



# Police Act 1964

## 1964 CHAPTER 48

An Act to re-enact with modifications certain enactments relating to police forces in England and Wales, to amend the Police (Scotland) Act 1956, and to make further provision with respect to the police. [10th June 1964]

### Modifications etc. (not altering text)

C1 Act applied by [Heathrow Express Railway Act 1991 \(c. vii\), s. 43\(4\)\(a\)](#)

## PART I

### ORGANISATION OF POLICE FORCES

### Modifications etc. (not altering text)

C2 Pt. I(ss. 1-27) restricted (6.3.1992) by [Local Government Act 1992 \(c. 19\), s. 18\(4\)\(a\)](#)

### *County, county borough and combined forces*

#### [<sup>F1</sup>1 Police areas.

- (1) England and Wales shall be divided into police areas.
- (2) The police areas referred to in subsection (1) of this section shall be—
  - (a) those listed in Schedule 1A to this Act (subject to any amendment made to that Schedule by an order under section 21 or 21A of this Act, section 58 of the <sup>M1</sup>Local Government Act 1972, or section 17 of the <sup>M2</sup>Local Government Act 1992), together with
  - (b) the City of London police area and the metropolitan police district.
- (3) References in Schedule 1A 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.]

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#### Textual Amendments

- F1** S. 1 substituted (1.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29 s. 1(1); S.I. 1994/2025, [art. 4](#); S.I. 1994/3262, [art. 4](#), [Sch.](#)

#### Marginal Citations

- M1** 1972 c. 70.  
**M2** 1992 c. 19.

### [<sup>F3</sup> Forces outside London]

#### Textual Amendments

- F3** Ss. 2, 3 and crossheading preceding s. 2 substituted for s. 2, 2A, 3 (8.8.1994 to the extent s. 3 is substituted and 1.4.1995 otherwise) by 1994 c. 29, [s. 2](#); S.I. 1994/2025, [art. 4](#); S.I. 1994/3262, [art. 4](#), [Sch.](#)

### [<sup>F42</sup> Maintenance of police forces.

A police force shall be maintained for every police area for the time being listed in Schedule 1A to this Act.]

#### Textual Amendments

- F4** Ss. 2, 3 and crossheading preceding s. 2 substituted for ss. 2, 2A, 3 (8.8.1994 to extent s. 3 is substituted and 1.4.1995 otherwise) by 1994 c. 29, [s. 2](#); S.I. 1994/2025, [art. 4](#); S.I. 1994/3262, [art. 4](#), [Sch.](#)

### [<sup>F53</sup> Establishment of police authorities.

- (1) There shall be a police authority for every police area for the time being listed in Schedule 1A to this Act.
- (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”.]

#### Textual Amendments

- F5** Ss. 2, 3 substituted ss. 2, 2A, 3 (8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, [s. 2](#); S.I. 1994/2025, [art. 4](#), S.I. 1994/3262, [art. 4](#), [Sch.](#)

#### Modifications etc. (not altering text)

- C3** S. 3 continued (1.4.1996) by S.I. 1995/2864, [art. 3](#)

### [<sup>F63A</sup> Membership of police authorities etc.

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

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- (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 made under subsection (2) of this section shall be laid before Parliament after being made.
- (4) Schedules 1B and 1C to this Act shall have effect in relation to police authorities established under section 3 and the appointment of their members.]

#### Textual Amendments

**F6** Ss. 3A, 3B inserted (21.7.1994 and 8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, ss. 3(1), 94(3)(a); S.I. 1994/2025, art. 4(2)(b); S.I. 1994/3262, art. 4, Sch.

#### <sup>F7</sup>3B Reductions in size of police authorities.

- (1) This section applies to any order under subsection (2) of section 3A of this Act 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 1B to this Act, and
  - (c) any panel (or magistrates' courts committee) 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.

#### Textual Amendments

**F7** Ss. 3A, 3B inserted (21.7.1994 and 8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, ss. 3(1), 94(3)(a); S.I. 1994/2025, art. 4(2)(b); S.I. 1994/3262, art. 4, Sch.

#### [<sup>F8</sup>4 General functions of police authorities.

- (1) It shall be the duty of every police authority established under section 3 of this Act to 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 of this Act shall have regard to—
  - (a) any objectives determined by the Secretary of State under section 28A of this Act,
  - (b) any objectives determined by the authority under section 4A,
  - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B or otherwise, and

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- (d) any local policing plan issued by the authority under section 4B.
- (3) In discharging any function to which a code of practice issued under section 28C of this Act relates, a police authority established under section 3 of this Act 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 28B or 28D of this Act.]

#### Textual Amendments

**F8** Ss. 4, 4A-4C substituted for s. 4 (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 4; S.I. 1994/2025, art. 6; S.I. 1994/3162, art. 4, Sch.

#### <sup>F9</sup>4A Local policing objectives.

- (1) Every police authority established under section 3 of this Act 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 28A of this Act 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.
- (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 it in accordance with arrangements made under section 106 of the <sup>M3</sup>Police and Criminal Evidence Act 1984 (arrangements for obtaining the views of the community on policing).

#### Textual Amendments

**F9** Ss. 4, 4A-4C substituted for s. 4 (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 4; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

#### Modifications etc. (not altering text)

**C4** S. 4A restricted (12.7.1995) by S.I. 1995/1771, art. 4(3)(b)(ii)  
S. 4A restricted (12.7.1995) by 1995/1772, art. 4(3)(b)(ii)  
S. 4A restricted (12.7.1995) by 1995/1773, art. 4(3)(b)(ii)  
S. 4A restricted (12.7.1995) by 1995/1774, art. 4(3)(b)(ii)

#### Marginal Citations

**M3** 1984 c. 60.

#### <sup>F10</sup>4B Local policing plans.

- (1) Every police authority established under section 3 of this Act 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").

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- (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 28A of this Act,
  - (b) any objectives determined by the authority under section 4A, and
  - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B 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 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) of this section, a police authority shall consult the chief constable.
- (5) A police authority shall arrange for the local policing plan 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.

#### Textual Amendments

**F10** Ss. 4-4C substituted for s. 4 (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 4; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

#### Modifications etc. (not altering text)

**C5** S. 4B restricted (12.7.1995) by S.I. 1995/1771, art. 4(3)(b)(ii)  
S. 4B restricted (12.7.1995) by S.I. 1995/1772, art. 4(3)(b)(ii)  
S. 4B restricted (12.7.1995) by S.I. 1995/1773, art. 4(3)(b)(ii)  
S. 4B restricted (12.7.1995) by S.I. 1995/1774, art. 4(3)(b)(ii)

#### <sup>F11</sup>4C Annual reports by police authorities.

- (1) As soon as possible after the end of each financial year every police authority established under section 3 shall issue a report relating to the policing of the authority's area for the year.
- (2) A report issued under this section for any year by a police authority shall include an assessment of the extent to which the local policing plan for that year has been carried out.
- (3) A police 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 the Secretary of State.

#### Textual Amendments

**F11** Ss. 4-4C substituted for s. 4 (1.10.1994 for certain purposes and 1.4.1995 otherwise) by 1994 c. 29, s. 4; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

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## 5 Chief constables.

- (1) The police force maintained for a police area under section 1 of this Act shall be under the direction and control of the chief constable appointed under section 4(2) of this Act.
- (2) The same person may, with the consent of the police authorities concerned, be appointed chief constable of more than one police force.
- (3) The Secretary of State shall not approve the appointment as first chief constable of a combined force of any person other than the chief constable of a police force which ceases to exist in consequence of the formation of the combined force unless the Secretary of State is satisfied, having regard to the size and character of the combined force and any exceptional circumstances, that some other person should be appointed.
- (4) Without prejudice to any regulations under Part II of this Act or under the [<sup>F12M4</sup>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.
- (5) Before seeking the approval of the Secretary of State under subsection (4) of this section the police authority shall give the chief constable an opportunity to make representations and shall consider any representations so made.
- (6) A chief constable who is called upon to retire as aforesaid 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 police authority.

### Textual Amendments

**F12** Words substituted by virtue of [Police Pensions Act 1976 \(c. 35\), s. 12\(3\)](#)

### Modifications etc. (not altering text)

**C6** [S. 5\(1\)](#) excluded by [Police Act 1969 \(c. 63\), s. 1\(3\)](#)

### Marginal Citations

**M4** [1976 c. 35.](#)

VALID FROM 01/04/1995

### <sup>F13</sup>**5A Appointment and removal of chief constables.**

- (1) The chief constable of a police force maintained under section 2 of this Act 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 Part II of this Act.
- (2) Without prejudice to any regulations under Part II of this Act or under the <sup>M5</sup>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) of this section, the police authority shall give the chief constable an opportunity to make representations and shall consider any representations that he makes.

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- (4) A chief constable who is called upon to retire under subsection (2) of this section 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.

#### Textual Amendments

**F13** Ss. 5, 5A substituted for s. 5 (1.4.1995) by 1994 c. 29, s. 5; S.I. 1994/3262, art. 4, Sch.

#### Marginal Citations

**M5** 1976 c. 35.

## 6 Deputy and assistant chief constables.

- (1) In every police force maintained under section 1 of this Act there shall be a [<sup>F14</sup>person holding the rank of]deputy chief constable, who shall have all the powers and duties of the chief constable—
- (a) during any absence, incapacity or suspension from duty of the chief constable;
  - (b) during any vacancy in the office of chief constable;
- but shall not have power to act by virtue of this subsection for any continuous period exceeding three months except with the consent of the Secretary of State.
- (2) The provisions of subsection (1) above shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of the powers conferred by that enactment on a chief constable.
- (3) The establishment of any such police force as aforesaid may include one or more persons holding the rank of assistant chief constable.
- (4) [<sup>F15</sup>Appointments or promotions to the rank of deputy chief constable or] assistant chief constable, shall be made, in accordance with regulations under Part II of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.
- (5) Subsections (2), (4), (5) and (6) of section 5 of this Act shall apply to a deputy chief constable, and subsections (4), (5) and (6) of that section shall apply to an assistant chief constable, as they apply to a chief constable.

#### Textual Amendments

**F14** Words inserted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 108(2)(a)

**F15** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 108(2)(b)

## [<sup>F16</sup>6A Deputy chief constables— supplementary.

- (1) Any police force maintained under section 1 of this Act may include more than one person holding the rank of deputy chief constable, but only if the additional person or persons holding that rank—
- (a) was a deputy chief constable before a period—
    - (i) of central service; or



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- (ii) of overseas service, as defined in <sup>M6</sup> section 3 of the Police (Overseas Service) Act 1945; or
  - (iii) of service in pursuance of an appointment under <sup>M7</sup> section 10 of the Overseas Development and Co-operation Act 1980 as an officer to whom that section applied; or
  - (b) became a deputy chief constable by virtue of section 58(2) of this Act.
- (2) If there is more than one person who holds the rank of deputy chief constable in a police force maintained under section 1 of this Act, one of the persons who hold it shall be designated as the officer having the powers and duties conferred on a deputy chief constable by section 6(1) of this Act.
- (3) A person shall be designated under subsection (2) of this section by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.]

#### Textual Amendments

**F16** S. 6A inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 108(3)

#### Marginal Citations

**M6** 1945 c.17(95)

**M7** 1980 c.63(88)

## 7 Other members of police forces.

- (1) The ranks which may be held in a police force maintained under section 1 of this Act shall be such as may be prescribed by regulations under Part II of this Act and the ranks so prescribed shall include, in addition to chief constable [<sup>F17</sup>, deputy chief constable]and assistant chief constable, the ranks of superintendent, inspector, sergeant and constable.
- (2) Appointments and promotions to any rank below that of assistant chief constable in any such police force shall be made, in accordance with regulations under Part II of this Act, by the chief constable.

#### Textual Amendments

**F17** Words inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119(1), [Sch. 6 para. 14](#)

## [<sup>F18</sup> Police fund.

- (1) Each police authority established under section 3 of this Act shall keep a fund to be known as the police fund.
- (2) Subject to any regulations under the <sup>M8</sup>Police Pensions Act 1976, all receipts of the police authority shall be paid into the police fund and all expenditure of the authority shall be paid out of that fund.
- (3) Accounts shall be kept by each police authority of payments made into or out of the police fund.]



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#### Textual Amendments

**F18** S. 8 substituted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 8; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

#### Marginal Citations

**M8** 1976 c. 35.

### [<sup>F19</sup>8A Supply of goods and services.

Subsections (1) to (3) of section 1 of the <sup>M9</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) shall apply to a police authority established under section 3 of this Act as they apply to a local authority, except that in their application to a police authority the references in those subsections to a public body shall be read as references to any person.]

#### Textual Amendments

**F19** S. 8A inserted (1.10.1994 for certain purposes and 1.4.1995 for other purposes) by 1994 c. 29, s. 9; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

#### Marginal Citations

**M9** 1970 c. 39.

## 9 Acquisition of land.

- (1) The council of any county . . . <sup>F20</sup> constituting a police area may by agreement acquire, whether by way of purchase, lease or exchange, any land which is required for the purpose of any of the functions of the police authority for the area; and [<sup>F21</sup>subsections (3) and (4) of section 120 of the <sup>M10</sup>Local Government Act 1972 shall apply to the acquisition of land under this subsection as they apply to the acquisition of land under that section];
- (2) The council of any such county . . . <sup>F20</sup> may be authorised by the Secretary of State to purchase compulsorily any land which is required for the purpose of any of the functions of the police authority for the county . . . <sup>F20</sup>; and the <sup>M11</sup>Acquisition of Land [<sup>F22</sup>Act 1981 shall apply to a compulsory purchase under this section], [<sup>F23</sup>and subsection (3) of section 121 of the <sup>M12</sup>Local Government Act 1972 shall apply in relation to a proposal to acquire any land in exercise of the power conferred by this subsection as it applies in relation to a proposal to acquire land in exercise of the power conferred by subsection (1) of that section].
- (3) A combined police authority shall have the same powers with respect to the acquisition of land for police purposes, and the appropriation and disposal of land, as the council of a county . . . <sup>F20</sup>; and the provisions of this section, the [<sup>F24</sup><sup>M13</sup>Local Government Act 1972] . . . <sup>F25</sup> with respect to the acquisition, appropriation and disposal of land by such councils shall have effect accordingly as if references to the council of a county . . . <sup>F20</sup> included references to a combined police authority.

