

## SCHEDULES

### SCHEDULE 1

Section 1

#### NATIONAL POLICING IMPROVEMENT AGENCY

#### PART 1

#### OBJECTS AND POWERS

##### *The Agency's objects*

- 1 The objects of the Agency are—
- (a) the identification, development and promulgation of good practice in policing;
  - (b) the provision to listed police forces of expert advice about, and expert assistance in connection with, operational and other policing matters;
  - (c) the identification and assessment of—
    - (i) opportunities for, and
    - (ii) threats to,police forces within the meaning given by section 101 of the Police Act 1996 (c. 16) (police forces for police areas in England and Wales), and the making of recommendations to the Secretary of State in the light of its assessment of any opportunities and threats;
  - (d) the international sharing of understanding of policing issues;
  - (e) the provision of support to listed police forces in connection with—
    - (i) information technology,
    - (ii) the procurement of goods, other property and services, and
    - (iii) training and other personnel matters;
  - (f) the doing of all such other things as are incidental or conducive to the attainment of any of the objects mentioned in paragraphs (a) to (e).

##### *The Agency's principal power*

- 2 (1) The Agency may do anything it considers appropriate for the attainment of its objects, subject to sub-paragraphs (4) and (5).
- (2) In exercise of the power under sub-paragraph (1), the Agency—
- (a) for the purpose of providing such support to listed police forces as is mentioned in paragraph 1(e)—
    - (i) may carry on activities itself with a view to forces making use of what is provided through the carrying-on of the activities,
    - (ii) may support forces in their carrying-on of activities themselves, and

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- (iii) may support forces in any other way the Agency considers appropriate; and
- (b) may (subject to sub-paragraph (4)) accept gifts, and loans, of money and other property.
- (3) The terms on which the Agency accepts a gift or loan of money or other property may (in particular) include provision for the commercial sponsorship of any activity of the Agency.
- (4) The Agency may borrow money or other property only with the consent of the Secretary of State.
- (5) In the case of a restrictedly listed police force, the Agency may provide advice, assistance or support to or for the force only with the agreement of—
  - (a) the entity within paragraph 3(3)(k) to (r) that is comprised in the force,
  - (b) the person whose control that entity is under, or
  - (c) the authority responsible for maintaining that entity.
- (6) Sub-paragraphs (2) and (3) are to be taken not to prejudice the generality of sub-paragraph (1).

*Meaning of “listed police force” and “restrictedly listed police force” in paragraphs 1 and 2*

- 3     (1) In paragraphs 1 and 2(2) “listed police force” means an entity within sub-paragraph (3), together with persons employed for the purposes of the entity.
- (2) In paragraph 2(5) “restrictedly listed police force” means an entity within sub-paragraph (3)(k) to (r), together with persons employed for the purposes of the entity.
- (3) Those entities are—
- (a) any police force within the meaning given by section 101 of the Police Act 1996 (c. 16) (police forces for police areas in England and Wales), including the cadets and special constables under the control of the chief officer of police of that force,
  - (b) the Serious Organised Crime Agency,
  - (c) the Ministry of Defence Police,
  - (d) the Royal Navy Regulating Branch,
  - (e) the Royal Military Police,
  - (f) the Royal Air Force Police,
  - (g) the Royal Marines Police,
  - (h) the British Transport Police Force, including the cadets and special constables under the direction and control of the chief constable of that force,
  - (i) the Civil Nuclear Constabulary,
  - (j) any person who under sub-paragraph (4) is to be treated as a listed police force,
  - (k) any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77), including the cadets under the control of the chief constable of that force,
  - (l) the Scottish Police Services Authority and any institution, organisation or other body established and maintained by the Authority,
  - (m) the Police Service of Northern Ireland,
  - (n) the Police Service of Northern Ireland Reserve,

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- (o) the States of Jersey Police Force,
  - (p) the salaried police force of the Island of Guernsey,
  - (q) the Isle of Man Constabulary, and
  - (r) any person who is engaged outside the United Kingdom in the carrying-on of activities similar to any carried on by a police force within the meaning given by section 101 of the Police Act 1996 (c. 16).
- (4) The Secretary of State may by order provide for a person specified in the order, or of a description so specified, to be treated as being a listed police force for the purposes of paragraphs 1 and 2(2).

