017/1249, reg. 2 (with reg. 3)

- 1B (1) The employee members of the Office are to be appointed from the staff of the Office by the non-executive members.
- (2) If the non-executive members propose to appoint an employee member, the Director General must recommend a person to the non-executive members for appointment.
- (3) The Director General may also recommend a person to the non-executive members for appointment as an employee member without any proposal having been made under sub-paragraph (2).
- (4) On a recommendation of a person for appointment under sub-paragraph (2) or (3), the non-executive members may—
- (a) appoint the person, or
 - (b) reject the recommendation.
- (5) If the non-executive members reject a recommendation they may require the Director General to recommend another person for appointment (in which case this sub-paragraph applies again and so on until somebody is appointed).]

Textual Amendments

F11 Sch. 2 paras. 1A, 1B and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 for the insertion of Sch. 2 para. 1A(1) for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 3; S.I. 2017/399, reg. 2, Sch. para. 39(c); S.I. 2017/1249, reg. 2 (with reg. 3)

[^{F12}Terms of appointment etc: non-executive members]

- 2 (1) Subject to the provisions of this Schedule, a person shall hold office as [^{F13}a non-executive] member in accordance with the terms of his appointment.
- ^{F14}(2)
- (3) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he is sentenced, be appointed as [^{F15}a non-executive] member; and an appointment made in contravention of this sub-paragraph shall have no effect.

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- (4) A person shall not be appointed to be ^{F16}a non-executive] member for a term of more than ^{F17}three] years; but ^{F16}a non-executive] member shall be eligible for re-appointment at the end of his term of office.
- (5) ^{F18}A non-executive] member may at any time resign ^{F19}from being a non-executive member of the Office] by notice in writing to the Secretary of State.
- (6) The Secretary of State may at any time remove a person from office as ^{F20}a non-executive] member if he is satisfied that that person—
- (a) has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months beginning not earlier than six months before that time;
 - ^{F21}(b)
 - (c) has, since his appointment, been sentenced to imprisonment for a term of three months or more;
 - (d) is a person who—
 - (i) has had a bankruptcy order made against him;
 - (ii) has had his estate sequestrated; or
 - (iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (e) is subject to—
 - (i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under ^{F22}the Company Directors Disqualification (Northern Ireland) Order 2002](S.I. 1989/2404 (N.I. 18)); or
 - (ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);
 - (f) has acted improperly in relation to his duties; or
 - (g) is otherwise unable or unfit to perform his duties.
- (7) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.
- ^{F23}(8)

Textual Amendments

- F12** Sch. 2 para. 2 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(4); S.I. 2017/1249, reg. 2 (with reg. 3)
- F13** Words in Sch. 2 para. 2(1) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 4(2); S.I. 2017/399, reg. 2, Sch. para. 39(d); S.I. 2017/1249, reg. 2 (with reg. 3)
- F14** Sch. 2 para. 2(2) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 4(3); S.I. 2017/399, reg. 2, Sch. para. 39(d); S.I. 2017/1249, reg. 2 (with reg. 3)
- F15** Words in Sch. 2 para. 2(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 4(4); S.I. 2017/399, reg. 2, Sch. para. 39(d); S.I. 2017/1249, reg. 2 (with reg. 3)

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- F16** Words in Sch. 2 para. 2(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(5\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F17** Word in Sch. 2 para. 2(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(5\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F18** Words in Sch. 2 para. 2(5) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(6\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F19** Words in Sch. 2 para. 2(5) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(6\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F20** Words in Sch. 2 para. 2(6) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(7\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F21** Sch. 2 para. 2(6)(b) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(7\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F22** Words in Sch. 2 para. 2(6)(e)(i) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 197\(b\)](#) (with art. 10)
- F23** Sch. 2 para. 2(8) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 4\(8\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Terms of appointment etc: employee members

- [^{F24}2A (1) A person holds office as an employee member in accordance with the terms of his or her appointment (subject to the provisions of this Schedule).
- (2) Those terms may not include arrangements in relation to remuneration.
- (3) An appointment as an employee member may be full-time or part-time.
- (4) The appointment of an employee member terminates—
- (a) if the terms of the member's appointment provides for it to expire at the end of a period, at the end of that period, and
- (b) in any event, when the member ceases to be an employee of the Office.
- (5) An employee member may resign by giving written notice to the non-executive members.
- (6) The non-executive members may terminate the appointment of an employee member by giving the member written notice if they are satisfied that any of the grounds mentioned in paragraph 2(6)(a) to (g) apply in relation to the employee member.]