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- (4) References in this Act to expenditure of a police authority or to expenses incurred for police purposes by any police authority include references to expenditure under this section by the council of a county . . . <sup>F20</sup> on behalf of a police authority.

#### Textual Amendments

- F20** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F21** Words substituted by [Local Government Act 1972 \(c. 70\)](#), [s. 196\(4\)\(a\)](#)
- F22** Words substituted by [Acquisition of Land Act 1981 \(c. 67 SIF 28:1\)](#) s. 34, [Sch. 4 para. 13](#)
- F23** Words added by [Local Government Act 1972 \(c. 70\)](#), [s. 196\(4\)\(b\)](#)
- F24** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 272\(2\)](#)
- F25** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)

#### Marginal Citations

- M10** [1972 c. 70.](#)
- M11** [1981 c. 67.](#)
- M12** [1972 c. 70.](#)
- M13** [1972 c. 70.](#)

### [<sup>F26</sup>10 Civilian employees.

- (1) A police authority established under section 3 of this Act may employ persons to assist the police force maintained by it or otherwise to enable the authority to discharge its functions.
- (2) A police authority shall exercise its powers under section 101 (and section 107) of the <sup>M14</sup>Local Government Act 1972 so as to secure that, subject to subsection (3) of this section, any person employed by the authority under this section is under the direction and control of the chief constable of the police force maintained by the authority.
- (3) Subsection (2) of this section shall not apply to such of the persons employed by the authority as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (4) The powers of direction and control referred to in subsection (2) of this section include the powers of engagement and dismissal.]

#### Textual Amendments

- F26** [S. 10](#) substituted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by [1994 c. 29, s. 10](#); [S.I. 1994/2025, art. 6](#); [S.I. 1994/3262, art. 4, Sch.](#)

#### Marginal Citations

- M14** [1972 c. 70.](#)

### [<sup>F27</sup>10A Appointment of clerk.

A police authority established under section 3 of this Act shall appoint a person to be the clerk to the authority.]

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#### Textual Amendments

**F27** Ss. 10A, 10B inserted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 11; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

### <sup>F28</sup> 10B Appointment of persons not employed by police authorities.

Where a police authority established under section 3 of this Act 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 10 of this Act, or a person not holding any office or employment under the authority.

#### Textual Amendments

**F28** Ss. 10A, 10B inserted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 11; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

### [<sup>F29</sup> 11 Questions on police matters at council meetings.

- (1) Every relevant council shall make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a police authority to be put by members of the council at a meeting of the council for answer by a person nominated by the authority for that purpose.
- (2) On being given reasonable notice by a relevant council of a meeting of that council at which questions on the discharge of the police authority's functions are to be put, the police authority shall nominate one or more of its members to attend the meeting to answer those questions.
- (3) In this section "relevant council" has the same meaning as in Schedule 1B to this Act.]

#### Textual Amendments

**F29** S. 11 substituted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 12; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

### *General provisions*

### 12 Reports by chief constables to police authorities.

- (1) Every chief constable shall, as soon as possible after the end of each calendar year, submit to the police authority a general report in writing on the policing during that year of the area for which his force is maintained.
- (2) The chief constable of a police force shall, whenever so required by the police authority, submit to that authority a report in writing on such matters as may be

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specified in the requirement, being matters connected with the policing of the area for which the force is maintained.

- (3) If it appears to the chief constable that a report in compliance with any such requirement of the police authority 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 police authority, he may request that 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.
- (4) This section applies to the City of London police force as if for references to the chief constable there were substituted references to the Commissioner.

**Modifications etc. (not altering text)**

C7 S. 12 modified by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **ss. 5, 50(2), 55(14)**

**13 Collaboration agreements.**

- (1) If it appears to the chief officers of police of two or more police forces that any police functions can more efficiently be discharged by members of those forces acting jointly, they may, with the approval of the police authorities for the areas for which those forces are maintained, make an agreement for that purpose.
- (2) If it appears to any two or more police authorities that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained by those authorities, they may make an agreement for that purpose.
- (3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in default of agreement, be determined by the Secretary of State.
- (4) An agreement under subsection (1) or subsection (2) of this section may be varied or determined by a subsequent agreement.
- (5) If it appears to the Secretary of State that an agreement should be made under subsection (1), subsection (2) or subsection (4) of this section, he may, after considering any representations made by the parties concerned, direct those parties to enter into such an agreement under those provisions as may be specified in the direction.
- (6) The reference in subsection (1) of this section to members of a police force includes a reference to special constables for the area for which that force is maintained.

**14 Aid of one police force by another.**

- (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) above cannot be made, or cannot be

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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 5(1) of this Act, 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 default of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in default of such general agreement, as may be determined by the Secretary of State.

## **15 Provision of special services.**

- (1) The chief officer of police of any 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, for the reference in subsection (1) to the police authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

## **[<sup>F30F30</sup>15A] Provision of advice and assistance to international organisations etc.**

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
  - (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief officer of police for its area.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a member of the police force maintained by the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) of this section may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
  - (a) making a grant or loan,
  - (b) giving a guarantee or indemnity, or
  - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice or assistance provided by it under this section.

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- (7) In its application in relation to the metropolitan police this section shall apply—
- (a) as if the power conferred by subsection (1) were conferred on the Commissioner of Police of the Metropolis (and accordingly as if the references in subsections (1)(b) and (2) to a police authority were omitted), and
  - (b) as if in subsection (6) the reference to a police authority were a reference to the Receiver for the Metropolitan Police District.
- (8) The provisions of this section are without prejudice to the <sup>M15</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M16</sup>Overseas Development and Co-operation Act 1980.]

#### Textual Amendments

**F30** S. 15A inserted (21.7.1994) by 1994 c. 29, ss. 13, 94(1)(3)(b)

#### Marginal Citations

**M15** 1945 c. 17.

**M16** 1980 c. 63.

## 16 Special constables.

- (1) The chief officer of police of the police force maintained for any police area may, in accordance with regulations under Part II of this Act, appoint special constables for that area.
- (2) Subject to such regulations as aforesaid, all special constables for a police area (including persons appointed as such before the commencement of this Act) shall be under the direction and control of, and subject to dismissal by, the chief officer of police.

## 17 Police cadets.

- (1) The chief officer of police of any police force may, in accordance with regulations under Part II of this Act and <sup>F31</sup> . . . , appoint persons as police cadets to undergo training with a view to becoming members of that police force.
- (2) Subject to such regulations as aforesaid, all police cadets (including persons appointed as such before the commencement of this Act) shall be under the control of, and subject to dismissal by, the chief officer of police.
- (3) Without prejudice to subsection (2) above, the police authority by whom a police force is maintained shall, for the purposes of any enactment relating to the functions of employers and of any rule of law with respect to the vicarious liability of employers, be treated as the employer of any police cadets undergoing training with that force.
- (4) In the application of this section to the metropolitan police, for the reference in subsection (3) to the police authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

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### Textual Amendments

**F31** Words in s. 17(1) repealed (1.4.1995) by 1994 c. 29, ss. 44, 93, Sch. 5 Pt. I para. 3, Sch. 9 Pt. I; S.I. 1994/3262, art. 4, Sch.

## 17 Police cadets. **E+W**

- (1) The chief officer of police of any police force may, in accordance with regulations under Part II of this Act and subject to the approval of the police authority as to numbers, appoint persons as police cadets to undergo training with a view to becoming members of that police force.
- (2) Subject to such regulations as aforesaid, all police cadets (including persons appointed as such before the commencement of this Act) shall be under the control of, and subject to dismissal by, the chief officer of police.
- (3) Without prejudice to subsection (2) above, the police authority by whom a police force is maintained shall, for the purposes of any enactment relating to the functions of employers and of any rule of law with respect to the vicarious liability of employers, be treated as the employer of any police cadets undergoing training with that force.
- (4) In the application of this section to the metropolitan police, for the reference in subsection (3) to the police authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

## 18 Attestation of constables.

Every member of a police force maintained for a police area and every special constable appointed for a police area shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 2 to this Act—

- (a) in the case of the metropolitan police district, before the Commissioner or an Assistant Commissioner of Police of the Metropolis;
- (b) in any other case, before a justice of the peace having jurisdiction within the police area.

## 19 Jurisdiction of constables.

- (1) A member of a police force shall have all the powers and privileges of a constable throughout England and Wales.
- (2) A special constable shall have all the powers and privileges of a constable in the police area for which he is appointed.
- [<sup>F32</sup>(3) Without prejudice to subsection (2) above, a special constable appointed for any police area shall have all the powers and privileges of a constable—
  - (a) in the case of a police area other than the City of London, in any other police area which is contiguous to his own police area;
  - (b) in the case of the City of London, in the metropolitan police district and in any area which is contiguous to that district.]
  - (4) A special constable who is for the time being required by virtue of section 13 or section 14 of this Act to serve with another police force shall have all the powers and



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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) ..... <sup>F33</sup>

(6) This section is without prejudice to [<sup>F34</sup>section 18 of the <sup>M17</sup>Police (Scotland) Act 1967] (execution of warrants in border counties of England and Scotland) and to any other enactment conferring powers on constables for particular purposes.

#### Textual Amendments

**F32** Words substituted by [Police \(Scotland\) Act 1967 \(c. 77\), Sch. 4](#)

**F33** Ss. 19(5), 21(4), 25(1)–(4) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

**F34** S. 19(3) substituted by [Local Government Act 1972 \(c. 70\), s. 196\(5\)](#)

#### Marginal Citations

**M17** [1967 c. 77.](#)

## 20 Rewards for diligence.

A police authority may, on the recommendation of the chief officer of police, grant out of the police fund to members of the police force maintained by that authority rewards for exceptional diligence or other specially meritorious conduct.

### *Amalgamations*

## [<sup>F35</sup>21 Power to alter police areas by order.

- (1) The Secretary of State may by order make alterations in police areas in England and Wales other than the City of London police area.
- (2) The alterations that may be made by an order under subsection (1) of this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the abolition of the metropolitan police district.
- (3) The Secretary of State shall not exercise his power under subsection (1) of this section to make alterations unless either—
  - (a) he has received a request to make the alterations from the police authority for each of the areas (other than the metropolitan police district) affected by them, or
  - (b) it appears to him to be expedient to make the alterations in the interests of efficiency or effectiveness.
- (4) The Secretary of State shall exercise his power to make orders under this section in such a way as to ensure that none of the following areas—
  - (a) a county in which there are no district councils,
  - (b) a district in any other county,
  - (c) a county borough in Wales, and
  - (d) a London borough,
 is divided between two or more police areas.

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- (5) Subsection (4) shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it exists at the commencement of section 1 of the Police and Magistrates' Courts Act 1994.]

#### Textual Amendments

**F35** Ss. 21, 21A-21C substituted for s. 21 (1.10.1994 in so far as substitutes 21A and 21C and 1.4.1995 otherwise) by 1994 c. 29, s. 14; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

### [<sup>F36</sup>21A Alteration of Welsh police areas on local government reorganisation.

- (1) The Secretary of State shall by order made before 1st April 1996 make such alterations to police areas in Wales as he considers necessary or expedient in connection with the reorganisation of local government in Wales taking place on that date.
- (2) The alterations that may be made by an order under subsection (1) of this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the division of any county or county borough between two or more police areas.
- (3) The Secretary of State shall make an order under subsection (1) of this section only after he has consulted every body within the following paragraphs which is in existence when the order is made—
- (a) the police authorities established under section 3 of this Act for the police areas altered by the order;
  - (b) the police authorities which are to be superseded by the police authorities mentioned in paragraph (a) of this subsection;
  - (c) the county councils which—
    - (i) are the councils of counties wholly or partly within the police areas altered by the order, and
    - (ii) are to cease to exist on 1st April 1996 by virtue of the <sup>M18</sup>Local Government (Wales) Act 1994;
  - (d) the councils of the counties and county boroughs established by virtue of that Act which are wholly or partly within the police areas altered by the order;
- and such other persons as he considers appropriate.]

