

# LA DIRECTION DE LA POLICE JUDICIAIRE ET SON CONTROLE PAR LES AUTORITES JUDICIAIRES AU ROYAUME-UNI

## Textes de référence (en annexe) :

- ✓ loi de 1996 sur la police (*Police Act 1996*)
- ✓ loi de 1997 (*Police Act 1997*)

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## Introduction

Dans la conception française, la police judiciaire s'entend comme l'activité ou le personnel ayant pour mission de constater l'infraction, d'en rassembler les preuves et d'en rechercher les auteurs. La mission de la police judiciaire se termine là où commence celle de la police administrative. Elle s'arrête également là où commence, sauf commission rogatoire, celle de l'instruction.

Au Royaume-Uni au contraire, le droit pénal (*criminal law*) ne fait aucune distinction entre la police administrative et la police judiciaire. Tout agent de police, au sens générique du terme peut exercer simultanément les deux fonctions. Dans ces conditions d'absence d'une police exclusivement judiciaire, le champ de la présente étude consistera simplement dans l'analyse de la contribution de la police britannique à l'exercice de la mission de la juridiction répressive. Là apparaîtront les mécanismes et les agents de contrôle et de direction.

Il faut également préciser d'emblée qu'il n'existe pas de juridiction d'instruction ni de lien organique entre le ministère public (*Crown Prosecution Service*)<sup>1</sup> et la police au Royaume-Uni. Il appartient aux seules autorités de police de prendre toute initiative en matière d'enquête, de rechercher les preuves et les auteurs d'infraction. Les activités de police judiciaire ne sont pas exercées sous la direction du procureur ni du juge d'instruction.

L'organisation de la police au Royaume-Uni est complexe. La direction et le contrôle de ses activités relèvent de plusieurs autorités. Il s'agit en premier lieu des autorités locales parce que l'autorité de police est en principe décentralisée (A). Comme toute décentralisation confère indirectement au pouvoir central un pouvoir de coordination, le ministre de l'intérieur (*Secretary of State for Home Affairs*) britannique détient d'importantes compétences de direction et de contrôle (B).

Avec le développement de certaines infractions nouvelles et complexes, le gouvernement britannique a récemment créé des autorités de l'Etat qui ont une compétence nationale et qui sont chargées de centraliser l'enquête. Ce sont divers établissements publics (*corporations*) (C).

Enfin, comme il n'existe pas de juridiction d'instruction dans le système Common Law, certains actes des autorités de police judiciaire sont contrôlés a priori par des magistrats du siège (D).

## A. LES COLLECTIVITES LOCALES

En principe, l'autorité de police relève de la compétence des collectivités locales. Les fonctions de police ont toujours été une attribution des communes. Dans les systèmes de Common Law, l'idée d'une police centralisée comme en France pourrait constituer un risque pour la liberté individuelle et les libertés publiques. La police doit être proche des citoyens et être contrôlée indirectement par eux. C'est pourquoi il existe en Grande-Bretagne quarante-trois forces de police décentralisées actuellement. L'Angleterre et le Pays de Galles sont divisés en quarante-trois districts de police.

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<sup>1</sup> L'équivalent du ministère public français se retrouve dans plusieurs institutions britanniques. Au plan pénal, le *Crown Prosecution Service* fait office du ministère public et au plan civil cette fonction revient à l'administration de l'*Attorney-General*, Chef de ce qui pourrait correspondre au parquet. Les fonctionnaires composant ces institutions ne sont pas des magistrats mais des avocats (*Barristers*).

Chaque district de police est dirigé par une “autorité de police” (*Police Authority*), en fait une commission relevant des collectivités locales compétentes, qui est chargée des affaires de police, et un Chef de la police (*Chief Constable*), fonctionnaire en chef de la police du district. Toutefois, Londres fait l’objet d’un régime tout différent. Il sera présenté séparément.

Nous analyserons ici l’autorité de police (1) et ensuite la force de police (2).

## 1. L’autorité de police

L’autorité de police est un établissement public ayant en charge la direction et l’administration de la police dans son ressort.

Chaque Autorité de police comprend 17 membres. Elle peut en compter davantage en vertu d’une décision du ministre de l’intérieur. Plusieurs autorités publiques participent à la nomination des membres de l’autorité de police. D’abord, le conseil de la (ou de plusieurs) collectivité locale nomment un certain nombre de conseillers locaux à l’Autorité. Au moins cinq membres sont choisis par l’Autorité de Police elle-même parmi des personnes réputées pour leur indépendance et probité.

Aussi, des magistrats, notamment des juges de paix, font également partie de l’Autorité de Police.

L’Autorité comprend un président (*Chairman*) élu en son sein. Les membres de l’Autorité détiennent en général un mandat de quatre années renouvelables.

Selon la loi de 1996 sur la police (*Police Act 1996*), il appartient à l’Autorité de Police de mettre en place et de maintenir une force de police efficace dans chaque district. A ce titre, il lui revient de nommer le Chef de la police et apprécie le travail des agents de police.

## 2. La police locale

Chaque unité de police locale est placée sous la direction du “*Constable*” en Chef<sup>2</sup> et exécute la mission de police judiciaire. N’importe quel policier peut exercer tous les pouvoirs relevant de la police, sauf quelques exceptions très rares. Les actes d’investigations ne sont pas

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<sup>2</sup> Le Constable en chef met en place la stratégie de l’enquête au cas par cas. Il décide en toute discrétion de procéder à l’enquête ou pas. V. Richard WARD, “*English Legal System*”, Londres, Butterworths, 1998, v. p. 295 et s.

La hiérarchie des grades de la police est la suivante: de bas en haut on distingue les agents, les sergents, les inspecteurs, les inspecteurs en chef, les adjoints du *constable* en chef et enfin les *constables* en chef, qui sont un peu plus d’une quarantaine en Grande-Bretagne. V. Jean PRADEL, “*Droit pénal comparé*”, Précis-Dalloz, 1995, v. p. 320.

réservées, comme en France, aux seuls agents ou “officiers” qui seraient les plus gradés. Au Royaume-Uni, les grades ne valent que pour la carrière et non pour l’exercice des missions particulières.