Textual Amendments

- F24** [Sch. 2 para. 2A](#) and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 5](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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Deputy Chairmen

^{F25}3

Textual Amendments

F25 Sch. 2 para. 3 omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 6; S.I. 2017/1249, reg. 2 (with reg. 3)

Director General: vacancy or incapacity

- [^{F26}3A (1) This paragraph applies if—
- (a) the office of Director General is vacant, or
 - (b) it appears to the Office that the ability of the Director General to carry out the Director General's functions is seriously impaired because of ill health (whether mental or physical).
- (2) The Office may, with the agreement of the Secretary of State, authorise an employee of the Office to carry out the functions of the Director General during the vacancy or period of ill health.
- (3) A person who falls within section 9(3) may not be authorised under this paragraph to carry out the functions of the Director General.
- (4) A person who has been sentenced to a term of imprisonment of three months or more may not, at any time in the five years following the day of sentence, be authorised under this paragraph to carry out the functions of the Director General.
- (5) Paragraph 1(6) applies for the purposes of sub-paragraph (4).
- (6) Authorisation of a person under this paragraph ceases to have effect—
- (a) at the end of the vacancy or period of ill health,
 - (b) on the Office revoking the authorisation for any reason, or
 - (c) on the Secretary of State withdrawing agreement to the authorisation for any reason.]

Textual Amendments

F26 Sch. 2 para. 3A and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 8; S.I. 2017/1249, reg. 2 (with reg. 3)

Remuneration, pensions etc. of members

- 4 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of [^{F27}the Director General as the Secretary of State may determine].
- (2) Where—
- (a) a person ceases, otherwise than on the expiry of his term of office, to hold office as [^{F28}Director General], and

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- (b) it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation,
- the Secretary of State may direct the [^{F29}Office] to make a payment to that person of such amount as the Secretary of State may determine.
- [^{F30}(3) The Secretary of State may make remuneration arrangements in relation to non-executive members of the Office.
- (4) Remuneration arrangements under sub-paragraph (3)—
- (a) may make provision for a salary, allowances and other benefits but not for a pension, and
- (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
- (5) Amounts payable by virtue of sub-paragraph (4) are to be paid by the Office.]

Textual Amendments

- F27** Words in Sch. 2 para. 4(1) substituted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(2); S.I. 2017/726, reg. 2(e)(ii); S.I. 2017/1249, reg. 2 (with reg. 3)
- F28** Words in Sch. 2 para. 4(2)(a) substituted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(3)(a); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)
- F29** Word in Sch. 2 para. 4(2) substituted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(3)(b); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)
- F30** Sch. 2 para. 4(3)-(5) inserted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(4); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)

The Chief Executive

^{F31}5

Textual Amendments

- F31** Sch. 2 para. 5 omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 7; S.I. 2017/1249, reg. 2 (with reg. 3)

Staff

- 6 [^{F32}(1) The Office may appoint staff.]
- (2) The [^{F33}Office] may make arrangements with—
- (a) the chief officer of police of any police force maintained for a police area in England and Wales,
- (b) the chief constable of [^{F34}the Police Service of Scotland], or
- (c) the Chief Constable of the Police Service of Northern Ireland,

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under which members of his force are engaged on temporary service with the [^{F33}Office].

- (3) The [^{F35}Office] may make such other arrangements for its staffing [^{F36}(including arrangements in relation to terms and conditions and management of staff)] as [^{F37}the Director General] thinks fit.
- (4) A member of a police force on temporary service with the [^{F38}Office] shall be under the direction and control of the [^{F39}Director General].
- [^{F40}(4A) The powers under this paragraph are exercisable only by the Director General acting on behalf of the Office (subject to the power under paragraph 6A(1)).]
- (5) The approval of the Secretary of State as to numbers and as to the terms and conditions of staff shall be required for the exercise [^{F41}of the] powers under this paragraph.