#### Textual Amendments

**F36** Ss. 21, 21A-21c substituted for s. 21 (1.10.1994 in so far as substitutes s. 21A and s. 21C and 1.4.1995 for certain other purposes) by 1994 c. 29, s. 14; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

#### Marginal Citations

**M18** 1994 c. 19.

### [<sup>F37</sup>21B Objections to alterations proposed by Secretary of State.

- (1) Before making an order under section 21 of this Act by virtue of paragraph (b) of subsection (3) of that section, the Secretary of State shall give notice of his proposal to—

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- (a) the police authority for every area (other than the metropolitan police district) that he proposes to alter,
  - (b) the council of every county, district, county borough or London borough wholly or partly within any area (other than the metropolitan police district) that he proposes to alter,
  - (c) the council of every London borough, county or district all or part of which would under the proposal be brought into or left out of the metropolitan police district, and
  - (d) such other persons as he considers appropriate.
- (2) A notice under subsection (1) of this section shall—
- (a) specify the proposed alterations and describe the general nature of any related provisions proposed to be included in the order,
  - (b) set out the Secretary of State’s reasons for proposing the alterations, and
  - (c) specify a date before which any objections to the proposals are to be delivered to the Secretary of State.
- (3) The date specified under subsection (2)(c) of this section shall fall after the end of the period of four months beginning with the date of the notice.
- (4) Where objections have been duly delivered to the Secretary of State by a person notified under subsection (1) of this section, the Secretary of State shall before making the order under section 21 of this Act—
- (a) consider the objections, and
  - (b) give to that person a further notice stating whether he accepts the objections and, if he does not, giving his reasons.
- (5) Where the Secretary of State has given a notice under subsection (1) of this section specifying proposed alterations, the provisions of an order making the alterations may be inconsistent with the notice so far as it describes the general nature of the provisions, and may contain provisions not referred to in the notice.]

#### Textual Amendments

**F37** Ss. 21, 21A-21C substituted for s. 21 (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 14; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

#### [<sup>F38</sup>21C Orders altering police areas: supplementary provisions.

- (1) The power to make orders under section 21 or 21A of this Act includes power to make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient, including—
- (a) provision as to the membership of a police authority;
  - (b) provision for the transfer of property, rights and liabilities;
  - (c) provision for the transfer of members of police forces and other persons;
  - (d) provision as to pending legal proceedings.
- (2) Without prejudice to subsection (1) of this section, the power to make orders under section 21 or 21A of this Act includes power—
- (a) to amend Schedule 1A to this Act and section 76 of the <sup>M19</sup>London Government Act 1963 (extent of metropolitan police district), and

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- (b) to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order.
- (3) No order shall be made under section 21 of this Act by virtue of paragraph (b) of subsection (3) of that section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (4) An order to which subsection (3) of this section applies, and which would apart from this subsection be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, shall proceed in that House as if it were not such an instrument.
- (5) A statutory instrument containing an order under section 21 or 21A of this Act, other than an order to which subsection (3) of this section applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F38** Ss. 21, 21A-21C substituted for s. 21 (1.10.1994 in so far as substitutes s. 21A and 21C and 1.4.1995 otherwise) by 1994 c. 29, s. 14; S.I. 1994/2025, art. 6, S.I. 1994/3262, art. 4, Sch.

#### Marginal Citations

**M19** 1963 c. 33.

## 22 Amendment and revocation of schemes.

- (1) An amalgamation scheme may be amended or revoked by a subsequent scheme approved or made by the Secretary of State; and section 21 of this Act, and Schedules 3 and 4 to this Act, shall, so far as applicable, have effect in relation to any such subsequent scheme subject to any necessary modifications and to the following provisions of this section.
- (2) Without prejudice to the generality of the foregoing subsection, provision may be made by any such subsequent scheme—
  - (a) for the division of the combined area into two or more police areas, being either counties . . . <sup>F39</sup> or combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any other police area;
  - (b) for the dissolution and winding up of any combined police authority constituted under the original scheme, and of any combined police fund established thereunder, or for the reconstitution of any such authority or fund;
  - (c) for the transfer or retransfer to such police forces or police areas as may be determined by the subsequent scheme of members of the combined force other than the chief constable, or of special constables or police cadets;
  - (d) for the transfer or retransfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the combined police authority;
  - (e) for any other matters incidental to or consequential on the provisions of the subsequent scheme.
- (3) The authority by whom a scheme for the amendment or revocation of an amalgamation scheme may be submitted under subsection (1) of section 21 of this Act shall be the combined police authority constituted by the original scheme, or if more than one

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scheme is to be amended or revoked, the combined police authorities constituted by those schemes, together with the police authority for any other police area which is to be included in a combined area under the scheme.

- (4) The authorities to whom, under paragraph 1 of Schedule 3 to this Act, notice must be given by the Secretary of State of a scheme proposed to be made by him for the amendment or revocation of an amalgamation scheme shall be the authority or authorities by whom a scheme for that purpose could be submitted by virtue of subsection (3) of this section.

#### Subordinate Legislation Made

- P1** [S. 21](#) (with s. 22) power exercised by [S.I.1991/209](#)  
**P2** For exercises of power see Index to Government Orders

#### Textual Amendments

- F39** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

### 23 Alteration of local government areas.

<sup>F40</sup>(1) An amalgamation scheme may be approved or made under this Act <sup>F41</sup>with respect to any two or more prospective police areas] and subject to subsection (1A) below may be so approved or made before the relevant date.

(1A) A scheme under this section shall not come into force before the relevant date, except so far as it relates to the constitution of the combined police authority and to the performance by that authority of functions necessary for bringing the scheme into full operation on that date.

[ In this section—

<sup>F42</sup>(1B) “prospective police area” means any area which (apart from any amalgamation scheme) would become a police area by virtue of an order under Part II of the Local Government Act 1992 or Part IV of the Local Government Act 1972 or which, in accordance with such an order, is to be treated, for the purposes of the approval or making of any amalgamation scheme, as an area which would become a police area by virtue of that order; and

“the relevant date”, in relation to a prospective police area, means the date on which the order in question gives effect to structural or boundary changes affecting the area comprised in the prospective police area;

and in this subsection the reference to a structural or boundary change is a reference to any structural or boundary change within the meaning of Part II of that Act of 1992 or, in relation to an order under Part IV of that Act of 1972, to the constitution of a new county or the alteration of an existing county.]]

(2) In relation to an amalgamation scheme to be approved or made by virtue of this section, sections 21 and 22 of this Act and the Schedules therein mentioned shall apply subject to any necessary modifications and in particular to the following modifications, that is to say—

- <sup>F43</sup>(a) any reference to a police area shall include a reference to a prospective police area;
- (b) any reference, in relation to a prospective police area, to a constituent authority shall be a reference to the police authority for any police area the whole or any

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- part of which will be included in the prospective police area and the council of any county the whole or any part of which will be so included; and
- (c) any reference, in relation to a prospective police area, to the police authority (except a reference to which paragraph (b) above applies) shall be a reference to any constituent authority (within the meaning of that paragraph) other than the council for a county for which there is a separate police authority.]
- [<sup>F44</sup>(3) For the purposes of the approval or making of any amalgamation scheme with respect to any area, any steps required by this Act to be taken before an amalgamation scheme is approved or made may be taken at any time—
- (a) after any report affecting that area, together with proposals or recommendations, has been submitted to the Secretary of State under Part II of the Local Government Act 1992 or Part IV of the Local Government Act 1972; and
- (b) before an order is made to give effect to the proposals or recommendations, if the Secretary of State has notified the general nature of the order he intends to make to give effect to the proposals or recommendations to every authority which for the purposes of sections 21 and 22 above (as modified by subsection (2) above) would be a constituent authority in relation to that scheme.]
- (4) An amalgamation scheme may be amended or revoked under this Act notwithstanding that it has been modified by an order under Part VI of the said Act of 1933 or Part II of the said Act of 1958.

#### Textual Amendments

- F40** S. 23(1)(1A)(1B) substituted for s. 23(1) by [Local Government Act 1972 \(c. 70\), s. 196\(6\)](#)
- F41** Words in s. 23(1) substituted (31.10.1992) for paras. (a) and (b) by [Local Government Act 1992 \(c. 19\), s. 27, Sch. 3 para. 3\(1\); S.I. 1992/2371, art.2](#)
- F42** S. 23(1B) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27, Sch. 3 para. 3\(2\); S.I. 1992/2371, art.2](#)
- F43** S. 23: in subsection (2) paras. (a) to (c) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27, Sch. 3 para. 3\(3\); S.I. 1992/2371, art.2](#)
- F44** S. 23(3) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\), s. 27, Sch. 3 para. 3\(4\); S.I. 1992/2371, art. 2](#)

## 24 Adaptation of local Acts.

- (1) Where, by any local Act in force with respect to an area which ceases to be a separate police area by virtue of an amalgamation scheme, provision is made for conferring or imposing special powers or duties on the police, the Secretary of State may by order adapt the local Act so far as appears to him to be necessary or expedient for the purpose of the exercise or performance of those powers or duties by the police of the combined area.
- (2) Nothing in this section or in any order made thereunder shall be construed as extending the area within which or the matters in relation to which any such powers or duties as aforesaid are authorised or required by a local Act to be exercised or performed.
- (3) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### Miscellaneous and supplemental

#### [<sup>F45</sup>25 Cambridge and Peterborough.

(1) . . . . .]

[<sup>F46</sup>(5) The police authority for any police area consisting of or including the City of Cambridge shall include, in addition to the number of persons determined or prescribed under the foregoing provisions of this Act, five persons representing the University of Cambridge; and those persons shall be appointed at such times, in such manner and for such term as may be prescribed—

- (a) in the case of a combined area, by the amalgamation scheme;
- (b) in any other case, by rules made by the Secretary of State].

#### Textual Amendments

**F45** S. 25(5) repealed (8.8.1994 for certain purposes) by 1994 c. 29 ss. 44, 93, Sch. 5 Pt. I para. 5, Sch. 9 Pt. I; S.I. 1994/2025, art. 4

**F46** Ss. 19(5), 21(4), 25(1)–(4) repealed by Local Government Act 1972 (c. 70), Sch. 30

#### Modifications etc. (not altering text)

**C8** Unreliable marginal note

#### 26 The Scilly Isles.

- (1) For the purposes of the application of this Part of this Act to the Isles of Scilly—
- (a) the Isles shall be treated as if they were a county; and
  - (b) references to the council of a county and to the county fund shall be construed as references to the Council of the Isles and to the general fund of that Council respectively;

and any amalgamation scheme combining the Isles with any police area shall have effect accordingly.

(2) . . . . . <sup>F47</sup>

#### Textual Amendments

**F47** S. 26(2) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XI

#### 27 Interpretation of Part I.

In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“amalgamation scheme” means a scheme under this Part of this Act or under the <sup>M20</sup>Police Act 1946;

. . . . <sup>F48</sup>

“constituent area” means a police area which is combined by an amalgamation scheme, and includes, in relation to a scheme amending an amalgamation scheme, the combined area constituted by the original scheme;



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“constituent authority” means the police authority for an area which is combined by an amalgamation scheme and includes . . . <sup>F49</sup>, the council of the county . . . <sup>F49</sup>, and “constituent council” means any such council;  
“local fund” in relation to a county, means the county fund . . . <sup>F49</sup>  
“magistrate” has the same meaning as in the Justices of the <sup>M21</sup>Peace Act 1949;  
“officer” includes servant.

#### Textual Amendments

- F48** Definition of “consolidation agreement” repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**  
**F49** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

#### Marginal Citations

- M20** 1946 c. 46.  
**M21** 1949 c. 101.

## PART II

### CENTRAL SUPERVISION, DIRECTION AND FACILITIES

#### *Functions of Secretary of State*

#### **28 General duty of Secretary of State.**

The Secretary of State shall exercise his powers under this Act in such manner and to such extent as appears to him to be best calculated to promote the efficiency of the police.

#### **[<sup>F50</sup><sup>F50</sup> 28A Setting of objectives for police authorities.**

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

#### Textual Amendments

- F50** **S. 28A** inserted (1.10.1994) by of [1994 c. 29, s. 15](#); [S.I. 1994/2025, art. 6](#)

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### [<sup>F51</sup>28B Setting of performance targets.

- (1) Where an objective has been determined under section 28A of this Act, 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 of this Act 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 he thinks fit.]

#### Textual Amendments

**F51** Ss. 28B inserted (1.10.1994) by virtue of 1994 c. 29, s. 15; S.I. 1994/2025, art. 6

### [<sup>F52</sup>28C Codes of practice.

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 of this Act 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.]

#### Textual Amendments

**F52** Ss. 28C inserted (1.10.1994) by virtue of 1994 c. 29, s. 15; S.I. 1994/2025, art. 6

VALID FROM 01/04/1995

### [28D <sup>F53</sup> Power to give directions to police authorities after adverse reports.

- (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 38 of this Act of any police force maintained under section 2 of this Act.
- (2) Where a report made to the Secretary of State under section 38 of this Act 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.]

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#### Textual Amendments

**F53** S. 28D inserted (1.4.1995) by 1994 c. 29, s. 15; S.I. 1994/3262, art. 4, Sch.

#### Modifications etc. (not altering text)

**C9** S. 28D amended by (1.4.1995) by 1994 c. 29, s. 29(1)-(3); S.I. 1994/3262, art. 4, Sch.

## 29 Removal of chief constables &c.

- (1) The Secretary of State may require a police authority to exercise their power under Part I of this Act to call upon the chief constable to retire in the interests of efficiency.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power exercisable with respect to [<sup>F54</sup>a deputy or assistant chief constable], the Secretary of State shall give the chief constable or deputy or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the exercise of the power mentioned in subsection (1) of this section shall, appoint one or more persons (one at least of whom shall be a person who is not an officer of police or of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- (4) The costs incurred by a chief constable or deputy or assistant chief constable in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the police fund.

#### Textual Amendments

**F54** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(1), Sch. 6 para. 15

## [<sup>F55F55</sup>29] Reports from police authorities.

- (1) A police authority shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the authority's functions, or otherwise with the policing of its area, as may be specified in the requirement.
- (2) A requirement under subsection (1) of this section may specify the form in which a report is to be given.
- (3) The Secretary of State may arrange, or require the police authority to arrange, for a report under this section to be published in such manner as he thinks fit.]

