



Police Act 1997

1997 CHAPTER 50

PART I

THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

Director General and other members

6 Appointment of Director General

- (1) NCIS shall have a Director General appointed by the NCIS Service Authority on such terms and conditions as the Authority considers appropriate.
- (2) The Director General shall be chosen by a panel of members of the Authority from a list of persons eligible for appointment which has been prepared by that panel and approved by the Secretary of State.
- (3) A person shall be eligible for appointment as Director General for the purposes of subsection (2) if—
 - (a) he holds the rank of chief constable in a police force in Great Britain or in the Royal Ulster Constabulary,
 - (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis,
 - (c) he is the Commissioner of Police for the City of London, or
 - (d) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to any of the ranks or posts mentioned in paragraphs (a) to (c).
- (4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCIS Service Authority and shall consist only of members of that Authority appointed—
 - (a) by the Secretary of State (other than under paragraph 6, 7(f) or 8(1)(h) of Schedule 1), or
 - (b) by local authority members of police authorities for areas in England and Wales (as defined in paragraph 14 of that Schedule), members of police

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authorities for areas in Scotland or members of the Police Authority for Northern Ireland.

- (5) The Director General shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4 to the Police Act 1996 before a justice of the peace appointed for an area in England and Wales.
- (6) Without prejudice to any other enactment conferring powers on constables for particular purposes, the Director General shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- (7) The Director General shall hold the rank of chief constable.
- (8) In subsection (6)—
 - “powers” includes powers under any enactment, whenever passed or made;
 - “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;and that subsection, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.

7 Removal of Director General by the Authority

- (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976, the NCIS Service Authority, acting with the approval of the Secretary of State, may call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness.
- (2) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the Director General an opportunity to make representations and shall consider any representations that he makes.
- (3) A Director General who is called upon to retire under subsection (1) shall retire on such date as the Authority may specify or on such earlier date as may be agreed upon between him and the Authority.

8 Deputy Director General

- (1) The Director General of NCIS shall designate a member of NCIS appointed under section 9, other than a member appointed by the Director General by virtue of subsection (8) of that section, to exercise all the powers and duties of the Director General—
 - (a) during any absence, incapacity or suspension from duty of the Director General, or
 - (b) during any vacancy in the office of Director General.
- (2) The Director General shall consult the NCIS Service Authority before designating a member under subsection (1).
- (3) No more than one person shall be authorised to act by virtue of a designation under subsection (1) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.

9 Members of NCIS

- (1) NCIS shall consist of—
 - (a) the Director General of NCIS appointed under section 6,
 - (b) persons appointed by the NCIS Service Authority under this paragraph as police members of NCIS, and
 - (c) other persons appointed by the NCIS Service Authority under this paragraph to be members of NCIS as employees of the Authority.
- (2) A person shall be appointed as a police member of NCIS only if—
 - (a) he is appointed to the rank of assistant chief constable in NCIS and he met the requirements of subsection (3) immediately prior to his being appointed, or
 - (b) he is engaged with NCIS on a period of temporary service to which section 97 of the Police Act 1996, section 38A of the Police (Scotland) Act 1967 or section 21 of the Police Act (Northern Ireland) 1970 applies.
- (3) A person meets the requirements of this subsection if—
 - (a) he holds the rank of assistant chief constable or a higher rank in a police force in Great Britain or in the Royal Ulster Constabulary,
 - (b) he holds the rank of commander or a higher rank in the metropolitan police force or in the City of London police force, or
 - (c) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to the rank of assistant chief constable or commander in any of the police forces, or in the Constabulary, mentioned in paragraph (a) or (b).
- (4) Subsections (5), (6) and (8) of section 6 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of NCIS.
- (5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.
- (6) Before making an appointment under subsection (1)(b) or (c), or determining the terms and conditions on which such an appointment is to be made, the NCIS Service Authority shall consult the Director General of NCIS.
- (7) A police member to whom subsection (2)(b) applies shall cease to be a member of NCIS at the end of his period of temporary service (unless re-appointed under this section).
- (8) Where an order under section 44 authorises the NCIS Service Authority to make arrangements for the discharge of its functions by the Director General of NCIS, the Authority shall exercise its powers under that order so as to secure that, subject to subsection (9) below, the Director General appoints persons under subsection (1)(b) or (c) to be members of NCIS.
- (9) Subsection (8) shall not apply to—
 - (a) the appointment of any person to whom subsection (2)(a) applies as a police member, or
 - (b) the appointment of such other persons as may be agreed between the Director General and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.

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- (10) Section 7 applies to a member appointed under this section, other than a member appointed by the Director General by virtue of subsection (8) above, as it applies to the Director General.