
STATUTORY INSTRUMENTS

1997 No. 1585

POLICE

The Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 1) Order 1997

<i>Made</i>	- - - -	<i>25th June 1997</i>
<i>Laid before Parliament</i>		<i>1st July 1997</i>
<i>Coming into force</i>	- -	<i>23rd July 1997</i>

In exercise of the powers conferred upon him by section 44 of the Police Act 1997⁽¹⁾, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Police Act 1997 (Provisions in relation to the NCIS Service Authority) (No. 1) Order 1997 and shall come into force on 23rd July 1997.

Meetings and proceedings of NCIS Service Authority

2. The provisions of the Schedule to this Order shall have effect with respect to the meetings and proceedings of the NCIS Service Authority and its committees.

Arrangements for Discharge of Functions

3.—(1) Subject to any express provision in any enactment, the NCIS Service Authority may arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Authority.

(2) Where by virtue of this article any functions of the NCIS Service Authority may be discharged by a committee, then, unless the Authority otherwise directs, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the Authority and where by virtue of this article any function of the Authority may be discharged by a sub-committee then, unless the Authority or the committee otherwise directs, the sub-committee may arrange for the discharge of those functions by an officer of the Authority.

(3) Any arrangements made by the NCIS Service Authority or a committee under this article for the discharge of any functions by a committee, sub-committee, or officer shall not prevent the Authority or committee by whom the arrangements were made from exercising those functions.

(4) The NCIS Service Authority's functions with respect to levying or borrowing money shall be discharged only by the Authority.

(5) References in this article and article 4 below to the discharge of any of the functions of the NCIS Service Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to the discharge of any of those functions.

(6) The officers who may discharge the functions of the NCIS Service Authority in pursuance of arrangements under paragraphs (1) and (2) above shall include the Director General, his deputy while performing his duties and any civilian officer employed by the Authority.

(7) Where pursuant to arrangements made by virtue of paragraph (6) above—

- (a) the Director General, or
- (b) the deputy of the Director General

may discharge functions of the NCIS Service Authority, he may himself arrange for the discharge of any of those functions by a member, including a police member, of the National Criminal Intelligence Service.

Appointment of Committees

4.—(1) For the purpose of discharging any functions in pursuance of arrangements made under article 3 above—

- (a) the NCIS Service Authority may appoint a committee of the Authority; or
- (b) any such committee may appoint one or more sub-committees.

(2) Subject to the provisions of this article, the number of members of a committee appointed under paragraph (1) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the NCIS Service Authority or, in the case of a sub-committee, by the appointing committee.

(3) The NCIS Service Authority may appoint a committee to advise it on any matter relating to the discharge of its functions, and any such committee may appoint one or more sub-committees to advise the committee with respect to any such matter.

(4) Any committee or sub-committee appointed under paragraph (1) or (3) above may consist only of members of the appointing Authority and shall be appointed for such term as may be determined by the appointing Authority.

(5) Every member of a committee appointed under this article who at the time of his appointment was a member of the NCIS Service Authority shall upon ceasing to be a member of the Authority also cease to be a member of the committee; but for the purposes of this article a member of the Authority shall not be deemed to have ceased to be a member of the Authority by reason of retirement if he has been re-appointed a member thereof not later than the day of his retirement.

Disqualification for Membership of Committee

5. A person who is employed by the NCIS Service Authority shall be disqualified for being a member of a committee (including a sub-committee) of that Authority, whether the committee is appointed under this Order or under any other enactment.

Standing Orders of Committees

6. Standing orders may be made as respects any committee of the NCIS Service Authority by that Authority, whether established under this Order or any other enactment, with respect to the quorum, proceedings and place of meeting of the committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee or sub-committee may determine.

Home Office
25th June 1997

Alun Michael
Minister of State

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SCHEDULE

Article 2

MEETINGS AND PROCEEDINGS OF NCIS SERVICE AUTHORITY AND ITS COMMITTEES

- 1.—(1) The NCIS Service Authority shall in every year hold an annual meeting.
 - (2) The annual meeting of the NCIS Service Authority shall be held on such day in the month of March, April or May as the Authority may fix.
 - (3) An annual meeting of the NCIS Service Authority shall be held at such hour as the Authority may fix, or if no hour is so fixed at twelve noon.
- 2.—(1) The NCIS Service Authority may in every year hold, in addition to the annual meeting, such other meetings as the Authority may determine.
 - (2) Those other meetings shall be held at such hour and on such days as the NCIS Service Authority may determine.
- 3.—(1) Meetings of the NCIS Service Authority shall be held at such place as the Authority may direct.
 - (2) Not less than seven days before a meeting of the NCIS Service Authority notice of the meeting specifying the business proposed to be transacted thereat and signed by the proper officer of the Authority shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the NCIS Service Authority.
 - (3) If a member of the NCIS Service Authority gives notice in writing to the proper officer of the Authority that he desires notices to attend meetings of the Authority to be sent to him at some address specified in the notice other than his place of residence, any notice addressed to him and left at or sent by post to that address shall be deemed sufficient service of the notice.
 - (4) Want of service of the notice on any member of the NCIS Service Authority shall not affect the validity of a meeting of the Authority.
 - (5) In this article “proper officer” means the officer appointed by the Authority for that purpose.
- 4.—(1) At a meeting of the NCIS Service Authority the chairman, if present, shall preside.
 - (2) If the chairman is absent from a meeting of the NCIS Service Authority another member of the Authority chosen by the members of the Authority present shall preside.
5. No business shall be transacted at a meeting of the NCIS Service Authority unless at least a quarter of the whole number of members of the Authority are present.
- 6.—(1) Subject to the provisions of any enactment all questions coming or arising before the NCIS Service Authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.
 - (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
7. The names of the members present at a meeting of the NCIS Service Authority shall be recorded.
- 8.—(1) Minutes of the proceedings of a meeting of the NCIS Service Authority shall, subject to paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next meeting of the Authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

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(2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the NCIS Service Authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initiated, at the same or next meeting of the Authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

(3) Until the contrary is proved, a meeting of the NCIS Service Authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been duly qualified.

9. The NCIS Service Authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

10. The proceedings of the NCIS Service Authority shall not be invalidated by any vacancy among its members or by any defect in the appointment or qualifications of any member thereof.

11.—(1) Paragraphs 6 to 10 above (except paragraph 8(3)) shall apply in relation to a committee of the NCIS Service Authority or a sub-committee of any such committee as they apply in relation to the Authority.

(2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 8 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to the NCIS Service Authority. Article 2 and the Schedule make provision about matters of the kind dealt with in section 99 and Schedule 12 (meetings and proceedings) of the Local Government Act 1972. Articles 3 to 6 make provision of kind dealt with by Part VI (discharge of functions by local authorities) of the Local Government Act 1972. The effect of the Order is to put the NCIS Service Authority in an analogous position to police authorities established under section 3 of the Police Act 1996 (c. 16) under those provisions.