#### Textual Amendments

**F55** S. 29A inserted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 16; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

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### 30 Reports from chief constables.

- (1) The Secretary of State may require any chief constable to submit to him a report on such matters as may be specified in the requirement, being matters connected with the policing of his area.
- (2) Every chief constable shall, as soon as possible after the end of each calendar year, submit to the Secretary of State the like report as is required by subsection (1) of section 12 of this Act to be submitted to the police authority.
- (3) This section shall apply to the City of London police force as if for references to a chief constable there were substituted references to the Commissioner.

### [<sup>F56</sup>31 Police grant.

- (1) Subject to the following provisions of this section, the Secretary of State shall for each financial year make grants for police purposes to—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District;
 and in those provisions references to police authorities shall be taken as including references to the Receiver.
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
  - (a) the aggregate amount of grants to be made under this section, and
  - (b) the amount of the grant to be made to each authority;
 and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2) of this section, and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among police authorities of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2) of this section, and the formulae and other rules referred to in subsection (4), may be different for different authorities or different classes of authority.
- (6) A copy of every report prepared under subsection (3) of this section shall be laid before the House of Commons, and no payment of grant shall be made unless the report setting out the determination of its amount has been approved by resolution of that House.
- (7) A grant to a police authority under this section shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may with the approval of the Treasury determine; and any such time may fall within or after the financial year concerned.
- (8) Where in consequence of a further determination under subsection (2) of this section the amount of an authority's grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall be paid by the authority to the Secretary of State on such day as he may specify; but no sum shall be payable by an authority

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under this subsection unless the report setting out the further determination has been approved by resolution of the House of Commons.]

#### Textual Amendments

**F56** Ss. 31-31B substituted for s. 31 (1.11.1994 for certain purposes) by 1994 c. 29, s. 17; S.I. 1994/2025, art. 7

#### Modifications etc. (not altering text)

**C10** S. 31 modified (1.10.1994) by 1994 c. 29, s. 33; S.I. 1994/2025, art. 5

### <sup>F57</sup> 31A Grants for capital expenditure.

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) for police purposes by—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

#### Textual Amendments

**F57** Ss. 31-31B substituted (1.11.1994 for certain purposes) by 1994 c. 29, s. 17; S.I. 1994/2025, art. 7

### <sup>F58</sup> 31B Grants for expenditure on safeguarding national security.

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes by—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District,in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

#### Textual Amendments

**F58** Ss. 31-31B substituted s. 31 (1.11.1994 for certain purposes) by 1994 c. 29, s. 17; S.I. 1994/2025, art. 7

### 32 Local inquiries.

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.

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- (2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) [<sup>F59</sup>Subsections (2) and (3) of section 250 of the <sup>M22</sup>Local Government Act 1972] (power to summon and examine witnesses) shall apply to any inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of any inquiry held under this section shall be defrayed out of the police fund or, if the inquiry relates to more than one police area, out of the police funds concerned in such proportions as may be specified in the direction; and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

#### Textual Amendments

**F59** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)

#### Marginal Citations

**M22** [1972 c. 70.](#)

### 33 Regulations for police forces.

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision with respect to the following matters, that is to say:—
  - (a) the ranks to be held by members of police forces;
  - (b) the qualifications for appointment and promotion of members of police forces;
  - (c) periods of service on probation;
  - (d) voluntary retirement of members of police forces;
  - [<sup>F60</sup>(e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;]
  - (f) the suspension of members of a police force from membership of that force and from their office as constable;
  - (g) the maintenance of personal records of members of police forces;
  - (h) the duties which are or are not to be performed by members of police forces;
  - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 47 of this Act;
  - (j) the hours of duty, leave, pay and allowances of members of police forces; and
  - (k) the issue, use and return of police clothing, personal equipment and accoutrements.

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- (3) . . . . . <sup>F61</sup>[<sup>F62</sup> (3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective.]
- (4) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- [<sup>F63</sup>(4A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.]
- (5) Regulations under this section may make different provision for different cases and circumstances, <sup>F64</sup> . . .
- (6) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F60** S. 33(2)(e) substituted (8.8.1994) by 1994 c. 29, s. 18(1)(2); S.I. 1994/2025, art. 3

**F61** S. 33(3) repealed by Police Act 1976 (c. 46), s. 10(6)

**F62** S. 33(3A) inserted (8.8.1994) by 1994 c. 29, s. 18(1)(3); S.I. 1994/2025, art. 3

**F63** S. 33(4A) inserted (8.8.1994) by 1994 c. 29, s. 18(1)(4); S.I. 1994/2025, art. 3

**F64** Words in s. 33(5) repealed (8.8.1994) by 1994 c. 29, s. 18(1)(5), S.I. 1994/2025, art. 3

#### Modifications etc. (not altering text)

**C11** S. 33 amended by Sex Discrimination Act 1975 (c. 65), s. 17(2) and Police Act 1976 (c. 46), s. 10

**C12** S. 33 amended by Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(1)(a)(2)

**C13** S. 33 amended (*prosp.*) by 1984 c. 60 s. 102 (as substituted (*prosp.*) by 1994 c. 29, s. 44, Sch. 5 Pt. II para. 33)

### 34 Regulations for special constables.

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of special constables.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision with respect to the following matters, that is to say:—
- (a) the qualifications for appointment of special constables;
  - (b) the retirement of special constables;
  - (c) the suspension of special constables from their office as constable;
  - (d) the allowances payable to special constables; and
  - (e) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces.
- (3) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional



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remuneration may be made with retrospective effect to any date specified in the regulations.

- (4) Subsections (5) and (6) of section 33 of this Act shall apply to regulations under this section.

**Modifications etc. (not altering text)**

**C14** S. 34 amended by [Superannuation Act 1972 \(c. 11\), s. 15\(5\)\(b\)](#) and [Sex Discrimination Act 1975 \(c. 65\), s. 17\(2\)](#)

**35 Regulations for police cadets.**

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.
- (2) Subsections (4), (5) and (6) of section 33 of this Act shall apply to regulations under this section.

**Modifications etc. (not altering text)**

**C15** S. 35 amended by [Superannuation \(Miscellaneous Provisions\) Act 1967 \(c. 28\), s. 13](#), [Superannuation Act 1972 \(c. 11\), s. 15\(5\)\(b\)](#), and [Sex Discrimination Act 1975 \(c. 65\), s. 17\(2\)](#)

**C16** S. 35 amended by [Police Negotiating Board Act 1980 \(c. 10, SIF 95\), s. 2\(1\)\(a\)\(2\)\(3\)](#)

**36 Regulations as to standard of equipment.**

The Secretary of State may make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations.

**[<sup>F65</sup>37 Disciplinary appeals to Secretary of State.**

- (1) A member of a police force who is dealt with for an offence against discipline may appeal to the Secretary of State—
- (a) against the decision on the disciplinary charge which was preferred against him;
  - (b) against any punishment awarded, except where he has a right of appeal to some other person; and in that case he may appeal to the Secretary of State from any decision of that other person.
- (2) On an appeal the Secretary of State may make an order allowing or dismissing the appeal.
- (3) Subject to subsection (4) below, in any case where it appears to him that it is appropriate to do so, he may substitute some other punishment.
- (4) The Secretary of State may not substitute another punishment unless it appears to him—
- (a) that the person or tribunal who heard the disciplinary charge could have awarded it; and
  - (b) that it is less severe than the punishment awarded by that person or tribunal.

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- (5) The Secretary of State may direct an appellant to pay the whole or any part of his own costs; but, subject to any such direction, all the costs and expenses of an appeal under this section, including the costs of the parties, shall be defrayed out of the police fund.
- (6) Schedule 5 to this Act shall have effect in relation to any appeal under this section.]

#### Textual Amendments

**F65** S. 37 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 103(1)

### PART III

#### POLICE REPRESENTATIVE INSTITUTIONS

#### 44 Police Federations.

- (1) There shall continue to be a Police Federation for England and Wales and a Police Federation for Scotland for the purpose of representing members of the police forces in England and Wales and in Scotland respectively in all matters affecting their welfare and efficiency, other than questions of discipline [<sup>F66</sup>affecting individuals, except as provided by subsection (1A) below, and questions of] promotion affecting individuals.
- [<sup>F67</sup>(1A) A Police Federation may represent a member of a police force at any disciplinary proceedings or on an appeal from any such proceedings.
- (1B) Except on an appeal to the Secretary of State or as provided by section 102 of the Police and Criminal Evidence Act 1984, a member of a police force may only be represented under subsection (1A) above by another member of a police force.]
- (2) The Police Federations shall act through local and central representative bodies; and the Police Federations and every branch thereof shall be entirely independent of, and [<sup>F68</sup>subject to subsection (2A) of this section] unassociated with, any body or person outside the police service, but may employ persons outside the police service in an administrative or advisory capacity.
- [<sup>F69</sup>(2A) The Secretary of State from time to time may authorise a Police Federation or a branch thereof to be associated with a person or body outside the police service in such cases and manner, and subject to such conditions and restrictions, as he may specify and may vary or withdraw an authorisation previously given; and anything for the time being so authorised shall not be precluded by subsection (2) of this section.]
- (3) The Secretary of State may by regulations prescribe the constitution and proceedings of the Police Federations [<sup>F70</sup>or authorise the Federations to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations] and, without prejudice to the generality of that power, regulations under this subsection may make provision—
  - (a) with respect to the membership of the Federations;
  - (b) with respect to the raising of funds by the Federations by voluntary subscription and the use and management of funds derived from such subscriptions;

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- (c) with respect to the manner in which representations may be made by committees or bodies of the Federations to police authorities, chief officers of police and the Secretary of State;
  - (d) for the payment by the Secretary of State of expenses incurred in connection with the Federations and for the use by the Federations of premises provided by police authorities for police purposes; and
  - (e) for modifying any regulations under the [<sup>F71M23</sup>Police Pensions Act 1976] under section 33 of this Act or under [<sup>F72</sup>section 26 of the <sup>M24</sup>Police (Scotland) Act 1967] in relation to any member of a police force who is the secretary or an officer of a Police Federation and for requiring the appropriate Federation to make contributions in respect of the pay, pension or allowances payable to or in respect of any such person.
- (4) Regulations under this section may contain such supplementary and transitional provisions as the Secretary of State thinks fit, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federations.
- (5) Before making any regulations under this section the Secretary of State shall consult the three Central Committees of the Police Federation to which the regulations will relate, sitting together as a Joint Committee; and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section applies to police cadets as it applies to members of police forces, and references to the police service shall be construed accordingly.

#### Textual Amendments

- F66** Words substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **s. 109(a)**
- F67** [S. 44\(1A\)\(1B\)](#) inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **s. 109(b)**
- F68** Words inserted by [Police Act 1972 \(c. 39\)](#), **s. 1(2)**
- F69** Words inserted by [Police Act 1972 \(c. 39\)](#), **s. 1(3)**
- F70** Words inserted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), **s. 109(c)**
- F71** Words substituted by virtue of [Police Pensions Act 1976 \(c. 35\)](#), **s. 12(3)**
- F72** Words substituted by [Police \(Scotland\) Act 1967 \(c. 77\)](#), **Sch. 4**

#### Marginal Citations

- M23** [1976 c. 35](#)
- M24** [1967 c. 77](#)

#### Textual Amendments

- F73** [S. 45](#) repealed by [Police Act 1969 \(c. 63\)](#), **s. 4(8)**

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#### 46 Police Advisory Boards for England and Wales and for Scotland.

- (1) There shall be a Police Advisory Board for England and Wales and a Police Advisory Board for Scotland for the purpose of advising the Secretary of State on general questions affecting the police in those countries respectively.
- (2) The constitution and proceedings of each of the Police Advisory Boards shall be such as the Secretary of State may determine after consulting organisations representing the interests of police authorities and of members of police forces and police cadets.
- (3) Before making regulations under section 33 or section 35 of this Act, [<sup>F74</sup>other than regulations with respect to any of the matters mentioned in section 1(1) of the <sup>M25</sup>Police Negotiating Board Act 1980] the Secretary of State shall furnish a draft of the regulations to the Police Advisory Board for England and Wales, and take into consideration any representations made by that Board.

##### Textual Amendments

**F74** Words substituted by virtue of [Police Negotiating Board Act 1980 \(c. 10, SIF 95\)](#), s. 2(4)

##### Marginal Citations

**M25** 1980 c. 10.

#### 47 Membership of trade unions.

- (1) Subject to the provisions of this section, a member of a police force shall not be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions or conditions of service of any police force:

Provided that where a person was a member of a trade union before becoming a member of a police force, he may, with the consent of the chief officer of police, continue to be a member of that union during the time of his service in the police force.

- (2) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the chief registrar of friendly societies.
- (3) This section applies to police cadets as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4) Nothing in this section applies to membership of the Police Federations, or of any body recognised by the Secretary of State for the purposes of this section as representing members of police forces who are not members of those Federations.

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## PART IV

### MISCELLANEOUS AND GENERAL

#### *Remedies and complaints against police*

#### **48 Liability for wrongful acts of constables.**

- (1) The chief officer of police for any police area shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the police fund—
  - (a) any damages or costs awarded against the chief officer of police in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required in connection with the settlement of any claim made against the chief officer of police by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police; and references in the foregoing provisions of this section to the chief officer of police shall be construed accordingly.
- (4) A police authority may, in such cases and to such extent as they think fit, pay any damages or costs awarded against a member of the police force maintained by them, or any constable for the time being required to serve with that force by virtue of section 14 of this Act, or any special constable appointed for their area, in proceedings for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings; and any sum required for making a payment under this subsection shall be paid out of the police fund.

