



# Police Act 1997

## 1997 CHAPTER 50

### PART I

#### THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

##### *The Service Authority*

#### **1 The Service Authority for the National Criminal Intelligence Service**

- (1) There shall be a body corporate to be known as the Service Authority for the National Criminal Intelligence Service (in this Part referred to as “the NCIS Service Authority”).
- (2) Subject to the following provisions of this section, the NCIS Service Authority shall consist of nineteen members.
- (3) The Secretary of State may by order provide that the number of members shall be a specified odd number greater than nineteen.
- (4) Before making an order under subsection (3), the Secretary of State shall consult—
  - (a) the NCIS Service Authority (if it is then in existence),
  - (b) 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,
  - (c) persons whom the Secretary of State considers to represent the interests of chief officers of police of police forces in England and Wales, chief constables of police forces in Scotland and the Chief Constable of the Royal Ulster Constabulary, and
  - (d) the Commissioners of Customs and Excise.
- (5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.
- (6) The NCIS Service Authority may co-opt such additional members as it thinks fit.

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- (7) Parts I, II and IV of Schedule 1 and Schedule 2 shall have effect in relation to the NCIS Service Authority.

### *Functions*

## **2 General functions of the NCIS Service Authority and NCIS**

- (1) The NCIS Service Authority shall maintain a body to be known as the National Criminal Intelligence Service (in this Part referred to as “NCIS”).
- (2) The functions of NCIS shall be—
- (a) to gather, store and analyse information in order to provide criminal intelligence,
  - (b) to provide criminal intelligence to police forces in Great Britain, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies, and
  - (c) to act in support of such police forces, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies carrying out their criminal intelligence activities.
- (3) For the purposes of subsection (2), “law enforcement agency” includes—
- (a) any government department,
  - (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary,
  - (c) any other person charged with the duty of investigating offences or charging offenders, and
  - (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCIS Service Authority, NCIS, a police authority, a police force, the NCS Service Authority or the National Crime Squad.
- (4) In discharging its functions, the NCIS Service Authority shall have regard to—
- (a) any objectives determined by the Secretary of State under section 26,
  - (b) any objectives determined by the Authority under section 3,
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise, and
  - (d) any service plan issued by the Authority under section 4.
- (5) In discharging any function to which a code of practice issued under section 28 relates, the NCIS Service Authority shall have regard to the code.
- (6) The NCIS Service Authority shall comply with any direction given to it by the Secretary of State under section 27 or 30 or under Schedule 3.

## **3 Objectives**

- (1) The NCIS Service Authority shall secure that NCIS is efficient and effective.
- (2) The NCIS Service Authority shall, before the beginning of each financial year, determine objectives for that year for NCIS.

- (3) Objectives determined under this section may relate to matters to which objectives determined under section 26 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (4) Before determining objectives under this section, the NCIS Service Authority shall consult—
  - (a) the Director General of NCIS,
  - (b) persons whom it considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
  - (c) the NCS Service Authority, and
  - (d) the Commissioners of Customs and Excise.

#### **4 Service plans**

- (1) The NCIS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by NCIS of its functions during the year (“the service plan”).
- (2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
  - (a) any objectives determined by the Secretary of State under section 26,
  - (b) any objectives determined by the Authority under section 3, and
  - (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise.
- (3) A draft of the service plan shall be prepared by the Director General of NCIS and submitted by him to the Authority for it to consider.
- (4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.
- (5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the Police (Scotland) Act 1967) and the Police Authority for Northern Ireland,
  - (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the Royal Ulster Constabulary,
  - (d) the NCS Service Authority,
  - (e) the Director General of the National Crime Squad, and
  - (f) the Commissioners of Customs and Excise.

#### **5 Annual reports**

- (1) The NCIS Service Authority shall, as soon as possible after the end of each financial year, issue a report on the carrying out of its functions during that year.

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- (2) A report issued under this section for any year shall include an assessment of the extent to which the service plan for that year issued under section 4 has been carried out.
- (3) The NCIS Service Authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to—
  - (a) the Secretary of State,
  - (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the Police (Scotland) Act 1967) and the Police Authority for Northern Ireland,
  - (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the Royal Ulster Constabulary,
  - (d) the NCS Service Authority,
  - (e) the Director General of the National Crime Squad, and
  - (f) the Commissioners of Customs and Excise.