La police anglaise est tout à fait libre d’exercer tous ses pouvoirs de police judiciaire sans le contrôle et l’impulsion d’un organe externe.

Le ministère public, service des poursuites de la couronne (*Crown Prosecution Service*)<sup>3</sup> est simplement chargé de soutenir l’accusation devant le juge répressif. Il n’intervient nullement, sauf de manière tout à fait informelle, dans la phase de l’enquête et des investigations. Dans le système Common Law, basé sur le principe du contradictoire, la police établit un dossier comprenant bien sûr des éléments à charge et à décharge, qu’elle transmet au ministère public. Celui-ci apprécie à ce niveau l’opportunité des poursuites<sup>4</sup>.

Dans la phase de l’enquête, la police anglaise dispose d’importants pouvoirs d’investigation. L’article 1er de la loi de 1984 sur la police et les preuves en matière pénales (*Police and Criminal Evidence Act 1984*) accorde à la police le pouvoir d’intercepter et de fouiller une personne qu’elle soupçonne raisonnablement de détenir un objet volé ou des produits interdits. La police peut aussi garder à vue au poste (*Police Station*) pendant vingt-quatre heures une personne qui aurait commis une infraction plus ou moins grave (*serious arrestable offence*) aux fins de l’interroger<sup>5</sup>. Un officier de police de haut rang, c’est-à-dire, un *superintendent* ou un agent plus gradé peut prolonger de son propre chef la garde à vue de trente-six heures. Une prolongation supplémentaire est possible avec l’autorisation d’un magistrat du siège, normalement un juge de paix (*Justice of Peace*).

La loi de 1984 accorde également à la police le pouvoir de pénétrer dans les lieux privés sans mandat de perquisition, notamment dans les cas de flagrance.

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<sup>3</sup> Le *Crown Prosecution Service* est dirigé par le Directeur des poursuites publiques (*Director of Public Prosecutions*), sorte de procureur pénal en chef du Royaume. Le Directeur des poursuites publiques agit sous l’autorité de l’*Attorney-General*, ministre du gouvernement qui serait le responsable du ministère public. L’*Attorney-General* qui est obligatoirement un avocat peut être présent à la barre pour soutenir une accusation dans une affaire d’une exceptionnelle gravité. V. Mireille DELMAS-MARTY, “Procédures pénales d’Europe”, PUF, Thémis, 1995, v. p. 13 et suivant.

L’*Attorney-General* est aussi le conseiller juridique du gouvernement et assure la défense des départements ministériels dans tous les procès. Il peut également intervenir, en tant que ministère public, dans tous procès.

<sup>4</sup> En fait, l’opportunité des poursuites s’exerce à deux niveaux: d’abord par la police qui décide de procéder ou non à une enquête et ensuite par le ministère public sur la poursuite devant de juge pénal.

<sup>5</sup> S’agissant d’une procédure contradictoire, le conseil-avoué (*Solicitor*) peut assister son client dès le tout début de la garde à vue.

## B. LE GOUVERNEMENT

Les pouvoirs du gouvernement en matière de police judiciaire sont exercés essentiellement par le ministre de l'intérieur. Le ministre de la justice (*The Lord Chancellor*) n'intervient nullement dans la procédure d'enquête.

Le ministre de l'intérieur exerce ses pouvoirs de deux manières. Il est l'autorité directe de police à Londres (1). Il exerce un contrôle à l'égard des forces de police décentralisées (2).

### 1. Le Ministre de l'intérieur en tant qu'autorité de police à Londres

La ville de Londres comprend deux administrations de police: la police de la Cité de Londres (*The City of London Police*) et la police Métropolitaine (*The Metropolis Police*).

La police de la Cité (en fait le centre d'affaires qui est une petite circonscription) de Londres, relève de la responsabilité du Commissaire de Police (*Commissioner of Police*) de la Cité de Londres, lui-même nommé par la collectivité locale responsable.

La police Métropolitaine a en charge le Grand Londres (*The Greater London*) et certaines communes périphériques. L'article 101-1 de la loi de 1996 sur la police dispose que l'Autorité de Police du Grand Londres est le ministre de l'intérieur. Le Chef de la police du Grand Londres est le Commissaire de la police Métropolitaine.

Ainsi, s'agissant du Grand Londres, le ministre de l'intérieur exerce directement les pouvoirs dévolus aux autorités de police locales.

### 2. Les pouvoirs de contrôle du Ministre de l'intérieur

En vertu de la loi de 1996, le ministre de l'intérieur détient une certaine responsabilité à l'égard des autorités et forces de police locales. Le ministre a le pouvoir d'émettre des "circulaires" (*Circulars*) qui sont en pratique bien suivies et respectées par les forces de police locales. Dans les circulaires (ou directives), il essaie d'unifier et de mettre en place la politique pénale du gouvernement<sup>6</sup>, notamment l'approche répressive à l'égard de certaines catégories d'infraction. C'est également le ministre de l'intérieur qui définit certains plans d'action, certaines méthodes d'enquête à l'égard des catégories de délinquants etc. Il définit et fixe les objectifs (*performance targets*) à atteindre par les forces de police.

Par ailleurs, il revient au ministre de l'intérieur, conformément à la loi de 1984 sur la police et les preuves pénales, d'établir des directives (codes), autrement dit des codes de conduite

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<sup>6</sup> Article 37 de la loi de 1996.

relatives à la pratique de la police judiciaire lors de la recherche des preuves et l'arrestation des auteurs d'infraction. Les directives sont des véritables règles de droit sanctionnés par le juge.

Enfin, le ministre de l'intérieur est responsable de l'organisation de la police sur tout le territoire du Royaume-Uni. Il donne son approbation à la nomination du chef de la police locale. Il peut déclencher toute enquête à tout moment sur l'exercice par les membres de la police de leur mission. Il définit les districts de police.

## C. LES ETABLISSEMENTS PUBLICS

En droit britannique, la police, au sens strict du terme et telle que nous venons de l'analyser, n'a pas le monopole de la recherche des preuves et des auteurs d'infraction.

Le législateur a créé certains organismes ayant une compétence nationale. On considère que certaines infractions complexes et techniques ou de grand banditisme, ou encore à caractère international, de même que le terrorisme ne peuvent plus valablement être traitées par des forces de police à compétence territoriale très limitée<sup>7</sup>. Ces infractions doivent être traitées par des organes dotés d'un personnel adéquat et d'une compétence territoriale générale.

