

2013 No. 1958

NATIONAL CRIME AGENCY

**The National Crime Agency (Remuneration Review Body)
Regulations 2013**

<i>Made</i>	- - - -	<i>5th August 2013</i>
<i>Laid before Parliament</i>		<i>7th August 2013</i>
<i>Coming into force</i>	- -	<i>29th August 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 14(1) and 58(12) of the Crime and Courts Act 2013(a), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Crime Agency (Remuneration Review Body) Regulations 2013 and shall come into force on 29th August 2013.

(2) In these Regulations “review body” means the National Crime Agency Remuneration Review Body.

National Crime Agency Remuneration Review Body

2.—(1) There is to be a body called the National Crime Agency Remuneration Review Body.

(2) It must consist of—

- (a) a chair appointed by the Prime Minister; and
- (b) five or more other members appointed by the Secretary of State, one of whom the Secretary of State may appoint as deputy chair.

(3) Schedule 1 has effect in relation to the review body.

Determination of pay and allowances and other associated terms and conditions

3.—(1) The Secretary of State must, from time to time, determine the rates of pay and allowances applicable to officers of the National Crime Agency, of a lower grade than Deputy Director, who have been designated under section 10(1) of the Crime and Courts Act 2013.

(2) Before making such a determination, the Secretary of State shall—

- (a) refer the matter to the review body; and
- (b) consider that body’s report on the matter submitted under regulation 4(2).

Reports by the Review Body

4.—(1) The review body shall consider and report on any matter referred to it by the Secretary of State under regulation 3(2) that relates to the pay and allowances of NCA officers, of a lower grade than Deputy Director, who have been designated under section 10(1) of the Crime and Courts Act 2013.

(2) A report under paragraph (1) shall be submitted to—

- (a) the Secretary of State; and
- (b) the Prime Minister.

(3) The Secretary of State shall arrange for a report submitted under paragraph (2) to be published.

(4) When referring a matter to the review body, the Secretary of State may give directions to it about—

- (a) the time within which it must report;
- (b) considerations to which it must have particular regard;
- (c) the evidence that it must obtain;
- (d) matters on which it is to make recommendations.

(5) The review body may include in a report under this regulation any recommendations it considers appropriate arising out of matters referred to it under this regulation (whether or not it is required to do so by a direction under paragraph (4)).

(6) A reference made under regulation 3(2)(a) or a direction given under paragraph (4) may be varied or revoked.

Home Office
5th August 2013

Jeremy Browne
Minister of State

THE NATIONAL CRIME AGENCY REMUNERATION REVIEW BODY

Members of the review body

1. The Secretary of State shall determine how many members the review body should have and what kinds of experience the members should possess.

2. Members shall hold and vacate office in accordance with the terms of their appointment.

3. Members shall adhere to any statement of principles issued by the Secretary of State as to their conduct as members.

Resignation of chair, deputy chair or member

4.—(1) The chair of the review body may resign by giving written notice to the Prime Minister.

(2) Resignation may be either—

- (a) as chair, or
- (b) as both chair and member.

5.—(1) The deputy chair of the review body (if appointed) may resign by giving written notice to the Secretary of State.

(2) Resignation may be either—

- (a) as deputy chair, or
- (b) as both deputy chair and member.

6. A member other than the chair or deputy chair may resign by giving written notice to the Secretary of State.

Dismissal of members

7.—(1) The Prime Minister may by written notice dismiss the chair on the ground that—

- (a) the chair has been adjudged bankrupt, has been made the subject of a debt relief order (under Part 7A of the Insolvency Act 1986^(a)) or has made an arrangement with creditors;
- (b) in the opinion of the Prime Minister the chair is unable, unfit or unwilling to perform—
 - (i) the functions of chair, or
 - (ii) the functions of a member.

(2) Dismissal may be either—

- (a) as chair, or
- (b) as both chair and member (but only if sub-paragraph (1)(a) or (b)(ii) applies).

(a) 1986 c.45.

8.—(1) The Secretary of State may by written notice dismiss the deputy chair on the ground that—

- (a) the deputy chair has been adjudged bankrupt, has been made the subject of a debt relief order (under Part 7A of the Insolvency Act 1986) or has made an arrangement with creditors;
- (b) in the opinion of the Secretary of State the deputy chair is unable, unfit or unwilling to perform—
 - (i) the functions of the deputy chair, or
 - (ii) the functions of a member.

(2) Dismissal may be either—

- (a) as deputy chair, or
- (b) as both deputy chair and member (but only if sub-paragraph (1)(a) or (b)(ii) applies).

9. The Secretary of State may by written notice dismiss a member other than the chair or deputy chair on the ground that—

- (a) the member has been adjudged bankrupt, has been made the subject of a debt relief order (under Part 7A of the Insolvency Act 1986) or has made an arrangement with creditors;
- (b) in the opinion of the Secretary of State the member is unable, unfit or unwilling to perform the functions of a member.

Procedure

10.—(1) Subject to sub-paragraph (2), the review body shall determine its own procedure.

(2) The Secretary of State may give directions to the review body as to its procedure, including in particular directions about—

- (a) the persons from whom the review body is to obtain evidence;
- (b) the procedure for obtaining evidence.

(3) The validity of proceedings of the review body is not affected by—

- (a) a vacancy in its membership (including a vacancy in the position of chair);
- (b) a defect in a person's appointment.

Matters to be considered

11. The Secretary of State may give directions to the review body about the matters that it is to consider when making decisions.

Consultation

12.—(1) The Secretary of State shall consult with the persons and bodies listed in sub-paragraph (2), and any others that the Secretary of State thinks fit, before—

- (a) making or revising a determination under paragraph 1;
- (b) issuing or revising a statement of principles under paragraph 3;
- (c) giving or revising a direction under paragraph 10(2) or 11.

(2) The persons and bodies are—

- (a) Director General of the National Crime Agency;
- (b) persons whom the Secretary of State considers will represent the interests of officers of the NCA.

Publication

- 13.** The Secretary of State shall arrange for the publication of—
- (a) a statement of any determination made under paragraph 1 (and of any revised determination);
 - (b) any statement of principles issued under paragraph 3 (and any revised statement);
 - (c) any direction given under paragraph 10(2) or 11 (and any revised direction).

Money

- 14.** The Secretary of State—
- (a) may defray expenses incurred by the review body;
 - (b) may pay remuneration and allowances to members;
 - (c) may make payments to or in respect of a member by way of or in connection with—
 - (i) a pension;
 - (ii) an allowance or gratuity on retirement or death;
 - (d) may pay compensation to a person who ceases to be a member if it seems to the Secretary of State to be right to do so by reason of special circumstances.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Crime and Courts Act 2013 (“the Act”) creates the National Crime Agency. Section 14(1) of the Act gives a power to the Secretary of State to provide for the establishment, maintenance and operation of procedures for the determination from time to time of the rates of pay and allowances to be applied to NCA officers who have been designated with one or more powers under section 10(1) of the Act. These Regulations provide that before determining rates of pay and allowances for officers, of a lower grade than Deputy Director, who have been so designated, the Secretary of State must refer the matter to the National Crime Agency Remuneration Review Body and consider its report. The Regulations create the National Crime Agency Remuneration Review Body; make provisions relating to its constitution and governance; and require it to produce a report in relation to any matter referred to it.

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£4.00

UK201308063 08/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/1958>

ISBN 978-0-11-110269-5



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