



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 5

#### POLICE ORGANISATION

##### Extent Information

- E1** Pt. V (ss. 104-128) extended to UK so far as relating to the National Criminal and Intelligence Service, see s. 138(6)(d) as enacted; by Serious Organised Crime and Police Act 2005 c. 15, ss. 59, 174(2), Sch. 4 para. 167, { Sch. 17 Pt. 2} and The Serious Organised Crime and Police Act 2005 (Commencement No. 5 and Transitional and Transitory Provisions and Savings) Order 2006 (S.I. 2006/378), art. 4(1), Sch. paras. 10, 13(II), the said s. 138(6)(d) was repealed (1.4.2006)

*Police authorities etc.*

#### 104 Vice-chairmen

- (1) In Schedule 2 to the 1996 Act (police authorities outside London), after paragraph 9 there shall be inserted—

##### “Vice-chairmen

- 9A (1) At an annual meeting a police authority may appoint one or more vice-chairmen from among its members.
- (2) The making of appointments under sub-paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.
- (3) Where a vice-chairman ceases to hold office at any time between annual meetings, a police authority may make an appointment to fill the vacancy at any meeting of the authority held more than fourteen days after the occurrence of the vacancy.

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

- (4) Subject to any standing orders made by a police authority, anything authorised or required to be done by, to or before their chairman may be done by, to or before any vice-chairman of the authority.”
- (2) In Schedule 2A to that Act (the Metropolitan Police Authority), after paragraph 6 there shall be inserted—

**“Vice-chairmen**

- 6A (1) At an annual meeting the Metropolitan Police Authority may appoint one or more vice-chairmen from among its members.
- (2) The making of appointments under sub-paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.
- (3) Where a vice-chairman ceases to hold office at any time between annual meetings, the Metropolitan Police Authority may make an appointment to fill the vacancy at any meeting of the Authority held more than fourteen days after the occurrence of the vacancy.
- (4) Subject to any standing orders made by the Metropolitan Police Authority, anything authorised or required to be done by, to or before their chairman may be done by, to or before any vice-chairman of the authority.”

- (3) <sup>F1</sup>.....
- (4) In the following provisions (tenure of office, eligibility for reappointment and validity of acts of chairman and members of police authorities etc.)—
  - (a) paragraphs 17(1) and 21 to 23 of Schedule 2 to the 1996 Act,<sup>[F2 and]</sup>
  - (b) paragraphs 12(1) and 16 to 18 of Schedule 2A to that Act,<sup>F3</sup> . . .
  - (c) <sup>F3</sup>.....
 after “chairman”, wherever it occurs, there shall be inserted “ or vice-chairman ”.
- (5) In paragraph 24 of Schedule 2 to the 1996 Act, paragraph 19 of Schedule 2A to that Act and paragraph 16 of Schedule 2 to the 1997 Act (validity of acts)—
  - (a) after “of chairman”, in each case, there shall be inserted, “ by a vacancy for a vice-chairman ”; and
  - (b) after “as chairman”, in each case, there shall be inserted “ or vice-chairman ”.
- (6) In paragraph 25 of Schedule 2 to the 1996 Act (allowances for members of police authorities)—
  - (a) in sub-paragraph (1), after “chairman” there shall be inserted “ , vice-chairmen ”; and
  - (b) in sub-paragraph (2), after “chairman,” there shall be inserted “ a vice-chairman, ”.
- (7) In paragraph 20 of Schedule 2A to the 1996 Act (allowances for members of the Metropolitan Police Authority etc.)—
  - (a) in sub-paragraph (1), after “chairman” there shall be inserted “ , vice-chairmen ”; and
  - (b) in sub-paragraph (3), after “chairman,” there shall be inserted “ a vice-chairman, ”.
- (8) <sup>F4</sup>.....

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

- (9) In paragraph 6B(b) of Schedule 12 to the Local Government Act 1972 (c. 70) (persons to preside in the case of a police authority in the absence of the chairman), for the words from “another member” to “preside” there shall be substituted “the following person shall preside—
- (i) in a case in which only one vice-chairman is present at the meeting, that vice-chairman;
  - (ii) in a case in which more than one vice-chairman is present at the meeting, the vice-chairman chosen by the members present; and
  - (iii) in any other case, the member chosen by the members present;”.