*Consultation: exercise of powers in relation to Scotland or Northern Ireland*

- 4 (1) The Agency must consult the Scottish consultees—
- (a) before doing anything in relation to any of the persons mentioned in sub-paragraph (2) in exercise of its power under paragraph 2(1), and
  - (b) before doing anything in exercise of that power that may or will affect what it may do in relation to any of those persons in future exercise of that power.
- (2) Those persons are—
- (a) a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77),
  - (b) cadets under the control of the chief constable of such a force,
  - (c) persons employed for the purposes of such a force,
  - (d) the Scottish Police Services Authority, and
  - (e) any institution, organisation or other body established and maintained by that Authority.
- (3) In sub-paragraph (1) “the Scottish consultees” means—
- (a) the Scottish Police Services Authority, and
  - (b) persons whom the Agency considers to represent the interests of chief constables of police forces in Scotland.
- (4) The Agency must consult the Secretary of State—
- (a) before doing anything in relation to any of the persons mentioned in sub-paragraph (5) in exercise of its power under paragraph 2(1), and
  - (b) before doing anything in exercise of that power that may or will affect what it may do in relation to any of those persons in future exercise of that power.
- (5) Those persons are—
- (a) the Police Service of Northern Ireland,
  - (b) the Police Service of Northern Ireland Reserve, and
  - (c) persons employed for the purposes of either (or both) of those bodies.

*Annual plans*

- 5 (1) Before the beginning of each financial year the Agency must prepare a plan setting out how it intends during that year to exercise its powers.
- (2) The plan for a financial year (“the plan”) must state—
- (a) any priorities that the Agency has determined for that year,

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- (b) any current strategic priorities determined by the Secretary of State under paragraph 6,
  - (c) any current performance targets established by the Agency, and
  - (d) the financial resources that are expected to be available to the Agency for that year.
- (3) Priorities within sub-paragraph (2)(a)—
  - (a) may relate to matters to which strategic priorities determined under paragraph 6 also relate, or
  - (b) may relate to other matters,
 but in any event must be so framed as to be consistent with strategic priorities determined under that paragraph.
- (4) The plan must state, in relation to each priority within sub-paragraph (2)(a) or (b), how the Agency intends to give effect to that priority.
- (5) The Agency must arrange for the plan to be published in such manner as it considers appropriate.
- (6) The Agency must send a copy of the plan to—
  - (a) the Secretary of State,
  - (b) the police authority for each police area in England and Wales,
  - (c) the chief officer of police of each police force in England and Wales, and
  - (d) such other persons as the Agency considers appropriate.
- (7) Before finalising the plan, the Agency must consult—
  - (a) the Secretary of State,
  - (b) the Association of Police Authorities,
  - (c) the Association of Chief Police Officers, and
  - (d) such other persons as the Agency considers appropriate.

#### *Strategic priorities*

- 6 (1) The Secretary of State may determine strategic priorities for the Agency.
- (2) Before determining any such priorities the Secretary of State must consult—
- (a) the Agency,
  - (b) the Association of Chief Police Officers, and
  - (c) the Association of Police Authorities.
- (3) Sub-paragraph (2)(b) and (c) do not apply in relation to strategic priorities for the Agency so far as the priorities relate—
- (a) to the doing of things by the Agency in relation to any of the persons mentioned in sub-paragraph (4) in exercise of its power under paragraph 2(1), or
  - (b) to the doing of things by the Agency in exercise of that power that may or will affect what it may do in relation to any of those persons in future exercise of that power,
- but before determining any such priorities so far as so relating, the Secretary of State must consult the Scottish Ministers.
- (4) Those persons are—

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- (a) a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77),
  - (b) cadets under the control of the chief constable of such a force,
  - (c) persons employed for the purposes of such a force,
  - (d) the Scottish Police Services Authority, and
  - (e) any institution, organisation or other body established and maintained by that Authority.
- (5) The Secretary of State must arrange for any priorities determined under this paragraph to be published in such manner as he considers appropriate.

## 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.

- (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.

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

### PART 3

#### ACCOUNTABILITY AND SUPERVISION

##### *Annual reports*

- 28 (1) As soon as possible after the end of each financial year the Agency must prepare a report on the carrying out of its functions during that year.
- (2) The report for a financial year ("the report") must include an assessment of the extent to which the annual plan for that year under paragraph 5 has been carried out.
- (3) The Agency must arrange for the report to be published in such manner as it considers appropriate.
- (4) The Agency must send a copy of the report to—
- (a) the Secretary of State,
  - (b) the police authority for each police area in England and Wales,
  - (c) the chief officer of police of each police force in England and Wales, and
  - (d) such other persons as the Agency considers appropriate.
- (5) The Secretary of State must lay a copy of the report before each House of Parliament.