Textual Amendments

- F32** Sch. 2 para. 6(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F33** Word in Sch. 2 para. 6(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F34** Words in Sch. 2 para. 6(2)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(4)**
- F35** Word in Sch. 2 para. 6(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(4)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F36** Words in Sch. 2 para. 6(3) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(4)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F37** Words in Sch. 2 para. 6(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(4)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F38** Word in Sch. 2 para. 6(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F39** Words in Sch. 2 para. 6(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F40** Sch. 2 para. 6(4A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F41** Words in Sch. 2 para. 6(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 10(7)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C3** Sch. 2 para. 6 applied (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 5**

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C4 Sch. 2 para. 6 applied (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 5](#)

Delegation of functions

- [^{F42}6A (1) The Director General may authorise a person within sub-paragraph (2) to exercise on the Director General's behalf a function of the Director General.
- (2) The persons within this sub-paragraph are—
- (a) employee members of the Office;
 - (b) employees of the Office appointed under paragraph 6;
 - (c) seconded constables within the meaning of paragraph 8.
- (3) The reference in sub-paragraph (1) to a function of the Director General is to any function that the Director General has under this Act or any other enactment.
- (4) A person (“A”) who is authorised under sub-paragraph (1) to exercise a function may authorise another person within sub-paragraph (2) to exercise that function (but only so far as permitted to do so by the authorisation given to A).
- (5) An authorisation under this paragraph may provide for a function to which it relates to be exercisable—
- (a) either to its full extent or to the extent specified in the authorisation;
 - (b) either generally or in cases, circumstances or areas so specified;
 - (c) either unconditionally or subject to conditions so specified.
- (6) Provision under sub-paragraph (5) may (in particular) include provision for restricted persons not to exercise designated functions.
- (7) For the purposes of sub-paragraph (6)—
- (a) “designated functions” are any functions of the Director General that are designated by the Director General for the purposes of this paragraph (and such functions may in particular be designated by reference to the position or seniority of members of staff);
 - (b) “restricted persons” are, subject to any determination made under sub-paragraph (8), persons who fall within section 9(3).
- (8) The Director General may, in such circumstances as the Director General considers appropriate, determine that persons are not to be treated as restricted persons so far as relating to the exercise of designated functions (whether generally or in respect of particular functions specified in the determination).
- (9) The Director General must publish a statement of policy about how the Director General proposes to exercise the powers conferred by sub-paragraphs (7)(a) and (8).
- (10) The statement must in particular draw attention to any restrictions on the carrying out of functions imposed by virtue of their designation under sub-paragraph (7)(a) and explain the reasons for imposing them.
- (11) The exercise of the powers conferred by sub-paragraphs (7)(a) and (8) is subject to any regulations under section 23(1) of the kind mentioned in section 23(2)(g) (regulations limiting persons who may be appointed to carry out investigations etc).
- (12) An authorisation under this paragraph does not prevent the Director General from exercising the function to which the authorisation relates.

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- (13) Anything done or omitted to be done by or in relation to a person authorised under this paragraph in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the Director General.
- (14) Sub-paragraph (13) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.]

Textual Amendments

F42 Sch. 2 para. 6A and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 11](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Superannuation and insurance

- 7 (1) Where a person who—
- (a) is employed by the [^{F43}Office], and
 - (b) is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11),
- is appointed as the [^{F44}Director General]^{F45}..., the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the [^{F43}Office]; and his rights under the scheme shall not be affected by anything done under paragraph 4.
- (2) The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) shall not require insurance to be effected by the [^{F43}Office].

