



# 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]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### ORGANISATION OF POLICE FORCES

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

#### **1 Police areas**

- (1) Subject to the provisions of this Act, a police force shall be maintained for every county and county borough in England and Wales which is not comprised in the combined area constituted by an amalgamation scheme, and for every combined area constituted by such a scheme.
- (2) For the purposes of this section, any detached part of a county which, immediately before the commencement of this Act, was policed by the police force of another county shall be treated as part of that other county.
- (3) For the purposes of this section, any county borough the police force of which is consolidated with that of a county under a consolidation agreement shall, so long as that agreement continues in force, be treated as part of that county.
- (4) For the purposes of this section, any part of a county which is for the time being comprised in the metropolitan police district shall be treated as not forming part of that county.

## **2 Police authorities for counties and county boroughs**

- (1) The police authority for a police area consisting of a county or county borough shall be a committee of the council of the county or borough constituted in accordance with the provisions of this section, to be known, in the case of a county, as the police committee and, in the case of a borough, as the watch committee.
- (2) The police committee for a police area consisting of a county shall consist of such number of persons as may be determined by the council of the county, and of that number—
  - (a) two thirds shall be members of the council of the county appointed by that council;
  - (b) one third shall be magistrates for the county appointed by the court of quarter sessions for the county.
- (3) The watch committee for a police area consisting of a county borough shall consist of such number of persons as may be determined by the council of the borough, and of that number—
  - (a) two thirds shall be members of the council of the borough appointed by that council;
  - (b) one third shall be magistrates appointed by the magistrates for the borough from among their own number.
- (4) The magistrates to be appointed members of a police committee or watch committee shall be appointed at such times, in such manner and for such term as may be prescribed by rules made by the Secretary of State; and the other members of a police committee or watch committee shall be appointed at such times, in such manner and for such term as may from time to time be determined by the council responsible for appointing them.
- (5) The quorum of a police committee or watch committee shall be such as may from time to time be determined by the council of the county or county borough.
- (6) Subsection (4) of section 85 of the Local Government Act 1933 (membership of committees of local authorities) shall apply to a committee appointed under this section as it applies to any committee appointed under that section, and paragraphs 1, 2 and 4 of Part V of Schedule 3 to that Act (proceedings of local authorities) shall apply to a committee appointed under this section as they apply to a local authority and as if for any reference to that Act there were substituted a reference to this Act.
- (7) Any proceedings by or against a committee appointed under this section shall be brought by or against the clerk of the council or town clerk as representing that committee.

## **3 Police authorities for combined areas**

- (1) The police authority for a combined area shall be the combined police authority constituted for the purpose in accordance with the provisions of the relevant amalgamation scheme; and every such authority shall, subject to subsection (4) of this section, be a body corporate by such name as may be prescribed by the scheme.
- (2) A combined police authority shall be appointed in such manner, and shall consist of such number of persons, as may be prescribed by the amalgamation scheme; and of the number of persons so prescribed—

- (a) two thirds shall be members of the constituent councils;
  - (b) one third shall be magistrates for the constituent areas.
- (3) Provision may be made by an amalgamation scheme for applying, in relation to the constitution and proceedings of the combined police authority and in relation to the officers of that authority, any of the provisions of Parts II to IV of the Local Government Act 1933 subject to such modifications as may be prescribed by the scheme.
- (4) If the constituent councils request that the combined police authority to be constituted by an amalgamation scheme should be a committee of one of those councils, the scheme shall constitute the combined police authority a committee of that council instead of a body corporate; and the provisions of Schedule 1 to this Act shall have effect with respect to such a scheme and a combined police authority so constituted.

#### **4 General functions of police authorities**

- (1) It shall be the duty of the police authority for every police area for which a police force is required to be maintained by section 1 of this Act to secure the maintenance of an adequate and efficient police force for the area, and to exercise for that purpose the powers conferred on a police authority by this Act.
- (2) The police authority for every such police area shall, subject to the approval of the Secretary of State and to regulations under Part II of this Act, appoint the chief constable of the police force maintained by that authority and determine the number of persons of each rank in that force which is to constitute the establishment of the force.
- (3) The police authority for any such police area may, subject to the consent of the Secretary of State, provide and maintain such buildings, structures and premises, and make such alterations in any buildings, structures or premises already provided, as may be required for police purposes of the area.
- (4) The police authority for any such police area may, subject to any regulations under Part II of this Act, provide and maintain such vehicles, apparatus, clothing and other equipment as may be required for police purposes of the area.
- (5) A combined police authority may, if so authorised by the amalgamation scheme, make arrangements with any constituent authority for the use by the combined police authority of the services of officers of the constituent authority and the making of contracts and payments on behalf of the combined police authority by the constituent authority.

#### **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.

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- (4) Without prejudice to any regulations under Part II of this Act or under the Police Pensions Act 1948, 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.

## **6 Deputy and assistant chief constables**

- (1) In every police force maintained under section 1 of this Act there shall be a 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) Appointments to the office of deputy chief constable, and appointments or promotions to the rank of 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.

## **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 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.

## **8 Financial provisions**

- (1) Subject to the following provisions of this section and to any regulations under the Police Pensions Act 1948, all receipts of the police authority for a police area for which

a police force is maintained under section 1 of this Act shall be paid into the police fund and all expenditure of any such police authority shall be paid out of that fund.

- (2) A combined police authority shall have the powers of a county council in relation to the borrowing of money for police purposes, and the provisions of Part IX of the Local Government Act 1933 and of any other enactment relating to the borrowing of money by local authorities shall have effect accordingly, subject to such adaptations and modifications as may be prescribed by the amalgamation scheme.
- (3) For every police area consisting of a county or county borough an account, to be known as the police account, shall be kept of all expenditure and receipts of the police authority; and every such account, and the accounts of every combined police authority, shall be subject to audit by a district auditor under Part X of the Local Government Act 1933.
- (4) No sum shall be paid out of the police fund for a police area consisting of a county or county borough without the approval of the council of the county or borough except—
  - (a) any sum required for giving effect to regulations under Part II of this Act;
  - (b) any sum required to satisfy any judgment or order of a court;
  - (c) any sum directed to be paid out of that fund by or under any enactment other than this section, including any such enactment in this Act.
- (5) Where a detached part of a county is policed by the police force of another police area, there shall be paid out of the police fund of that county into the police fund of that other police area a contribution of such amount as the police authorities concerned may agree or as may, in default of agreement, be determined by the Secretary of State.

## **9 Acquisition of land**

- (1) The council of any county or county borough 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 section 176 of the Local Government Act 1933 (application of Lands Clauses Acts to purchases by agreement) shall apply to the acquisition of land under this section as it applies to the acquisition of land under Part VII of that Act, and as if references to that Act included references to this Act.
- (2) The council of any such county or county borough 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 or county borough; and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this subsection had been in force immediately before the commencement of that Act.
- (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 or county borough; and the provisions of this section, the Local Government Act 1933 and the Acquisition of Land (Authorisation Procedure) Act 1946 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 or county borough included references to a combined police authority.
- (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 or county borough on behalf of a police authority.

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## **10 Civilian employees**

- (1) The police authority for a police area for which a police force is maintained under section 1 of this Act, and the council of any county or county borough for which a police force is maintained under that section, may employ civilians for police purposes of the area.
- (2) The Local Government Superannuation Act 1937 shall have effect as if any such police authority were a local authority specified in Part I of Schedule 1 to that Act; and in relation to contributory employees of a combined police authority the appropriate superannuation fund for the purposes of that Act shall be such fund as may be determined by or under the amalgamation scheme.
- (3) 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 or county borough.

## **11 Questions on police matters by members of county and county borough councils**

Arrangements shall be made (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of the police authority for any county, county borough or combined area to be put, in the course of the proceedings of the council for that county or county borough or, as the case may be, of a constituent council, by members of that council for answer by a member thereof who is also a member of the police authority and is nominated by that authority for that purpose.

### *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 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.

## **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 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.

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- (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.

## **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 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.



- (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 not being a county borough, in any other police area which is contiguous to his own police area and in any police area being a county borough which is contiguous to any such other police area;
  - (b) in the case of a police area being a county borough, in any other police area which is contiguous to the borough and in any area in which special constables appointed for any such other police area have those powers and privileges by virtue of paragraph (a) above.
- (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 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) Subsection (3) of this section shall apply to the City of London as if it were a county borough; and for the purposes of that subsection in its application to special constables appointed for the metropolitan police district, the county of Berkshire shall be deemed to be contiguous to that district.
- (6) This section is without prejudice to section 5 of the Police (Scotland) Act 1956 (execution of warrants in border counties of England and Scotland) and to any other enactment conferring powers on constables for particular purposes.