##### *Reports to Secretary of State*

- 29 (1) The Secretary of State may require the Agency to submit a report to him on specified matters—
- (a) connected with the carrying out of its functions, or
  - (b) otherwise connected with any of its activities.
- (2) A report under sub-paragraph (1) must be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Agency to arrange, for a report under this paragraph to be published in such manner as he considers appropriate.
- (4) The Secretary of State may exclude any part of a report from publication under sub-paragraph (3) if he considers that publication of that part—
- (a) would be against the interests of national security,
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (c) could jeopardise the safety of any person.
- (5) For the purposes of sub-paragraph (4)(b) "the detection of crime" shall be taken to include establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed.
- (6) For the purposes of sub-paragraphs (4)(b) and (5) "crime" means conduct—

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- (a) which constitutes one or more criminal offences under the law of a part of the United Kingdom, or
- (b) which is, or corresponds to, any conduct which, if it all took place in one part of the United Kingdom, would constitute one or more criminal offences under the law of that part.

### *Inspections*

- 30 (1) The Secretary of State may require Her Majesty's Chief Inspector of Constabulary to inspect, and report on, the efficiency and effectiveness of the Agency.
- (2) A requirement under sub-paragraph (1) may be general or relate to a particular matter.
- (3) Section 32 (powers of persons carrying out inspections) applies to a person involved in the carrying out of an inspection under sub-paragraph (1) as it applies to a person involved in the carrying out of an inspection under Part 4 of this Act.

### *Inspection reports*

- 31 (1) The Secretary of State must arrange for a report under paragraph 30(1) to be published in such manner as he considers appropriate.
- (2) The Secretary of State may exclude any part of a report from publication under sub-paragraph (1) if he considers that publication of that part—
- (a) would be against the interests of national security,
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (c) could jeopardise the safety of any person.
- (3) The Secretary of State must send a copy of the published report to the Agency.
- (4) The Agency must—
- (a) prepare comments on the published report, and
  - (b) arrange for its comments to be published in such manner as it considers appropriate.
- (5) The Agency must send a copy of any document published under sub-paragraph (4) to the Secretary of State.
- (6) For the purposes of sub-paragraph (2)(b) “the detection of crime” shall be taken to include establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed.
- (7) For the purposes of sub-paragraphs (2)(b) and (6) “crime” means conduct—
- (a) which constitutes one or more criminal offences under the law of a part of the United Kingdom, or
  - (b) which is, or corresponds to, any conduct which, if it all took place in one part of the United Kingdom, would constitute one or more criminal offences under the law of that part.

### *Post-inspection directions*

- 32 (1) Sub-paragraph (2) applies where a report made to the Secretary of State under paragraph 30(1) states—

- (a) that the Agency is failing to carry out any of its functions efficiently and effectively, whether generally or in particular respects, or
  - (b) that, unless remedial measures are taken, the Agency will cease to carry out any of its functions efficiently and effectively, whether generally or in particular respects.
- (2) The Secretary of State may direct the Agency to take such measures as may be specified in the direction.

## PART 4

### FINANCIAL PROVISION

#### *Payments by Secretary of State to the Agency*

- 33 The Secretary of State may make payments to the Agency.

#### *Charges by the Agency and other receipts*

- 34 (1) The Agency may make such charges as it considers appropriate in connection with the carrying out of any of its functions.
- (2) The Agency must pay to the Secretary of State all sums received by it in the course of, or in connection with, the carrying out of its functions.
- (3) Sub-paragraph (2)—
- (a) does not apply to sums received by the Agency under paragraph 33, and
  - (b) does not apply where the Secretary of State so directs.

#### *Payments by Agency to police authorities*

- 35 The Agency may, for purposes it considers are related to any of its objects, make payments to—
- (a) the police authority for a police area in England and Wales;
  - (b) the police authority for a police area in Scotland;
  - (c) a joint police board constituted under an amalgamation scheme under the Police (Scotland) Act 1967 (c. 77);
  - (d) the Scottish Police Services Authority.