Textual Amendments

- F43** Word in [Sch. 2 para. 7](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(5\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F44** Words in [Sch. 2 para. 7](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(5\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F45** Words in [Sch. 2 para. 7](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(5\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Liability for acts of the Director General

- [^{F46}7A (1) A person holding office as the Director General has no personal liability for an act or omission done by the person in the exercise of the Director General's functions unless it is shown to have been done otherwise than in good faith.
- (2) The Office is liable in respect of unlawful conduct of the Director General in the carrying out, or purported carrying out, of the Director General's functions in the same way as an employer is liable in respect of any unlawful conduct of employees in the course of their employment.

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- (3) Accordingly, the Office is to be treated, in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.]

Textual Amendments

- F46** Sch. 2 para. 7A and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 12; S.I. 2017/1249, reg. 2 (with reg. 3)

Liability for acts of seconded staff

- 8 (1) The [^{F47}Office] shall be liable in respect of unlawful conduct of seconded constables in the carrying out, or purported carrying out, of their functions as members of the [^{F48}Office's] staff in the like manner as an employer is liable in respect of any unlawful conduct of his employees in the course of their employment.
- (2) Accordingly, the [^{F47}Office] shall be treated in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.
- (3) In this paragraph “seconded constables” means persons serving as members of the [^{F48}Office's] staff without being employed by it.

Textual Amendments

- F47** Word in Sch. 2 para. 8 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(6)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F48** Word in Sch. 2 para. 8 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(6)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

Power ^{F49}... to set up regional offices

- [^{F509} (1) The Office may set up regional offices in places in England and Wales.
- (2) But the power under sub-paragraph (1) is exercisable only by the Director General acting on behalf of the Office (subject to the power in paragraph 6A(1)).
- (3) The power under sub-paragraph (1) may be exercised—
- (a) only with the consent of the Secretary of State, and
 - (b) only if it appears to the Director General necessary to do so for the purpose of ensuring that the functions of the Director General, or those of the Office, are carried out efficiently and effectively.]

Textual Amendments

- F49** Words in Sch. 2 para. 9 heading omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(7); S.I. 2017/1249, reg. 2 (with reg. 3)

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F50 Sch. 2 para. 9 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 13**; S.I. 2017/1249, reg. 2 (with reg. 3)

Proceedings

10 (1) The arrangements for the proceedings of the [F51Office] (including the quorum for meetings and the establishment of committees) shall be such as the [F51Office] may determine.

[F52(1A) But the arrangements must include provision for—
(a) the quorum for meetings to be met only if a majority of members present are non-executive members of the Office, and
(b) an audit committee of the Office to be established to perform such monitoring, reviewing and other functions as are appropriate.

(1B) The arrangements must secure that the audit committee consists only of non-executive members of the Office.]

(2) The arrangements may include provision for the committees established under the arrangements to include members of the [F53Office's] staff and other persons who are not members of the [F51Office].

(3) The arrangements may include provision for persons selected by the [F51Office] to attend meetings of the [F51Office] or of any committee established by it.

(4) The [F51Office] may—
(a) pay such remuneration and allowances as it may determine to members of committees established by it who are neither members of the [F51Office] nor members of its staff; and
(b) make such payments for the reimbursement of expenses incurred by persons attending meetings in accordance with arrangements made by virtue of subparagraph (3) as it may determine.

(5) The arrangements may provide for the carrying out, under the general direction of the [F51Office], of any of the [F53Office's] functions—
(a) by a committee established by the [F51Office];
(b) by one or more of the members of the [F51Office]; or
(c) ^{F54}... by one or more members of the [F53Office's] staff.

^{F55}(6)

Textual Amendments

F51 Word in Sch. 2 para. 10 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 55(8)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F52 Sch. 2 para. 10(1A)(1B) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 14**; S.I. 2017/1249, reg. 2 (with reg. 3)

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- F53** Word in Sch. 2 para. 10 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(8)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F54** Words in Sch. 2 para. 10(5)(c) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(8)(c); S.I. 2017/1249, reg. 2 (with reg. 3)
- F55** Sch. 2 para. 10(6) omitted (15.11.2011) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 14 para. 3; S.I. 2011/2515, art. 3(f)

- 11 The validity of any proceedings of the [F56Office] or of any of its committees shall not be affected by—
- (a) any defect in the appointment of the [F57Director General] or any member of the [F56Office]; or
 - (b) any vacancy in the office of [F58Director General] or among the members of the [F56Office].