## **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*

## **21 Amalgamation schemes**

- (1) If it appears to the police authorities for any two or more police areas, being areas for which police forces are required by section 1 of this Act to be maintained, that it is expedient that those areas should be amalgamated for police purposes, they may for that purpose submit to the Secretary of State an amalgamation scheme, and the Secretary of State may by order approve any scheme so submitted to him.
- (2) If it appears to the Secretary of State that it is expedient in the interests of efficiency that an amalgamation scheme should be made for any two or more such police areas and no scheme satisfactory to him has been submitted under subsection (1) of this section, the Secretary of State may for that purpose by order make such amalgamation scheme as he considers expedient.
- (3) An amalgamation scheme shall make provision with respect to the following matters, that is to say—
  - (a) the establishment of a combined police authority and a combined police force for the combined area constituted by the scheme, and of a combined police fund for the payment of the expenses of that authority and force;

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- (b) the appointment of officers of the combined police authority, including a clerk of that authority and a treasurer of the combined police fund;
- (c) the payment into the combined police fund, out of the local funds of the areas comprised in the combined area, of contributions assessed in accordance with the provisions of the scheme ;
- (d) the transfer for the purposes of the scheme of members of the police forces concerned, other than chief constables, and of special constables and police cadets;
- (e) the transfer to the combined police authority of property, rights and liabilities of the constituent authorities, and officers of those authorities, or the use by the combined police authority of any such property;
- (f) the delegation to the constituent councils of the functions of police authorities under section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 and under the House to House Collections Act 1939;

and may provide for any other matters incidental to or consequential on the provisions of the scheme.

- (4) Any functions which are delegated to a council by virtue of paragraph (f) of subsection (3) of this section may be delegated by that council to a committee of the council.
- (5) An amalgamation scheme shall come into force on such date as may be prescribed by the scheme, and different dates may be so prescribed for the purposes of the provisions of the scheme relating to the constitution of the combined police authority and the performance by that authority of functions necessary for bringing the scheme into full operation, and for other purposes of the scheme.
- (6) Before approving or making an amalgamation scheme the Secretary of State shall ascertain whether the constituent councils desire to make such a request as is referred to in section 3(4) of this Act.
- (7) Schedule 3 to this Act shall have effect with respect to the procedure for making amalgamation schemes under subsection (2) of this section; and the transitory provisions set out in Schedule 4 to this Act shall have effect in relation to any amalgamation scheme under this section.
- (8) A draft of any statutory instrument to be made under subsection (2) of this section shall be laid before Parliament.

## **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 or county boroughs or combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of any other police area ;

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- (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 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.

## **23 Alteration of local government areas**

- (1) An amalgamation scheme may be approved or made under this Act with respect to a new county or county borough which is to be constituted, or a county or county borough the area of which is to be altered, by an order under section 140 of the Local Government Act 1933 or under Part II of the Local Government Act 1958, and may be so approved or made before the date on which that order comes into force:

Provided that, 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, no such scheme shall come into force until the date on which the said order comes into force.

- (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—
- (a) any reference to a police area shall include a reference to the area which is to constitute the new or altered county or county borough ;
  - (b) any reference to a constituent authority shall include a reference to the police authority for any area, and the council for any county or county borough, which is to be wholly or partly included in the area of the new or altered county or county borough ;
  - (c) in relation to that area, for any reference to the police authority (except a reference to a constituent authority) there shall be substituted—
    - (i) in the case of a new county, a reference to the police authority for any county or county borough of which the whole or part is to be

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- included in the new county and the council of any such county or county borough which has no separate police authority;
- (ii) in the case of a new county borough, a reference to the police authority for any county borough of which the whole or part is to be included in the new county borough, the council of any such county borough which has no separate police authority, and the council of any county district of which the whole or part is to be so included;
- (iii) in the case of an altered county or county borough, a reference to the police authority for the existing county or county borough or, if that county or county borough has no separate police authority, to the council of that county or county borough.
- (3) In the case of an amalgamation scheme to be approved or made by virtue of this section with respect to any area, any steps required by this Part of this Act to be taken before an amalgamation scheme is approved or made may be taken at any time after notice of proposals affecting that area has been given under section 22(5) or section 24(3) of the Local Government Act 1958 or under paragraph 7(2)(b) of Schedule 8 to that Act, and the Minister of Housing and Local Government has notified the public authorities concerned of the general nature of the order which he intends to make to give effect to those proposals.
- (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.

## **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.

*Miscellaneous and supplemental*

## **25      Cambridge and Peterborough**

- (1) Subject to the provisions of this section, the cities of Cambridge and Peterborough shall be treated for the purposes of this Part of this Act as if they were county boroughs, and any amalgamation scheme combining either of those cities with another police area shall have effect accordingly.
- (2) If it appears to the Secretary of State that the population of either of those cities will, on the coming into force of an order under Part II of the Local Government Act 1958,

be less than one half of the population of the county in which it is situated, he may make an order—

- (a) directing that subsection (1) of this section shall cease to have effect in relation to that city on the coming into force of the order under the said Act of 1958 ; and
- (b) making such transitional, supplementary and financial provisions as he considers necessary or proper in consequence of the city ceasing to be treated as if it were a county borough;

and the Secretary of State may, if he thinks fit, include in any order under this section provision for any matter relating to the police for which provision could be made in the relevant order under the said Act of 1958.

- (3) The provisions of Schedule 4 to this Act shall apply, subject to any necessary modifications, in relation to an order under this section as they apply in relation to an amalgamation scheme.
- (4) On the coming into force of an order under this section in respect of either of the said cities, the functions exercisable in respect of that city by a police authority under section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 and under the House to House Collections Act 1939 shall vest in the council of that city and shall, unless and until the Secretary of State otherwise directs, be exercised by that council in consultation with the police authority for the police area in which the city is situated.
- (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.

## **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) This section shall cease to have effect on the coming into force of any order under Part II of the Local Government Act 1958 whereby the Isles are included in a county.

## **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 Police Act 1946;

" consolidation agreement " means an agreement under section 14 of the County Police Act 1840 ;

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" 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;

" constituent authority " means the police authority for an area which is combined by an amalgamation scheme and includes, in the case of a county, the council of the county and, in the case of a county borough, the council of the borough, and " constituent council" means any such council;

" local fund " in relation to a county, means the county fund and, in relation to a county borough, means the general rate fund ;

" magistrate " has the same meaning as in the Justices of the Peace Act 1949 ;

" officer " includes servant.

## 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.

#### **29 Removal of chief constables**

- (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 the deputy or an 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.

#### **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.

### **31 Police grant**

- (1) The Secretary of State may make grants in respect of expenses incurred for police purposes—
  - (a) by any police authority maintaining a county police force, county borough police force or combined police force;
  - (b) by the Receiver for the Metropolitan Police District or by the Common Council of the City of London.
- (2) Grants under this section shall be of such amounts, be payable at such times, in such manner, and subject to such conditions, and be carried to such funds, as the Secretary of State may with the approval of the Treasury by order determine ; and any such order may provide for the deduction from grants under this section of such sums as may be determined by or under the order on account of expenditure of the Secretary of State under section 41, 44 or 45 of this Act.
- (3) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any expenses incurred for the purpose of or in connection with the functions of a police authority under section 2 of the Road Traffic and Roads Improvement Act 1960 shall be treated for the purposes of this section as expenses incurred by that authority for police purposes.

### **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.
- (2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (2) and (3) of section 290 of the Local Government Act 1933 (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.

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

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### **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 ;
  - (e) the maintenance of discipline in police forces ;
  - (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.
- (3) Regulations under paragraph (e) of subsection (2) above shall provide for the determination by the appropriate disciplinary authority of questions whether offences against discipline have been committed and for the punishment by that authority, by way of dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, of any member of a police force who is found in the manner so provided to have committed any such offence; and for that purpose the appropriate disciplinary authority in respect of a police force maintained under section 1 of this Act shall be—
  - (a) in relation to the chief constable, deputy chief constable and any assistant chief constable, the police authority ;
  - (b) in relation to any other member of any such police force, the chief constable:

Provided that in any case in which the chief constable is interested otherwise than in his capacity as such, or in which he is a material witness, the appropriate disciplinary authority under paragraph (b) of this subsection shall be such other person or authority as may be prescribed by regulations under this section.
- (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.
- (5) Regulations under this section may make different provision for different cases and circumstances, and may authorise the Secretary of State to make provision for any purposes specified in the regulations.
- (6) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.



### **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 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.

### **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.

### **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.

### **37 Disciplinary appeals**

- (1) Subject to the provisions of this section, a member of a police force who is dealt with for an offence against discipline may appeal to the Secretary of State.
- (2) On an appeal under this section the Secretary of State may make an order—
  - (a) allowing the appeal;
  - (b) dismissing the appeal; or
  - (c) varying the punishment by substituting some other punishment (whether more or less severe) which could have been imposed on the appellant.
- (3) The Secretary of State may direct the 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.

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- (4) If provision is made by or under regulations under section 33 of this Act entitling a member of the metropolitan police force to appeal against any decision to the Commissioner of Police of the Metropolis, no appeal shall lie under this section against that decision unless it has been affirmed or varied on such an appeal to the Commissioner.
- (5) Schedule 5 to this Act shall have effect in relation to any appeal under this section.

