



Police Act 1997

1997 CHAPTER 50

PART I

THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

Central supervision and direction

25 General duty of Secretary of State

The Secretary of State shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of NCIS.

26 Setting of objectives

- (1) The Secretary of State may by order determine objectives for NCIS.
- (2) Before making an order under this section, the Secretary of State shall consult—
 - (a) the NCIS Service Authority,
 - (b) the Director General of NCIS,
 - (c) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
 - (d) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales, the chief constables of police forces in Scotland and the Chief Constable of the Royal Ulster Constabulary,
 - (e) the NCS Service Authority,
 - (f) the Director General of the National Crime Squad, and
 - (g) the Commissioners of Customs and Excise.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

Status: This is the original version (as it was originally enacted).

27 Setting of performance targets

- (1) Where an objective has been determined under section 26, the Secretary of State may direct the NCIS Service Authority to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.
- (2) A direction given under this section may impose conditions with which the performance targets must conform.
- (3) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

28 Codes of practice

- (1) The Secretary of State may issue codes of practice relating to the discharge by the NCIS Service Authority of its functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

29 Removal of Director General etc

- (1) The Secretary of State may require the NCIS Service Authority to exercise its power under section 7 to call upon the Director General of NCIS, or any other member (other than a member appointed by the Director General by virtue of section 9(8)), to retire in the interests of efficiency or effectiveness.
- (2) Before—
 - (a) exercising any power conferred on him by subsection (1), or
 - (b) approving the exercise by the NCIS Service Authority of its power under section 7,the Secretary of State shall give the person in relation to whom it is proposed to exercise the power (the “relevant person”) an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section, the Secretary of State may, and in a case where he proposes to exercise a power conferred by subsection (1) shall, appoint one or more persons to hold an inquiry and report to him.
- (4) The Secretary of State shall take account of any report made under subsection (3).
- (5) The person appointed under subsection (3) (or, in a case where more than one person is so appointed, at least one of the persons so appointed) shall not be an officer of police, of a Government department, of NCIS or of the National Crime Squad.
- (6) The costs incurred by a relevant person in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the NCIS service fund.

30 Power to give directions after adverse report

- (1) The Secretary of State may at any time—

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- (a) require the inspectors of constabulary appointed under section 54 of the Police Act 1996 to carry out an inspection of NCIS under that section,
 - (b) require the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 to carry out an inspection of NCIS under that section, or
 - (c) require the inspectors of constabulary appointed under section 16 of the Police Act (Northern Ireland) 1970 to carry out an inspection of NCIS under that section.
- (2) Where a report made to the Secretary of State on an inspection carried out in accordance with this section states—
- (a) that, in the opinion of the person making the report, NCIS is not efficient or not effective, or
 - (b) that in his opinion, unless remedial measures are taken, NCIS will cease to be efficient or will cease to be effective,
- the Secretary of State may direct the NCIS Service Authority to take such measures as may be specified in the direction.

31 Reports from NCIS Service Authority

- (1) The Secretary of State may require the NCIS Service Authority to submit to him a report on such matters connected with the discharge of the Authority's functions, or otherwise with the activities of NCIS, as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

32 Reports from Director General

- (1) The Secretary of State may require the Director General of NCIS to submit to him a report on such matters connected with the activities of NCIS as may be specified in the requirement.
- (2) A report submitted under subsection (1) shall be in such form as the Secretary of State may specify.
- (3) The Secretary of State may arrange, or require the Director General to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) The Director General shall, as soon as possible after the end of each financial year, submit to the Secretary of State the like report as is required by section 11 to be submitted to the NCIS Service Authority.

33 Criminal statistics

- (1) The Director General of NCIS shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime as the Secretary of State may require.

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- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

34 Inquiries

- (1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with NCIS.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) For the purposes of an inquiry under this section, the person appointed to hold the inquiry may by summons require any person to attend, at a time and place stated in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths.
- (4) No person shall be required, in obedience to a summons under subsection (3), to attend to give evidence or to produce any documents, unless the necessary expenses of his attendance are paid or tendered to him.
- (5) Nothing in subsection (3) shall empower a person holding an inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of the NCIS Service Authority.
- (6) Every person who refuses or deliberately fails to attend in obedience to a summons issued under this section, or to give evidence, or who deliberately alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months, or to both.
- (7) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (8) The Secretary of State may direct that the whole or part of the costs (or, in relation to any inquiry held in Scotland, the expenses) incurred by any person for the purposes of an inquiry held under this section shall be defrayed out of the NCIS service fund; and any costs (or expenses) payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

35 Regulations as to standard of equipment

The Secretary of State may make regulations requiring equipment provided or used for the purposes of NCIS to satisfy such requirements as to design and performance as may be prescribed in the regulations.

36 Common services

- (1) The Secretary of State may, by regulations, make provision for requiring NCIS and—
- (a) all police forces in England and Wales, or
 - (b) all police forces in Scotland, or

- (c) the Royal Ulster Constabulary, or
- (d) the National Crime Squad,

to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under section 57(1) of the Police Act 1996 or section 36 of the Police (Scotland) Act 1967) if he considers that it would be in the interests of efficiency or effectiveness for them to do so.

- (2) Before making regulations under this section the Secretary of State shall consult the NCIS Service Authority and the Director General of NCIS and—
- (a) where the regulations relate to police forces in England and Wales, persons whom the Secretary of State considers to represent the interests of police authorities for areas in England and Wales and persons whom he considers to represent the interests of chief officers of police of police forces there,
 - (b) where the regulations relate to police forces in Scotland, persons whom the Secretary of State considers to represent the interests of police authorities for areas in Scotland and persons whom he considers to represent the interests of chief constables of police forces there,
 - (c) where the regulations relate to the Royal Ulster Constabulary, the Police Authority for Northern Ireland and the Chief Constable of the Royal Ulster Constabulary, and
 - (d) where the regulations relate to the National Crime Squad, the NCS Service Authority and the Director General of the National Crime Squad.