Textual Amendments

- F56** Word in Sch. 2 para. 11 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(9)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F57** Words in Sch. 2 para. 11(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(9)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F58** Words in Sch. 2 para. 11(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(9)(c); S.I. 2017/1249, reg. 2 (with reg. 3)

Authentication of the [F59Office's] seal

- 12 The application of the seal of the [F60Office] shall be authenticated by the signature of—
- (a) any member of the [F61Office]; or
 - (b) any other person who has been authorised by the [F62Director General] (whether generally or specially) for that purpose.

Textual Amendments

- F59** Word in Sch. 2 para. 12 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(10); S.I. 2017/1249, reg. 2 (with reg. 3)
- F60** Word in Sch. 2 para. 12 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(11)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F61** Word in Sch. 2 para. 12(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(11)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

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F62 Words in [Sch. 2 para. 12\(b\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(11\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Evidence of documents

- 13 A document purporting to be—
- (a) duly executed by the [^{F63}Office] under its seal, or
 - (b) signed on its behalf,
- shall be received in evidence and shall, unless the contrary is shown, be taken to be so executed or signed.

Textual Amendments

F63 Word in [Sch. 2 para. 13](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(12\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Payments by the Secretary of State

- 14 The Secretary of State may pay to the [^{F64}Office]—
- (a) sums equal to any amounts paid or falling to be paid by it under any provision of this Act (other than paragraph 15); and
 - (b) such other sums as appear to him to be appropriate for enabling it to meet the expenses incurred or to be incurred [^{F65}in the carrying out of its or the Director General's functions].

Textual Amendments

F64 Word in [Sch. 2 para. 14](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(13\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

F65 Words in [Sch. 2 para. 14\(b\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(13\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Other receipts by the [^{F66}Office]

- 15 (1) The [^{F67}Office] shall pay to the Secretary of State all sums received by it (otherwise than under paragraph 14) in the course of, or in connection with, the carrying out of its [^{F68}or the Director General's] functions.
- (2) Sub-paragraph (1) shall not apply where the Secretary of State so directs.
- (3) Any sums received by the Secretary of State under this paragraph shall be paid into the Consolidated Fund.

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Textual Amendments

- F66** Word in Sch. 2 para. 15 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(14); S.I. 2017/1249, reg. 2 (with reg. 3)
- F67** Word in Sch. 2 para. 15(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(15)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F68** Words in Sch. 2 para. 15(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(15)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

Borrowing

- 16 The [F69Office] shall not borrow money unless authorised to do so (whether generally or specially) by the Secretary of State.

Textual Amendments

- F69** Word in Sch. 2 para. 16 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(16); S.I. 2017/1249, reg. 2 (with reg. 3)

Accounts

- 17 (1) The [F70Office] shall—
- keep proper accounts and proper records in relation to the accounts;
 - prepare in respect of each financial year of the [F70Office] a statement of accounts in such form as the Secretary of State may direct; and
 - send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of August in the financial year of the [F70Office] following that to which the statement relates.
- (2) The Comptroller and Auditor General shall—
- examine, certify and report on every statement received by him by virtue of this paragraph; and
 - lay copies of every such statement, and of his report on it, before Parliament.

Textual Amendments

- F70** Word in Sch. 2 para. 17 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(17); S.I. 2017/1249, reg. 2 (with reg. 3)

Financial year of the [F71Office]

- 18 The following are financial years of the [F72Office]—

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- (a) the period beginning with the day on which the [F72Office] is established and ending with 31st March falling next after that day; and
- (b) every subsequent period of twelve months ending with 31st March.

Textual Amendments

- F71** Word in [Sch. 2 para. 18](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(18\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F72** Word in [Sch. 2 para. 18](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(19\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 2 para. 1(5)(e)(ii) words substituted by [2007 c. 15 Sch. 16 para. 13\(2\)](#)
- Sch. 2 para. 2(6)(e)(ii) words substituted by [2007 c. 15 Sch. 16 para. 13\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)