### *Inspectors of constabulary*

#### **38 Appointment and functions of inspectors of constabulary**

- (1) Her Majesty may appoint such number of inspectors (to be known as " Her Majesty's Inspectors of Constabulary ") as the Secretary of State may with the consent of the Treasury determine, and of the persons so appointed one may be appointed as chief inspector of constabulary.
- (2) It shall be the duty of the inspectors of constabulary to inspect, and report to the Secretary of State on the efficiency of, all police forces maintained under section 1 of this Act and the City of London police force.
- (3) The inspectors of constabulary shall carry out such other duties for the purpose of furthering police efficiency as the Secretary of State may from time to time direct.
- (4) The chief inspector of constabulary shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.
- (5) The inspectors of constabulary shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

#### **39 Assistant inspectors and staff officers**

- (1) The Secretary of State may appoint assistant inspectors of constabulary, and may appoint members of police forces to be staff officers to the inspectors of constabulary.
- (2) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

#### **40 Pensions of inspectors and assistant inspectors**

The Police Pensions Act 1948 shall apply to any inspector or assistant inspector of constabulary appointed after the commencement of this Act and accordingly shall have effect, in relation to any such person, subject to the modifications set out in Schedule 6 to this Act.

### *Central services*

#### **41 Common services**

The Secretary of State may provide and maintain, or may contribute towards the provision or maintenance of, a police college, district police training centres, forensic

science laboratories, wireless depots and such other organisations and services as he considers necessary or expedient for promoting the efficiency of the police.

#### **42 Research**

The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

#### **43 Central service on police duties**

- (1) Subject to the provisions of this section, where a member of a police force is, whether before or after the commencement of this Act, engaged, with the consent of the appropriate authority, for a period of central service he shall be treated as if he were not a member of that force during that period or so much of it as falls after the commencement of this Act; but, except where a pension, allowance or gratuity becomes payable to him out of moneys provided by Parliament by virtue of regulations made under the Police Pensions Act 1948—
  - (a) he shall be entitled at the end of his period of central service to revert to his police force in the rank in which he was serving immediately before he engaged as aforesaid; and
  - (b) he shall be treated for the purposes of any scale prescribed by or under the police regulations fixing his rate of pay by reference to his length of service, as if he had been serving in that force during that period.
- (2) Notwithstanding anything in subsection (1) above, a person engaged on central service may be promoted in his police force as if he were serving in that force; and in any such case the reference in paragraph (a) of that subsection to the rank in which he was serving immediately before he engaged shall be construed as a reference to the rank to which he is promoted, and 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.
- (3) Notwithstanding anything in subsection (1) above, a member of a police force who has completed a period of central service may be dealt with under the police regulations relating to discipline 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.
- (4) The Police Pensions Act 1948 shall apply to any member of a police force engaged on central service and accordingly shall have effect, in relation to any such member, subject to the modifications set out in Schedule 6 to this Act.
- (5) In this section " central service " means temporary service under the Crown in connection with the provision by the Secretary of State of such organisations and services as are described in section 41 of this Act, or of research or other services connected with the police, and service as a staff officer to the inspectors of constabulary ; " appropriate authority " in relation to a member of a police force means the chief officer of police acting with the consent of the police authority, except that in relation to the chief officer of police it means the police authority; and " police regulations " means regulations made under section 33 of this Act.

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

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## 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 and promotion affecting individuals.
- (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 unassociated with, any body or person outside the police service, but may employ persons outside the police service in an administrative or advisory capacity.
- (3) The Secretary of State may by regulations prescribe the constitution and proceedings of the Police Federations 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;
  - (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 Police Pensions Act 1948, under section 33 of this Act or under section 11 of the Police (Scotland) Act 1956 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.

#### 45 Police Council for Great Britain

- (1) For the consideration, by persons representing the interests of police authorities and those of members of police forces or police cadets, of questions relating to hours

of duty, leave, pay and allowances, pensions or the issue, use and return of police clothing, personal equipment and accoutrements there shall be a council, to be known as the Police Council for Great Britain, which shall be established in accordance with such arrangements made after consultations between the Secretary of State and organisations representing those interests as appear to the Secretary of State to be satisfactory.

- (2) The arrangements shall regulate the procedure for reaching agreement on a recommendation to be made by the Council for the purposes of subsection (4) of this section and shall include provision for arriving at such a recommendation by arbitration in such circumstances as may be determined by or under the arrangements.
- (3) The Secretary of State may defray any expenses incurred by the Council.
- (4) Before making regulations under section 33 or 35 of this Act or under section 11 or 11A of the Police (Scotland) Act 1956 with respect to any of the matters mentioned in subsection (1) of this section the Secretary of State shall take into consideration any recommendation made by the Police Council for Great Britain and furnish the Council with a draft of the regulations; and that Council shall be taken to be the Police Council referred to in section 1(1) of the Police Pensions Act 1948.
- (5) The last foregoing subsection does not apply to regulations under the said section 11 relating to special constables.

#### **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, other than regulations to which subsection (4) of section 45 of this Act applies, 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.

#### **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.

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- (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.

## 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 Investigation of complaints**

- (1) Where the chief officer of police for any police area receives a complaint from a member of the- public against a member of the police force for that area he shall (unless the complaint alleges an offence with which the member of the police force

has then been charged) forthwith record the complaint and cause it to be investigated and for that purpose may, and shall if directed by the Secretary of State, request the chief officer of police for any other police area to provide an officer of the police force for that area to carry out the investigation.

- (2) A chief officer of police shall comply with any request made to him under subsection (1) of this section.
- (3) On receiving the report of an investigation under this section the chief officer of police, unless satisfied from the report that no criminal offence has been committed, shall send the report to the Director of Public Prosecutions.

## **50 Information as to manner of dealing with complaints**

Every police authority in carrying out their duty with respect to the maintenance of an adequate and efficient police force, and inspectors of constabulary in carrying out their duties with respect to the efficiency of any police force, shall keep themselves informed as to the manner in which complaints from members of the public against members of the force are dealt with by the chief officer of police.

### *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—
  - (a) on summary conviction to imprisonment for a term not exceeding six months or in the case of a second or subsequent offence nine 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) Subsection (2) of section 23 of the Firearms Act 1937 (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 £20, or to both.

## **52 Impersonation,**

- (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 £100, 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 £100.

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- (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 £20.
- (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.

### **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.

### *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.
- (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 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.

### **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.

**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 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.

**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 Part II of the Local Government Act 1958 is not appointed chief constable or other member of the successor force as from the date of 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 assistant 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 Police Pensions Act 1948 had the first-mentioned police force been combined with another force by an amalgamation scheme under the 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 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—

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- (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.

## **59 Amendments of Police (Scotland) Act 1956**

The Police (Scotland) Act 1956 shall have effect subject to the amendments set out in Schedule 7 to this Act.

### *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.

## **62 Meaning of "police area"**

Except where the context otherwise requires, in this Act and in any other enactment (whether passed before or after the passing of this Act)—

- (a) " police area " or " police district " means any of the areas mentioned in column 1 of Schedule 8 to this Act;
- (b) " police authority ", " chief officer of police " and " police fund " mean, in relation to any such area, the authority, officer or fund mentioned in respect of that area in columns 2, 3 and 4 of that Schedule respectively; and
- (c) " police force " means the force maintained by any of the police authorities mentioned in that Schedule.

## **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.

## **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 purposes 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) The enactments mentioned in Schedule 10 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (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 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.
- (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.

## **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 London Government Act 1963.
- (5) The following provisions of this Act extend to Scotland, namely, Part III; section 59 and Schedule 7; 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.

## SCHEDULES

### SCHEDULE 1

Section 3.

#### COMBINED POLICE AUTHORITY CONSTITUTED AS COMMITTEE OF CONSTITUENT COUNCIL

- 1 In relation to a combined police authority constituted as a committee of the council of a county or county borough the provisions of this Act shall have effect subject to the following provisions of this Schedule.
- 2 Subsections (6) and (7) of section 2 shall apply to the combined police authority as if it were a committee appointed under that section and section 3(3) shall not apply.
- 3 Notwithstanding anything in section 21(3) and Schedule 8, there shall be no combined police fund but the police fund for the combined area shall be the local fund of the county or county borough and the amalgamation scheme shall make provision for the payment into that fund, out of the local funds of the other areas comprised in the combined area, of contributions assessed in accordance with the provisions of the scheme.
- 4 Sections 8(2) and 9(3) shall not apply, and subsections (3) and (4) of section 8 and subsections (1), (2) and (4) of section 9 shall apply as if the police area consisted only of the county or county borough.
- 5 The council of the county or county borough shall have the same power under section 10(1) as if the combined police force were maintained only for the county or county borough.
- 6 Any provision made under section 21(3)(e) may be for transfer to the council of the county or county borough instead of to the combined police authority, and for the use of any transferred property by that council instead of, or as well as, that authority.
- 7 In relation to an amalgamation scheme to be approved or made by virtue of section 23 of this Act—
  - (a) the reference in subsection (4) of section 3 of this Act to a committee of one of the constituent councils shall include a reference to a committee of the council of the new or altered county or county borough; and
  - (b) the request required by that subsection shall include the request of each of the following councils, that is to say—
    - (i) in the case of a new county, the councils of any counties or county boroughs of which the whole or part is to be included in the new county ;
    - (ii) in the case of a new county borough, the council of any county borough or county district of which the whole or part is to be so included ;
    - (iii) in the case of an altered county or county borough, the council of the existing county or county borough.