En 1998, le législateur a mis sur pied l'Office des Fraudes Graves (*Serious Fraud Office*) qui est chargé de la recherche des preuves et même d'engager la poursuite des auteurs de fraudes commerciales. On ne s'attardera pas ici sur cette institution du fait qu'elle instruit des dossiers uniquement commerciaux et comportant des problèmes liés à la fiscalité. L'Office peut aussi soutenir l'accusation devant le juge.

La loi de 1997 sur la police (*Police Act 1997*) a créé deux institutions sur lesquelles portera notre analyse: le Service national de renseignement criminel (National Criminal Intelligence Service (NCIS)) (A) et le Groupe National chargé des Infractions (National Crime Squad (NCS)) (B).

### 1. Le Service national de renseignement criminel (NCIS)

Le Service national de renseignement criminel est en réalité un service de renseignements généraux officiel. Il ne constitue pas une police secrète. Aussi, comme il a été souligné lors des débats parlementaires, le Service National ne serait pas l'équivalent britannique du *Federal Bureau of Investigation* (FBI), la police fédérale des Etats-Unis d'Amérique chargée d'enquêter sur des infractions à caractère fédéral<sup>8</sup>.

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<sup>7</sup> Home Affairs Committee, *Third Report Session*, 1994-95, HC 18-1.

<sup>8</sup> Ben EMMERSON et Daniel FR1 EDMAN, "A guide to the *Police Act 1997*", Londres, Butterworths, 1998, v. p. 3 et s.

Le Service National, exécutant essentiellement une mission de police judiciaire, a pour fonction de coordonner et d'échanger des informations entre les divers organes de police sur des infractions et des personnes recherchées. La loi dispose que le Service centralise les renseignements obtenus et les communique aux forces de police du Royaume-Uni. Il apporte également son concours aux diverses forces de police lorsqu'il y a lieu<sup>9</sup>. En ce sens son personnel procède aux actes de police judiciaire<sup>10</sup>.

Le Service National comprend un Conseil d'administration appelée *Service Authority* qui a les pouvoirs relevant de l'Autorité de Police locale. Les membres les plus importants de ce conseil, dont le Président (*Chairman*), sont nommés par le ministre de l'intérieur. Ce dernier détermine également le nombre de personnes devant composer le conseil d'administration. D'autres membres sont nommés par les diverses autorités de police locales.

Le ministre de l'intérieur établit une liste de personnes candidates au poste de Directeur général du Service National. Le Directeur général est ensuite nommé par le conseil d'administration. Il détermine la stratégie et est responsable vis-à-vis du conseil d'administration.

Le ministre de l'intérieur détermine et précise les objectifs du Service National par voie réglementaire. Il fixe également les niveaux de performance ou les objectifs (*performance target*) du personnel du Service National.

Politiquement responsable du Service National, le ministre de l'intérieur peut à tout moment commander toute enquête sur son fonctionnement.

## 2. Le Groupe national chargé des infractions

Comme le précédent organisme, le Groupe National chargé des Infractions a été créé par une loi de 1997. Aux termes de cette loi, le Groupe National est chargé des enquêtes relatives aux infractions pénales graves (*serious crimes*). La loi ne définit pas expressément les infractions graves, se bornant à quelques indications. Selon la loi, constitue une infraction grave, un délit ou un crime commis avec violence et causant des pertes financières substantielles, ou qui est commis en bande organisée, ou encore qui est une infraction dont l'auteur, s'il a un casier judiciaire vierge, serait passible de plus de trois ans d'emprisonnement ferme.

Le Groupe National est chargé de détecter ces types d'infractions dans la mesure où elles ne peuvent être gérées par les forces de police locales.

Contrairement au Service National, le Groupe est compétent géographiquement uniquement pour l'Angleterre et le Pays de Galles. Le Groupe National applique les stratégies définies par le Service National.

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<sup>9</sup> Article 2-2 de la loi de 1997.

<sup>10</sup> *Halburry's Laws of England* (Encyclopédie juridique), volume 36-1, paragraphe 219 et suivants.

Son organisation et son fonctionnement ressemblent à sont comparables à ceux du Service National. Le Groupe comprend un Directeur général et un conseil d'administration.

## **D. LES MAGISTRATS DU SIEGE**

Nous avons donc vu qu'au Royaume-Uni la police judiciaire n'est pas placée sous la direction du parquet et n'exécute pas les délégations du juge d'instruction. En revanche, et puisque c'est la police qui détient tous les pouvoirs d'enquête et qu'elle les exerce de sa propre initiative, la mise en oeuvre de certains pouvoirs d'investigation est parfois subordonnée à l'autorisation d'un magistrat du siège. C'est le cas lorsque l'exercice des pouvoirs d'investigation affecte les libertés publiques et individuelles. Ainsi, l'arrestation des personnes ayant commis des infractions non flagrantes et qui ne détiennent pas d'objet interdit, est soumise à la délivrance par un juge de paix (*Justice of Peace*) d'un mandat (*warrant*). De même, la prolongation de la garde à vue à quatre-vingt-seize heures nécessite l'autorisation préalable d'un juge. Le juge peut également délivrer une assignation (*Summons*), sorte de mandat d'amener à l'égard d'une personne soupçonnée d'avoir commis une infraction.

Ces requêtes sont entendues en l'absence de la partie défendresse (*ex parte*) Le juge contrôle non pas l'opportunité mais la réalité et la légalité des charges invoquées.

Le juge du siège contrôle également la détention provisoire décidée par la seule police judiciaire. Dans les affaires graves et dans le cadre d'une procédure préliminaire (*Committal proceedings*)<sup>11</sup>, il examine a priori les charges retenues, avant le renvoi de l'intéressé devant la juridiction de jugement qui est normalement la Cour d'Assises (*Crown Court*). A cette occasion, le juge contrôle les activités et les moyens utilisés par la police. Il peut annuler tout élément de preuve obtenu de manière déloyale.

Enfin, le juge du jugement peut sanctionner tout comportement illégal de la police en rejetant l'élément de preuve ainsi obtenu.