**49 - 50** <sup>F75</sup> .....

#### **Textual Amendments**

**F75** Ss. 49 - 50 repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s.119(2), [Sch. 7 Pt. VI](#)

#### *Offences*

#### **51 Assaults on constables.**

- (1) Any person who assaults a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable—

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[<sup>F76</sup>on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F77</sup>level 5 on the standard scale] or to both].

(2) Subsection (2) of [<sup>F78</sup>section 17 of the <sup>M26</sup>Firearms Act 1968] (additional penalty for possession of firearms when committing certain offences) shall apply to offences under subsection (1) of this section.

(3) Any person who resists or wilfully obstructs a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding [<sup>F79</sup>level 3 on the standard scale], or to both.

#### Textual Amendments

**F76** Words substituted by [Criminal Law Act 1977 \(c. 45\), Sch. 1 para. 18](#)

**F77** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

**F78** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 17\(2\)\(a\)](#)

**F79** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

#### Marginal Citations

**M26** [1968 c. 27.](#)

## 52 Impersonation, &c.

(1) Any person who with intent to deceive impersonates a member of a police force or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F80</sup>level 5 on the standard scale], or to both.

(2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of a police force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F81</sup>level 3 on the standard scale].

(3) Any person who, not being a member of a police force or special constable, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F82</sup>level 1 on the standard scale].

(4) In this section “article of police uniform” means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of police forces or special constables, or anything having the appearance of such an article, badge, mark or document; and “special constable” means a special constable appointed for a police area.

#### Textual Amendments

**F80** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 39\(2\), 46, Sch. 3](#)

**F81** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)

**F82** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)

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### 53 Causing disaffection.

- (1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of any police force, or induces or attempts to induce, or does any act calculated to induce, any member of a police force to withhold his services or to commit breaches of discipline, shall be guilty of an offence and liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £100, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (2) This section applies to special constables appointed for a police area as it applies to members of a police force.

VALID FROM 01/04/1995

#### [<sup>F83</sup> 53A Grants by local authorities.

- (1) The council of a county, district, county borough or London borough may make grants to any police authority established under section 3 of this Act whose police area falls wholly or partly within the county, district, county borough or borough.
- (2) The council of a London borough, county, or district which falls wholly or partly within the metropolitan police district may make grants for police purposes to the Receiver for the Metropolitan Police District.
- (3) Grants under this section may be made unconditionally or, with the agreement of the chief officer of police for the police area concerned, subject to conditions.
- (4) This section applies to the Council of the Isles of Scilly as it applies to a county council.]

#### Textual Amendments

**F83** S. 53A inserted (1.4.1995) by 1994 c. 29, s. 24; S.I. 1994/3025, art. 4, Sch.

#### [<sup>F84</sup> 53B Acceptance of gifts and loans.

- (1) A police authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as the authority thinks fit.
- (2) The terms on which gifts or loans are accepted under subsection (1) of this section may include terms providing for the commercial sponsorship of any activity of the police authority or of the police force maintained by it.
- (3) In the application of this section to the metropolitan police, for the references to the police authority there shall be substituted references to the Receiver for the Metropolitan Police District.]



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### Textual Amendments

**F84** S. 53B inserted (1.10.1994) by 1994 c. 29, s. 25; S.I. 1994/2025, art. 5

VALID FROM 01/04/1995

### [<sup>F85</sup>53C Police officers engaged on service outside their force.

- (1) For the purposes of this section “relevant service” means—
  - (a) temporary service on which a person is engaged in accordance with arrangements made under section 15A(2) of this Act,
  - (b) central service (as defined in section 43(5) of this Act) on which a person is engaged with the consent of the appropriate authority,
  - (c) service the expenses of which are payable under section 1(1) of the <sup>M27</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
  - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or
  - (e) service pursuant to an appointment under section 10 of the <sup>M28</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 43 of this Act.
- (3) Subject to subsections (4) to (7) of this section, a member of a police force engaged on relevant service shall be treated as if he were not a member of that force during that service; but, except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the <sup>M29</sup>Police Pensions Act 1976—
  - (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
  - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 33 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) to regulations made under the <sup>M30</sup>Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of <sup>M31</sup>the Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
  - (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and

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- (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A member of a police force who—
- (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section, or
  - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the <sup>M32</sup>Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
  - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or is required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with subsection (3) of section 33 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 37 of this Act shall apply accordingly.
- (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
  - (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such other person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.]

#### Textual Amendments

**F85** S. 53C inserted (1.4.1995) by 1994 c. 29, s. 26; S.I. 1994/3262, art. 4, Sch.

#### Marginal Citations

**M27** 1945 c. 17.  
**M28** 1980 c. 63.  
**M29** 1976 c. 35.  
**M30** 1976 c. 35.  
**M31** 1945 c. 17.  
**M32** 1945 c. 17.

### *Miscellaneous*

#### **54 Criminal statistics.**

- (1) The chief officer of police of every police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in the area for which the force is maintained as the Secretary of State may require.

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- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

## 55 Abolition of fees.

Section 23 of the <sup>M33</sup>Police Act 1890 (fees payable to constables), and any other enactment or rule of law whereby constables are authorised or required to take a fee for any act done in the course of their duty as such, shall cease to have effect.

### Marginal Citations

M33 1890 c. 45.

## 56 Metropolitan and City of London police funds.

There shall be paid out of the metropolitan police fund and the City of London police fund respectively (subject, in the case of the metropolitan police fund, to the approval of the Secretary of State) any expenditure incurred under this Act in respect of—

- (a) any special constables appointed for the metropolitan police district or the City of London; and
- (b) any police cadets appointed in relation to the metropolitan police force or the City of London police force.

## [<sup>F86</sup>57 Police expenses of counties falling partly within the metropolitan police district.

- (1) Any police expenses payable out of the county fund of any county falling partly within the metropolitan police district shall be chargeable only on so much of the county as does not fall within that district, without prejudice, however, to section 67 of the <sup>M34</sup>London Government Act 1963 (power of rating authority to aggregate like expenses chargeable on different parts of rating area.)
- (2) In this section “police expenses” means expenses for police purposes (including contributions to the police fund of a combined police authority) or expenses which are for any purpose treated as incurred for police purposes or are under any enactment payable out of the police fund.]

### Textual Amendments

F86 S. 57 repealed (E.W.) by S.I. 1990/776, art. 3, Sch. 1

### Marginal Citations

M34 1963 c. 33.

## 58 Chief constables affected by amalgamations or local government reorganisations.

- (1) If the chief constable of a police force which ceases to exist in consequence of an order under Part I of this Act or [<sup>F87</sup>Part IV of the <sup>M35</sup>Local Government Act 1972] is not appointed chief constable or other member of the successor force as from the date of

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- transfer, he shall on that date become a member of that force (or, if there is more than one successor force, of such of them as may be provided by or under the order) by virtue of this section.
- (2) While a person is a member of a police force by virtue only of this section he shall hold the rank of [<sup>F88</sup>deputy]chief constable but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist, subject however to section 5(1) of this Act.
- (3) A chief constable who becomes a member of a police force by virtue of this section shall, subject to regulations under Part II of this Act, cease to be a member thereof at the expiration of three months unless he has then accepted and taken up an appointment in that force.
- (4) The provision to be made by regulations under section 60(2) of the Local Government Act 1958 (as extended by Schedule 9 to this Act) with respect to the chief constable of a police force who, after becoming a member of another police force by virtue of this section, ceases to be a member of that force without having accepted and taken up an appointment therein shall, if he was the chief constable of a police force at the commencement of this Act, be not less favourable than any provision by way of a pension that would have been payable to or in respect of him by virtue of the [<sup>F89M36</sup>Police Pensions Act 1976] had the first-mentioned police force been combined with another force by an amalgamation scheme under the <sup>M37</sup>Police Act 1946 and he had neither been transferred to the combined force nor joined it within three months.
- (5) Where the chief constable of a police force is engaged for a period of overseas service within the meaning of the <sup>M38</sup>Police (Overseas Service) Act 1945 or a period of central service within the meaning of section 43 of this Act, and before the end of that period that force ceases to exist as mentioned in subsection (1) of this section—
- (a) that subsection shall apply to him as if he were still the chief constable of that force, but with the substitution for references to the date of transfer of references to the end of the said period; and
  - (b) paragraph 2 of Schedule 4 to this Act shall not apply to him.
- (6) For the purposes of section 4(2) of this Act no account shall be taken of subsection (2) of this section.
- (7) In this section “successor force”, in relation to a police force which ceases to exist in consequence of any order, means a force to which members of that police force are transferred by virtue of the order; and “date of transfer” means the date as from which those members are so transferred.

#### Textual Amendments

- F87** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)
- F88** Word substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 108\(6\)](#)
- F89** Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 5](#)

#### Marginal Citations

- M35** 1972 c. 70.
- M36** 1976 c. 35.
- M37** 1946 c. 46.
- M38** 1945 c. 17 (9 & 10 Geo. 6).

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59 F90 .....

**Textual Amendments**

F90 S. 59 repealed by Police (Scotland) Act 1967 (c. 77), Sch. 5 Pt. I

*Supplemental*

**60 Orders, rules and regulations.**

- (1) Any power of the Secretary of State to make orders, rules or regulations under this Act (other than orders on appeals under section 37) shall be exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make orders under this Act (other than such orders as aforesaid) includes power to amend or revoke an order by a subsequent order.

**61 Expenses.**

There shall be defrayed out of moneys provided by Parliament any expenses of the Secretary of State under this Act, and any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

[<sup>F91</sup>62 **Meaning of “chief officer of police” etc.**

Except where the context otherwise requires, in this Act—

“chief officer of police” means—

- (a) in relation to a police force maintained under section 2 of this Act, the chief constable,
- (b) in relation to the metropolitan police force, the Commissioner of Police of the Metropolis, and
- (c) in relation to the City of London police, the Commissioner of the City of London Police;

“City of London police area” means the City of London as defined for the purposes of the Acts relating to the City of London police;

“metropolitan police district” means that district as defined in section 76 of the <sup>M39</sup>London Government Act 1963;

“police area” (or “police district”) means a police area provided for by section 1 of this Act;

“police authority” means—

- (a) in relation to a police area listed in Schedule 1A to this Act, the authority established under section 3 of this Act,
- (b) in relation to the metropolitan police district, the Secretary of State, and
- (c) in relation to the City of London police area, the Common Council;

“police force” means a force maintained by a police authority;

“police fund” means—

- (a) in relation to a force maintained under section 2, the fund kept by that force’s police authority under section 8 of this Act,

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- (b) in relation to the metropolitan police, the metropolitan police fund, and
- (c) in relation to the City of London Police, the fund out of which the expenses of the City police are paid.]

#### Textual Amendments

**F91** S. 62 substituted (8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 44, Sch. 5 Pt. I para. 15; S.I. 1994/2025, art. 4; S.I. 1994/3262, art. 4, Sch. (which substitution fell (22.8.1996) by reason of repeal by 1996 c. 16, s. 103, Sch. 9 Pt. I)

#### Marginal Citations

**M39** 1963 c. 33.

### 63 Minor and consequential amendments.

The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

#### Modifications etc. (not altering text)

**C17** The text of s. 63 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 64 Interpretation, repeals and transitional provisions.

- (1) In this Act the expression “police purposes”, in relation to a police area, includes the purposes of special constables appointed for that area, of police cadets undergoing training with a view to becoming members of the police force maintained for that area and of civilians employed for the purpose of that force or of any such special constables or cadets.
- (2) References in this Act to any enactment shall be construed as references to that enactment as amended, and as including references thereto as extended or applied, by any subsequent enactment.
- (3) ..... <sup>F92</sup>
- (4) The Secretary of State may by order repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in any instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act [<sup>F93</sup>(including any provision of the <sup>M40</sup>Police (Scotland) Act 1967 which re-enacts any provision of this Act repealed by that Act)] or corresponds to any provision repealed by this Act; and any statutory instrument made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The transitional provisions contained in Schedule 11 to this Act shall have effect for the purposes of this Act.

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- (6) Without prejudice to subsection (5) above, where any provision is made by this Act corresponding to any enactment repealed by this section, any regulation, order, rule or appointment made, and any other thing done, under that enactment shall have effect as if it were made or done under that provision.

#### Textual Amendments

- F92** S. 64(3) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)  
**F93** Words inserted by [Police \(Scotland\) Act 1967 \(c. 77\)](#), [Sch. 4](#)

#### Marginal Citations

- M40** [1967 c. 77](#).

### 65 Short title, commencement and extent.

- (1) This Act may be cited as the Police Act 1964.
- (2) This Act shall come into force on such date as the Secretary of State may by order appoint.
- (3) Different dates may be appointed by order under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the date on which that provision comes into operation.
- (4) An order under subsection (2) of this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State necessary or expedient for the purpose or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of the <sup>M41</sup>London Government Act 1963.
- (5) The following provisions of this Act extend to Scotland, namely, Part III; . . . <sup>F94</sup>, section 63 and Schedule 9, so far as they relate to enactments extending to Scotland; section 64 and Part II of Schedule 10; and this section.
- (6) This Act does not extend to Northern Ireland.