## 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.

### PROCEDURE IN RESPECT OF AMALGAMATION SCHEMES MADE BY SECRETARY OF STATE

- 1 Where the Secretary of State proposes to make an amalgamation scheme under subsection (2) of section 21 of this Act, he shall give to the police authorities for the police areas proposed to be amalgamated a notice describing the general nature of the proposed scheme and specifying the period within which objection may be made thereto
- 2 Where any of the authorities to whom notice is required to be given under paragraph 1 above is a combined police authority, the Secretary of State shall give the like notice to the council of each county or county borough comprised in the combined area.
- 3 If, within the period specified in the notice, any police authority or council to whom the notice is given gives notice to the Secretary of State of an objection to the proposed scheme or any feature of that scheme, the Secretary of State shall, before making the scheme, cause a local inquiry to be held in respect of that objection by a person appointed by him (who shall not be an officer of police or of any Government department).
- 4 Where such an inquiry has been held, the Secretary of State shall consider the report of the person holding that inquiry before determining whether the scheme should be made and if so subject to what modifications, if any.
- 5 Subsections (2) and (3) of section 290 of the Local Government Act 1933 shall apply to any inquiry under this Schedule as they apply to an inquiry under that section.
- 6 Where the Secretary of State proposes to make an amalgamation scheme after holding a local inquiry under this Schedule, a copy of the report of the person by whom the inquiry was held shall be laid before Parliament together with the draft of the statutory instrument comprising the scheme.

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## 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 Police (Overseas Service) Act 1945,

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.

#### *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.

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*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 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) This paragraph applies to any person who is transferred by virtue of an amalgamation scheme from the employment of one authority (in this paragraph referred to as the " transferor authority ") to the employment of another authority (in this paragraph referred to as the " transferee authority ").
- (2) Subject to the following provisions of this paragraph—
- (a) any statutory provision contained in or made or issued under the Local Government Superannuation Acts 1937 to 1953, any local Act under which any authority maintains a superannuation fund, the Superannuation (Miscellaneous Provisions) Act 1948 or the National Insurance Act 1959, which is in force at the date of transfer, and
  - (b) except as may be otherwise expressly provided therein, any enactment passed after that date whereby any of the Acts referred to in paragraph (a) above is amended, extended or superseded, and any statutory provision which after that date is made or issued under any of those Acts or such an enactment,

shall have effect in relation to any person to whom this paragraph applies as if his employment by the transferor authority and his employment by the transferee authority were one continuous employment.

- (3) In any case where the fund which is the superannuation fund in relation to a person to whom this paragraph applies immediately before the date of transfer is not the same as the fund which is the superannuation fund in relation to that person immediately after that date, the last foregoing sub-paragraph shall not have effect for the purposes of section 29 of the Local Government Superannuation Act 1937 (payment of transfer values); but, with respect to any transfer value which, apart from any direction under this sub-paragraph, would in such a case be payable under the said section 29, the Minister of Housing and Local Government, if in the circumstances he considers it equitable to do so, may give directions for securing that—
- (a) no such transfer value will be payable in consequence of the transfer;
  - (b) the assets comprised in the fund out of which the transfer value would have been payable will be apportioned in such manner as the authorities concerned may agree or, in default of such agreement, the Minister may determine; and

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- (c) in respect of such part of those assets as may be so agreed or determined, such financial adjustments (whether by way of the transfer of assets or the making of a payment or both) as may be so agreed or determined will be made;
- and any directions given under this sub-paragraph may include such incidental, supplementary and consequential provisions as the Minister considers appropriate.
- (4) Sub-paragraph (2) of this paragraph shall not affect the power to make regulations under section 36(6) of the said Act of 1937 with respect to such administrative action to be taken by local authorities as is mentioned in Schedule 3 to that Act, and, except as may be expressly provided in the regulations, shall not affect the operation of any such regulations.
- (5) Any such statutory resolution as is mentioned in section 3(2) of the said Act of 1937 (designation of persons as contributory employees) which—
- (a) was passed by the transferor authority ; and
  - (b) is in force in relation to any person to whom this paragraph applies immediately before the date of transfer ;
- shall continue in force in relation to that person and have effect as if it had been passed by the transferee authority.
- (6) Where immediately before the date of transfer it was the prevailing practice of the transferor authority to exercise beneficially (that is to say, so as to secure the payment of pensions or of increased pensions) any discretionary power exercisable by them by virtue of any statutory provision relating to pensions, it shall, in relation to any person to whom this paragraph applies, be the duty of the transferee authority to exercise that power (or any corresponding power under the statutory provisions relating to pensions for the time being in force) in a way which is not less beneficial than that practice; and section 35 of the said Act of 1937 shall apply to any question arising under this sub-paragraph.
- (7) In any case where the statutory provisions relating to pensions to which a person to whom this paragraph applies is subject immediately before the date of transfer by virtue of his employment by the transferor authority are not the same as those to which he becomes subject on that day by virtue of his employment by the transferee authority, the second-mentioned provisions shall have effect, in relation to that person, as if they required him to make the like contributions (if any) as he would have been liable to make, and conferred on him rights corresponding with those which he would have enjoyed, if he had remained subject to the first-mentioned provisions, and as if they conferred on the transferee authority any discretionary power to pay pensions or increased pensions which was exercisable under those provisions by the transferor authority.

#### *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*

- 7 Subject to the foregoing provisions of this Schedule, anything done before the date of transfer by, to or before the police authority of a transferred area, or by, to or before the chief constable of any such area, shall, in so far as may be necessary for the purpose or in consequence of the provisions of this Act or any amalgamation scheme, have effect after that date as if it had been done by, to or before the police authority for the new area, or the Chief constable of that area.
- 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 ;
  - " 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 amalgamation 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.

## SCHEDULE 5

Section 37.

### DISCIPLINARY APPEALS

#### *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 the disciplinary authority shall be made the respondent.
- (2) For the purposes of this Schedule " the disciplinary authority " means in respect of a police force mentioned in column 1 of the following Table the person or authority mentioned in relation to that force in column 2 of that Table:—

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#### TABLE

Police force maintained under section 1 of this Act.	The appropriate disciplinary authority mentioned in section 33(3) of this Act.
The metropolitan police force.	The Commissioner of Police of the Metropolis.
The City of London police force.	The Commissioner of the police force of the City of London or, where the Commissioner is himself the appellant, the Court of the Mayor and Aldermen of the City of London.
River Tyne police force.	The chief constable or, where the chief constable or deputy chief constable is the appellant, the Tyne Improvement Commissioners.

#### *Inquiries*

- 3
- (1) The Secretary of State shall, unless it appears to him that the case is of such a nature that it can properly be determined without taking evidence, appoint one or more persons (one at least of whom shall be a person engaged or experienced in police administration) to hold an inquiry and report to him.
  - (2) Subsections (2) and (3) of section 290 of the Local Government Act 1933 shall apply to any inquiry under this paragraph as they apply to an inquiry under that section.
  - (3) The Secretary of State shall, before making an order under the principal section, 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.
  - (4) 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 disciplinary authority.

#### *Notice and effect of orders*

- 4
- (1) A copy of any order made by the Secretary of State under the principal section shall as soon as it is made be sent to the appellant and the respondent together with, if an inquiry was held, a copy of the report of the person holding 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 was suspended for a period immediately preceding the date of the decision, the order shall deal with the suspension.

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- (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 contents 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 ;
  - (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent.
- (2) The rules shall provide for giving to the appellant the right to appear at an inquiry by a serving member of a police force or by counsel or a solicitor, and for giving to the respondent 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.
- (3) Any rules made under this paragraph shall be laid before Parliament after being made.

### SCHEDULE 6

Sections 40 and 43.

#### MODIFICATIONS OF POLICE PENSIONS ACT 1948

- 1 Any reference (however expressed) to membership of a police force, or to service or employment in a police force, shall be construed as including a reference to service as an inspector or assistant inspector of constabulary and to central service.
- 2 Any reference to the police authority, in relation to service as such an inspector or assistant inspector or to central service, shall be construed as a reference to the Secretary of State.
- 3 Any reference to a person such as is mentioned in section 1(1) of the Police (Overseas Service) Act 1945 shall be construed as including a reference to an inspector or assistant inspector of constabulary and to a person engaged on central service.

### SCHEDULE 7

Section 59.