#### *Accounts*

- 36 (1) The Agency must—
- (a) keep proper accounts and proper records in relation to the accounts, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts for a financial year must be in such form, and contain such information, as the Secretary of State may direct.
- (3) The Agency must, within such period following the end of each financial year as the Secretary of State may direct, send copies of the statement of accounts for that year—
- (a) to the Secretary of State, and

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(b) to the Comptroller and Auditor General.

(4) The Comptroller and Auditor General must—

- (a) examine, certify and report on each statement of accounts sent to him under sub-paragraph (3), and
- (b) lay a copy of each such statement, and of his report on it, before each House of Parliament.

## PART 5

### TRANSFER SCHEMES

#### *Meaning of “scheme”*

37 In this Part of this Schedule “scheme” means a scheme made by the Secretary of State.

#### *Property, rights and liabilities*

38 A scheme may make provision for the transfer to the Agency or the Secretary of State—

- (a) of property, rights and liabilities of the Central Police Training and Development Authority;
- (b) of property, rights and liabilities of the Police Information Technology Organisation.

39 (1) The property, rights and liabilities for whose transfer a scheme under paragraph 38 may provide include (in particular)—

- (a) property, rights and liabilities that could not otherwise be transferred;
- (b) property acquired, and rights and liabilities arising, after the making of the scheme;
- (c) rights and liabilities under contracts of employment, subject to sub-paragraph (2).

(2) A scheme under paragraph 38 may not provide for the transfer to the Secretary of State of rights and liabilities under contracts of employment.

(3) Before making a scheme under paragraph 38 that provides for the transfer of rights and liabilities under contracts of employment, the Secretary of State must consult such persons appearing to represent the interests of the employees concerned as the Secretary of State considers appropriate.

40 A scheme may make provision for the creation, in favour of the Agency or the Secretary of State, of interests in, or rights in relation to, anything that could be transferred by a scheme under paragraph 38.

41 (1) A scheme under paragraph 38 may make provision for the creation of interests in or rights in relation to, or for the imposition of liabilities in relation to, anything that is or could be transferred by the scheme.

(2) A scheme under paragraph 40 may make provision for the imposition of liabilities in relation to anything created by the scheme.

- (3) A scheme under paragraph 38 or 40 may contain provision about enforcement of a right or liability whose transfer, creation or imposition is provided for by the scheme.
- 42 (1) At the time appointed for the purpose by a scheme under paragraph 38 or 40—
- (a) property, rights and liabilities for whose transfer the scheme provides,
  - (b) interests and rights for whose creation the scheme provides, and
  - (c) liabilities for whose imposition the scheme provides,
- shall, by virtue of this sub-paragraph, be transferred or (as the case may be) created or imposed in accordance with the scheme.
- (2) A scheme under paragraph 38 or 40 may appoint different times for the transfer, creation or imposition of different things.

*Effect of transfer of employees*

- 43 (1) This paragraph applies if a scheme under paragraph 38 provides for the transfer of rights and liabilities under a contract of employment.
- (2) The contract—
- (a) is not terminated by the transfer, and
  - (b) has effect from the appointed time as if made between the employee and the Agency.
- (3) The rights, powers, duties and liabilities of the old employer under or in connection with the contract are (by virtue of paragraph 42(1)) transferred to the Agency at the appointed time.
- (4) Anything done before the appointed time by or in relation to the old employer in respect of the contract or the employee is to be treated from that time as having been done by or in relation to the Agency.
- (5) Sub-paragraphs (2) to (4) have effect subject to sub-paragraph (6).
- (6) If the employee informs the old employer or the Agency that he objects to the transfer—
- (a) the rights, powers, duties and liabilities under or in connection with the contract are not transferred by virtue of the scheme, and
  - (b) the contract is terminated immediately before the appointed time, but the employee is not to be treated, for any purpose, as having been dismissed.
- (7) In this paragraph “the appointed time” means the time appointed by or under the scheme for the transfer of rights and liabilities under the contract.
- (8) Nothing in this Part of this Schedule affects any right the employee has to terminate his contract of employment if (apart from the change of employer) a substantial change is made to his detriment in his working conditions.

*Staff on secondment*

- 44 (1) A scheme may make provision—
- (a) for an existing secondment to have effect, from a time appointed by the scheme, as a secondment to the Agency, and
  - (b) for the seconded person to serve from that time as a member of the staff of the Agency.