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

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- (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.

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## **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.

- (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.

### *Functions of Director General*

#### **10 General function of Director General**

- (1) NCIS shall be under the direction and control of the Director General.
- (2) In discharging his functions, the Director General shall have regard to the service plan issued by the NCIS Service Authority under section 4.

#### **11 Reports by Director General to the Authority**

- (1) The Director General of NCIS shall, as soon as possible after the end of each financial year, submit to the NCIS Service Authority a general report on the activities of NCIS during that year.
- (2) The Director General shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The NCIS Service Authority may require the Director General to submit to it a report on such matters connected with the activities of NCIS as may be specified in the requirement.
- (4) A report submitted under subsection (3) shall be in such form as the Authority may specify.
- (5) If it appears to the Director General that a report in compliance with a requirement under subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the Authority, he may request the Authority to refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (6) The Authority may arrange, or require the Director General to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

#### **12 Responsibility for co-ordination of police and Security Service activities**

In section 2(2) of the Security Service Act 1989 (which imposes duties on the Director-General of the Security Service), in paragraph (c) (which provides for the Secretary of State to designate the person responsible for co-ordinating police and Security Service activities) for “a person designated by the Secretary of State” there shall be substituted “the Director General of the National Criminal Intelligence Service”.

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*Service Authority's officers and employees*

**13 Officers and employees**

- (1) The NCIS Service Authority may appoint officers and employees to enable it to discharge its functions.
- (2) Persons appointed under this section shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.

**14 Appointment of clerk**

The NCIS Service Authority shall appoint a person to be the clerk to the Authority.

**15 Appointment of persons not employed by the NCIS Service Authority**

Where the NCIS Service Authority is required or authorised by any Act—

- (a) to appoint a person to a specified office under the Authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the Authority may appoint or designate either a person employed by the Authority under section 13, or a person not holding any office or employment under the Authority.

*Financial provisions*

**16 NCIS service fund**

- (1) The NCIS Service Authority shall keep a fund to be known as the NCIS service fund.
- (2) Subject to any regulations under the Police Pensions Act 1976 and to section 21 below, all receipts of the Authority shall be paid into the NCIS service fund and all expenditure of the Authority shall be paid out of that fund.
- (3) Accounts shall be kept by the Authority of payments made into or out of the NCIS service fund.

**17 Power to issue levies**

- (1) The NCIS Service Authority shall, in respect of every financial year beginning after the establishment of that Authority, issue levies to—
  - (a) police authorities for areas in England and Wales (other than the metropolitan police district), and
  - (b) the Receiver for the Metropolitan Police District.
- (2) The Secretary of State shall, by order, make provision in relation to the calculation, setting, collection, administration and payment of levies under this section.
- (3) An order under this section may include provision—
  - (a) as to apportionment of levies issued under this section;
  - (b) conferring a right to interest on anything unpaid.
- (4) An order under this section may also include provision—



- (a) that the Common Council of the City of London making calculations in accordance with section 32 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;
  - (b) that a police authority established under section 3 of the Police Act 1996, or the Receiver for the Metropolitan Police District, making calculations in accordance with section 43 of the Local Government Finance Act 1992 (originally or by way of substitute) may anticipate a levy;
  - (c) as to the treatment as special expenses of amounts so anticipated;
  - (d) as to the treatment of any levy actually issued.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Schedule 3 (which makes further provision in connection with levies under this section) shall have effect.

## **18 Initial financing of NCIS Service Authority**

The Secretary of State may make grants to the NCIS Service Authority in respect of expenditure incurred (or to be incurred) by it at any time before the financial year in which revenue is first received by it as a result of levies issued by it under section 17.

## **19 Charges**

- (1) The NCIS Service Authority may make charges in respect of the provision of any services, or an agreement for the provision of any services, to any person by the Authority or by NCIS.
- (2) Any charges made under this section may include amounts calculated by reference to the expenditure incurred or expected to be incurred by the NCIS Service Authority, or by NCIS, otherwise than directly in connection with the provision of the services concerned.