#### Textual Amendments

- F1** S. 104(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174(2), 178, Sch. 4 para. 164(2), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 13(II) (subject to [art. 4\(2\)-\(7\)](#))
- F2** Word in s. 104(4)(a) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, Sch. 4 para. 164(3)(a); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 10 (subject to [art. 4\(2\)-\(7\)](#))
- F3** S. 104(4)(c) and preceding word repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174(2), 178, Sch. 4 para. 164(3)(b), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 13(II) (subject to [art. 4\(2\)-\(7\)](#))
- F4** S. 104(8) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174(2), 178, Sch. 4 para. 164(4), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 10, 13(II) (subject to [art. 4\(2\)-\(7\)](#))

#### Commencement Information

- I1** S. 104 wholly in force at 1.4.2002; s. 104 not in force at Royal Assent see [s. 138](#); s. 104 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, [art. 2\(1\)\(b\)](#); s. 104 in force at 1.4.2002 insofar as not already in force by S.I. 2002/344, [art. 3](#) (with [art. 4](#))

## 105 Political balance on police authorities

- (1) In paragraph 4(1) of Schedule 2 to the 1996 Act (balance of parties on council to be reflected in appointments to police authority), for the words from “the members for” onwards there shall be substituted “in the case of the members for whose appointment it is responsible, the proportion who are members of any given party—
- (a) where it is a council that is responsible for their appointment, is the same as the proportion of the members of the council who are members of that party; and
  - (b) where it is a joint committee that is so responsible, is the same as the proportion of the members of the relevant councils taken as a whole who are members of that party.”
- (2) In paragraph 2(3) of Schedule 2A to that Act (which makes corresponding provision for the Metropolitan Police Authority), for the words from “the members for” onwards there shall be substituted “ in the case of the members of the Authority who are members of the London Assembly appointed under this paragraph, the proportion who are members of any given party is the same as the proportion of the members of the London Assembly who are members of that party ”.

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

#### Commencement Information

- I2** Ss. 104-106 partly in force; ss. 104-106 not in force at Royal Assent see s. 138; ss. 104-106 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, art. 2(1)(b)

### 106 Removal of age qualification for membership

- (1) The following provisions (which disqualify persons of more than seventy years old from membership of police authorities etc. and from selection panels of police authorities) shall cease to have effect—
- (a) paragraph 10 of Schedule 2 to the 1996 Act (police authorities outside London);
  - (b) paragraph 1(b) of Schedule 2 to the 1997 Act (service authorities for the National Crime Squad and the National Criminal Intelligence Service).
- (2) Accordingly, in paragraphs 12 to 14 of Schedule 2 to the 1996 Act, for the words “paragraphs 10 and 11”, wherever they occur, there shall be substituted “ paragraph 11 ”.

#### Commencement Information

- I3** S. 106 wholly in force at 1.4.2002; s. 106 not in force at Royal Assent see s. 138; s. 106 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, art. 2(1)(b); s. 106 in force at 1.4.2002 in so far as not already in force by S.I. 2002/344, art. 3 (with art. 4)

### 107 Payment of allowances to authority members etc.

- (1) In each of the following provisions (which provide for the members of certain authorities to be made such payments by way of reimbursement of expenses and allowances as the Secretary of State may determine), the words “and allowances” shall be omitted—
- (a) paragraph 25(1) of Schedule 2 to the 1996 Act (police authorities outside London);
  - (b) paragraph 20(1) of Schedule 2A to that Act (the Metropolitan Police Authority);
  - (c) <sup>F5</sup> .....
- (2) After paragraph 25 of Schedule 2 to the 1996 Act (the police authorities outside London) there shall be inserted—

#### “Allowances for members etc.

- 25A (1) Subject to the following provisions of this paragraph, a police authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as the authority may determine.
- (2) Subject to sub-paragraph (6), no payment shall be made under this paragraph except in accordance with arrangements published by the authority not more than twelve months before the making of the payment.

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*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

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- (3) A police authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by the authority.
- (4) It shall be the duty of a police authority, when making or revising any arrangements made for the purposes of this paragraph, to have regard to any guidance given by the Secretary of State about the payment of allowances.
- (5) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice chairman or other member or is appointed under paragraph 2, 5 or 8.
- (6) The Secretary of State may by regulations impose such limits as may be provided for by or under the regulations on the payments that may be made under this paragraph.
- (7) A statutory instrument containing regulations under sub-paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Members of standards committees**

25B Paragraphs 25 and 25A shall have effect in relation to a police authority as if references to members of the authority included references to persons who are not members of the authority but are members of the authority's standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of the authority but are members of the authority's standards committee."