#### AMENDMENTS OF POLICE (SCOTLAND) ACT 1956

- 1 In section 1, subsections (2), (3), (4) and (7) shall be omitted.
- 2 In section 4—
- in subsection (1)(b), at the end there shall be inserted the words " and, in this respect, to take every precaution to ensure that persons charged with offences are not unreasonably and unnecessarily detained in custody ";
  - for subsection (2) there shall be substituted the following subsection—

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“(2) The performance by a constable of a duty under any other enactment or under any rule of law shall be subject to the direction of the appropriate chief constable.”;

for subsection (4) there shall be substituted the following subsection—

“(4) Any constable of a police force shall have all the powers and privileges of a constable throughout Scotland.”;

in subsection (6), after the words " police forces" there shall be inserted the words " or to collaboration agreements " ;

after subsection (6), there shall be inserted the following subsection—

“(7) This section shall be without prejudice to the next following section, and to any other enactment conferring powers on a constable for particular purposes”.

3 In section 6—

in subsection (1), for the word " with " there shall be substituted the words " after consultation with and subject to ";

in subsection (3), for the words " next following subsection " there shall be substituted the words " three next following subsections " ; after paragraph (c), there shall be inserted the following paragraph—

“or

(d) may, without prejudice to those regulations, be required to retire by the police authority acting with the approval of the Secretary of State where they consider that his retirement is in the interests of efficiency”;

and after that subsection there shall be inserted the following subsections—

“(3A) Before seeking the approval of the Secretary of State under the last foregoing subsection the police authority shall give the chief constable an opportunity to make representations and shall consider any representations so made.

(3B) A chief constable who is required to retire as aforesaid shall retire on such date as may be specified in the requirement or on such earlier date as may be agreed upon between him and the police authority”;

in subsection (4) for the words " the last preceding subsection" there shall be substituted the words " subsection (3) of this section ".

4 After section 6, there shall be inserted the following section:—

**“6A Power of Secretary of State to require retirement of chief constables &c.**

(1) The Secretary of State may require a police authority to exercise their power under the last foregoing section to call on a chief constable to retire, in the interests of efficiency, and the police authority shall comply with any such requirement.

(2) Before requiring the exercise of that power or approving the exercise of that or the similar power with respect to the deputy or an assistant chief constable the Secretary of State shall give the chief constable or deputy or

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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 police authority to exercise 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) Where the Secretary of State is satisfied that the whole or any part of the expenses of a chief constable or deputy or assistant chief constable in respect of an inquiry under this section were not reasonably incurred, he may direct the constable to pay those expenses or that part of those expenses, as the case may be, or such proportion of the whole or of that part as he may think fit, but, subject to any such direction, those expenses shall be paid by the police authority.”

5 In section 7—

in subsection (1), for the words from " a person " to the end of the subsection there shall be substituted the words " appointments and promotions to any rank below that of assistant chief constable in any police force shall be made by the chief constable. "; and after that subsection there shall be inserted the following subsection :—

“(1A) Appointments or promotions to the rank of assistant chief constable shall be made in accordance with the aforesaid regulations by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.”;

for subsection (2) there shall be substituted the following subsection :—

“(2) Subsections (3), (3A), (3B) and (4) of section 6 of this Act shall apply to a constable of a police force (other than the chief constable) as they apply to the chief constable, with the substitution for any reference to the police authority of a reference to the person who is, in relation to the constable, the appropriate disciplinary authority as defined by subsection (5) of section 11 of this Act;

Provided that paragraph (d) of the said subsection (3) and the said subsections (3A) and (3B) shall not apply to a constable below the rank of assistant chief constable unless he holds the appointment of deputy chief constable.”

6 In section 10—

for subsections (1) and (2), there shall be substituted the following subsections:

“(1) In every police force there shall be a deputy chief constable.

(2) Appointments to the office of deputy chief constable shall be made by the police authority, after consultation with the chief constable and subject to the approval of the Secretary of State and in accordance with regulations under section 11 of this Act.”;

subsection (3) shall be omitted ;

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in subsection (4), for the words after " constable, and" there shall be substituted the following words—

“(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.”;

after subsection (5), there shall be added the following subsections:—

“(6) The provisions of subsection (4) 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.

(7) Subsections (3), (3A), (3B) and (4) of section 6 of this Act shall apply to a deputy chief constable as they apply to a chief constable.”

7 After section 10, there shall be inserted the following section:—

**“10A Police cadets.**

- (1) The chief constable of any police force may, in accordance with regulations under section 11A of this Act and subject to the approval of the police authority and of the Secretary of State 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 constable.
- (3) Subject to subsection (2) above, the police authority shall be treated for the purposes of any legal proceedings, and for the purposes of any enactment relating to the functions of employers, as the employer of any police cadets appointed to undergo training with the police force maintained by that authority.”

8 In section 11—  
for subsection (2) there shall be substituted the following subsection :—

“(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 and promotion of members of police forces ;
- (b) periods of service on probation;
- (c) voluntary retirement of members of police forces ;
- (d) the retirement of special or temporary constables ;
- (e) the maintenance of discipline in police forces;
- (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;

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- (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 any body recognised by the Secretary of State for the purposes of section 47 of the Police Act 1964;
- (j) the hours of duty, leave, pay and allowance of members of police forces ;
- (k) 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 regular constables ; and
- (l) the issue, use and return of police clothing, personal equipment and accoutrements.”;

and at the end of that subsection there shall be inserted the following subsection—

“(2A) 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 remuneration may be made with retrospective effect to any date specified in the regulations.”

in subsection (6), for the words from the beginning to the words " that Act" there shall be substituted the words

“Before making regulations under this section, other than regulations to which section 45(4) of the Police Act 1964 applies, the Secretary of State shall submit a draft either—

- (a) to the Police Advisory Board for Scotland established by section 46 of the said Act of 1964”;

and for the word " council" there shall be substituted the word " Board ".

9 After section 11, there shall be inserted the following sections:—

**“11A 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) 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.
- (3) Subsection (6) of section 11 of this Act shall apply to regulations under this section.

**11B 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.

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

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### 11C Disciplinary appeals.

- (1) A member of a police force who is dealt with for an offence against discipline may appeal to the Secretary of State.
- (2) On an appeal under this section the Secretary of State may—
  - (a) allow the appeal;
  - (b) dismiss the appeal; or
  - (c) vary the punishment by substituting some other punishment (whether more or less severe) which could have been imposed on the appellant.
- (3) The Secretary of State may direct the appellant to pay the whole or any part of his own expenses, but, subject to any such direction, all the expenses of an appeal under this section, including the expenses of the parties, shall be paid by the police authority.
- (4) Schedule 1A to this Act shall have effect in relation to any appeal under this section.”

10 In section 12, in paragraph (b) of subsection (2), after the words " police forces" there shall be inserted the words " or to collaboration agreements ", and in paragraph (c) the words " other than a constable " shall be omitted.

11 In section 16 for subsection (2) there shall be substituted the following subsection:

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“(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 made in time, he may direct the chief constable of any police force to provide such constables or other assistance for that purpose as may be specified in the direction.”

12 After section 16 there shall be inserted the following section:—

### “16A Collaboration agreements.

- (1) If it appears to the chief constables 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.



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

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- (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 agreement for that purpose as may be specified in the directions.”

13 In section 23, for subsection (1) there shall be substituted the following subsection:

- “(1) Where, immediately before the date when an amalgamation scheme comes into operation, either—
- (a) section 29B(1)(a) of this Act, or
  - (b) section 2 of the Police (Overseas Service) Act 1945,
- 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 said date 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.”

14 After section 23, there shall be inserted the following—

*“Remedies and Complaints against police*

**23A Liability for wrongful acts of constables.**

- (1) The chief constable of a police force shall be liable in reparation in respect of any wrongful act or omission on the part of any constable under his general direction in the performance or purported performance of his functions in like manner as a master is so liable in respect of a wrongful act or omission on the part of his servant in the course of the servant's employment.
- (2) The police authority shall pay—
  - (a) any damages or expenses awarded against the chief constable of a police force in any proceedings brought against him by virtue of this section and any expenses 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 constable of a police force 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 constable 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 constable; and references in the foregoing provisions of this section to the chief constable shall be construed accordingly.
- (4) The police authority may, in such cases and to such extent as they think fit, pay any damages or expenses awarded against a constable of a police force maintained by them or any constable for the time being required to serve with

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

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that force by virtue of section 16 of this Act, in proceedings arising from any wrongful act or omission on the part of that constable, any expenses 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.

- (5) The provisions of this section shall come into force on such date as the Secretary of State may by order appoint, and the order may be made with retrospective effect to any date specified in the order not being earlier than the date of the passing of the Police Act 1964.

### **23B Information as to manner of dealing with complaints.**

Every police authority and inspectors of constabulary shall keep themselves informed as to the manner in which complaints made by members of the public against members of a police force are dealt with by the chief constable.”

- 15 In section 29, for subsection (6) there shall be substituted the following subsection—

“(6) The Secretary of State may, after consulting such bodies or associations as appear to him to be representative of police authorities, by order, apply the last preceding subsection to other expenses specified in the order incurred by him for the purposes of police forces generally.”