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- (2) If the seconded person informs the Agency, or the body to which he is seconded or the body by which he is seconded, that he objects to the existing secondment becoming a secondment to the Agency—
  - (a) the scheme does not cause the existing secondment to become a secondment to the Agency, and
  - (b) the existing secondment is terminated immediately before the time mentioned in sub-paragraph (1)(a) (so that the person returns at that time to the body by which he was seconded).
- (3) In this paragraph “existing secondment” means a secondment by virtue of which—
  - (a) a person is the chief executive or another member of the staff of the Central Police Training and Development Authority, or
  - (b) a person is the chief executive or another member of the staff of the Police Information Technology Organisation.

#### *Deciding matters under scheme*

- 45 A scheme under this Part of this Schedule may contain provision—
- (a) for the Secretary of State, or any other person nominated by or in accordance with the scheme, to decide any matter requiring decision under or in consequence of the scheme, and
  - (b) as to the payment of fees charged, or expenses incurred, by any person nominated to decide any matter under paragraph (a).

#### *Supplementary provision*

- 46 A scheme under this Part of this Schedule may contain supplementary, incidental, transitional and consequential provision.

## **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,
  - (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—

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- (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).
- (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).

## PART 7

### CONSEQUENTIAL AMENDMENTS

#### *Public Records Act 1958 (c. 51)*

- 49 In Part 2 of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (bodies whose records are public records), at the appropriate place there is inserted—

“National Policing Improvement Agency.”

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 50 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place there is inserted—

“National Policing Improvement Agency.”

#### *Police (Scotland) Act 1967 (c. 77)*

- 51 The Police (Scotland) Act 1967 is amended as follows.

- 52 In section 38(3A) (status of certain constables on secondment), after “(bb)” there is inserted “or (bh)”.

- 53 (1) Section 38A (constables engaged on service outside their force) is amended as follows.

- (2) In subsection (1) (meaning of “relevant service”), after paragraph (bg) there is inserted—

“(bh) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;”.

- (3) In subsection (6)(a) (which provides for relevant service to be treated for certain purposes as service in constable’s home force), after “(bg)” there is inserted “, (bh),”.

#### *Health and Safety at Work etc. Act 1974 (c. 37)*

- 54 In section 51A(2E) of the Health and Safety at Work etc. Act 1974 (provisions which impose liability on others for unlawful conduct of constables but which do not apply to liability under Part 1 of the 1974 Act), after paragraph (f) there is inserted—

“(g) paragraph 20 of Schedule 1 to the Police and Justice Act 2006;”.

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 55 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place there is inserted—

“The National Policing Improvement Agency.”

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*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 56 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified), at the appropriate place there is inserted—
- “The National Policing Improvement Agency.”

*Police Pensions Act 1976 (c. 35)*

- 57 The Police Pensions Act 1976 is amended as follows.
- 58 In section 7(2) (persons eligible for police pensions), after paragraph (ce) there is inserted—
- “(cf) a member of the staff of the National Policing Improvement Agency who holds the office of constable;”.
- 59 (1) Section 11 (interpretation) is amended as follows.
- (2) In subsection (1) (references to membership of a police force etc), after paragraph (be) there is inserted—
- “(bf) service, by a person holding the office of constable, as a member of the staff of the National Policing Improvement Agency;”.
- (3) In subsection (2) (meaning of “police authority”), after paragraph (e) there is inserted—
- “(f) in relation to any service such as is mentioned in subsection (1)(bf), it means the National Policing Improvement Agency;”.
- (4) In subsection (3) (meaning of “police force”), in paragraph (b), after “(be),” there is inserted “(bf),”.

*Race Relations Act 1976 (c. 74)*

- 60 In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons subject to general statutory duty), at the appropriate place under the heading “Police” there is inserted—
- “The National Policing Improvement Agency.”

*Police Act 1996 (c. 16)*

- 61 The Police Act 1996 is amended as follows.
- 62 (1) Section 39A (power of Secretary of State to issue codes of practice for chief officers) is amended as follows.
- (2) In subsection (3) (preparation of drafts and revisions)—
- (a) for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”, and
- (b) for “that Authority” there is substituted “that Agency”.
- (3) In subsection (4) (consultation), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- 63 (1) Section 53A (regulation of procedures and practices of police forces) is amended as follows.