#### Textual Amendments

- F94** Words repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), [Sch. 5 Pt. I](#)

#### Modifications etc. (not altering text)

- C18** Power of appointment conferred by s. 65(2) fully exercised  
**C19** power of appointment conferred by s. 65(2) fully exercised: [S.I. 1964/873](#) and [1964/874](#)

#### Marginal Citations

- M41** [1963 c. 33](#).



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## SCHEDULES

### [<sup>F95</sup>SCHEDULE 1A

### POLICE AREAS]

#### Textual Amendments

**F95** Sch. 1A substituted for Sch. 1 (8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 1(2), Sch. 1; S.I. 1994/2025, art. 4, S.I. 1994/3262, art. 4, Sch.

### <sup>F96</sup> England (except London)

#### Textual Amendments

**F96** Sch. 1A substituted Sch. 1 (8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 1(2), Sch. 1; S.I. 1994/2025, art. 4; S.I. 1994/3262, art. 4, Sch.

<i>Name of police area</i>	<i>Extent</i>
Avon and Somerset	The counties of Avon and Somerset
Bedfordshire	The county of Bedfordshire
Cambridgeshire	The county of Cambridgeshire
Cheshire	The county of Cheshire
Cleveland	The county of Cleveland
Cumbria	The county of Cumbria
Derbyshire	The county of Derbyshire
Devon and Cornwall	The counties of Devon and Cornwall and the Isles of Scilly
Dorset	The county of Dorset
Durham	The county of Durham
Essex	The county of Essex
Gloucestershire	The county of Gloucestershire
Greater Manchester	The metropolitan districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan
Hampshire	The counties of Hampshire and Isle of Wight
Hertfordshire	The county of Hertfordshire

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Humberside	The county of Humberside
Kent	The county of Kent
Lancashire	The county of Lancashire
Leicestershire	The county of Leicestershire
Lincolnshire	The county of Lincolnshire
Merseyside	The metropolitan districts of Knowsley, Liverpool, St. Helens, Sefton and Wirral
Norfolk	The county of Norfolk
Northamptonshire	The county of Northamptonshire
Northumbria	The county of Northumberland and the metropolitan districts of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland
North Yorkshire	The county of North Yorkshire
Nottinghamshire	The county of Nottinghamshire
South Yorkshire	The metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield
Staffordshire	The county of Staffordshire
Suffolk	The county of Suffolk
Surrey	The county of Surrey
Sussex	The counties of East Sussex and West Sussex
Thames Valley	The counties of Berkshire, Buckinghamshire and Oxfordshire
Warwickshire	The county of Warwickshire
West Mercia	The counties of Hereford and Worcester and Shropshire
West Midlands	The metropolitan districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton
West Yorkshire	The metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield
Wiltshire	The county of Wiltshire

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*F97 Wales*

**Textual Amendments**

**F97** Sch. 1A substituted for Sch. 1 (8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 1(2), Sch. 1; S.I. 1994/2025, art. 4; S.I. 1994/3262, art. 4, Sch.

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<i>Name of police area</i>	<i>Extent</i>
Dyfed Powys	The counties of Dyfed and Powys
Gwent	The county of Gwent
North Wales	The counties of Clwyd and Gwynedd
South Wales	The counties of Mid Glamorgan, South Glamorgan and West Glamorgan

## [<sup>F98</sup>SCHEDULE 1B

### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3]

#### Textual Amendments

**F98** Sch. 1B inserted (8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 3(2), Sch. 9 Pt. I; S.I. 1994/2025, art. 4; S.I. 1994/3262, art. 4, Sch.

#### *Membership of police authorities*

- 1 (1) Where, by virtue of section 3A of this Act, a police authority is to consist of seventeen members—
- (a) nine of those members shall be members of a relevant council appointed under paragraph 2 of this Schedule,
  - (b) five shall be persons appointed under paragraph 5, and
  - (c) three shall be magistrates appointed under paragraph 8.
- (2) Where, by virtue of an order under subsection (2) of that section, a police authority is to consist of more than seventeen members—
- (a) a number which is greater by one than the number of members provided for in paragraphs (b) and (c) of this sub-paragraph shall be members of a relevant council appointed under paragraph 2 of this Schedule,
  - (b) such number as may be prescribed by the order, not exceeding one third of the total membership, shall be persons appointed under paragraph 5, and
  - (c) the remainder shall be magistrates appointed under paragraph 8.

#### *Appointment of members by relevant councils*

- 2 (1) In the case of a police authority in relation to which there is only one relevant council, the members of the police authority referred to in paragraph 1(1)(a) or (2)(a) of this Schedule shall be appointed by that council.
- (2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

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**Modifications etc. (not altering text)**

**C20** Sch. 1B para. 2 restricted (31.1.1995) by S.I. 1995/187, art. 5(4)(b)

- 3 The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.
- 4 (1) A council or joint committee shall exercise its power to appoint members of a police authority under paragraph 2 of this Schedule so as to ensure that, so far as practicable, the members for whose appointment it is responsible reflect—
- (a) in the case of appointments by a council, the balance of parties for the time being prevailing among the members of the council, and
  - (b) in the case of appointments by a joint committee, the balance of parties for the time being prevailing among the members of the relevant councils taken as a whole.
- (2) The members referred to in sub-paragraph (1)(a) and (b) of this paragraph do not include any member of a relevant council who is disqualified for being appointed as or being a member of the police authority under paragraph 13 of this Schedule.

*Appointment of independent members*

- 5 The members of a police authority referred to in paragraph 1(1)(b) or (2)(b) of this Schedule shall be appointed—
- (a) by the members of the police authority appointed under paragraph 2 or 8,
  - (b) from among persons on a short-list prepared by the Secretary of State in accordance with Schedule 1C to this Act.
- 6 (1) Every police authority shall arrange for a notice stating—
- (a) the name of each of its members appointed under paragraph 5 of this Schedule, and
  - (b) such other information relating to him as the authority considers appropriate, to be published in such manner as it thinks fit.
- (2) A police authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under sub-paragraph (1) of this paragraph.

*Appointment of magistrates*

- 7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c) of this Schedule—
- (a) must be magistrates for an area all or part of which constitutes or forms part of the authority's area, and
  - (b) shall be appointed in accordance with paragraph 8 of this Schedule;

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and in that paragraph and paragraph 9 references to a panel are references to a selection panel established under regulations made in accordance with section 21(1A) of the <sup>M42</sup>Justices of the Peace Act 1979.

**Marginal Citations**

**M42** 1979 c. 55.

- 8 (1) Where there is a panel for an area which constitutes or includes the police authority's area, that panel shall make the appointment.
- (2) Where the area of more than one panel falls wholly or partly within the police authority's area, the appointment shall be made by a joint committee consisting of representatives from the panels concerned.
- (3) The number of members of a joint committee, and the number of those members to be appointed by each panel, shall be such as the panels may agree or, in the absence of agreement, as may be determined by the Lord Chancellor.

- 9 In relation to any appointment made at a time when no panels have been established, paragraph 8 of this Schedule shall have effect as if for any reference to a panel there were substituted a reference to a magistrates' courts committee.

*Chairman*

- 10 (1) A police authority shall at each annual meeting appoint a chairman from among its members.
- (2) The appointment under sub-paragraph (1) of this paragraph shall be the first business transacted at the meeting.
- (3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—
- (a) at the next meeting of the authority (other than an extraordinary meeting), or
  - (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

*Disqualification*

- 11 A person shall be disqualified for being appointed as a member of a police authority if he has attained the age of seventy years.
- 12 (1) Subject to sub-paragraphs (3) and (4) of this paragraph, a person shall be disqualified for being appointed as or being a member of a police authority if—

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- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority are represented, or by any person holding any such office or employment;
  - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order under the <sup>M43</sup>Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and
  - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (4) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d) of this paragraph, the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

#### Marginal Citations

M43 1986 c. 46.

- 13 Without prejudice to paragraphs 11 and 12 of this Schedule, a member of a relevant council shall be disqualified for being appointed as or being a member of a police

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authority under paragraph 2 of this Schedule if he was elected for an electoral division or ward wholly within the metropolitan police district.

- 14 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule if—
- (a) he has not yet attained the age of twenty-one years, or
  - (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.
- 15 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
  - (b) a magistrate eligible for appointment to the police authority under paragraph 8 of this Schedule;
  - (c) a member of the selection panel for the police authority's area established under Schedule 1C to this Act;
  - (d) a member of a police force;
  - (e) an officer or employee of a police authority; or
  - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) of this paragraph as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
  - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

#### *Tenure of office*

- 16 Subject to the following paragraphs (and to the provisions of any order under section 3A(2) of this Act), a person shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment.
- 17 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
  - (b) such shorter term as the body appointing him may determine in any particular case.



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- (2) A person shall not, by virtue of sub-paragraph (1)(b) of this paragraph, be appointed under paragraph 5 of this Schedule for a term shorter than four years without the approval of the Secretary of State.

**Modifications etc. (not altering text)**

- C21** Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1775, art. 4(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1770, art. 6(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1771, art. 4(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1772, art. 4(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1773, art. 4(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1774, art. 4(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1776, art. 4(7)  
Sch. 1B para. 17 modified (12.7.1995) by S.I. 1995/1779, art. 6(7)

- 18 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the police authority.
- (2) Where a member appointed under paragraph 5 of this Schedule resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.
- 19 (1) A member of a relevant council appointed to be a member of a police authority under paragraph 2 of this Schedule shall cease to be a member of the authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).
- (2) A magistrate appointed to be a member of a police authority under paragraph 8 of this Schedule shall cease to be a member of the authority if he ceases to be a magistrate for an area all or part of which constitutes or forms part of the authority's area.
- 20 (1) A police authority may remove a member from office by notice in writing if—
- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 12 of this Schedule),
  - (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where a police authority removes a member under sub-paragraph (1) of this paragraph, it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 8 of this Schedule, to the body which appointed him, and
  - (b) in the case of a member appointed under paragraph 5, to the Secretary of State.

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21 A council or joint committee may remove from office a member of a police authority appointed by it under paragraph 2 of this Schedule with a view to appointing another in his place if it considers that to do so would further the object provided for by paragraph 4.

22 If a chairman of a police authority ceases to be a member, he shall also cease to be chairman.

#### *Eligibility for re-appointment*

23 A person who ceases to be a member, otherwise than by virtue of paragraph 20 of this Schedule, or ceases to be chairman, may (if otherwise eligible) be re-appointed.

#### *Validity of acts*

24 The acts and proceedings of any person appointed to be a member or chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

25 The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

#### *Allowances*

26 (1) A police authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may, with the approval of the Treasury, determine.

(2) Payments made under sub-paragraph (1) of this paragraph may differ according to whether the recipient is a chairman or other member or was appointed under paragraph 2, 5 or 8 of this Schedule.

#### *Interpretation*

27 (1) For the purposes of this Schedule, a council is a “relevant council” in relation to a police authority if—

- (a) it is the council for a county, district, county borough or London borough which constitutes, or is wholly within, the authority’s police area, and
- (b) in the case of a district council, the district is not in a county having a county council within paragraph (a).

(2) In determining for the purposes of sub-paragraph (1) of this paragraph whether a county or district is wholly within a police area, any part of the county or district which is within the metropolitan police district shall be disregarded.

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#### Modifications etc. (not altering text)

- C22** Sch. 1B para. 27(1) modified (31.1.1995 with effect as mentioned in art. 5(2)(a) of the amending S.I.) by S.I. 1995/187 art. 5(2)(a)
- Sch. 1B para. 27(1) modified (1.3.1995 with effect as mentioned in art. 12(2)(a) of the amending S.I.) by S.I. 1995/493 art. 12(2)(a)
- Sch. 1B para. 27(1) modified (8.3.1995 with effect as mentioned in art. 11(2)(a) of the amending S.I.) by S.I. 1995/610, **art. 11(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1769, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect as mentioned in art. 6(2)(a) of the amending S.I.) by S.I. 1995/1770, **art. 6(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1771, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect 1.10.1996 as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1772, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect 1.10.1996 as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1773, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect 1.10.1996 as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1774, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect 1.10.1996 as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1775, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect 1.10.1996 as mentioned in art. 4(2)(a) of the amending S.I.) by S.I. 1995/1776, **art. 4(2)(a)**
- Sch. 1B para. 27(1) modified (12.7.1995 with effect 1.10.1996 as mentioned in art. 4(2)(a) of the amending S.I.) by 1995/1779, art. 6(2)(a)
- Sch. 1B para. 27(1) applied (with modifications) (11.12.1995) by S.I. 1995/2864, **art. 4(2)(a)**
- Sch. 1B para. 27(1) applied (with modifications) (1.3.1996 with effect as mentioned in art. 4(2) of the amending S.I.) by S.I. 1996/507, **art. 4(2)**

## [<sup>F99</sup>SCHEDULE 1C

### POLICE AUTHORITIES: SELECTION OF INDEPENDENT MEMBERS]

#### Textual Amendments

- F99** Sch. 1C inserted (21.7.1994 so far as makes regulations under para. 11 and 8.8.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, ss. 3(2), 94(3)(a)(ii), **Sch. 2**; S.I. 1994/2025, **art. 4**; S.I. 1994/3262, art. 4, **Sch.**

#### *Selection panels*

- 1 (1) There shall be a selection panel for each police area for the time being listed in Schedule 1A to this Act.
- (2) Each selection panel shall consist of three members, one of whom shall be appointed by each of the following—