- 16 After section 29, there shall be inserted the following sections:—

#### **“29A Research.**

The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

### **29B Central service on police duties.**

- (1) Subject to the provisions of this section, where a member of a police force is, whether before or after the commencement of the Police Act 1964, engaged, with the consent of the appropriate authority, for a period of central service he shall be treated as if he were not a member of that force during that period or so much of it as falls after the commencement of that Act; but, except where a pension, allowance or gratuity becomes payable to him out of moneys provided by Parliament by virtue of regulations made under the Police Pensions Act 1948—
- (a) he shall be entitled at the end of his period of central service to revert to his police force in the rank in which he was serving immediately before he was engaged as aforesaid ; and
  - (b) he shall be treated for the purposes of any scale prescribed by or under the police regulations fixing his rate of pay by reference to his length of service, as if he had been serving in that force during that period.
- (2) Notwithstanding anything in subsection (1) above, a person engaged on central service may be promoted in his police force as if he were serving

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

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in that force ; and in any such case the reference in paragraph (a) of that subsection to the rank in which he was serving immediately before he engaged shall be construed as a reference to the rank to which he is promoted, and 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.

(3) Notwithstanding anything in subsection (1) above, a member of a police force may be dealt with under the police regulations relating to discipline for anything done or omitted while engaged on central service as if that service were service in his police force, and section 11 of this Act shall apply accordingly.

(4) The Police Pensions Act 1948 shall apply to any member of a police force engaged on central service and accordingly shall have effect, in relation to any such member, as modified by Schedule 6 to the Police Act 1964.

(5) In this section—

' central service ' means temporary service under the Crown in connection with the provision by the Secretary of State of common police services, research or other services connected with the police, and service as a staff officer to the inspectors of constabulary ;

' appropriate authority ' in relation to a member of a police force means the chief constable acting with the consent of the police authority, except that in relation to the chief constable it means the police authority ; and ' police regulations ' means regulations made under section 11 of this Act.”

17 After section 30, there shall be inserted the following section:—

**“30A 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.

(2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.

(3) Subsections (3) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) 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.”

18 After section 33, there shall be inserted the following sections:—

**“33A Assistant inspectors and staff officers.**

(1) The Secretary of State may appoint assistant inspectors of constabulary, and may appoint members of police forces to be staff officers to the inspectors of constabulary.

(2) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may, with the consent of the Treasury, determine.

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

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### **33B Pensions of inspectors and assistant inspectors.**

The Police Pensions Act 1948 shall apply to any inspector or assistant inspector of constabulary appointed after the commencement of this section and accordingly shall have effect, in relation to any such person, as modified by Schedule 6 to the Police Act 1964.”

19 In section 34 after subsection (2) there shall be inserted the following subsection:—

“(2A) 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, after consultation with the police authority, 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.”

20 In section 36(2) after the word " regulations ", there shall be inserted the word " rules ".

21 After Schedule 1, there shall be inserted the following Schedule :—

“SCHEDULE  
1A

Section 11C.

DISCIPLINARY APPEALS

*Notice of Appeal*

1 Any appeal under section 11c of this Act (in this Schedule referred to as ' the principal section') shall be instituted by giving a notice of appeal in the prescribed manner and within the prescribed time.

*Respondent*

2 On any appeal under the principal section, the appropriate disciplinary authority for the police force shall be made the respondent.

*Inquiries*

3 (1) The Secretary of State shall, unless it appears to him that the case is of such a nature that it can properly be determined without (taking evidence, request the sheriff to hold an inquiry and report to him.

(2) The sheriff, in holding an inquiry under this paragraph, may require any person 'to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question at the inquiry and are such as would be subject to production in a court of law ; and if any person fails without reasonable excuse to comply with the provisions of any such requirement he shall be liable on summary conviction to a fine not exceeding five pounds.

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

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- (3) The sheriff, in the exercise of the functions conferred on him by this paragraph, shall have the like power as regards the administration of oaths as if he were acting in the exercise of his civil jurisdiction.
- (4) The Secretary of State shall, before determining an appeal under the principal section, 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.
- (5) The Secretary of State may, before determining an appeal under the principal section, remit the case for further investigation by the sheriff when an inquiry has been held, or in any case, if he thinks fit, for further consideration by the disciplinary authority.
- (6) In this paragraph 'sheriff' does not include sheriff-substitute.

#### *Notice and effect of determinations*

- 4 (1) A determination on an appeal made by the Secretary of State under the principal section shall, as soon as practicable, be sent to the appellant and the respondent together with, if an inquiry was held, a copy of the report of the sheriff holding the inquiry and the determination 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 determination 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 determination 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 determination, 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 reinstatement, and, if he was suspended for a period immediately preceding the date of the decision, the determination shall deal with the suspension.

#### *Rules*

- 5 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, shall make rules—
  - (a) prescribing the form and contents 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;
  - (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent:

Provided that the rules shall provide for giving to the appellant the right to be represented at an inquiry by a serving member of a police force or by counsel or a solicitor, and for giving to the respondent the right to be represented by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.”

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

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## SCHEDULE 8

Section 62.

## MEANING OF POLICE AREA, &amp;C

Police area	Police Authority	Chief Officer of Police	Police fund
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.
A county	The police committee.	The chief constable.	The county fund.
A county borough.	The watch committee.	The chief constable.	The general rate fund.
A combined area	The combined police authority.	The chief constable.	The combined police fund.
The river Tyne	The Tyne Improvement Commissioners.	The chief constable.	The fund applicable - under the Acts relating to the improvement of the river Tyne for the expenses of maintaining the police force.

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 or a county borough shall be construed in accordance with Part I of this Act; and the "river Tyne" means the river within the limits of the Acts relating to the Tyne Improvement Commissioners.

## SCHEDULE 9

Section 63.

## MINOR AND CONSEQUENTIAL AMENDMENTS

<i>Enactment</i>	<i>Amendment</i>
<a href="#">The Metropolitan Police Act 1839.</a> 2 & 3 Vict. c. 47	Section 9 shall be omitted.  In section 63 after the words " against this Act " there shall be inserted the words " or section 52 of the Police Act 1964 ".
<a href="#">The City of London Police Act 1839.</a> 2 & 3 Vict. c. xciv.	In section 44 after the words " against this Act " there shall be inserted the words " or section 52 of the Police Act 1964 ".

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

<i>Enactment</i>	<i>Amendment</i>
<a href="#">The Town Police Clauses Act 1847.</a> 10 & 11 Vict. c. 89.	<p>In section 15 after the words " by virtue of this or the special Act" there shall be inserted the words " or an offence under section 52 of the Police Act 1964 "; and for the words " any of the said constables " there shall be substituted the words " any constable ".</p> <p>In section 28 for the words from " any constable " to " the special Act " there shall be substituted the words " any officer appointed by virtue of this or the special Act or any constable ".</p>
<a href="#">The Juries Act 1870.</a> 33 & 34 Vict. c. 77.	<p>In the Schedule, for the entry " Officers of the rural and metropolitan police " there shall be substituted the entry " Members of police forces and special constables for police areas ".</p>
<a href="#">The Metropolitan Police Staff (Superannuation) Act 1875.</a> 38 & 39 Vict. c. 28.	<p>In section 2 the words from " Where any superannuation" to the end shall be omitted.</p>
<a href="#">The Metropolitan Police Act 1886.</a> 49 & 50 Vict. c. 22.	<p>In section 2 for the words " Minister of Health " there shall be substituted the words " Secretary of State ".</p>
<a href="#">The Riot (Damages) Act 1886.</a> 49 & 50 Vict. c. 38.	<p>Throughout the Act for the words " police authority " there shall be substituted the words " compensation authority ".</p> <p>In section 2(1), for the words " the police rate " there shall be substituted the words " the police fund ".</p> <p>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 " and the words from " and the amount" to the end of the subsection, and subsection (2) shall be omitted; 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.</p> <p>In section 9, for the words from " means one of the districts " to " assigned to them " there shall be substituted the words</p> <p>“and the expression ' police fund ' have the same meaning as in the Police Act 1964</p>

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

<i>Enactment</i>	<i>Amendment</i>
	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.”
The Metropolitan Police (Receiver) Act 1895. 58 & 59 Vict. c. 12.	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 ".
The Children and Young Persons Act 1933. 23 & 24 Geo. 5. c. 12.	In section 107(1), in the definition of " chief officer of police ", for the words from " 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 ".
The Local Government Act 1933. 23 & 24 Geo. 5. c. 51.	At the end of section 195 there shall be added the following subsection—  “(2) The foregoing provisions of this section shall apply to the council of any county or county borough as if references in paragraphs (b) and (c) to the local authority included references to a police authority which is a committee of that council.”
The Firearms Act 1937 1 Edw. 8 & 1 Geo. 6. c. 12.	In Schedule 3, after the entry relating to offences under the Sexual Offences Act 1956, there shall be inserted the entry— “Offences under section 24(1) of the Police (Scotland) Act 1956 or under section 51(1) of the Police Act 1964”.
The Police (Overseas Service) Act 1945. 9 & 10 Geo. 6. c. 17.	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