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- (2) In subsection (2) (advice), for paragraph (b) there is substituted—  
“(b) the National Policing Improvement Agency.”
- (3) In subsection (5) (consultation), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- (4) In subsection (6)(a) (consideration of advice etc), for “Central Police Training and Development Authority” there is substituted “National Policing Improvement Agency”.
- 64 In section 57(5) (consultation about regulations requiring police forces to use specified facilities or services), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- 65 In section 59 (Police Federations), after subsection (7) there is inserted—  
“(7A) For the purposes of subsection (1), a member of the staff of the National Policing Improvement Agency who is—  
(a) a constable, and  
(b) an employee of the Agency,  
shall be treated as a member of a police force in England and Wales, and references in this section to police service shall be construed accordingly.”
- 66 In section 61(1) (Police Negotiating Board), before paragraph (c) there is inserted—  
“(bb) the members of the staff of the National Policing Improvement Agency who are constables,”.
- 67 (1) Section 62 (functions of the Police Negotiating Board) is amended as follows.
- (2) In subsection (1) (duty to consult Board before making regulations about certain matters), after paragraph (c) there is inserted “or  
(d) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency),”.
- (3) Before subsection (2) there is inserted—  
“(1D) Before issuing a document under paragraph 18 of Schedule 1 to the Police and Justice Act 2006 (rules and principles for contents of contracts of employment of constables employed as members of the staff of the National Policing Improvement Agency), the Secretary of State shall—  
(a) consult the Police Negotiating Board for the United Kingdom about any provision in the document which relates to any of the matters mentioned in section 61(1) (other than pensions), and  
(b) take into consideration any recommendation made by the Board.
- (1E) Before determining the terms and conditions on which a constable is to be appointed to the staff of the National Policing Improvement Agency as an employee of the Agency, the Secretary of State (where the constable is to be appointed as the chief executive of the Agency) or the Agency (in any other case) shall—  
(a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and  
(b) take into consideration any recommendation made by the Board.”

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- (4) In subsection (2) (arrangements under section 61(3) apply in relation to recommendations under section 62), for “subsection (1) or (1A)” there is substituted “subsection (1), (1A), (1D) or (1E)”.
- 68 (1) Section 63 (Police Advisory Boards) is amended as follows.
- (2) Before subsection (2) there is inserted—
- “(1C) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting members of the staff of the National Policing Improvement Agency who are constables.”
- (3) In subsection (3) (Board to be consulted on certain regulations), after paragraph (b) there is inserted “or
- (c) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency), other than regulations with respect to any of the matters mentioned in section 61(1).”
- 69 In section 64 (membership of trade unions), before subsection (5) there is inserted—
- “(4C) This section applies to a member of the staff of the National Policing Improvement Agency who is—
- (a) a constable, and
- (b) an employee of the Agency,
- as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4D) In its application by virtue of subsection (4C), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the chief executive of the National Policing Improvement Agency.”
- 70 In section 90(4) (impersonation etc: interpretation), for the words after paragraph (a) and before paragraph (b) (paragraph (aa) having been superseded by section 68(2) of the Railways and Transport Safety Act 2003) there is substituted—
- “(ab) “member of a police force” includes a member of the staff of the National Policing Improvement Agency who is a constable, and”.
- 71 In section 91(2) (offence under subsection (1) of causing disaffection etc amongst members of police forces applies also in relation to certain other police personnel), after paragraph (a) there is inserted—
- “(aa) members of the staff of the National Policing Improvement Agency who are constables,”.
- 72 (1) Section 97 (police officers engaged on service outside their force) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (cf) there is inserted—
- “(cg) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;”.
- (3) In subsections (6)(a) and (8), after “(cf)” there is inserted “, (cg)”.

*Police (Northern Ireland) Act 1998 (c. 32)*

- 73 (1) Section 27 of the Police (Northern Ireland) Act 1998 (members of the Police Service of Northern Ireland engaged on other police service) is amended as follows.
- (2) In subsection (1) (meaning of “relevant service”), after paragraph (cb) there is inserted—
- “(cc) temporary service with the National Policing Improvement Agency on which a member of the Police Service of Northern Ireland is engaged with the consent of the Chief Constable;”.
- (3) In subsection (5)(b), after “(cb),” there is inserted “(cc),”.
- (4) In subsection (7)—
- (a) for “(1)(c), (ca)” there is substituted “(1)(ca)”;
- (b) for “or (cb)” there is substituted “, (cb) or (cc)”.

*Freedom of Information Act 2000 (c. 36)*

- 74 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public bodies and offices), at the appropriate place there is inserted—
- “The National Policing Improvement Agency.”

