

SCHEDULES

SCHEDULE 1

NATIONAL POLICING IMPROVEMENT AGENCY

PART 2

MEMBERSHIP ETC

Chairman and other members

- 7 (1) The Agency is to consist of—
- (a) a chairman appointed by the Secretary of State,
 - (b) the chief executive of the Agency, and
 - (c) other members appointed by the Secretary of State.
- (2) Before appointing the chairman of the Agency, the Secretary of State must consult—
- (a) the Association of Police Authorities, and
 - (b) the Association of Chief Police Officers.
- (3) The Secretary of State may not appoint a person to be chairman of the Agency for more than five years at a time.
- (4) The Secretary of State must exercise his power under sub-paragraph (1)(c) to ensure that at all times the members appointed under that provision include—
- (a) at least one member nominated by the Association of Police Authorities,
 - (b) at least one member nominated by the Association of Chief Police Officers, and
 - (c) at least one member of Her Majesty’s Home Civil Service.
- (5) The Secretary of State may not under sub-paragraph (1)(c) appoint a person to be a member of the Agency for more than five years at a time.
- (6) In this Part of this Schedule “appointed member” means—
- (a) the chairman of the Agency, or
 - (b) a member appointed under sub-paragraph (1)(c).

Tenure

- 8 Subject to paragraphs 9 and 10, an appointed member of the Agency shall hold and vacate office in accordance with the terms of his appointment.
- 9 An appointed member may resign by giving written notice to the Secretary of State.
- 10 The Secretary of State may remove a person from office as an appointed member if the Secretary of State is satisfied that—

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- (a) the person has been absent from meetings of the Agency, without its permission, for a period longer than four months,
- (b) the person has been convicted of an offence in the British Islands or elsewhere,
- (c) a bankruptcy order has been made against the person, or the person's estate has been sequestrated, or the person has made a composition or arrangement with, or granted a trust deed for, his creditors,
- (d) the person has failed to comply with the terms of his appointment, or
- (e) the person is unable or unfit to carry out his functions.

Re-appointment

- 11 Previous service as an appointed member of the Agency does not affect a person's eligibility for re-appointment.

Remuneration, pensions etc of appointed members

- 12 (1) The Agency must pay to the appointed members such remuneration and allowances as the Secretary of State may determine.
- (2) The Agency must, if required to do so by the Secretary of State—
- (a) pay to or in respect of a person who is or has been an appointed member such pensions or gratuities as the Secretary of State may determine;
 - (b) pay such sums as the Secretary of State may determine towards provision for the payment of pensions or gratuities to or in respect of a person who is or has been an appointed member.
- (3) Sub-paragraph (4) applies if—
- (a) a person ceases to be an appointed member of the Agency, and
 - (b) it appears to the Secretary of State that there are special circumstances which make it appropriate for the person to receive compensation.
- (4) The Secretary of State may require the Agency to pay to the person such amount as the Secretary of State may determine.

Chief executive

- 13 (1) The Secretary of State must appoint a person to be chief executive of the Agency.
- (2) Before doing so, the Secretary of State must consult the chairman of the Agency.
- (3) Sub-paragraph (2) does not apply to the first appointment of a chief executive of the Agency.
- (4) The chief executive of the Agency is a member of its staff.
- (5) The Agency must pay to its chief executive such remuneration and allowances as the Secretary of State may determine.

Staff remuneration

- 14 (1) The Agency shall pay to members of its staff such remuneration and allowances as it may determine.

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- (2) Sub-paragraph (1) does not apply in relation to the chief executive of the Agency.
- (3) In relation to a person seconded to the Agency to serve as a member of its staff, sub-paragraph (1) has effect subject to the arrangements under which the person is seconded.
- (4) Arrangements under which a person is seconded to the Agency to serve as a member of its staff may (in particular) contain provision for the making of payments by the Agency in respect of remuneration and allowances paid to the person by another.