## **20 Acceptance of gifts and loans**

- (1) The NCIS Service Authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the Authority to be appropriate.
- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the Authority or of NCIS.

## **21 Pensions and gratuities**

- (1) The NCIS Service Authority may—
- (a) pay, or make payments in respect of, pensions or gratuities to or in respect of any persons who are, or have been, its officers or employees;
  - (b) provide and maintain schemes (whether contributory or not) for the payment of pensions or gratuities to or in respect of any such persons.
- (2) The NCIS Service Authority may—
- (a) pay, or make payments in respect of, such pensions or gratuities as it may determine, with the consent of the Secretary of State, to or in respect of any

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persons who are or have been the Director General of NCIS or police members of NCIS;

- (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities to or in respect of any such persons.
- (3) Before exercising its powers under subsection (2), the Authority shall have regard to any provision made under the Police Pensions Act 1976 or section 25(2)(k) of the Police Act (Northern Ireland) 1970.
- (4) References in this section to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of any of the persons mentioned in subsection (1) or (2) who suffer loss of office or employment or loss or diminution of emoluments.

### *General provisions*

## **22 Collaboration agreements**

- (1) If it appears to the Director General of NCIS and to—
- (a) the chief officers of police of one or more police forces in England and Wales, or
  - (b) the chief constables of one or more police forces in Scotland, or
  - (c) the Chief Constable of the Royal Ulster Constabulary, or
  - (d) the Director General of the National Crime Squad,
- that any police functions can more efficiently or effectively be discharged by members of NCIS and members of their respective forces or, as the case may be, the Squad acting jointly, they may, with the approval of the appropriate authorities, enter into an agreement for that purpose.
- (2) For the purposes of this section, the “appropriate authorities” means the NCIS Service Authority and—
- (a) in relation to an agreement entered by a chief officer of police of a police force in England and Wales, the police authority which maintains that force,
  - (b) in relation to an agreement entered by a chief constable of a police force in Scotland, the police authority which maintains that force or, as the case may be, the police authorities for the police areas comprised in a combined area,
  - (c) in relation to an agreement entered by the Chief Constable of the Royal Ulster Constabulary, the Police Authority for Northern Ireland, and
  - (d) in relation to an agreement entered by the Director General of the National Crime Squad, the NCS Service Authority.
- (3) In subsection (1) “police functions” includes the functions of NCIS and, in the case of an agreement entered by the Director General of the National Crime Squad, the functions of that Squad.
- (4) If it appears to the NCIS Service Authority and to—
- (a) one or more police authorities for areas in England and Wales, or
  - (b) one or more police authorities for areas (or combined areas) in Scotland, or
  - (c) the Police Authority for Northern Ireland, or
  - (d) the NCS Service Authority,

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that any premises, equipment or other material or facilities can with advantage be provided jointly for NCIS and the forces maintained by the authorities concerned or, as the case may be, the National Crime Squad, they may enter an agreement for that purpose.

- (5) Any expenditure incurred under an agreement made under this section shall be borne—
- (a) in the case of an agreement under subsection (1), by the appropriate authorities who approved it, and
  - (b) in the case of an agreement under subsection (4), by the parties to it,
- in such proportions as they may agree or as may, in the absence of agreement, be determined by the Secretary of State.
- (6) An agreement under subsection (1) or (4) may be varied or determined by a subsequent agreement.
- (7) If it appears to the Secretary of State that any party should enter an agreement to which subsection (1), (4) or (6) applies, the Secretary of State may, after considering any representations made by the party concerned, direct the party to enter into such an agreement under those provisions as may be specified in the direction.
- (8) The provisions of this section shall not prejudice the power of the NCIS Service Authority, any police authority, the Police Authority for Northern Ireland or the NCS Service Authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

