

SCHEDULES

SCHEDULE 2

Section 2

CHIEF CONSTABLES

Introduction

- 1 This Schedule applies to the chief constables established under section 2.

Status, name etc

- 2 A chief constable is a corporation sole.
- 3 The name of the chief constable for a police force is “the Chief Constable of” with the addition of the name of the police force.

Civilian staff

- 4 (1) The chief constable of a police force must appoint a person to be responsible for the proper administration of the police force’s financial affairs (referred to in this Part as the police force’s chief finance officer).
- (2) The chief constable of a police force may appoint such other staff as the chief constable thinks appropriate—
- (a) to enable the chief constable to exercise the chief constable’s functions, or
 - (b) otherwise to assist the relevant police force.
- (3) Section 113 of the Local Government Finance Act 1988 applies to the chief finance officer of a chief constable as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.
- 5 (1) A chief constable must appoint a qualified person to act as chief finance officer, if and for as long as—
- (a) that post is vacant, or
 - (b) the holder of that post is, in the chief constable’s opinion, unable to carry out the duties of that post.
- (2) For the purposes of sub-paragraph (1) a person is qualified to be appointed to act as chief finance officer if that person is qualified to be appointed to the post under paragraph 4.
- (3) A reference in any enactment to the police force’s chief finance officer includes a reference to a person acting as chief finance officer in accordance with sub-paragraph (1).

Status: This is the original version (as it was originally enacted).

Remuneration etc of staff

- 6 (1) A chief constable may pay remuneration, allowances and gratuities to the members of the police force's civilian staff.
- (2) A chief constable may pay—
- (a) pensions to, or in respect of, persons who have been members of the police force's civilian staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the police force's civilian staff.
- (3) In this paragraph “allowances”, in relation to a member of a police force's civilian staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Incidental powers

- 7 (1) A chief constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of chief constable.
- (2) That includes—
- (a) entering into contracts and other agreements (whether legally binding or not), but only with the consent of the relevant police and crime commissioner;
 - (b) acquiring and disposing of property, apart from land, but only with the consent of the relevant police and crime commissioner.
- (3) But the chief constable may not borrow money.
- (4) Sub-paragraph (2)(a) does not require the chief constable to obtain the consent of the relevant police and crime commissioner in order to enter into a contract or other agreement with a person—
- (a) by virtue of which the person becomes, or is, a member of the police force's civilian staff, or
 - (b) which otherwise relates to the person's membership of that civilian staff (including the terms and conditions of the person's membership).
- (5) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of chief constables.

Damages and costs in legal proceedings

- 8 (1) The following amounts must be paid out of the police fund kept by the relevant police and crime commissioner—
- (a) any damages or costs awarded against a chief constable in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the relevant police force's civilian staff;
 - (b) any costs incurred by a chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings; and
 - (c) any sum required in connection with the settlement of any claim made against a chief constable in respect of the acts or omissions of a member of the relevant police force's civilian staff, if the settlement is approved by the relevant police and crime commissioner.

- (2) A police and crime commissioner may, in such cases and to such extent as appear to the commissioner to be appropriate, pay out of the police fund kept by the commissioner—
- (a) any damages or costs awarded against a member of the relevant police force’s civilian staff in proceedings for any unlawful conduct of that person;
 - (b) any costs incurred and not recovered by such a member of staff in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

Disciplinary action etc

- 9 Paragraph 2 does not affect the application of regulations under section 50 of the Police Act 1996 to the constable who occupies the office of chief constable.