Staff pensions

- 15 (1) The Agency may pay, or make payments in respect of, such pensions or gratuities to or in respect of persons who are, or have been, members of its staff as the Agency may determine, including pensions or gratuities by way of compensation to or in respect of members of the Agency's staff who suffer loss of employment or loss or diminution of emoluments.
- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which section 1 of that Act applies), at the appropriate place under the heading "Other Bodies" there is inserted—

"Employment as a member of the staff of the National Policing Improvement Agency."
- (3) The Agency must pay to the Minister for the Civil Service, at such times as that Minister may direct, such sums as that Minister may determine in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under the Superannuation Act 1972.
- 16 (1) Sub-paragraph (2) applies where—
 - (a) a person is, by reference to employment as a member of the Agency's staff, a participant in a scheme under section 1 of the Superannuation Act 1972, and
 - (b) the person becomes an appointed member of the Agency.
- (2) The Minister for the Civil Service may determine that the person's service as an appointed member of the Agency is to be treated for the purposes of the scheme as employment as a member of the Agency's staff (whether or not any benefits are payable to or in respect of him under paragraph 12).

Status of staff members as constables

- 17 (1) This paragraph applies where a person who is a constable is appointed as a member of the Agency's staff.
- (2) The person continues to be a constable for the period during which he is a member of that staff.
- (3) If the person is appointed as chief executive, he holds the rank of chief constable for the period during which he is chief executive.
- (4) The person shall, as holder of the office of constable, be under the direction and control of the chief executive of the Agency.
- (5) Sub-paragraph (4) does not apply to the chief executive of the Agency.

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Constables employed by the Agency: conditions of service

- 18 (1) In relation to the terms and conditions of the contracts of employment of employed constables, the Agency shall comply with rules or principles contained in any document issued to it for the purpose by the Secretary of State.
- (2) Rules or principles under sub-paragraph (1) may (in particular)—
- (a) require the adoption of specified scales or ranges of pay or allowances;
 - (b) require a specified class of employed constable to be treated for specified purposes in the same way as a specified class of employee (whether of the Agency or not) or office-holder;
 - (c) require the approval of the Secretary of State for changes in the policy or practice of the Agency;
 - (d) require compliance with future rules or principles, including future rules or principles specified by a person other than the Secretary of State;
 - (e) make different provision for different purposes.
- (3) In this paragraph “employed constable” means a member of the Agency’s staff who is—
- (a) a constable, and
 - (b) an employee of the Agency.

Regulations for constables employed by, or seconded to, the Agency

- 19 (1) The Secretary of State may by regulations make provision as to the government, administration and conditions of service of employed or seconded constables.
- (2) Regulations under sub-paragraph (1) may (in particular) make provision with respect to any of the following—
- (a) ranks to be held by employed or seconded constables,
 - (b) qualifications for promotion of employed or seconded constables,
 - (c) voluntary retirement of a seconded constable from membership of the Agency’s staff and from membership of the body of constables from which he was seconded to the Agency,
 - (d) the conduct, efficiency and effectiveness of employed or seconded constables and the maintenance of discipline amongst them,
 - (e) suspension of employed or seconded constables from the office of constable,
 - (f) suspension of seconded constables from membership of the Agency’s staff,
 - (g) maintenance of personal records of employed or seconded constables,
 - (h) duties which are or are not to be performed by employed or seconded constables,
 - (i) powers which may be, or are not to be, exercised by employed or seconded constables,
 - (j) treating attendance by seconded constables—
 - (i) at meetings of the Police Federation for England and Wales, or
 - (ii) at meetings of any body recognised by the Secretary of State for the purposes of section 64 of the Police Act 1996 (c. 16) (bodies representing members of police forces who are not members of the Police Federation),
 as occasions when they are performing duties as members of the staff of the Agency,

