

SCHEDULES

SCHEDULE 5

Section 108

THE SERVICE AUTHORITIES FOR NCIS AND NCS

PART 1

CORE MEMBERS

- 1 Part 1 of Schedule 1 to the 1997 Act (appointment of core members of the Service Authorities) shall be amended in accordance with this Part.
- 2 In paragraph 1 (number of core members), for “ten” there shall be substituted “eight”.
- 3 In paragraph 2 (three core members to be appointed by Secretary of State)—
 - (a) in sub-paragraph (1), for “Three” there shall be substituted “At least three, and not more than four.”;
 - (b) in sub-paragraph (2)(c), the words “local authority” shall be omitted; and
 - (c) in sub-paragraph (4) the words “in relation to the NCIS Service Authority” shall be omitted.
- 4 In paragraph 3 (two core members to be chief officers of police forces in England and Wales etc.)—
 - (a) in sub-paragraph (1) for “Two” there shall be substituted “One”; and
 - (b) sub-paragraph (2) shall be omitted.
- 5 In paragraph 4 (four core members to be local authority members of police authorities)—
 - (a) in sub-paragraph (1)—
 - (i) for “Four” there shall be substituted “One”; and
 - (ii) the words “local authority” shall be omitted; and
 - (b) sub-paragraph (2) shall be omitted.
- 6 For paragraph 6 (one core member to be Crown servant appointed by Secretary of State) there shall be substituted—

“6 (1) The relevant number of core members shall be Crown servants appointed by the Secretary of State under this paragraph.

(2) For this purpose “the relevant number” means—
 - (a) if three core members are appointed under paragraph 2, two, and
 - (b) if four core members are so appointed, one.”
- 7 After paragraph 6 (and immediately before the new paragraph 6B inserted by section 104 of this Act) there shall be inserted—

“6A One of the core members shall be a customs officer appointed by the Commissioners of Customs and Excise under this paragraph.”

Status: This is the original version (as it was originally enacted).

PART 2

OTHER MEMBERS OF NCIS SERVICE AUTHORITY

8 In Part 2 of Schedule 1 to the 1997 Act (appointment of additional members of NCIS Service Authority), for paragraph 7 (appointment of other members where Authority has 19 members) there shall be substituted—

“7 Where the NCIS Service Authority is to consist of eleven members by virtue of section 1, then in addition to the eight core members—

- (a) one of the members shall be a person appointed under this paragraph in accordance with paragraph 7A,
- (b) one shall be a person appointed under this paragraph in accordance with paragraph 7B, and
- (c) one shall be a member of the Security Service appointed by the Secretary of State under this paragraph.

7A (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall, after consultation with the Scottish Ministers, decide whether the person appointed must be—

- (a) a chief constable of a police force in Scotland,
- (b) a member of a police authority for an area in Scotland, or
- (c) a Crown servant.

(2) Where such a decision is made—

- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the chief constables of police forces in Scotland, from among their number;
- (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of police authorities for areas in Scotland, from among their number; and
- (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Scottish Ministers.

7B (1) Where an appointment falls to be made in accordance with this paragraph the Secretary of State shall decide whether the person appointed must be—

- (a) a person holding at least the rank of deputy chief constable in the Police Service of Northern Ireland,
- (b) a member of the Northern Ireland Policing Board, or
- (c) a Crown servant.

(2) Where such a determination is made—

- (a) if the member must be within sub-paragraph (1)(a), he shall be appointed by the Chief Constable of the Police Service of Northern Ireland;
- (b) if the member must be within sub-paragraph (1)(b), he shall be appointed by the members of the Northern Ireland Policing Board, from among their number; and
- (c) if the member must be within sub-paragraph (1)(c), he shall be appointed by the Secretary of State.”

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

- 9 (1) Paragraph 8 of that Part (appointment of other members where Authority has more than 19 members) shall be amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “nineteen” there shall be substituted “eleven”;
 - (b) for “ten” there shall be substituted “eight”;
 - (c) in paragraph (d), for “one shall be a person” there shall be substituted “a prescribed number shall be persons”;
 - (d) in paragraph (e), the words “(being not less than two)” and “local authority” shall be omitted;
 - (e) for paragraph (h) there shall be substituted—
 - “(h) a prescribed number shall be Crown servants appointed by the Secretary of State under this paragraph;
 - (ha) a prescribed number shall be Crown servants appointed by the Scottish Ministers under this paragraph; and”;
- and
- (f) in paragraph (i), for “one shall be a customs officer” there shall be substituted “a prescribed number shall be customs officers”.
- (3) Sub-paragraph (2) shall be omitted.
- (4) In sub-paragraph (5), after “paragraph” there shall be inserted “; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1)”.

PART 3

OTHER MEMBERS OF NCS SERVICE AUTHORITY

- 10 (1) In Part 3 of Schedule 1 to the 1997 Act (appointment of additional members of NCS Service Authority), the existing paragraph 9 (appointment of other members where Authority has 17 members) shall become sub-paragraph (1) of that paragraph.
- (2) In that sub-paragraph—
- (a) for “seventeen” there shall be substituted “eleven”;
 - (b) for “ten” there shall be substituted “eight”;
 - (c) in paragraph (b)—
 - (i) for “six” there shall be substituted “one”; and
 - (ii) the words “local authority” shall be omitted; and
 - (d) after that paragraph there shall be inserted “; and
 - (c) one shall be appointed by the Secretary of State.”
- (3) After that sub-paragraph there shall be inserted—
- “(2) Paragraph 2(2) applies in relation to appointments under sub-paragraph (1)(c) as it applies to appointments under paragraph 2.”
- 11 In paragraph 10 of that Part (appointment of other members where Authority has more than 17 members)—
- (a) in sub-paragraph (1)—
 - (i) for “seventeen” there shall be substituted “eleven”; and
 - (ii) for “ten” there shall be substituted “eight”;

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

- (b) in paragraph (c) of that sub-paragraph the words “(being not less than six)” and “local authority” shall be omitted;
- (c) sub-paragraph (2) shall be omitted; and
- (d) in sub-paragraph (5), after “paragraph” there shall be inserted “; but nothing in this paragraph shall require such an order to prescribe a number in respect of each of the paragraphs of sub-paragraph (1)”.

PART 4

GENERAL

- 12 In Part 4 of Schedule 1 to the 1997 Act (general provisions relating to the Service Authorities), paragraph 12 (local authority members to reflect balance of political parties) shall be omitted.
- 13 In paragraph 13 of that Part (clerk to Service Authority to facilitate appointment of certain members), in sub-paragraph (a), the words “local authority” shall be omitted.
- 14 Paragraph 14 of that Part (meaning of “local authority members of police authorities”) shall be omitted.