- (3) After paragraph 20 of Schedule 2A to that Act (the Metropolitan Police Authority) there shall be inserted—

#### **"Allowances for members etc.**

- 20A
- (1) Subject to the following provisions of this paragraph, the Metropolitan Police Authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as that Authority may determine.
  - (2) Subject to sub-paragraphs (6) and (7), no payment shall be made under this paragraph except in accordance with arrangements published by the Metropolitan Police Authority not more than twelve months before the making of the payment.
  - (3) The Metropolitan Police Authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by that Authority.
  - (4) It shall be the duty of the Metropolitan Police Authority, when making or revising any arrangements made for the purposes of this paragraph, to have regard to any guidance given by the Secretary of State about the payment of allowances.

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

- (5) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice chairman or one of the other members of the Metropolitan Police Authority, or is appointed under paragraph 3 or 5.
- (6) No payment shall be made under this paragraph to any member of the Metropolitan Police Authority who is also a member of the London Assembly.
- (7) The Secretary of State may by regulations impose such limits as may be provided for by or under the regulations on the payments that may be made under this paragraph.
- (8) A statutory instrument containing regulations under sub-paragraph (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Members of standards committees**

20B Paragraphs 20 and 20A shall have effect in relation to the Metropolitan Police Authority as if references to the members of that Authority included references to persons who are not members of that Authority but are members of the Authority’s standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of that Authority but are members of the Authority’s standards committee.”

(4) <sup>F6</sup> .....

**Textual Amendments**

**F5** S. 107(1)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 165(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**F6** S. 107(4) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 165(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

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**Commencement Information**

**I4** S. 107 wholly in force at 1.4.2002; s. 107 not in force at Royal Assent see s. 138; s. 107(1)(a)(b)(2)(3) in force at 1.12.2001 by S.I. 2001/3736, art. 2(c); s. 107(1)(c)(4) in force at 1.4.2002 by S.I. 2002/344, **art. 3** (with art. 4)

*Constitution of the Service Authorities for NCIS and NCS*

108 .....

<sup>F7</sup> .....

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

**Textual Amendments**

**F7** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**109** .....

**F8** .....

**Textual Amendments**

**F8** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

*Financial provisions for NCIS Service Authority*

**110** .....

**F9** .....

**Textual Amendments**

**F9** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**111 Funding of NCIS Service Authority**

**F10** .....

**Textual Amendments**

**F10** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**112 Duty of NCIS Service Authority to prepare accounts**

**F11** .....

**Textual Amendments**

**F11** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

*Financial provisions for NCS Service Authority*

**113 Preparation of budget statement by NCS Service Authority**

F12 .....

**Textual Amendments**

**F12** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(I)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**114 Funding of NCS Service Authority**

F13 .....

**Textual Amendments**

**F13** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(I)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**115 Duty of NCS Service Authority to prepare accounts**

F14 .....

**Textual Amendments**

**F14** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(I)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

*Director General and other members of NCIS*

**116 Appointment of NCIS Director General**

F15 .....

**Textual Amendments**

**F15** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(I)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**117 Removal of NCIS members (other than the Director General)**

F16 .....

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

**Textual Amendments**

**F16** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**118 Removal of NCIS Director General, etc.**

**F17** .....

**Textual Amendments**

**F17** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

*Director General and other members of NCS*

**119 Appointment of NCS Director General**

**F18** .....

**Textual Amendments**

**F18** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**120 Removal of NCS members (other than the Director General)**

**F19** .....

**Textual Amendments**

**F19** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

**121 Removal of NCS Director General etc.**

**F20** .....

**Textual Amendments**

**F20** Ss. 108-121 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 166, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

## Police ranks

### 122 Deputy Assistant Commissioners of Police of the Metropolis

- (1) Before section 9G of the 1996 Act (appointment and removal of Commanders in the metropolitan police force), there shall be inserted—

**“9FA Appointment and removal of Deputy Assistant Commissioners**

- (1) The ranks that may be held in the metropolitan police force shall include that of Deputy Assistant Commissioner of Police of the Metropolis (“Deputy Assistant Commissioner”).
- (2) Any appointment of a Deputy Assistant Commissioner shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.
- (3) Subsections (1) to (3) of section 9E shall apply in relation to a Deputy Assistant Commissioner as they apply in relation to the Commissioner of Police of the Metropolis.
- (4) Subsection (3) of this section is without prejudice to—
- (a) any regulations under section 50, or
  - (b) any regulations under the Police Pensions Act 1976 (c. 35).”
- (2) In section 9H(2) of that Act (ranks that may be held in the metropolitan police force), for “and” at the end of paragraph (c) there shall be substituted—
- “(ca) Deputy Assistant Commissioner of Police of the Metropolis, and”.
- (3) <sup>F21</sup> .....