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- (a) the designated members of the police authority for the area;
    - (b) the Secretary of State;
    - (c) the two members of the panel appointed by virtue of paragraphs (a) and (b) of this sub-paragraph.
  - (3) A designated member may be appointed as a member of a selection panel by virtue of paragraph (a) (but not paragraph (b) or (c)) of sub-paragraph (2) of this paragraph.
  - (4) In this Schedule “designated member” means a member appointed under paragraph 2 or 8 of Schedule 1B to this Act.
- 2        A person shall be disqualified for being appointed as or being a member of a selection panel if, by virtue of paragraph 11, 12, 14 or 15(1)(d) to (f) of Schedule 1B to this Act, he is disqualified—
- (a) for being appointed under paragraph 5 of that Schedule as a member of the police authority for the panel’s area, or
  - (b) for being a member so appointed.
- 3        (1) A person shall be appointed to hold office as a member of a selection panel for a term of two years, or for a term expiring on his attaining seventy years of age, whichever is the shorter.
- (2) A person may at any time resign his office as a member by notice in writing to the persons who under paragraph 1 of this Schedule would be required to appoint his successor.
- (3) A person shall not cease to be a member by reason only that any of the persons appointing him cease to hold the positions by virtue of which they appointed him.
- 4        A member of a selection panel may be removed from office by notice in writing by the persons who, under paragraph 1 of this Schedule, would be required to appoint his successor (“the appointer”) if—
- (a) the member has been absent from two consecutive meetings of the selection panel without the consent of the panel,
  - (b) the member has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 2 of this Schedule),
  - (c) the appointer is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the appointer is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- 5        A person who ceases to be a member of a selection panel, otherwise than by virtue of paragraph 4 of this Schedule may (if otherwise eligible) be re-appointed.
- 6        (1) The acts and proceedings of any person appointed to be a member of a selection panel and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

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- (2) Subject to the provisions of any regulations made under paragraph 11 of this Schedule, the proceedings of a selection panel shall not be invalidated by—
- (a) a vacancy in the membership of the panel, or
  - (b) a defect in the appointment of a person as a member.
- 7 (1) A police authority shall make to members of the selection panel for the authority's area such payments by way of reimbursement of expenses and allowances as it may determine.
- (2) A police authority shall—
- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonably require, and
  - (b) meet any expenses incurred by the panel in the exercise of their functions.

#### *Functions of selection panel*

- 8 (1) Where appointments to a police authority are to be made under paragraph 5 of Schedule 1B to this Act, the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.
- (2) Unless the selection panel are able to identify only a smaller number, the number of persons to be nominated by a selection panel under this paragraph on any occasion shall be a number four times greater than the number of appointments to be made under paragraph 5 of Schedule 1B to this Act.
- (3) A selection panel shall notify the Secretary of State of—
- (a) the name of each person nominated by it under this paragraph, and
  - (b) such other information regarding those persons as it considers appropriate.
- 9 A person shall not be nominated under paragraph 8 of this Schedule in relation to an authority if, by virtue of paragraph 11, 12, 14 or 15 of Schedule 1B to this Act, he is disqualified for being appointed as a member of the authority under paragraph 5 of that Schedule.
- 10 In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under paragraph 8 of this Schedule—
- (a) represent the interests of a wide range of people within the community in the police area, and
  - (b) include persons with skills, knowledge or experience in such fields as may be specified for the purposes of this paragraph in regulations made under paragraph 11 of this Schedule.
- 11 (1) The Secretary of State may make regulations as to—

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- (a) the procedures to be followed in relation to the selection of persons for nomination under paragraph 8 of this Schedule, and
  - (b) the conduct of the proceedings of selection panels.
- (2) Without prejudice to the generality of sub-paragraph (1) of this paragraph, regulations under this paragraph may—
- (a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications or suggestions for nomination under paragraph 8 of this Schedule, and for dealing with applications and suggestions received;
  - (b) make provision specifying the fields referred to in paragraph 10 of this Schedule;
  - (c) prescribe matters, in addition to those mentioned in paragraph 10 of this Schedule, to which a selection panel is to have regard in carrying out any of its functions;
  - (d) provide for decisions of a selection panel to be taken by a majority of the members.
- (3) Regulations under this paragraph may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Secretary of State's short-list*

- 12 (1) Where the Secretary of State receives a notice under paragraph 8(3) of this Schedule, he shall as soon as practicable prepare a short-list of candidates and send it to the police authority concerned.
- (2) Subject to paragraph 13 of this Schedule, the candidates on the short-list prepared by the Secretary of State shall be persons nominated by the selection panel, and their number shall be one half of the number of those persons.
- (3) Where the number of persons nominated by the panel is an odd number, the number to be short-listed by the Secretary of State shall be one half of the number nominated reduced by one.
- 13 (1) This paragraph has effect where the number of persons nominated by the selection panel is less than twice the number of vacancies to be filled by appointments under paragraph 5 of Schedule 1B.
- (2) The Secretary of State may himself nominate such number of candidates as, when added to the number nominated by the selection panel, equals twice the number of vacancies; and if he does so, paragraph 12 of this Schedule shall have effect as if the selection panel had nominated the Secretary of State's nominees as well as their own.
- 14 The Secretary of State shall give to the designated members any information regarding the persons on his short-list which they request and which he has received under paragraph 8 of this Schedule.

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## SCHEDULE 2

Section 18.

### FORM OF DECLARATION

I, of do solemnly and sincerely declare and affirm that I will well and truly serve Our Sovereign Lady the Queen in the office of constable, without favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

## SCHEDULE 3

Section 21.

.....

## SCHEDULE 4

Section 21.

### TRANSITORY PROVISIONS FOR AMALGAMATION SCHEMES

#### *Constables and cadets*

- 1 (1) All members of a transferred force who are transferred by an amalgamation scheme shall be deemed to have been duly appointed as members of the new force under Part I of this Act, and to have been duly attested as such, and shall hold in that force the same ranks respectively as they held immediately before the date of transfer in the force from which they are transferred.
- (2) All special constables appointed for a transferred area who are transferred by an amalgamation scheme shall be deemed to have been appointed as special constables for the new area under Part I of this Act, and to have been duly attested as such.
- (3) All police cadets who are transferred by an amalgamation scheme shall be deemed to have been appointed under Part I of this Act to undergo training with a view to becoming members of the new force.

2 Where, immediately before the date of transfer—

- (a) section 43(1)(a) of this Act, or
- (b) section 2 of the <sup>M45</sup>Police (Overseas Service) Act 1945. [<sup>F104</sup>or
- (c) section 2 of the <sup>M46</sup>Police Act 1969]

applied to any person as having been a member of a transferred force, that section shall, unless the amalgamation scheme otherwise provides, apply to him in relation to any period after the date of transfer, as if for any reference to the police force to which he was entitled to revert there were substituted a reference to the new force, and references in that section to the appropriate authority shall be construed accordingly.



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#### **Textual Amendments**

**F104** Words inserted by [Police Act 1969 \(c. 63\), S. 2\(4\)](#)

#### **Modifications etc. (not altering text)**

**C27** [Sch. 4 para. 2](#) modified by [Overseas Development and Co-operation Act 1980 \(c. 63, SIF 88\)](#), s. 11

#### **Marginal Citations**

**M45** 1945c. 17. (9 & 10 Geo. 6).

**M46** 1969 c. 63.

### *Staff and assets*

- 3 (1) Where any officers or servants, property, rights or liabilities have been transferred by virtue of an amalgamation scheme from one authority to another, or will be so transferred on the date of transfer, those authorities may by agreement provide for the making of such adjustments in relation to their respective property, rights and liabilities as appear to them to be desirable having regard to the transfer, and any such agreement may, in particular, provide for the making of payments by either party thereto.
- (2) If any question arises—
- (a) whether any persons, property, rights or liabilities have been or will on the date of transfer be transferred from one authority to another by virtue of an amalgamation scheme; or
  - (b) whether any such adjustment as is mentioned in the foregoing sub-paragraph ought to be made between any authorities,
- that question shall, in default of agreement between the authorities concerned, be referred to a single arbitrator agreed upon between the parties, or in default of agreement appointed by the Secretary of State, and the award of the arbitrator with respect to any such question as is mentioned in paragraph (b) of this sub-paragraph may provide for any matter for which provision might have been made by an agreement under the foregoing sub-paragraph.

### *Pending proceedings*

- 4 (1) Where, immediately before the date of transfer, proceedings were pending by or against any authority with respect to any property, rights or liabilities which are transferred by virtue of an amalgamation scheme, those proceedings may be carried on thereafter with the substitution for that authority of the authority to whom the property, rights or liabilities are so transferred.
- (2) Where, immediately before the date of transfer, a member of a transferred force is entitled to appeal to the Secretary of State under the provisions of section 37 of this Act, or of any corresponding provisions repealed by this Act, or where any such member has appealed to the Secretary of State under any of those provisions before the said date but the appeal has not been determined, then, unless the Secretary of State otherwise directs, the disciplinary authority for the new area shall be the

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respondent for the purposes of the appeal, and in the case of a pending appeal, shall be substituted as respondent for the disciplinary authority for the transferred force.

### *Superannuation*

- 5 (1) ..... F105  
(4) ... F106  
(5) ..... F107  
(6) ..... F108

#### **Textual Amendments**

- F105** Sch. 4 para. 5(1)—(3) repealed by S.I. 1977/1341, **Sch. 6 Pt. I** except in relation to persons transferred before 1.4.1974 by virtue of a scheme made under Part I of the Act
- F106** Sch. 4 para. 5(4) repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**
- F107** Sch. 4 para. 5(5) repealed with saving by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 7 para. 5** Table para. 9, Sch. 8 and S.I. 1974/520, reg. M2(1), **Sch. 19 Pt. I**
- F108** Sch. 4 para. 5(6)(7) repealed by S.I. 1977/1341, **Sch. 6 Pt. I** except in relation to a person transferred before 1.4.1974 by virtue of a scheme made under Part I of the Act

### *Registers*

- 6 Any register, or the appropriate part of any register, kept in pursuance of any enactment by the chief constable of a transferred area shall be transferred by him to the chief constable of the new area as soon as may be after the date of transfer, and as from that date shall be deemed to form part of the corresponding register kept by that chief constable.

### *Supplementary*

- F109 .....  
7

#### **Textual Amendments**

- F109** Sch. 4 para. 7 repealed by S.I. 1974/520, **Sch. 19 Pt. II** except in relation to persons (a) transferred before 1.4.1974 by virtue of a scheme made under Part I of the Act or (b) transferred to the employment of the Common Council of the City of London after 31.3.1974

- 8 In this Schedule—  
“date of transfer” means the date on which an amalgamation scheme comes into operation or, where different provisions of the scheme come into operation on different dates, the last of those dates;

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“pension” includes a lump sum and a gratuity;

“statutory provision” means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act, whether of a general or a special nature;

“transferred area” means a police area which becomes comprised in a combined police area by virtue of an amalgamated scheme, or which is divided into two or more police areas by virtue of a scheme amending or revoking such a scheme;

“transferred force” means the police force of a transferred area;

“new area” means, in relation to any person or property, the police area in which a transferred area becomes comprised by virtue of an amalgamation scheme or, in the case of an area which is divided into two or more police areas by virtue of a scheme amending or revoking an amalgamation scheme, such of those areas as may be prescribed by that scheme;

“new force” means the police force of a new area

## [<sup>F110</sup>SCHEDULE 5

Section 37.]

### DISCIPLINARY APPEALS

#### Textual Amendments

**F110** Sch. 5 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, S.I.F.95\)](#), s. 103(2)

#### *Notice of appeal*

- 1 Any appeal under section 37 of this Act (in this Schedule referred to as “the principal section”) shall be instituted by giving a notice of appeal within the time prescribed under this Schedule.

#### *Respondent*

- 2 (1) On any appeal under the principal section against the decision of a police authority the respondent shall be that authority.
- (2) On any other appeal under that section the respondent shall be the chief officer of police of the police force to which the appellant belongs or such other person as the Secretary of State may direct; and the Secretary of State may direct any respondent under this sub-paragraph to act in relation to the appeal in consultation with such other person or persons as the Secretary of State may specify.

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### *Inquiries*

- 3 (1) The Secretary of State may appoint three persons to hold an inquiry into and report to him on any appeal under the principal section other than an appeal from a decision of a police authority and, subject to sub-paragraph (2) below, shall do so where—
- (a) it appears to him that the appeal cannot be properly determined without taking evidence; or
  - (b) the appellant has been punished by way of dismissal, requirement to resign or reduction in rank and has requested that such persons be appointed.
- (2) The Secretary of State need not make an appointment under sub-paragraph (1) above if he is satisfied that there are sufficient grounds for allowing the appeal without an inquiry.
- (3) The persons appointed under sub-paragraph (1) above shall be—
- (a) a, [F111 person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990] who shall be chairman;
  - (b) a serving or retired inspector of constabulary or a retired chief officer; and
  - (c) a retired officer of appropriate rank within the meaning of sub-paragraph (4) below.
- (4) A retired officer of appropriate rank means—
- (a) where the appellant was, immediately before the disciplinary proceedings, of the rank of chief superintendent or superintendent, a retired police officer who at the time of his retirement was of either of those ranks; and
  - (b) in any other case, a retired police officer who at the time of his retirement was of the rank of chief inspector or below.
- (5) The Secretary of State may appoint one or more persons to hold an inquiry into and report to him on an appeal under the principal section from a decision of a police authority.
- (6) The Secretary of State may require persons appointed under this paragraph to deal in their report with any particular matter specified by him.
- (7) Subsections (2) and (3) of section 250<sup>M47</sup> of the Local Government Act 1972 shall apply to any inquiry under this paragraph as they apply to an inquiry under that section.
- (8) The Secretary of State may require persons appointed under this paragraph to hold a hearing.
- (9) Persons so appointed shall hold a hearing in any case where they are not required to do so under sub-paragraph (8) above, unless it appears to them that it is unnecessary to do so.
- (10) A decision whether to hold a hearing shall not be taken under sub-paragraph (9) above unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (11) Where a hearing is held in the course of an inquiry, the appellant shall have the right to appear by a serving member of a police force or by counsel or a solicitor; and the

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respondent shall have the right to appear by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

- (12) Before making an order under the principal section the Secretary of State shall consider any report made to him under this paragraph, as well as the notice of appeal and any other documents submitted to him by the appellant and the respondent in accordance with rules under this Schedule.
- (13) The Secretary of State may, before making an order under the principal section, remit the case for further investigation by the person or persons who held the inquiry or, if he thinks fit, for further consideration by the person or persons whose decision is the subject of the appeal.