## **23 Aid by and for NCIS**

- (1) The Director General of NCIS may, on the application of—
- (a) the chief officer of police of a police force in England and Wales,
  - (b) the chief constable of a police force in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary, or
  - (d) the Director General of the National Crime Squad,
- provide constables or other assistance for the purposes of enabling the police force or the Royal Ulster Constabulary or, as the case may, the National Crime Squad to meet any special demand on its resources.
- (2) On the application of the Director General of NCIS—
- (a) the chief officer of police of a police force in England and Wales,
  - (b) the chief constable of a police force in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary, or
  - (d) the Director General of the National Crime Squad,
- may provide constables or other assistance for the purposes of enabling NCIS to meet any special demand on its resources.
- (3) If it appears to the Secretary of State—
- (a) that it is expedient in the interests of public safety or order that a police force, the Royal Ulster Constabulary, the National Crime Squad or NCIS should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and

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- (b) that satisfactory arrangements under subsection (1) or (2) cannot be made, or cannot be made in time,

he may direct the Director General of NCIS, the chief officer of police of any police force in England and Wales, the chief constable of any police force in Scotland, the chief constable of the Royal Ulster Constabulary or the Director General of the National Crime Squad to provide such constables or other assistance for that purpose as may be specified in the direction.

- (4) While a constable is provided under this section for the assistance of a police force, the Royal Ulster Constabulary or the National Crime Squad he shall, notwithstanding section 10(1), be under the direction and control of the chief officer of that force or, as the case may be, the chief constable of that force or Constabulary or the Director General of that Squad.
- (5) While a constable is provided under this section for the assistance of NCIS he shall, notwithstanding section 56(1) below, section 10(1) of the Police Act 1996, section 17(2) of the Police (Scotland) Act 1967 or section 6(2) of the Police Act (Northern Ireland) 1970, be under the direction and control of the Director General of NCIS.
- (6) For the purposes of this section “constable”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

## **24 Provision of special services**

The Director General of NCIS may, at the request of any person, provide services at any premises or in any locality in the United Kingdom, if those services are consistent with the functions of, and do not prejudice the efficiency or effectiveness of, NCIS.

### *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.

## **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.

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- (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—
- (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.
- (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.

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

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### **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.

#### *Discipline and complaints*

### **37 Discipline regulations**

- (1) The Secretary of State may make regulations relating to the conduct of members of NCIS and the maintenance of discipline in NCIS.
- (2) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the NCIS Service Authority, the Director General of NCIS or other persons, or
  - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **38 Appeals**

- (1) Where the Director General of NCIS, or a police member to whom section 9(2)(a) applies, is dismissed or required to resign by a decision taken under or by virtue of regulations made under section 37, he may appeal to an appeals tribunal against the



decision except where he has a right of appeal to some other person; and in that case he may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed or required to resign.

- (2) The Secretary of State shall, by order, make provision in relation to appeals tribunals and appeals under subsection (1) corresponding (with or without modification) to that which is or may be made in relation to police appeals tribunals and appeals under section 85(1) of the Police Act 1996 by, or by virtue of, section 85(2) to (4) of and Schedule 6 to that Act.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **39 Complaints**

- (1) The Secretary of State shall, by regulations, make provision for the handling of any complaint about the conduct of any member of NCIS which is submitted by, or on behalf of, a member of the public.
- (2) Regulations under subsection (1) shall, so far as the Secretary of State thinks it desirable, make provision—
  - (a) for the procedures for the handling of complaints relating to anything done or omitted to be done by a person in Scotland to be procedures corresponding or similar to those established by or by virtue of sections 40 and 40A of the Police (Scotland) Act 1967;
  - (b) for the procedures for the handling of complaints relating to anything done or omitted to be done by a person in Northern Ireland to be procedures corresponding or similar to those established by or by virtue of the Police (Amendment) (Northern Ireland) Order 1995, and for that purpose the regulations may confer additional functions on the Independent Commission for Police Complaints for Northern Ireland;
  - (c) for the procedures for the handling of any other complaint to be procedures corresponding or similar to those established by or by virtue of Chapter I of Part IV of the Police Act 1996 (police complaints), and for that purpose the regulations may confer additional functions on the Police Complaints Authority.
- (3) The Secretary of State may issue guidance to persons on whom functions are conferred by regulations under this section concerning the performance of their functions under those regulations, and they shall have regard to any such guidance in the performance of those functions.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **40 Information as to the manner of dealing with complaints etc**

The NCIS Service Authority in carrying out its duty under section 3(1), and inspectors of constabulary appointed under section 54 of the Police Act 1996, section 33 of the Police (Scotland) Act 1967 or section 16 of the Police Act (Northern Ireland) 1970 in carrying out their duties with respect to the efficiency and effectiveness of NCIS, shall keep themselves informed as to the operation of procedures established under section 39.