## **Conclusion**

Le droit britannique opère une distinction très nette entre les activités d'enquête, de poursuite et de jugement. L'enquête est confiée à la seule police, personnel des collectivités territoriales ou de l'Etat. L'enquête est dans une certaine mesure contradictoire. La poursuite appartient non pas à des magistrats du parquet mais à des avocats appartenant à cet organisme. La procédure d'enquête est contradictoire et non inquisitoriale. La séparation des pouvoirs est en ce sens très rigide. Les juges du siège ne dirigent pas l'enquête. Tout au plus ils peuvent en contrôler

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<sup>11</sup> Jack ENGLISH and Richard CARD, "*Police Law*", Londres, Butterworths, 1994, v. p. 14 et s.

la légalité avant tout jugement au fond. Le juge du jugement ne peut décerner aucune commission rogatoire à l'audience.

## **E. ANNEXES**

### **1. Loi de 1996**

An Act to consolidate the Police Act 1964, Part IX of the Police and Criminal Evidence Act 1984, Chapter I of Part I of the Police and Magistrates' Courts Act 1994 and certain other enactments relating to the police. [22nd May 1996] Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

#### **PART I ORGANISATION OF POLICE FORCES**

##### **Police areas**

1. - (1) England and Wales shall be divided into police areas.

(2) The police areas referred to in subsection (1) shall be- (a) those listed in Schedule 1 (subject to any amendment made to that Schedule by an order under section 32 below, section 58 of the Local Government Act 1972, or section 17 of the Local Government Act 1992),

(b) the metropolitan police district, and

(c) the City of London police area.

(3) References in Schedule 1 to any local government area are to that area as it is for the time being, but excluding any part of it within the metropolitan police district.

##### **Forces outside London**

##### **Maintenance of police forces.**

2. A police force shall be maintained for every police area for the time being listed in Schedule 1.

##### **Establishment of police authorities.**

3. - (1) There shall be a police authority for every police area for the time being listed in Schedule 1.

(2) A police authority established under this section for any area shall be a body corporate to be known by the name of the area with the addition of the words "Police Authority".

Membership of police authorities etc.

4. - (1) Subject to subsection (2), each police authority established under section 3 shall consist of seventeen members.

(2) The Secretary of State may by order provide in relation to a police authority specified in the order that the number of its members shall be a specified odd number greater than seventeen.

(3) A statutory instrument containing an order under subsection (2) shall be laid before Parliament after being made.

(4) Schedules 2 and 3 shall have effect in relation to police authorities established under section 3 and the appointment of their members.

Reductions in size of police authorities.

5. - (1) This section applies to any order under section 4(2) which varies or revokes an earlier order so as to reduce the number of a police authority's members.

(2) Before making an order to which this section applies, the Secretary of State shall consult- (a) the authority, (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 2, and (c) any selection panel, constituted under regulations made in accordance with section 21(1A) of the Justices of the Peace

Act 1979, which is responsible, or is represented on a joint committee which is responsible, for the appointment of members of the authority.

(3) An order to which this section applies may include provision as to the termination of the appointment of the existing members of the authority and the making of new appointments or re-appointments.

General functions of police authorities.

6. - (1) Every police authority established under section 3 shall secure the maintenance of an efficient and effective police force for its area.

(2) In discharging its functions, every police authority established under section 3 shall have regard to- (a) any objectives determined by the Secretary of State under section 37, (b) any objectives determined by the authority under section 7, (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise, and (d) any local policing plan issued by the authority under section 8.

(3) In discharging any function to which a code of practice issued under section 39 relates, a police authority established under section 3 shall have regard to the code.

(4) A police authority shall comply with any direction given to it by the Secretary of State under section 38 or 40.

Local policing objectives.

7. - (1) Every police authority established under section 3 shall, before the beginning of each financial year, determine objectives for the policing of the authority's area during that year.

(2) Objectives determined under this section may relate to matters to which objectives determined under section 37 also relate, or to other matters, but in any event shall be framed as to be consistent with the objectives determined under that section.

(3) Before determining objectives under this section, a police authority shall- (a) consult the chief constable for the area, and (b) consider any views obtained by the authority in accordance with arrangements made under section 96.

Local policing plans.

8. - (1) Every police authority established under section 3 shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the policing of the authority's area during the year (the local policing plan).

(2) The local policing plan shall include a statement of the authority's priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of- (a) any objectives determined by the Secretary of State under section 37, (b) any objectives determined by the authority under section 7, and (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise.

(3) A draft of the local policing plan shall be prepared by the chief constable for the area and submitted by him to the police authority for it to consider.

(4) Before issuing a local policing plan which differs from the draft submitted by the chief constable under subsection (3), a police authority shall consult the chief constable.

(5) A police authority shall arrange for every local policing plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to the Secretary of State.

Annual reports by police authorities.

General functions of chief constables.

10. - (1) A police force maintained under section 2 shall be under the direction and control of the chief constable appointed under section 11.

(2) In discharging his functions, every chief constable shall have regard to the local policing plan issued by the police authority for his area under section 8.

Appointment and removal of chief constables.

11. - (1) The chief constable of a police force maintained under section 2 shall be appointed by the police authority responsible for

maintaining the force, but subject to the approval of the Secretary of State and to regulations under section 50.

(2) Without prejudice to any regulations under section 50 or under the Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may call upon the chief constable to retire in the interests of efficiency or effectiveness.

(3) Before seeking the approval of the Secretary of State under subsection (2), the police authority shall give the chief constable an opportunity to make representations and shall consider any representations that he makes.

(4) A chief constable who is called upon to retire under subsection

(2) shall retire on such date as the police authority may specify or on such earlier date as may be agreed upon between him and the authority.

Assistant chief constables.

12. - (1) The ranks that may be held in a police force maintained under section 2 shall include that of assistant chief constable; and in every such police force there shall be at least one person holding that rank.

(2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under section 50, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.

(3) Subsections (2), (3) and (4) of section 11 shall apply to an assistant chief constable as they apply to a chief constable.

(4) A chief constable shall, after consulting his police authority, designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable- (a) during any absence, incapacity or suspension from duty of the chief constable, or (b) during any vacancy in the office of chief constable.