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 75 (1) Section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records) is amended as follows.
- (2) In subsection (1), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- (3) In subsection (2), for “Organisation” there is substituted “National Policing Improvement Agency”.

*Vehicles (Crime) Act 2001 (c. 3)*

- 76 The Vehicles (Crime) Act 2001 is amended as follows.
- 77 In section 18(7) (access to information contained in register of registration plate suppliers), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- 78 (1) Section 36 (access to certain motor insurance information) is amended as follows.
- (2) In subsection (1), for “Police Information Technology Organisation” there is substituted “National Policing Improvement Agency”.
- (3) In subsection (2)(a), for “Organisation” there is substituted “Agency”.

*Criminal Justice and Police Act 2001 (c. 16)*

- 79 (1) Section 97 of the Criminal Justice and Police Act 2001 (regulations for police forces as to training and qualifications for deployment) is amended as follows.
- (2) In subsection (4) (persons who must be consulted before regulations about training etc may be made), for paragraph (a) there is substituted—

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“(a) the National Policing Improvement Agency;”.

(3) For subsection (6) (interpretation of section) there is substituted—

“(6) In this section—

- (a) references to the provision of police training are references to the provision of training and opportunities for professional development for persons serving or employed for policing purposes in England and Wales;
- (b) references to the provision of training include references to the provision of assessment and examination services;
- (c) references to a person serving or employed for policing purposes in England and Wales are references to a person who is—
  - (i) a member of a police force in England and Wales,
  - (ii) a special constable appointed under section 27 of the 1996 Act, or
  - (iii) a person employed for the purposes of a police force in England and Wales.”

*Police Reform Act 2002 (c. 30)*

80 The Police Reform Act 2002 is amended as follows.

81 In section 9(3) (persons ineligible for membership of the Independent Police Complaints Commission), after paragraph (da) there is inserted—

- “(db) he is or has been—
- (i) the chairman or chief executive of, or
  - (ii) another member of, or
  - (iii) another member of the staff of,
- the National Policing Improvement Agency;”.

82 (1) Section 10 (general functions of the Independent Police Complaints Commission) is amended as follows.

- (2) In subsection (1) (general functions), after paragraph (g) there is inserted “; and
- (h) to carry out functions in relation to the National Policing Improvement Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection.”

(3) In subsection (3) (functions conferred by other provisions), after paragraph (ba) there is inserted—

- “(bb) any agreement under section 26B of this Act (National Policing Improvement Agency);”.

(4) In subsection (7)(c) (Commission may impose charges for making recommendations, and giving advice, for purposes of subsection (1)(g)), after “subsection (1)(g)” there is inserted “or (h)”.

83 (1) Section 11 (reports) is amended as follows.

- (2) In subsection (6) (persons to whom Independent Police Complaints Commission must send copies of its annual reports), after paragraph (d) there is inserted “; and
- (e) to the National Policing Improvement Agency.”



- (3) After subsection (9) there is inserted—
- “(9A) Where a report under subsection (3) relates to the National Policing Improvement Agency, the Commission shall send a copy of that report to the Agency.”
- (4) In subsection (10) (persons to whom reports under subsection (4) must be sent), after paragraph (g) there is inserted “; and
- (h) the National Policing Improvement Agency.”
- 84 (1) Section 15 (general duties of police authorities etc in relation to Part 2 of the Act) is amended as follows.
- (2) After subsection (1A) there is inserted—
- “(1B) It shall be the duty of the National Policing Improvement Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).”
- (3) For the second sentence of subsection (8) (meaning of “third force” in subsection (8)) there is substituted—
- “(8A) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the National Policing Improvement Agency—
- (a) the chief officer of a third force, or
- (b) the police authority maintaining a third force,
- may be required to give that assistance and co-operation only with the approval of the chief executive of the National Policing Improvement Agency.
- (8B) In subsections (8) and (8A) “third force”, in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.”
- (4) In subsection (9) (approval that is needed before Director General of Serious Organised Crime Agency can be required to give assistance etc under subsection (5)), for the words after paragraph (b) there is substituted—
- “the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer.”
- (5) After subsection (9) there is inserted—
- “(10) In subsection (9) “the relevant directing officer”—
- (a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; and
- (b) in a case where the person who requires assistance and co-operation is a member of the staff of the National Policing Improvement Agency, means the chief executive of that Agency.”
- 85 After section 16 there is inserted—