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

<i>Enactment</i>	<i>Amendment</i>
<p>The National Insurance (Industrial Injuries) Act 1946. 9 &amp; 10 Geo. 6. c. 62.</p> <p>The Police Pensions Act 1948. 11 &amp; 12 Geo. 6. c. 24.</p>	<p>immediately before he 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.”</p> <p>In section 2(2) for the words " the last foregoing subsection" there shall be substituted the words " subsection (1) of this section ".</p> <p>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 ".</p> <p>In section 78 for the words " that Act" there shall be substituted the words " the Police Pensions Act 1948 ".</p> <p>In section 1(4), after the words " who transfers" there shall be inserted the words " or has transferred ".</p> <p>In section 8(1), in the definition of " police authority ", for the words " has the same meaning as in section 30 of the Police Pensions Act 1921 " there shall be substituted the words " means any police authority within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964 "; and, in the definition of " police force", for the words from " maintained for any police area" to " Police (Scotland) Act 1946 " there shall be substituted the words " within the meaning of the Police (Scotland) Act 1956 or the Police Act 1964 ".</p>
<p>The Local Government (Miscellaneous Provisions) Act 1953. 1 &amp; 2 Eliz. 2. c. 26.</p>	<p>In section 18, after subsection (2) there shall be added the following subsection—</p> <p>“(3) In relation to the 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</p>

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

<i>Enactment</i>	<i>Amendment</i>
<p>The Homicide Act 1957. 5 &amp; 6 Eliz. 2. c. 11.</p> <p>The Local Government Act 1958. 6 &amp; 7 Eliz. 2. c. 55.</p> <p>The Road Traffic and Roads Improvement Act 1960. 8 &amp; 9 Eliz. 2. c. 63.</p> <p>The Betting, Gaming and Lotteries Act 1963. 1963 c. 2.</p>	<p>to a police authority which is a committee of that council”</p> <p>In section 5(5)(a) for the words from " section thirty " to " Police Act 1946 " there shall be substituted the words " the Police Act 1964 ".</p> <p>In section 60(2), after the words " the Act of 1933 " there shall be inserted the words " or 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 ".</p> <p>In section 2(8), for the words " a standing joint committee or watch committee" there shall be substituted the words " a police authority which is a committee of the council of a county or borough ".</p> <p>In Schedule 2, in paragraph 1, subparagraph (5) shall be omitted.</p>

SCHEDULE 10

Section 64.

ENACTMENTS REPEALED

**PART I**

REPEALS NOT EXTENDING TO SCOTLAND

Chapter	Short title	Extent of repeal
41 Geo. 3. c. 78.	The Constables Expenses Act 1801.	The whole Act.
10 Geo. 4. c. 44.	The Metropolitan Police Act 1829.	<p>In section 4, the words from " shall be sworn " to " made, and ".</p> <p>In section 5, the words from " and the said justices " to the end.</p> <p>In section 12, the words from " and the receiver " to " exertion ".</p>
1 & 2 Will. 4. c. 41.	The Special Constables Act 1831.	The whole Act.

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

Chapter	Short title	Extent of repeal
5 & 6 Will. 4. c. 43.	The Special Constables Act 1835.	The whole Act.
1 & 2 Vict. c. 80.	The Special Constables Act 1838.	The whole Act.
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	Section 5. Sections 8 and 9. Sections 14 to 18.
2 & 3 Vict. c. xciv.	The City of London Police Act 1839.	In section 9, the words from " shall be sworn " to " made, and " Section 13. In section 14, the words from " and shall from time to time " to the end. Sections 15 to 17. Sections 19 and 24.
2 & 3 Vict. c. 93.	The County Police Act 1839.	The whole Act.
3 & 4 Vict. c. 88.	The County Police Act 1840.	The whole Act.
5 & 6 Vict. c. 109.	The Parish Constables Act 1842.	The whole Act.
10 & 11 Vict. c. 89.	The Town Police Clauses Act 1847.	Sections 6 to 14. Sections 16 and 20.
Vict. c. cx.	The Tyne Improvement Act 1852.	In section 28, the words from " and every such Police Constable " to " respecting the Constables to be appointed in pursuance of that Act" and the words from " shall, upon the said River" to " made, and ".
19 & 20 Vict. c. 69.	The County and Borough Police Act 1856.	The whole Act.
19 & 20 Vict. c. xvii.	The Cambridge Award Act 1856.	Sections 51 to 55.
20 Vict. c. 2.	The County Police Act 1857.	The whole Act.
22 & 23 Vict. c. 32.	The County and Borough Police Act 1859.	The whole Act.
23 & 24 Vict. c. 135.	The Metropolitan Police Act 1860.	The whole Act, except as applied by the Special Constables Act 1923.

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

Chapter	Short title	Extent of repeal
24 & 25 Vict. c. 51.	The Metropolitan Police Act 1861.	The whole Act.
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	In section 38, the words from " or shall assault, resist " to " such officer,".
34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act 1871.	Section 2. The Schedule.
34 & 35 Vict. c. 96.	The Pedlars Act 1871.	In section 3, the definitions of " police district " and " chief officer of police ". Schedule 1.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	Section 12. In section 20, the definitions of " police district " and " chief officer of police ".
35 & 36 Vict. c. 92.	The Parish Constables Act 1872.	The whole Act.
38 & 39 Vict. c. 17.	The Explosives Act 1875.	Section 107.
38 & 39 Vict. c. 28.	The Metropolitan Police Staff (Superannuation) Act 1875.	In section 2 the words from " Where any superannuation " to the end.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	Part IX except section 193. In Schedule 5, in Part II, paragraph 5.
46 & 47 Vict. c. 34.	The Cheap Trains Act 1883.	In section 8, the definitions of " police force " and " police authority ".
46 & 47 Vict. c. 44.	The Borough Constables Act 1883.	The whole Act.
47 & 48 Vict. c. 58.	The Prosecution of Offences Act 1884.	Section 4.
48 & 49 Vict. c. 75.	The Prevention of Crimes Amendment Act 1885.	The whole Act.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	In section 5, in subsection (1), the words from " and the amount " to the end; and subsections (2) and (4). Section 8. Schedule 1.

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

Chapter	Short title	Extent of repeal
51 & 52 Vict. c. 41.	The Local Government Act 1888.	In section 3 in paragraph (iv) the words " lock-up houses " and " police stations ", and paragraph (xiv). Section 9. Section 30. Section 34(3)(c). Section 66. In section 78(1) the words " either alone or jointly with the quarter sessions ". Section 81(7) and (8). Section 93.
53 & 54 Vict. c. 45.	The Police Act 1890.	The whole Act.
53 & 54 Vict. c. 59.	The Public Health Acts Amendment Act 1890.	In section 51, in paragraph 13, the definitions of " police district" and " chief officer of police".
55 & 56 Vict. c. 38.	The Police Returns Act 1892.	The whole Act.
6 Edw. 7. c. 32.	The Dogs Act 1906.	Section 3(10).
9 Edw. 7.c. 30.	The Cinematograph Act 1909.	Section 2(6).
10 Edw. 7 & 1 Geo. 5. c. 13.	The Police (Weekly Rest-Day) Act 1910.	The whole Act.
4 & 5 Geo. 5. c. 34.	The Police Reservists (Allowances) Act 1914.	Section 1(5).
4 & 5 Geo. 5. c. 61.	The Special Constables Act 1914.	The whole Act.
6 & 7 Geo. 5. c. 50.	The Larceny Act 1916.	In section 46(1), in the definition of " chief officer of police ", paragraphs (a), (b) and (c).
9 & 10 Geo. 5. c. 84.	The County and Borough Police Act 1919.	The whole Act.
10 & 11 Geo. 5. c. clxxiii.	The Port of London (Consolidation) Act 1920.	Section 286.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act 1921.	Section 30. Schedule 3.
13 & 14 Geo. 5. c. 11.	The Special Constables Act 1923.	Sections 1 and 2.

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

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Chapter	Short title	Extent of repeal
21 & 22 Geo. 5. c. 45.	The Local Government (Clerks) Act 1931.	Section 5(4). In section 15 the definition of " Joint committee ".
22 & 23 Geo. 5. c. xxxvii.	The Thames Conservancy Act 1932.	Section 98.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	In section 107(1), the definition of " police authority ".
23 & 24 Geo. 5. c. 51.	The Local Government Act 1933.	Section 157(2). In section 159(1) the words from " including " to the end. In section 305 the definition of " Standing joint committee ".
1 Edw. 8 and 1 Geo. 6. c. 6.	The Public Order Act 1936.	In section 9(1), the definition of " chief officer of police ".
1 Edw. 8 and 1 Geo. 6. c. 12.	The Firearms Act 1937.	In section 32(1), in the definition of " area " the words from " as denned" to the end, and the definition of " chief officer of police ".
2 & 3 Geo. 6. c. 44.	The House to House Collections Act 1939.	In section 11(1) the definitions of " police area ", " police authority " and " chief officer of police ".
2 & 3 Geo. 6. c. 103.	The Police and Firemen (War Service) Act 1939.	In section 10(3), the definition of " chief officer of a police force ". In section 14, in the definitions of " appropriate authority " and " constable " the words " within the meaning of the Police Pensions Act 1921 ".
8 & 9 Geo. 6. c. 11.	The Police (His Majesty's Inspectors of Constabulary) Act 1945.	The whole Act.
9 & 10 Geo. 6. c. 46.	The Police Act 1946.	The whole Act.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act 1946.	In Schedule 4, the entry relating to the Police Act 1946.

