



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 5

POLICE ORGANISATION

Director General and other members of NCIS

116 Appointment of NCIS Director General

- (1) Section 6 of the 1997 Act (appointment of Director General) shall be amended as follows.
- (2) In subsection (1)—
 - (a) for “NCIS Service Authority” there shall be substituted “Secretary of State”, and
 - (b) for “the Authority” there shall be substituted “he”.
- (3) After that subsection, there shall be inserted—

“(1A) The NCIS Service Authority shall pay to the Director General such remuneration and allowances as the Secretary of State may determine.”
- (4) In subsection (2)—
 - (a) for “a panel of members of the Authority” there shall be substituted “the Secretary of State”,
 - (b) for “that panel” there shall be substituted “a panel of members of the NCIS Service Authority”, and
 - (c) the words “after consultation with the Scottish Ministers” shall be omitted.
- (5) After subsection (2) there shall be inserted—

“(2A) Where an appointment falls to be made under this section and a list has been approved by the Secretary of State for the purposes of subsection (2), the panel mentioned in that subsection may make, to the Secretary of State, such recommendations as it thinks fit.

Status: This is the original version (as it was originally enacted).

- (2B) Before making an appointment under this section, the Secretary of State shall—
- (a) have regard to any recommendations made to him under subsection (2A), and
 - (b) consult the Scottish Ministers.”
- (6) In subsection (4)(a), the words “(other than under paragraph 6, 7(f) or 8(1)(h) of Schedule 1)” shall be omitted.
- (7) An order under section 138(2) bringing into force subsections (1) to (6) of this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient.

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

After section 9 of the 1997 Act (members of NCIS) there shall be inserted—

“9A Removal of certain members appointed under section 9

- (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the NCIS Service Authority, acting with the approval of the Secretary of State, may call upon a member of NCIS appointed under section 9 to retire in the interests of efficiency or effectiveness.
- (2) Subsection (1) does not apply to any member of NCIS appointed by the Director General by virtue of section 9(8).
- (3) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the member concerned an opportunity to make representations and shall consider any representations that he makes.
- (4) Before giving an approval for the purposes of subsection (1), the Secretary of State shall consult the Scottish Ministers.
- (5) A member 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 between him and the Authority.”

118 Removal of NCIS Director General, etc.

- (1) In section 29 of the 1997 Act (removal of Director General at direction of the Secretary of State) for subsections (1) to (3) there shall be substituted—
- “(1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976 (c. 35), the Secretary of State may—
- (a) call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness, or
 - (b) require the NCIS Service Authority to exercise its power under section 9A to call upon a member of NCIS (other than a member to which subsection (2) of that section applies) to retire in the interests of efficiency or effectiveness.

- (2) Before exercising his powers under subsection (1)(a) in relation to the Director General, or under subsection (1)(b) in relation to any other member, the Secretary of State shall—
- (a) give the person concerned an opportunity to make representations,
 - (b) consider any representations that he makes, and
 - (c) consult the Scottish Ministers.
- (3) Where representations are made under subsection (2), the Secretary of State may, and in a case where he proposes to exercise his power under subsection (1)(a) or (b) shall, appoint one or more persons to hold an inquiry and report to him.”
- (2) After subsection (6) of that section there shall be inserted—
- “(7) A Director General who is called upon to retire under subsection (1)(a) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between the Director General and the Secretary of State.”