#### Textual Amendments

**F21** S. 122(3) repealed (23.12.2004) by [Police Reform Act 2002 \(c. 30\)](#), ss. 107(2), 108, [Sch. 8](#); S.I. 2004/3338, [art. 3\(c\)\(vi\)](#)

### 123 Appointment and removal of deputy chief constables

- (1) After section 11 of the 1996 Act (appointment and removal of chief constables), there shall be inserted—

**“11A Appointment and removal of deputy chief constables**

- (1) Every police force maintained under section 2 shall have a deputy chief constable.
- (2) The appointment of a person to be the deputy chief constable of a police force shall be made, in accordance with regulations under section 50, by the police authority responsible for maintaining that force, but only after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (2) to (4) of section 11 shall apply in relation to a deputy chief constable as they apply in relation to a chief constable.”

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

- (2) In section 13 of that Act (ranks that may be held in police forces)—
  - (a) in subsection (1), after “chief constable” there shall be inserted “, deputy chief constable ”; and
  - (b) subsection (2) shall be omitted.
- (3) <sup>F22</sup> .....

**Textual Amendments**

**F22** S. 123(3) repealed (23.12.2004) by [Police Reform Act 2002 \(c. 30\)](#), ss. 107(2), 108, [Sch. 8](#); S.I. 2004/3338, [art. 3\(c\)\(vi\)](#)

**124 Power of deputy to exercise functions of chief constable**

- (1) In section 12 of the 1996 Act (assistant chief constable), subsections (4) to (6) shall be omitted.
- (2) After that section, there shall be inserted—

**“12A Power of deputy to exercise functions of chief constable**

- (1) A deputy chief constable of a police force may exercise or perform any or all of the powers or duties of the chief constable of that force—
  - (a) during any absence, incapacity or suspension from duty of the chief constable,
  - (b) during any vacancy in the office of the chief constable, or
  - (c) at any other time, with the consent of the chief constable.
- (2) A police authority responsible for maintaining a police force may designate a person holding the rank of assistant chief constable in that force to exercise or perform any or all of the powers or duties of the chief constable of that force—
  - (a) during any absence, incapacity or suspension from duty of both the chief constable and the deputy chief constable, or
  - (b) during any vacancy in the offices of both the chief constable and the deputy chief constable.
- (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2).
- (4) The power to act by virtue of subsection (1)(a) or (b) or subsection (2) shall not be exercisable for a continuous period exceeding three months except with the consent of the Secretary of State.
- (5) The provisions of subsections (1) and (2) shall be without prejudice to any other enactment that makes provision for the exercise by any other person of powers conferred on a chief constable.”

**125 Chief superintendents**

- (1) In section 9H(2) of the 1996 Act (ranks that shall be prescribed for the metropolitan police force), after “those of” there shall be inserted “ chief superintendent, ”.

*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

- (2) In section 13(1) of that Act (ranks that shall be prescribed for other police forces), after “ranks of” there shall be inserted “ chief superintendent, ”.
- (3) In the provisions of that Act that are set out in subsection (4), before the word “superintendent”, wherever occurring, there shall be inserted “ chief ”.
- (4) Those provisions are—
- (a) section 50(3) (meaning of “senior officer” for the purposes of proceedings in which a member of a police force may be dismissed etc.);
  - (b) <sup>F23</sup> .....
  - (c) section 84(1) and (3) (representation at disciplinary and other proceedings).
- (5) In Schedule 6 to the 1996 Act (appeals to police appeal tribunals)—
- (a) in paragraph 10(a), before “superintendent” there shall be inserted “ chief ”; and
  - (b) in paragraph 10(c)(i)—
    - (i) after “of the rank of” there shall be inserted “ chief superintendent or ”; and
    - (ii) for “that rank” there shall be substituted “ one of those ranks ”.
- (6) The amendments of Schedule 6 to that Act by virtue of this section shall not affect any appeal brought by a member of a police force under section 85 of that Act before the coming into force of this section.