#### **Textual Amendments**

**F111** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 71(2), [Sch. 10](#), para. 22

#### **Marginal Citations**

**M47** [1972 c. 70 \(81:1\)](#)

### *Notice and effect of orders*

- 4 (1) A copy of any order made by the Secretary of State, together with a written statement of his reasons for making it, shall as soon as made be sent to the appellant and the respondent together with, if an inquiry was held, a copy of the report of the person or persons who held the inquiry; and the order shall be final and binding upon all parties.
- (2) Where an appeal is allowed or the punishment is varied by the Secretary of State, the order shall take effect by way of substitution for the decision appealed from, and as from the date of that decision; and where the effect of the order is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension, and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in that rank, as the case may be, continuously from the date of the decision to the date of his reinstatement and, if he were suspended for a period immediately preceding the date of the decision, the order shall deal with the suspension.
- (3) Any costs payable under the principal section shall be subject to taxation in such manner as the Secretary of State may direct.

### *Rules*

- 5 (1) The Secretary of State may make rules as to the procedure on appeals and at inquiries under this Schedule and in particular, but without prejudice to the generality of this provision, may make rules—
- (a) prescribing the form and content of the notice of appeal and the documents to be submitted by the appellant and the time within which such documents are to be submitted; and

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- (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent; and
  - (c) providing for the person or persons holding an inquiry to receive evidence or representations in writing instead of holding a hearing.
- (2) Any rules made under this paragraph shall be laid before Parliament after being made.

<sup>F112</sup>SCHEDULES 6

.....

**Textual Amendments**

<sup>F112</sup> Sch. 6 repealed by [Police Pensions Act 1976 \(c. 35\)](#), [Sch. 3](#)

<sup>F113</sup>SCHEDULES 7

.....

**Textual Amendments**

<sup>F113</sup> Sch. 7 repealed by [Police \(Scotland\) Act 1967 \(c. 77, SIF 95\)](#), [Sch. 5 Pt. I](#)

SCHEDULE 8

Section 62.

MEANING OF POLICE AREA, &C.

<b>Police area</b>	<b>Police Authority</b>	<b>Chief Officer of Police</b>	<b>Police fund</b>
The City of London.	The Common Council.	The Commissioner of City of London Police.	The fund out of which the expenses of the City police are paid.
The metropolitan police district.	The Secretary of State	The Commissioner of Police of the Metropolis.	The metropolitan police fund.
[ <sup>F114</sup> A non-metropolitan county]	[ <sup>F114</sup> The police committee.]	[ <sup>F114</sup> The chief constable.]	[ <sup>F114</sup> The county fund.]
[ <sup>F114</sup> A metropolitan county]	[ <sup>F114</sup> The metropolitan county police authority]	[ <sup>F114</sup> The chief constable]	[ <sup>F114</sup> The general fund]

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[ <sup>F114</sup> The Northumbria police area]	[ <sup>F114</sup> The Northumbria Police Authority]	[ <sup>F114</sup> The chief constable]	[ <sup>F114</sup> The general fund]
...	...	...	...
F115	F115	F115	F115
A combined area	The combined police authority.	The chief constable.	The combined police fund.
...	...	...	...
F116	F116	F116	F116

**Textual Amendments**  
**F114** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 37, **Sch. 11 para. 1(8)**  
**F115** Entry repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**  
**F116** Entry repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. IX**

In this Schedule “the City of London” means the City as defined for the purposes of the Acts relating to the City of London police; “the metropolitan police district” means that district as defined in section 76 of the London Government Act 1963; references to a county . . . <sup>F117</sup> shall be construed in accordance with Part I of this Act; . . . <sup>F118</sup>

**Textual Amendments**  
**F117** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**  
**F118** Words repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#), **Sch. Pt. IX**

<sup>X1</sup>SCHEDULE 9

Section 63

MINOR AND CONSEQUENTIAL AMENDMENTS

**Editorial Information**  
**X1** The text of Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment	Amendment
...	...
F119	F119
...	...
F120	F120
...	...
F120	F120
...	...

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F121

...

F122

The  
M48

Metropolitan Police Act 1886.

The  
M49

Riot (Damages) Act 1886

F121

...

F122

In section 2 for the words “Minister of Health” there shall be substituted the words “Secretary of State”.

Throughout the Act for the words “police authority” there shall be substituted the words “compensation authority”.

In section 2(1), for the words “the police rate” there shall be substituted the words “the police fund”.

In section 5, in subsection (1), for the words from “moneys held by them” to “the said moneys” there shall be substituted the words “the police fund, and shall also pay out of the said fund” ; in subsection (3) for the words “riot expenses” there shall be substituted the words “any compensation, costs and expenses payable under subsection (1) of this section”; and subsection (4) shall be omitted.

In section 9, for the words from “means one of the districts” to “assigned to them” there shall be substituted the words and the expression “police fund” have the same meaning as in the Police Act 1964 and the expression “compensation authority” means—

(a) in relation to a district for which the police authority is a committee of the council of a county or borough, that council;

(b) in relation to the metropolitan police district, the Receiver for that district; and

(c) in relation to any other district, the police authority.

In section 1 for the words “absent from his duties” there shall be substituted the words “unable to act whether by reason of absence or otherwise”.

In section 107(1), in the definition “chief officer of police”, for the words “means as regards” to “The Police Act 1890” there shall be substituted the words “as regards England has the same meaning as in the Police Act 1964”.

...

...



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F123

...  
F124

The  
M52  
Police (Overseas Service) Act 1945.

...

In section 2, after subsection (1) there shall be inserted the following subsection—

(1A) Notwithstanding anything in the last foregoing subsection, a person who has engaged for a period of overseas service may be promoted in his home police force as if he were serving in that force; and in any such case the reference in that subsection to the rank in which he was serving immediately before he was engaged as aforesaid shall be construed as a reference to the rank to which he is promoted, and for the purposes of any such scale as is mentioned in that subsection he shall be treated as having served in that rank from the time of his promotion.

In section 2(2) for the words “the last foregoing subsection” there shall be substituted the words “subsection (1) of this section”.

In section 3(1) for the words “within the meaning of the Police Pensions Act 1921” there shall be substituted the words “within the meaning of the Police(Scotland) Act 1956 or the Police Act 1964”.

...  
F120

...  
F120

...  
F125

...  
F125

The  
M53  
Local Government (Miscellaneous Provisions) Act 1953.

In section 18, after subsection (2) there shall be added the following subsection — “(3)– In relation to a council of any county or county borough any reference in paragraph (a) or (b) of subsection (1) of section 1 of this Act to the authority, and any references in paragraph (a) of subsection (1) of section 2 of this Act to the local authority, shall be construed as including a reference to a police authority which is a committee of that council”.

...  
F120

...  
F120

The  
M54

In section 60(2), after the words “the Act of 1933” there shall be inserted the words “or

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Local Government Act 1958. of any order under Part I of the Police Act 1964”; and for the words “that Act” there shall be substituted the words “the Act of 1933”.

...

...  
F120

The M55 Betting, Gaming and Lotteries Act 1963. In Schedule 2, in paragraph 1, sub-paragraph (5) shall be omitted.

**Textual Amendments**

- F119** Sch. 9: entry relating to the Metropolitan Police Act 1839 repealed by Statute Law (Repeals) Act 1974 (c. 22), s. 1, Sch. Pt. XI, and expressed to be repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I
- F120** Sch. 9: entries relating to the City of London Police Act 1839, the Town Police Clauses Act 1847, the National Insurance (Industrial Injuries) Act 1946, the Homicide Act 1957 and the Road Traffic and Roads Improvement Act 1960, repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I
- F121** Entry relating to The Juries Act 1870 repealed by Criminal Justice Act 1972 (c.71, S I F 39:1), s. 64(2), Sch. 6 Pt. I
- F122** Entry relating to Metropolitan Police Staff (Superannuation) Act 1875 repealed by Statute Law Repeals Act 1974 (c. 22), s. 1, Sch. Pt. XI
- F123** Entry relating to the Local Government Act 1933 repealed by S.I. 1974/595, art. 3(22), Sch. 1 Pt. I
- F124** Entry relating to Firearms Act 1937 repealed by Firearms Act 1968 (c. 27, S I F 51:1), s. 59(1), Sch. 7
- F125** Entry relating to the Police Pensions Act 1948 repealed by Police Act 1976(c. 35, S I F 95), s. 13(2), Sch. 3

**Marginal Citations**

- M48** 49 & 50 Vict. 22
- M49** 49 & 50 Vict. c. 38
- M50** 58 & 59 Vict c. 12
- M51** 23 & 24 Geo. 5. c. 12
- M52** 9 & 10 Geo. 6. c. 17
- M53** 1 & 2 Eliz. 2. c. 26.
- M54** 6 & 7 Eliz. 2. c. 55
- M55** c. 55

F126 SCHEDULE 10

.....

**Textual Amendments**

- F126** Sch. 10 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

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## SCHEDULE 11

Section 64.

### TRANSITIONAL PROVISIONS

#### *Police authorities*

- 1 On the date on which the police authority for a police area is constituted pursuant to section 2 of this Act, there shall be transferred to that authority—
- (a) all officers and servants who, immediately before that date, were employed by the previous police authority for police purposes or for the purposes of the functions of the police authority under section 2 of the <sup>M56</sup>Road Traffic and Roads Improvement Act 1960;
  - (b) all property which, immediately before that date, was held by the police authority for any of those purposes; and
  - (c) all rights acquired and liabilities incurred by the previous police authority by reason of the exercise of any of their police functions or of any of their functions under the said Act of 1960.

#### **Marginal Citations**

**M56** 1960 c. 63.

- 2 Anything done before the said date by, to or before the previous police authority shall, so far as may be necessary for the purpose or in consequence of section 2 of this Act, have effect after that date as if it had been done by, to or before the police authority constituted pursuant to that section.

.....  
 F127<sup>3</sup>

#### **Textual Amendments**

**F127** Sch. 11 para.3 repealed by S.I. 1977/1341, Sch. 6 Pt. I except in relation to persons transferred before 1.4.1974 by virtue of a scheme made under Part I of the Act

- 4 (1) Where, for the purposes of any such statutory provision as is mentioned in subparagraph (2) of the said paragraph 5, the previous police authority for a police area would (if this Act had not been passed) at any time on or after the date on which a police authority is constituted for that area pursuant to section 2 of this Act have been the employing authority or former employing authority in relation to—
- (a) a person who before that date died while in the employment of the previous police authority for any of the purposes mentioned in paragraph 1(a) of this Schedule, or otherwise ceased to be employed by that authority having been employed for any of those purposes when his employment ceased, or
  - (b) the widow or any other dependant of such a person,

**Status:** Point in time view as at 01/11/1994. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police Act 1964 is up to date with all changes known to be in force on or before 17 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

the police authority constituted for that area as aforesaid shall be treated as being at that time the employing authority or former employing authority for those purposes in relation to that person, or to that person's widow or other dependant, as the case may be.

(2) Where before the date on which the police authority for a police area is constituted pursuant to section 2 of this Act a gratuity, by way of periodical payments or an annuity,—

- (a) was granted to any person by the previous police authority on his ceasing to be employed by them for any of the purposes mentioned in paragraph 1(a) of this Schedule, or
- (b) was granted to the widow or any other dependant of a person who died while in the employment of that authority for any of those purposes, or who died during the currency of such a gratuity granted to him by that authority on his ceasing to be employed by them for any of those purposes,

and, if payment in respect of the gratuity had continued in accordance with the terms of the grant, one or more payments in respect of that gratuity would have been made by the previous police authority on or after that date, whether the authority would have been obliged to make those payments or not, those payments shall be made by the police authority constituted pursuant to section 2 of this Act.

#### *Amalgamation schemes*

5 Any amalgamation scheme approved or made under the <sup>M57</sup>Police Act 1946 and in force at the commencement of this Act shall continue in force and have effect as if made under Part I of this Act, and may be amended or revoked accordingly.

#### **Marginal Citations**

**M57** 1946 c. 46

6 Without prejudice to section 22 of this Act, the Secretary of State may, after consulting the combined police authority for the police area constituted by an amalgamation scheme in force at the commencement of this Act under the Police Act 1946, by order made by statutory instrument amend the scheme to such extent as he considers expedient for securing compliance with the provisions of the said Part I with respect to the constitution of combined police authorities.

F128<sup>7</sup>—

13.

#### **Textual Amendments**

**F128** Sch. 11 paras. 7—13 repealed by Local Government Act 1972 (c. 70, S I F 81:1), Sch. 30

**Status:**

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**Changes to legislation:**

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