

SCHEDULES

SCHEDULE 5

POLICE, CUSTOMS AND IMMIGRATION POWERS

PART 2

DIRECTOR GENERAL: DESIGNATION UNDER SECTION 9

Advisory panel

- 4 (1) The Secretary of State must appoint an advisory panel (to enable recommendations to be made as to the operational powers which the Director General should have)—
- (a) whenever there is an appointment of a Director General; and
 - (b) at any other time when the Secretary of State considers that it is appropriate to do so.
- (2) But that duty is subject to regulations under paragraph 5.
- (3) An advisory panel is to consist of—
- (a) a person to chair the panel, who must not be a civil servant; and
 - (b) an appropriate number of other members (the “expert members”) who, when taken together, have appropriate knowledge of the following matters—
 - (i) the training of constables in England and Wales police forces;
 - (ii) the training of officers of Revenue and Customs and general customs officials to exercise powers in relation to customs matters;
 - (iii) the training of immigration officers;
 - (iv) the training of NCA officers.
- (4) The expert members of the advisory panel must—
- (a) consider the question of the adequacy of the Director General’s training, and
 - (b) give the panel’s chair such information in respect of their consideration of that question as the chair may require.
- (5) The panel’s chair must then—
- (a) consider the information given by the expert members,
 - (b) decide the question of the adequacy of the Director General’s training, and
 - (c) produce a report containing recommendations as to the operational powers which the Director General should have.
- (6) The report must not recommend that the Director General should have a particular operational power unless the panel’s chair has decided that the Director General has received adequate training in respect of that power.
- (7) That process for producing a report is to be conducted in accordance with the terms of appointment of the advisory panel (which may include terms about the particular

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operational powers in respect of which the question of the adequacy of the Director General's training is to be considered).

(8) A reference in this paragraph to the question of the adequacy of the Director General's training is a reference to—

- (a) which operational powers the Director General has received adequate training in respect of, and
- (b) which operational powers the Director General has not received adequate training in respect of.

(9) In this paragraph—

“adequate training”, in relation to a particular operational power, means training that is adequate to enable that power to be properly exercised;

“appropriate” means appropriate in the Secretary of State's view;

“report” means a report for the purposes of section 9 containing recommendations as to the operational powers which the Director General should have.

No advisory panel

- 5
- (1) The Secretary of State may, by regulations, make provision about the circumstances in which the Director General may be designated as a person having operational powers otherwise than on recommendations made in accordance with paragraph 4.
 - (2) Regulations under this paragraph may, in particular, provide that the Secretary of State must designate the Director General as a person having particular operational powers if specified conditions are met.
 - (3) Those conditions may, in particular, relate to training received by a person before appointment as the Director General.
 - (4) In this paragraph “specified” means specified in regulations under this paragraph.