(5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.

(6) The provisions of subsection (4) shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.

Other members of police forces.

13. - (1) The ranks that may be held in a police force maintained under section 2 shall be such as may be prescribed by regulations under section 50 and the ranks so prescribed shall include, in addition to chief constable and assistant chief constable, the ranks of superintendent, chief inspector, inspector, sergeant and constable.

(2) The ranks prescribed by regulations under section 50 for the purposes of subsection (1) above shall not include that of deputy chief constable.

(3) Appointments and promotions to any rank below that of assistant chief constable in any police force maintained under section 2 shall be made, in accordance with regulations under section 50, by the chief constable.

24. - (1) The chief officer of police of any police force may, on the application of the chief officer of police of any other police force, provide constables or other assistance for the purpose of enabling the other force to meet any special demand on its resources.

(2) If it appears to the Secretary of State to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) cannot be made, or cannot be made in time, he may direct the chief officer of police of any police force to provide such constables or other assistance for that purpose as may be specified in the direction.

(3) While a constable is provided under this section for the assistance of another police force he shall, notwithstanding section 10(1), be under the direction and control of the chief officer of police of that other force.

(4) The police authority maintaining a police force for which assistance is provided under this section shall pay to the police authority maintaining the force from which that assistance is provided such contribution as may be agreed upon between those authorities or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.

#### Provision of special services.

25. - (1) The chief officer of police of a police force may provide, at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the police authority of charges on such scales as may be determined by that authority.

(2) In the application of this section to the metropolitan police force, for the reference in subsection (1) to the police authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

#### Jurisdiction of constables.

30. - (1) A member of a police force shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.

(2) A special constable shall have all the powers and privileges of a constable in the police area for which he is appointed and, where the boundary of that area includes the coast, in the adjacent United Kingdom waters.

(3) Without prejudice to subsection (2), a special constable appointed for a police area shall have all the powers and privileges of a constable- (a) in the case of a special constable appointed for a police area other than the City of London police area, in any other police area which is contiguous to his own police area; and (b) in the case of a special constable appointed for the City of London police area, in the metropolitan police district and in any police area which is contiguous to that district.

(4) A special constable who is for the time being required by virtue of section 23 or 24 to serve with another police force shall have all the powers and privileges of a constable in any area in which special constables appointed for the area for which that force is maintained have those powers and privileges under this section.

(5) In this section- “powers” includes powers under any enactment, whenever passed or made; “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea; and this section, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.

(6) This section is without prejudice to- (a) sections 98 and 99 below, and (b) any other enactment conferring powers on constables for particular purposes.

#### Functions Of Secretary of State

#### General duty of Secretary of State.

36. - (1) The Secretary of State shall exercise his powers under the provisions of this Act referred to in subsection (2) in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the police.

(2) The provisions of this Act mentioned in subsection (1) are- (a) Part 1; (b) this Part; (c) Part III (other than sections 61 and 62); (d) in Chapter II of Part IV, section 85 and Schedule 6; and (e) in Part V, section 95.

#### Setting of objectives for police authorities.

37. - (1) The Secretary of State may by order determine objectives for the policing of the areas of all police authorities established under section 3.

(2) Before making an order under this section the Secretary of State shall consult- (a) persons whom he considers to represent the interests of police authorities established under section 3, and (b) persons whom he considers to represent the interests of chief constables of forces maintained by those authorities.

(3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

Setting of performance targets.

38. - (1) Where an objective has been determined under section 37, the Secretary of State may direct police authorities to establish levels of performance (performance targets to be aimed at in seeking to achieve the objective.

(2) A direction under this section may be given to all police authorities established under section 3 or to one or more particular authorities.

(3) A direction given under this section may impose conditions with which the performance targets must conform, and different conditions may be imposed for different authorities.

(4) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

Codes of practice.

39. - (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 of any of their functions.

(2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.

(3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

Power to give directions to police authorities after adverse reports.

40. - (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 54 of any police force maintained under section 2.

(2) Where a report made to the Secretary of State under section 54 on an inspection carried out for the purposes of this section states- (a) that, in the opinion of the person making the report, the force inspected is not efficient or not effective, or (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient or will cease to be effective, the

Secretary of State may direct the police authority responsible for maintaining the force to take such measures as may be specified in the direction.

## 2. Police Act 1997

An Act to make provision for the National Criminal Intelligence Service and the National Crime Squad; to make provision about entry on and interference with property and with wireless telegraphy in the course of the prevention or detection of serious crime; to make provision for the Police Information Technology Organisation;

to provide for the issue of certificates about criminal records; to make provision about the administration and organisation of the police; to repeal certain enactments about rehabilitation of offenders; and for connected purposes. [21st March 1997] BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

### PART I THE NATIONAL CRIMINAL INTELLIGENCE SERVICE

#### The Service Authority

The Service Authority for the National Criminal Intelligence Service.

1. - (1) There shall be a body corporate to be known as the Service Authority for the National Criminal Intelligence Service (in this Part referred to as "the NCIS Service Authority").

(2) Subject to the following provisions of this section, the NCIS Service Authority shall consist of nineteen members.

(3) The Secretary of State may by order provide that the number of members shall be a specified odd number greater than nineteen.

(4) Before making an order under subsection (3), the Secretary of State shall consult- (a) the NCIS Service Authority (if it is then in existence), (b) persons whom the Secretary of State considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,

(c) persons whom the Secretary of State considers to represent the interests of chief officers of police of police forces in England and Wales, chief constables of police forces in Scotland and the Chief Constable of the Royal Ulster Constabulary, and (d) the Commissioners of Customs and Excise.

(5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.

(6) The NCIS Service Authority may co-opt such additional members as it thinks fit.

(7) Parts 1, II and IV of Schedule 1 and Schedule 2 shall have effect in relation to the NCIS Service Authority.

## Functions

### General functions of the NCIS Service Authority and NCIS.

2. - (1) The NCIS Service Authority shall maintain a body to be known as the National Criminal Intelligence Service (in this Part referred to as “NCIS”).

(2) The functions of NCIS shall be- (a) to gather, store and analyse information in order to provide criminal intelligence, (b) to provide criminal intelligence to police forces in Great Britain, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies, and (c) to act in support of such police forces, the Royal Ulster Constabulary, the National Crime Squad and other law enforcement agencies carrying out their criminal intelligence activities.