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- (k) the hours of duty of seconded constables, their leave and, subject to paragraph 14, their pay and allowances,
 - (l) the issue to seconded constables, and the use and return by seconded constables, of Agency clothing, personal equipment and accoutrements, and
 - (m) the disapplication, in relation to a seconded constable who is seconded to the Agency from a body of constables that is not a police force within the meaning given by section 101 of the Police Act 1996 (police forces for police areas in England and Wales), of provisions—
 - (i) made by or under an Act, and
 - (ii) relating to the government, administration and conditions of service of that body of constables.
- (3) Regulations under sub-paragraph (1) as to the conduct of employed or seconded constables, or as to the maintenance of discipline amongst them, may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Agency, the Agency’s chief executive or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (4) Regulations under sub-paragraph (1) for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this sub-paragraph shall be read as authorising pay or allowances payable to any person to be reduced retrospectively.
- (5) In this paragraph—
- “employed constable” has the same meaning as in paragraph 18;
 - “seconded constable” has the same meaning as in paragraph 20.

Liability for acts of police members of staff

- 20 (1) The Agency is liable for unlawful conduct of seconded constables in the carrying out, or purported carrying out, of their functions as members of the Agency’s staff in the same manner as an employer is liable for unlawful conduct of his employees in the course of their employment.
- (2) In the case of any such conduct by a seconded constable which is a tort, the Agency is accordingly to be treated as a joint tortfeasor.
- (3) In this paragraph “seconded constable” means a constable serving as a member of the Agency’s staff without being an employee of the Agency.

Payment of amounts in connection with unlawful conduct of any staff

- 21 The Agency may, in such cases and to such extent as appear to it to be appropriate—
- (a) pay damages or costs awarded against a member of the Agency’s staff in proceedings for any unlawful conduct of that person,
 - (b) pay any costs incurred and not recovered by such a person in such proceedings, and
 - (c) pay any sum required in connection with the settlement of a claim that has, or might have, given rise to such proceedings.

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Delegation to committees, sub-committees and staff

- 22 (1) The Agency may delegate any of its functions (to such extent as the Agency may determine) to a committee of the Agency or to a member of the Agency's staff.
- (2) A committee of the Agency may delegate any functions conferred on it (to such extent as the committee may determine) to a sub-committee of the Agency or to a member of the Agency's staff.
- (3) A sub-committee of the Agency may delegate any functions conferred on it (to such extent as the sub-committee may determine) to a member of the Agency's staff.
- (4) A committee or sub-committee of the Agency may include persons who are not members of the Agency.
- (5) The Agency may pay remuneration and allowances to any person who—
- (a) is a member of a committee or sub-committee of the Agency, but
 - (b) is not a member of the Agency or a member of its staff.
- (6) Delegation of a function under this paragraph does not prevent the Agency or, as the case may be, the committee or sub-committee from exercising the function.

Procedure

- 23 (1) The Agency may—
- (a) regulate its own procedure (including quorum), and
 - (b) regulate the procedure (including quorum) of its committees and sub-committees.
- (2) But the Agency must make provision for a quorum for meetings of each of its committees and sub-committees to include at least one person who is a member of the Agency or a member of its staff.
- 24 Proceedings of the Agency are not invalidated—
- (a) by any vacancy among the Agency's members;
 - (b) by any defect in the appointment of a member of the Agency.

Application of seal and proof of documents

- 25 The application of the Agency's seal must be authenticated by the signature of—
- (a) a member of the Agency, or
 - (b) any other person who has been authorised by the Agency (whether generally or specially) for that purpose.
- 26 A document purporting to be duly executed under the seal of the Agency or to be signed on the Agency's behalf—
- (a) shall be received in evidence, and
 - (b) unless the contrary is proved, shall be treated as so executed or signed.

Status

- 27 (1) The Agency is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, privilege or immunity of the Crown.

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- (2) Accordingly, the Agency's property is not to be regarded as property of, or held on behalf of, the Crown.