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### **“16A Investigations: National Policing Improvement Agency involvement**

- (1) Where a police authority or chief officer requires the NPIA and its chief executive to provide a member of the NPIA’s staff who is a constable for appointment under paragraph 16, 17 or 18 of Schedule 3, it shall be the duty of the NPIA and its chief executive to comply with the requirement.
- (2) It shall be the duty of the NPIA and its chief executive to ensure that a person appointed under paragraph 16, 17 or 18 of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying-out of that investigation as that person may reasonably require.
- (3) It shall be the duty of the NPIA and its chief executive to provide the Commission and every member of the Commission’s staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying-out of any investigation by the Commission under this Part.
- (4) Where the person who requires assistance and co-operation under subsection (2) is a person serving with the police, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the chief officer of the force to which that person belongs.
- (5) Where the person who requires assistance and co-operation under subsection (2) is a member of the staff of the Serious Organised Crime Agency, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the Director General of the Serious Organised Crime Agency.
- (6) Subsection (7) applies where the NPIA and its chief executive comply with a requirement under subsection (1) or (2) that is made in connection with—
  - (a) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of a police force; or
  - (b) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of a police force.
- (7) The police authority maintaining the police force mentioned in subsection (6)(a) or (b) shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—
  - (a) as may be agreed between them; or
  - (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
    - (i) have been agreed to by police authorities generally and by the NPIA, and
    - (ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements of the kind mentioned in subsection (6); or
  - (c) in the absence of any such arrangements, as may be determined by the Secretary of State.

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(8) Where the NPIA and its chief executive comply with a requirement under subsection (3), the Commission shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—

- (a) as may be agreed between the Commission and the NPIA; or
- (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
  - (i) have been agreed to by the Agency and by the Commission, and
  - (ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements under subsection (3); or
- (c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(9) In this section “the NPIA” means the National Policing Improvement Agency.”

86 In section 17 (provision of information to the Independent Police Complaints Commission), after subsection (5) there is inserted—

“(6) In this section—

“chief officer” includes the chief executive of the National Policing Improvement Agency;

“police authority” includes the National Policing Improvement Agency.”

87 After section 26A there is inserted—

### “26B National Policing Improvement Agency

(1) The Commission and the National Policing Improvement Agency must enter into an agreement for the establishment in relation to members of the Agency’s staff of procedures corresponding or similar to those provided for by or under this Part.

(2) An agreement under this section—

- (a) must not be made or varied except with the approval of the Secretary of State; and
- (b) must not be terminated unless—
  - (i) it is replaced by another such agreement, and
  - (ii) the Secretary of State approves.

(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary hearings in relation to members of the Agency’s staff.

(4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Agency’s chief executive or by other members of the Agency.

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*Status: This is the original version (as it was originally enacted).*

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(5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the Agency's staff."

88 In section 29(3)(c) (meaning of references to a member of the public), for "Central Police Training and Development Authority" there is substituted "National Policing Improvement Agency".

89 (1) Schedule 3 (handling of complaints and conduct matters etc) is amended as follows.

(2) In paragraph 16(3) (investigations by the appropriate authority on its own behalf: appointment of person to conduct investigation), after paragraph (b) there is inserted "or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,".

(3) In paragraph 17(2) (investigations supervised by the Independent Police Complaints Commission: appointment of person to conduct investigation), after paragraph (b) there is inserted "or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,".

(4) In paragraph 17(4) (power of Commission to require different person to be selected to conduct investigation), for "or (b)" there is substituted ", (b) or (c)".

*Sexual Offences Act 2003 (c. 42)*

90 In section 94(3) of the Sexual Offences Act 2003 (supply of information to Secretary of State etc for verification), for paragraph (b) there is substituted—  
 "(b) the National Policing Improvement Agency,".

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

91 In section 20(7)(a) of the Commissioners for Revenue and Customs Act 2005 (public interest disclosure), for "Police Information Technology Organisation" there is substituted "National Policing Improvement Agency".

*Serious Organised Crime and Police Act 2005 (c. 15)*

92 (1) Section 153 of the Serious Organised Crime and Police Act 2005 (disclosure of information about insurance status of vehicles) is amended as follows.

(2) In subsections (1) and (3)(a) and (b), for "PITO" there is substituted "NPIA".

(3) In subsection (4), for the definition of "PITO" there is substituted—

"“NPIA” means the National Policing Improvement Agency."