(3) For the purposes of subsection (2), “law enforcement agency” includes- (a) any government department, (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary, (c) any other person charged with the duty of investigating offences or charging offenders, and (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCIS Service Authority, NCIS, a police authority, a police force, the NCS Service Authority or the National Crime Squad.

(4) In discharging its functions, the NCIS Service Authority shall have regard to(a) any objectives determined by the Secretary of State under section 26, (b) any objectives determined by the Authority under section 3, (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise, and (d) any service plan issued by the Authority under section 4.

(5) In discharging any function to which a code of practice issued under section 28 relates, the NCIS Service Authority shall have regard to the code.

(6) The NCIS Service Authority shall comply with any direction given to it by the Secretary of State under section 27 or 30 or under Schedule 3.

Objectives.

3. - (1) The NCIS Service Authority shall secure that NCIS is efficient and effective.

(2) The NCIS Service Authority shall, before the beginning of each financial year, determine objectives for that year for NCIS.

(3) Objectives determined under this section may relate to matters to which objectives determined under section 26 also relate, or to other matters, but in any event shall be framed as to be consistent with the objectives determined under that section.

(4) Before determining objectives under this section, the NCIS Service Authority shall consult- (a) the Director General of NCIS, (b) persons whom it considers to represent the interests of the authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary, (c) the NCS Service Authority, and (d) the Commissioners of Customs and Excise.

Service plans.

4. - (1) The NCIS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by NCIS of its functions during the year (“the service plan”).

(2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of- (a) any objectives determined by the Secretary of State under section 26, (b) any objectives determined by the Authority under section 3, and (c) any performance targets established by the Authority, whether in compliance with a direction under section 27 or otherwise.

(3) A draft of the service plan shall be prepared by the Director General of NCIS and submitted by him to the Authority for it to consider. (4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.

(5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to- (a) the Secretary of State, (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the Police (Scotland) Act 1967) and the Police Authority for Northern Ireland, (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the Royal Ulster Constabulary, (d) the NCS Service Authority, (e) the Director General of the National Crime Squad, and (f) the Commissioners of Customs and Excise.

Annual reports.

5. - (1) The NCIS Service Authority shall, as soon as possible after the end of each financial year, issue a report on the carrying out of its functions during that year.

(2) A report issued under this section for any year shall include an assessment of the extent to which the service plan for that year issued under section 4 has been carried out.

(3) The NCIS Service Authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to- (a) the Secretary of State, (b) each police authority for an area in Great Britain, each joint police board (within the meaning of the Police (Scotland) Act 1967) and the Police Authority for Northern Ireland, (c) the chief officer of police of each police force in England and Wales, the chief constable of each police force in Scotland and the Chief Constable of the Royal Ulster Constabulary, (d) the NCS Service Authority, (e) the Director General of the National Crime Squad, and (f) the Commissioners of Customs and Excise.

Director General and other members

Appointment of Director General.

6. - (1) NCIS shall have a Director General appointed by the

NCIS Service Authority on such terms and conditions as the Authority considers appropriate.

(2) The Director General shall be chosen by a panel of members of the Authority from a list of persons eligible for appointment which has been prepared by that panel and approved by the Secretary of State.

(3) A person shall be eligible for appointment as Director General for the purposes of subsection (2) if- (a) he holds the rank of chief constable in a police force in Great Britain or in the Royal Ulster Constabulary, (b) he is the Commissioner, an Assistant Commissioner or a Deputy Assistant Commissioner of Police of the Metropolis, (c) he is the Commissioner of Police for the City of London, or (d) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern Ireland) 1970, a constable eligible for appointment to any of the ranks or posts mentioned in paragraphs (a) to (c).

(4) The panel mentioned in subsection (2) shall be convened by the chairman of the NCIS Service Authority and shall consist only of members of that Authority appointed- (a) by the

Secretary of State (other than under paragraph 6, 7(f) or 8(1)(h) of Schedule 1), or (b) by local authority members of police authorities for areas in England and Wales (as defined in paragraph 14 of that Schedule), members of police authorities for areas in Scotland or members of the Police Authority for Northern Ireland.

(5) The Director General shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4 to the Police Act 1996 before a justice of the peace appointed for an area in England and Wales.

(6) Without prejudice to any other enactment conferring powers on constables for particular purposes, the Director General shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.

(7) The Director General shall hold the rank of chief constable.

(8) In subsection (6)- “powers” includes powers under any enactment, whenever

passed or made; “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea; and that subsection, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.

Removal of Director General by the Authority.

7. - (1) Without prejudice to section 21 or to any regulations under section 37 or under the Police Pensions Act 1976, the NCIS

Service Authority, acting with the approval of the Secretary of State, may call upon the Director General of NCIS to retire in the interests of efficiency or effectiveness.

(2) Before seeking the approval of the Secretary of State for the purposes of subsection (1), the Authority shall give the Director General an opportunity to make representations and shall consider any representations that he makes.

(3) A Director General 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 upon between him and the Authority.

8. - (1) The Director General of NCIS shall designate a member of NCIS appointed under section 9, other than a member appointed by the Director General by virtue of subsection (8) of that section, to exercise all the powers and duties of the Director General- (a) during any absence,

incapacity or suspension from duty of the Director General, or (b) during any vacancy in the office of Director General.

(2) The Director General shall consult the NCIS Service

Authority before designating a member under subsection (1).

(3) No more than one person shall be authorised to act by virtue of a designation under subsection (1) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.

Members of NCIS.

9. - (1) NCIS shall consist of- (a) the Director General of NCIS appointed under section 6, (b) persons appointed by the NCIS Service Authority under this paragraph as police members of NCIS, and (c) other persons appointed by the NCIS Service Authority under this paragraph to be members of NCIS as employees of the Authority.

(2) A person shall be appointed as a police member of NCIS only if- (a) he is appointed to the rank of assistant chief constable in NCIS and he met the requirements of subsection (3) immediately prior to his being appointed, or (b) he is engaged with NCIS on a period of temporary service to which section 97 of the Police Act 1996, section 38A of the Police (Scotland) Act 1967 or section 21 of the Police Act (Northern Ireland) 1970 applies.

