

SCHEDULES

SCHEDULE 1

NATIONAL POLICING IMPROVEMENT AGENCY

PART 6

INTERPRETATION AND MODIFICATION

Interpretation

- 47 (1) In Parts 1 to 5, and this Part, of this Schedule—
“the Agency” means the National Policing Improvement Agency;
“the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland.
- (2) In Parts 1 to 5 of this Schedule “financial year” means—
(a) the period beginning with the day on which the Agency is established and ending with the following 31st March, and
(b) each subsequent period of 12 months ending with 31st March.
- (3) In Part 2 of this Schedule “appointed member” has the meaning given by paragraph 7(6).

Power to modify objects, functions and structure of the Agency

- 48 (1) The appropriate authority (see sub-paragraph (4)) may by order make provision—
(a) for modifying the objects, powers and duties of the Agency;
(b) for modifying the constitution of the Agency and any provision regulating its management and control;
(c) for conferring powers on the Secretary of State in relation to—
(i) the objects, powers and duties of the Agency,
(ii) the constitution of the Agency and the regulation of its management and control, and
(iii) members of the Agency’s staff;
(d) for imposing, on persons in relation to whom the Agency has or is given powers or duties, obligations to consult with the Agency or to do other things in relation to the Agency.
- (2) In sub-paragraph (1) “modifying” includes adding to, varying and diminishing.
- (3) Power under sub-paragraph (1) may be exercised to give the Agency objects, powers or duties in relation to persons who have no functions in relation to, nor any connection with, policing if—
(a) they carry out functions in, or in relation to, prisons in England or Wales,

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- (b) they are officers of a local probation board, or
 - (c) they are persons falling within neither of paragraphs (a) and (b) who carry out functions for the purposes of the criminal justice system in England and Wales.
- (4) Power of the appropriate authority under sub-paragraph (1)—
 - (a) so far as it is power to make provision falling within sub-paragraph (5), is power of the Scottish Ministers, and
 - (b) so far as it is power to make provision not falling within sub-paragraph (5), is power of the Secretary of State.
- (5) The provision falling within this sub-paragraph is provision that would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.
- (6) Power of the Scottish Ministers under sub-paragraph (1) is exercisable only with the consent of the Secretary of State.
- (7) Power of the Secretary of State under sub-paragraph (1)(a), (b) and (c), so far as it is power to make provision falling within sub-paragraph (8), is exercisable only with the consent of the Scottish Ministers.
- (8) The provision falling within this sub-paragraph is provision—
 - (a) that affects, or may affect, any of the persons mentioned in paragraph 4(2) (police forces, and other policing bodies, in Scotland), or
 - (b) that affects, or may affect, the rights and powers of the Scottish Ministers.
- (9) Power of the Secretary of State under sub-paragraph (1)(d), so far as it is power to impose obligations on any of the persons mentioned in paragraph 4(2), is exercisable only with the consent of the Scottish Ministers.
- (10) Before making an order under sub-paragraph (1), the Secretary of State must consult—
 - (a) the Agency,
 - (b) the Association of Police Authorities, and
 - (c) the Association of Chief Police Officers.
- (11) Before making an order under sub-paragraph (1), the Scottish Ministers must consult—
 - (a) the Agency,
 - (b) the Scottish Police Services Authority,
 - (c) persons whom the Scottish Ministers consider to represent the interests of chief constables of police forces in Scotland, and
 - (d) persons whom the Scottish Ministers consider to represent the interests of bodies within sub-paragraph (13).
- (12) Before deciding whether to give consent for the purposes of sub-paragraph (7) or (9), the Scottish Ministers must consult—
 - (a) the Scottish Police Services Authority,
 - (b) persons whom the Scottish Ministers consider to represent the interests of chief constables of police forces in Scotland, and
 - (c) persons whom the Scottish Ministers consider to represent the interests of bodies within sub-paragraph (13).

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- (13) A body is within this sub-paragraph if it is—
- (a) the police authority for a police area in Scotland that is not combined, by virtue of an amalgamation scheme under the Police (Scotland) Act 1967 (c. 77), with any other police area in Scotland, or
 - (b) a joint police board constituted under such a scheme.
- (14) An order under sub-paragraph (1) may—
- (a) make provision for the making of determinations, or the giving of approvals, by the Secretary of State under the order;
 - (b) contain provision framed by reference to determinations made or approvals given under provision such as is mentioned in paragraph (a);
 - (c) contain provision framed by reference to the Secretary of State’s opinion, from time to time, as to any matter.
- (15) Provision under sub-paragraph (1) (including, without prejudice to the generality of section 20(2) of the Interpretation Act 1978 (c. 30), provision made under sub-paragraph (1) in reliance on section 49(3)) may take the form of amendments of enactments whenever passed or made, including—
- (a) enactments comprised in, or in instruments made under, Acts of the Scottish Parliament,
 - (b) enactments comprised in, or in instruments made under, Northern Ireland legislation, and
 - (c) enactments comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).