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

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### *Miscellaneous*

#### **41 Arrangements for consultation**

- (1) The NCIS Service Authority shall, after consulting the Director General of NCIS, make arrangements for obtaining the views of—
  - (a) the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
  - (b) the NCS Service Authority,
  - (c) the Commissioners of Customs and Excise, and
  - (d) such other persons or bodies as the NCIS Service Authority considers appropriate,about the Authority and NCIS.
- (2) The Director General of NCIS shall, after consulting the Authority, make arrangements for obtaining the views of—
  - (a) the chief officers of police of police forces in England and Wales,
  - (b) the chief constables of police forces in Scotland,
  - (c) the Chief Constable of the Royal Ulster Constabulary,
  - (d) the Director General of the National Crime Squad,
  - (e) the Commissioners of Customs and Excise, and
  - (f) such other persons or bodies as the Director General of NCIS considers appropriate,about NCIS.
- (3) Arrangements made under subsection (1) or (2) shall be reviewed from time to time.
- (4) If it appears to the Secretary of State that arrangements made for consultation by the NCIS Service Authority or the Director General under this section are not adequate for the purposes set out in subsection (1) or (2), he may require the Authority or Director General whose duty it is to make the arrangements to submit a report to him concerning the arrangements.
- (5) After considering a report submitted under subsection (4), the Secretary of State may require the Authority or Director General who submitted it to review the arrangements and submit a further report to him concerning them.
- (6) The Authority or Director General shall be under the same duties to consult when reviewing arrangements as when making them.

#### **42 Liability for wrongful acts of constables etc**

- (1) The Director General of NCIS shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the NCIS service fund—
  - (a) any damages or costs awarded against the Director General in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and

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- (b) any sum required in connection with the settlement of any claim made against the Director General by virtue of this section, if the settlement is approved by the NCIS Service Authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the Director General of NCIS for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the Director General; and references in this section to the Director General shall be construed accordingly.
- (4) The NCIS Service Authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the NCIS service fund—
  - (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for a tort committed by that person,
  - (b) any costs incurred and not recovered by such a person in such proceedings, and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
  - (a) a member of NCIS, or
  - (b) a constable for the time being required to serve with NCIS by virtue of section 23.
- (6) In relation to Scotland—
  - (a) subsection (1) shall not apply but—
    - (i) the Director General of NCIS shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his direction and control in the performance or purported performance of his functions in the like manner as a master is so liable in respect of any wrongful act or omission on the part of his servant in the course of the servant's employment, and
    - (ii) subsection (4)(a) shall apply as if the reference to proceedings for a tort committed by a person were a reference to proceedings for a wrongful act or omission on the part of that person, and
  - (b) any reference in subsection (2) or (4) to costs shall be construed as a reference to expenses.

### **43 Causing disaffection**

Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of NCIS within section 9(1)(a) or (b), or induces or attempts to induce, or does any act calculated to induce, any such member to withhold his services, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

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

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#### **44 Orders governing NCIS Service Authority**

- (1) The Secretary of State may by order make provision (including provision as regards Scotland and Northern Ireland) in relation to the NCIS Service Authority about matters of the kind dealt with in the enactments listed in Schedule 4 (which lists enactments which make provision about police authorities established under section 3 of the Police Act 1996).
- (2) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### *General*

#### **45 Orders and regulations**

Any power of the Secretary of State to make orders or regulations under this Part shall be exercisable by statutory instrument.

#### **46 Interpretation of Part I**

In this Part—

- “financial year” means the twelve months ending with 31st March;
- “NCIS” has the meaning given in section 2;
- “NCIS Service Authority” has the meaning given in section 1(1);
- “NCIS service fund” means the fund established under section 16;
- “NCS Service Authority” means the Service Authority for the National Crime Squad.