(3) A person meets the requirements of this subsection if- (a) he holds the rank of assistant chief constable or a higher rank in a police force in Great Britain or in the Royal Ulster Constabulary, (b) he holds the rank of commander or a higher rank in the metropolitan police force or in the City of London police force, or

(c) he is, in accordance with regulations under section 50 of the Police Act 1996, section 26 of the Police (Scotland) Act 1967 or section 25 of the Police Act (Northern

Ireland) 1970, a constable eligible for appointment to the rank of assistant chief constable or commander in any of the police forces, or in the Constabulary, mentioned in paragraph (a) or (b).

(4) Subsections (5), (6) and (8) of section 6 apply to a police member to whom subsection (2)(a) above applies as they apply to the Director General of NCIS.

(5) A person appointed under subsection (1)(b) or (c) shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.

(6) Before making an appointment under subsection (1)(b) or (c), or determining the terms and conditions on which such an appointment is to be made, the NCIS Service Authority shall consult the Director General of NCIS.

(7) A police member to whom subsection (2)(b) applies shall cease to be a member of NCIS at the end of his period of temporary service (unless re-appointed under this section).

(8) Where an order under section 44 authorises the NCIS Service Authority to make arrangements for the discharge of its functions by the Director General of NCIS, the Authority shall exercise its powers under that order so as to secure that, subject to subsection (9) below, the Director General appoints persons under subsection (1)(b) or (c) to be members of NCIS.

(9) Subsection (8) shall not apply to- (a) the appointment of any person to whom subsection (2)(a) applies as a police member, or (b) the appointment of such other persons as may be agreed between the Director General and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.

(10) Section 7 applies to a member appointed under this section, other than a member appointed by the Director General by virtue of subsection (8) above, as it applies to the Director General.

#### Functions of Director General

##### General function of Director General.

10. - (1) NCIS shall be under the direction and control of the Director General.

(2) In discharging his functions, the Director General shall have regard to the service plan issued by the NCIS Service Authority under section 4.

##### Reports by Director General to the Authority.

11. - (1) The Director General of NCIS shall, as soon as possible after the end of each financial year, submit to the NCIS

Service Authority a general report on the activities of NCIS during that year.

(2) The Director General shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.

(3) The NCIS Service Authority may require the Director General to submit to it a report on such matters connected with the activities of NCIS as may be specified in the requirement.

(4) A report submitted under subsection (3) shall be in such form as the Authority may specify.

(5) If it appears to the Director General that a report in compliance with a requirement under subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the Authority, he may request the Authority to refer the requirement to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.

(6) The Authority may arrange, or require the Director General to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

Responsibility for co-ordination of police and Security Service activities.

12. In section 2(2) of the Security Service Act 1989 (which imposes duties on the Director-General of the Security Service), in paragraph (c) (which provides for the Secretary of State to designate the person responsible for co-ordinating police and Security Service activities) for “a person designated by the Secretary of State” there shall be substituted “the Director General of the National Criminal Intelligence Service”.

Service Authority’s officers and employees Officers and employees.

13. - (1) The NCIS Service Authority may appoint officers and employees to enable it to discharge its functions.

(2) Persons appointed under this section shall be appointed on such terms and conditions as the NCIS Service Authority considers appropriate.

Appointment of clerk.

14. The NCIS Service Authority shall appoint a person to be the clerk to the Authority.

Appointment of persons not employed by the NCIS Service Authority.

15. Where the NCIS Service Authority is required or authorised by any Act- (a) to appoint a person to a specified office under the Authority, or (b) to designate a person as having specified duties or responsibilities, then, notwithstanding any provision of that Act to the contrary, the

Authority may appoint or designate either a person employed by the Authority under section 13, or a person not holding any office or employment under the Authority.

Collaboration agreements.

22. - (1) If it appears to the Director General of NCIS and to- (a) the chief officers of police of one or more police forces in England and Wales, or (b) the chief constables of one or more police forces in Scotland, or (c) the Chief Constable of the Royal Ulster Constabulary, or (d) the Director General of the National Crime Squad, that any police functions can more efficiently or effectively be discharged by members of NCIS and members of their respective forces or, as the case may be, the Squad acting jointly, they may, with the approval of the appropriate authorities, enter into an agreement for that purpose.

(2) For the purposes of this section, the “appropriate authorities” means the NCIS Service Authority and- (a) in relation to an agreement entered by a chief officer of police of a police force in England and Wales, the police authority which maintains that force, (b) in relation to an agreement entered by a chief constable of a police force in Scotland, the police authority which maintains that force or, as the case may be, the police authorities for the police areas comprised in a combined area, (c) in relation to an agreement entered by the Chief Constable of the Royal Ulster Constabulary, the Police Authority for Northern Ireland, and (d) in relation to an agreement

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entered by the Director General of the National Crime Squad, the NCS Service Authority.

(3) In subsection (1) “police functions” includes the functions of NCIS and, in the case of an agreement entered by the Director General of the National Crime Squad, the functions of that Squad.

(4) If it appears to the NCIS Service Authority and to- (a) one or more police authorities for areas in England and Wales, or (b) one or more police authorities for areas (or combined areas) in Scotland, or (c) the Police Authority for Northern Ireland, or

(d) the NCS Service Authority, that any premises, equipment or other material or facilities can with advantage be provided jointly for NCIS and the forces maintained by the authorities concerned or, as the case may be, the National Crime Squad, they may enter an agreement for that purpose.

(5) Any expenditure incurred under an agreement made under this section shall be borne- (a) in the case of an agreement under subsection (1), by the appropriate authorities who approved it, and (b) in the case of an agreement under subsection (4), by the parties to it, in such

proportions as they may agree or as may, in the absence of agreement, be determined by the Secretary of State.

(6) An agreement under subsection (1) or (4) may be varied or determined by a subsequent agreement.

(7) If it appears to the Secretary of State that any party should enter an agreement to which subsection (1), (4) or (6) applies, the Secretary of State may, after considering any representations made by the party concerned, direct the party to enter into such an agreement under those provisions as may be specified in the direction.