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Chapter	Short title	Extent of repeal
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	In section 78, the words within the meaning of the Police Pensions Act 1921 ".
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	In section 38(1), the definitions of " chief officer of police ", "police area", "police authority" and "police force ".
12, 13 & 14 Geo. 6. c. 5.	The Civil Defence Act 1948.	In section 3(3), the words from " that is to say " to the end.  In section 9(1), the definition of " police force ".
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949.	In Schedule 6, paragraph 8(4).
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	Section 87(3)(a).
14 Geo. 6. c. 21.	The Miscellaneous Financial Provisions Act 1950.	Section 3.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 84(4) the definition of " police area " and " police force ".
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 23(1) the definition of " police force " and, in the definition of " relevant police authority" the words from " maintained " to " other police force " and the words " (within the meaning of the Police Pensions Act 1921) ".  In Schedule 2, in Part I, in paragraph 4, in column 2, the words from the beginning to " any other police force " and the words " (within the meaning of the Police Pensions Act 1921)".
15 & 16 Geo. 6 and 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In section 109(6) the words from " the expression ' police authority ' " to " 1921; and ".
5 & 6 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act 1956.	Section 1(1)(a).
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	In Schedule 8, paragraph 18.

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Chapter	Short title	Extent of repeal
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 202(3).  In section 257(1) the definition of " chief officer of police ".
8 & 9 Eliz. 2. c. 63.	The Road Traffic and Roads Improvement Act 1960.	In section 2, in subsection (8) the words from " and any proceedings " to the end, and in subsection (10) the words from " and" to "to those expenses ".
1963 c. 2.	The Betting, Gaming and Lotteries Act 1963.	In Schedule 2, paragraph 1(5), paragraph 3(1) and in paragraph 3(2) the word "other".  In Schedule 3, in paragraph 1(b), the words " except in sub-paragraph 5(b) of the said paragraph 1."

## PART II

### REPEALS EXTENDING TO SCOTLAND

Chapter	Short Title	Extent of repeal
4 & 5 Geo. 5. c. 44.	The Metropolitan Police (Employment in Scotland) Act 1914.	The whole Act, except as applied by the Special Constables Act 1923.
9 & 10 Geo. 5. c. 46.	The Police Act 1919.	The whole Act.
11 & 12 Geo. 5. c. 31.	The Police Pensions Act 1921.	The whole Act except sections 10 and 30 and Schedule 3.
13 & 14 Geo. 5. c. 11.	The Special Constables Act 1923.	In section 5 the words from " and the " to the end.
17 & 18 Geo. 5. c. 19.	The Police (Appeals) Act 1927.	The whole Act except in relation to any punishment imposed before the commencement of this Act.
6 & 7 Geo. 6. c. 8.	The Police (Appeals) Act 1943.	The whole Act except in relation to any punishment imposed before the commencement of this Act.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	Section 13.



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Chapter	Short Title	Extent of repeal
4 & 5 Eliz. 2. c. 26.	The Police (Scotland) Act 1956.	In section 1, subsections (2), (3), (4) and (7). Section 10(3).
7 & 8 Eliz. 2. c. 38.	The Police Federation Act 1959.	The whole Act.
9 & 10 Eliz. 2. c. 51.	The Police Federation Act 1961.	The whole Act.
10 & 11 Eliz. 2. c. 25.	The Police Federations Act 1962.	The whole Act.

## 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 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.
- 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.

#### *Superannuation*

- 3 Paragraph 5 of Schedule 4 to this Act shall apply in relation to—
- (a) any officer or servant who is transferred by virtue of paragraph 1(a) of this Schedule, and
  - (b) any police cadet in respect of whom superannuation functions are transferred by virtue of section 17(3) of this Act,
- as it applies in relation to the persons mentioned in sub-paragraph (1) of that paragraph, and as if references in that paragraph to the date of transfer were references to the date on which those officers or servants, or those functions, are so transferred, as the case may be.
- 4 (1) Where, for the purposes of any such statutory provision as is mentioned in sub-paragraph (2) of the said paragraph 5, the previous police authority for a police area

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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,

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 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.
- 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.

#### *Consolidation agreements*

- 7 Any consolidation agreement made under section 14 of the County Police Act 1840 (consolidation of borough police forces with county police forces) which is in force at the commencement of this Act by virtue of section 12 of the Police Act 1946 shall continue in force unless and until it ceases to have effect or is determined under the following paragraphs of this Schedule or under the Local Government Act 1958.
- 8 An amalgamation scheme may be made under Part I of this Act for the amalgamation for police purposes of the areas of a county borough and a county, notwithstanding that those areas are subject to a consolidation agreement, as if they

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were separate police areas ; and any such scheme may determine the consolidation agreement as from such date as may be specified in the scheme, and may make provision for any purpose for which provision may be made by a scheme revoking an amalgamation scheme.

- 9 In relation to any amalgamation scheme made under the said Part I in respect of a police area which, by virtue of a consolidation agreement, includes the area of a county borough (including any such scheme as is authorised by paragraph 8 above), any reference in the said Part I to a constituent council shall be construed as including a reference to the council of the borough.
- 10 A consolidation agreement may, with the approval of the Secretary of State, be determined by agreement between the police authority for the county and the council of the county borough to which it applies ; and any agreement made for that purpose may make provision for any purpose for which provision may be made by a scheme revoking an amalgamation scheme under Part I of this Act and the provisions of Schedule 4 to this Act shall apply, subject to any necessary modifications, in relation to any such agreement as they apply in relation to any such scheme.

*Street collections and house to house collections*

- 11 Where, immediately before the commencement of this Act, the functions of a police authority under section 5 of the Police, Factories, &c. (Miscellaneous Provisions) Act 1916 or under the House to House Collections Act 1939 were vested in the watch committee of a borough by virtue of paragraph 4 of Schedule 3 to the Police Act 1946, those functions shall be transferred to the council of that borough and shall, unless and until the Secretary of State otherwise directs, be exercised by the council in consultation with the police authority for the police area in which the borough is situated.
- 12 Where, immediately before the commencement of this Act, the watch committee of a county borough was exercising any such functions as aforesaid under a consolidation agreement, those functions shall be transferred to the council of the county borough.
- 13 (1) Any amalgamation scheme approved or made under the Police Act 1946 which contains provisions authorising or requiring any such functions as aforesaid to be delegated to the watch committee of a borough, to the standing joint committee of the quarter sessions for a county and a county council, or to the joint police committee for the Isles of Scilly, shall have effect as if it authorised or required those functions to be delegated to the council of the borough, the council of the county, or the Council of the Isles of Scilly, as the case may be.
- (2) Any functions which are delegated to a council by virtue of this paragraph may be delegated by that council to a committee of the council.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Metropolitan Police Act 1839	2 & 3 Vict. c. 47.
City of London Police Act 1839	2 & 3 Vict. c. xciv.
County Police Act 1840	3 & 4 Vict. c. 88.

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Short Title	Session and Chapter
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Juries Act 1870	33 & 34 Vict. c. 77.
Riot (Damages) Act 1886	49 & 50 Vict. c. 38.
Police Act 1890	53 & 54 Vict. c. 45.
Police, Factories, &c. (Miscellaneous Provisions) Act 1916	6 & 7 Geo. 5. c. 31.
Special Constables Act 1923	13 & 14 Geo. 5. c. 11.
Children and Young Persons Act 1933	23 & 24 Geo. 5. c. 12.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Firearms Act 1937	1 Edw. 8 & 1 Geo. 6. c. 12.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6. c. 68.
House to House Collections Act 1939	2 & 3 Geo. 6. c. 44.
Police (Overseas Service) Act 1945	9 & 10 Geo. 6. c. 17.
Police Act 1946	9 & 10 Geo. 6. c. 46.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6. c. 49.
Local Government (Scotland) Act 1947	10 & 11 Geo. 6. c. 43.
Police Pensions Act 1948	11 & 12 Geo. 6. c. 24.
Superannuation (Miscellaneous Provisions) Act 1948	11 & 12 Geo. 6. c. 33.
Justices of the Peace Act 1949	12, 13 & 14 Geo. 6. c. 101.
Local Government (Miscellaneous Provisions) Act 1953	1 & 2 Eliz. 2. c. 26.
Police (Scotland) Act 1956	4 & 5 Eliz. 2. c. 26.
Local Government Act 1958	6 & 7 Eliz. 2. c. 55
National Insurance Act 1959	7 & 8 Eliz. 2. c. 47.
Road Traffic and Roads Improvement Act 1960	8 & 9 Eliz. 2. c. 63.
Betting, Gaming and Lotteries Act 1963	1963. c. 2.
London Government Act 1963	1963. c. 33.