#### Textual Amendments

**F23** S. 125(4)(b) repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), ss. 107(2), 108, [Sch. 8](#); S.I. 2004/913, [art. 2\(f\)\(x\)](#)

#### *Police pensions etc.*

### 126 Pensions for members of NCIS and NCS

- (1) In section 7(2) of the Police Pensions Act 1976 (c. 35) (payment of pensions and contributions into Consolidated Fund or out of moneys provided by Parliament), before paragraph (d) there shall be inserted—
- “(ca) the Director General of the National Criminal Intelligence Service;
  - (cb) the Director General of the National Crime Squad;
  - (cc) a police member of the National Criminal Intelligence Service appointed under subsection (1)(b) of section 9 of the Police Act 1997 (c. 50) by virtue of subsection (2)(a) of that section;
  - (cd) a police member of the National Crime Squad appointed under subsection (1)(b) of section 55 of the Police Act 1997 by virtue of subsection (2)(a) of that section;”.
- (2) In section 11(1) of that Act (meaning of membership of police force or service in a police force), before paragraph (c) there shall be inserted—
- “(ba) service as the Director General of the National Criminal Intelligence Service;
  - (bb) service as the Director General of the National Crime Squad;

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*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

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- (bc) service as a police member of the National Criminal Intelligence Service appointed under subsection (1)(b) of section 9 of the Police Act 1997 by virtue of subsection (2)(a) of that section;
  - (bd) service as a police member of the National Crime Squad appointed under subsection (1)(b) of section 55 of the Police Act 1997 by virtue of subsection (2)(a) of that section;”.
- (3) In section 11(2) of that Act (meaning of “police authority”), for paragraphs (c) and (d) (service for which the service Authorities for the NCIS and NCS are treated as police authorities) there shall be substituted—
- “(c) in relation to any such service as is mentioned in subsection (ba) or (bc) above or any service of the kind described in section 97(1)(ca) of the Police Act 1996 (c. 16) or section 38A(1)(ba) of the Police (Scotland) Act 1967 (c. 77), it means the Service Authority for the National Criminal Intelligence Service;
  - (d) in relation to any such service as is mentioned in subsection (bb) or (bd) above or any service of the kind described in section 97(1)(cb) of the Police Act 1996, it means the Service Authority for the National Crime Squad;”.
- (4) In section 11(3)(b) of that Act (meaning of “police force”), after “(ab),” there shall be inserted “ (ba), (bb), (bc), (bd) ”.

## **127 Pensions for ACPO staff**

- (1) The persons to whom section 1 of the Superannuation Act 1972 (c. 11) (“the 1972 Act”) applies (persons to or in respect of whom benefits may be provided by schemes under that Act) shall include persons who at any time after the coming into force of this section are serving in employment with the Association of Chief Police Officers of England, Wales and Northern Ireland; and, accordingly, in Schedule 1 to that Act (kinds of employment to which that Act applies), in the entries under the heading “Other bodies”, there shall be inserted, at the appropriate place—
- “The Association of Chief Police Officers of England, Wales and Northern Ireland”.
- (2) Section 1 of the 1972 Act shall also apply to persons who at any time before the coming into force of this section have ceased to serve with the Association of Chief Police Officers of England, Wales and Northern Ireland.
- (3) The Association of Chief Police Officers of England, Wales and Northern Ireland shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to this section in the sums payable under the 1972 Act out of money provided by Parliament.

### *Minor and consequential amendments*

## **128 Amendments relating to NCIS and NCS**

- (1) Schedule 6 to this Act (which makes minor and consequential amendments relating to this Part) shall have effect.
- (2) In relation to any time before the coming into force of section 2(3) of the Police (Northern Ireland) Act 2000 (c. 32), the reference to the Northern Ireland Policing

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*Status: Point in time view as at 01/04/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5. (See end of Document for details)*

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Board in Schedule 2A to the 1997 Act (inserted by Schedule 6 to this Act) shall be construed as a reference to the Police Authority for Northern Ireland.

**Commencement Information**

- I5** S. 128 partly in force; s. 128 not in force at Royal Assent see s. 138; s. 128 in force for specified purposes at 1.8.2001 by S.I. 2001/2223, art. 3(h)

**Status:**

Point in time view as at 01/04/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Part 5.