(8) The provisions of this section shall not prejudice the power of the NCIS Service Authority, any police authority, the Police Authority for Northern Ireland or the NCS Service Authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Aid by and for NCIS.

23. - (1) The Director General of NCIS may, on the application of- (a) the chief officer of police of a police force in England and Wales, (b) the chief constable of a police force in Scotland, (c) the Chief Constable of the Royal Ulster Constabulary, or (d) the Director General of the National Crime Squad, provide constables or other assistance for the purposes of enabling the police force or the Royal Ulster Constabulary or, as the case may, the National Crime Squad to meet any special demand on its resources.

(2) On the application of the Director General of NCIS- (a) the chief officer of police of a police force in England and Wales, (b) the chief constable of a police force in Scotland, (c) the Chief Constable of the Royal Ulster Constabulary, or (d) the Director General of the National Crime Squad, may provide constables or other assistance for the purposes of enabling NCIS to meet any special demand on its resources.

(3) If it appears to the Secretary of State- (a) that it is expedient in the interests of public safety or order that a police force, the Royal Ulster Constabulary, the National Crime Squad or NCIS should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and (b) that satisfactory arrangements under subsection (1) or (2) cannot be made, or cannot be made in time, he may direct the Director General of NCIS, the chief officer of police of any police force in England and Wales, the chief constable of any police force in Scotland, the chief constable of the Royal Ulster Constabulary or the Director General of the National Crime Squad to provide such constables or other assistance for that purpose as may be specified in the direction.

(4) While a constable is provided under this section for the assistance of a police force, the Royal Ulster Constabulary or the National Crime Squad he shall, notwithstanding

section 10(1), be under the direction and control of the chief officer of that force or, as the case may be, the chief constable of that force or Constabulary or the Director General of that Squad.

(5) While a constable is provided under this section for the assistance of NCIS he shall, notwithstanding section 56(1) below, section 10(1) of the Police Act 1996, section 17(2) of the Police (Scotland) Act 1967 or section 6(2) of the Police Act (Northern Ireland) 1970, be under the direction and control of the Director General of NCIS.

(6) For the purposes of this section “constable”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary

## THE NATIONAL CRIME SQUAD

### The Service Authority

The Service Authority for the National Crime Squad.

47. - (1) There shall be a body corporate to be known as the Service Authority for the National Crime Squad (in this Part referred to as “the NCS Service Authority”).

(2) Subject to the following provisions of this section, the NCS Service Authority shall consist of seventeen members.

(3) The Secretary of State may by order provide that the number of its members shall be a specified odd number greater than seventeen.

(4) Before making an order under subsection (3), the Secretary of State shall consult- (a) the NCS Service Authority (if it is then in existence), (b) persons whom he considers to represent the interests of police authorities for areas in England and Wales, and (c) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales.

(5) A statutory instrument containing an order under subsection (3) shall be laid before Parliament after being made.

(6) The NCS Service Authority may co-opt such additional members as it thinks fit.

(7) Parts 1,111 and IV of Schedule 1 and Schedule 2 shall have effect in relation to the NCS Service Authority.

### Functions

General functions of the NCS Service Authority and the

National Crime Squad.

48. - (1) The NCS Service Authority shall maintain a body to be known as the National Crime Squad.

(2) The function of the National Crime Squad shall be to prevent and detect serious crime which is of relevance to more than one police area in England and Wales.

(3) The National Crime Squad may also- (a) at the request of a chief officer of police of a police force in England and Wales, act in support of the activities of his force in the prevention and detection of serious crime; (b) at the request of the Director General of NCIS, act in support of the activities of NCIS; (c) institute criminal proceedings; (d) co-operate with other police forces in the United Kingdom in the prevention and detection of serious crime; (e) act in support of other law enforcement agencies in the prevention and detection of serious crime.

(4) For the purposes of subsection (3), "law enforcement agency" includes- (a) any government department, (b) the States of Jersey Police Force, the salaried police force of the Island of Guernsey and the Isle of Man Constabulary, (c) any other person charged with the duty of investigating offences or charging offenders, and (d) any other person engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the NCS Service Authority, the National Crime Squad, a police authority, a police force, the NCIS Service Authority or NCIS.

(5) In discharging its functions, the NCS Service Authority shall have regard to (a) any objectives determined by the Secretary of State under section 71, (b) any objectives determined by the Authority under section 49, (c) any performance targets established by the Authority, whether in compliance with a direction under section 72 or otherwise, and (d) any service plan issued by the Authority under section 50.

(6) In discharging any function to which a code of practice issued under section 73 relates, the NCS Service Authority shall have regard to the code.

(7) The NCS Service Authority shall comply with any direction given to it by the Secretary of State under section 72 or 75 or under Schedule 5.

Objectives

49. - (1) The NCS Service Authority shall secure that the National Crime Squad is efficient and effective (2) The NCS Service Authority shall, before the beginning of each financial year, determine objectives for that year for the National Crime Squad.

(3) Objectives determined under this section may relate to matters to which objectives determined under section 71 also relate, or to other matters, but in any event shall be SO framed as to be consistent with the objectives determined under that section.

(4) Before determining objectives under this section, the NCS Service Authority shall consult- (a) the Director General of the National Crime Squad, (b) the NCIS Service Authority, and (c) persons whom it considers to represent the interests of police authorities for areas in England and Wales.

#### Service plans.

50. - (1) The NCS Service Authority shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the carrying out by the National Crime Squad of its functions during the year (“the service plan”).

(2) The service plan shall include a statement of the Authority’s priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of- (a) any objectives determined by the Secretary of State under section 71, (b) any objectives determined by the Authority under section 49, and (c) any performance targets established by the Authority, whether in compliance with a direction under section 72 or otherwise.

(3) A draft of the service plan shall be prepared by the Director General of the National Crime Squad and submitted by him to the Authority for it to consider.

(4) Before issuing a service plan which differs from the draft submitted by the Director General under subsection (3), the Authority shall consult the Director General.

(5) The Authority shall arrange for every service plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to- (a) the Secretary of State, (b) each police authority for an area in England and Wales, (c) the chief officer of police of each police force in

England and Wales, (d) the NCIS Service Authority, and (e) the Director General of NCIS.

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