



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

An Act to make provision about police areas, police forces and police authorities; to make provision for England and Wales about magistrates' courts committees, justices' clerks and administrative and financial arrangements for magistrates' courts; and for connected purposes. [21st July 1994]

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:—

### Commencement Information

II Act partly in force at Royal Assent see s. 94.

## PART I

### POLICE

#### CHAPTER I

#### PRINCIPAL AMENDMENTS OF POLICE ACT 1964

##### *Police areas*

### 1 Police areas.

(1) For section 1 of the 1964 Act there shall be substituted—

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**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## *“ Police areas*

### **1 Police areas.**

- (1) England and Wales shall be divided into police areas.
  - (2) The police areas referred to in subsection (1) of this section shall be—
    - (a) those listed in Schedule 1A to this Act (subject to any amendment made to that Schedule by an order under section 21 or 21A of this Act, section 58 of the <sup>M1</sup>Local Government Act 1972, or section 17 of the <sup>M2</sup>Local Government Act 1992), together with
    - (b) the City of London police area and the metropolitan police district.
  - (3) References in Schedule 1A to any local government area are to that area as it is for the time being, but excluding any part of it within the metropolitan police district.”
- (2) For Schedule 1 to the 1964 Act there shall be substituted (as Schedule 1A) the Schedule set out in Schedule 1 to this Act.

#### **Commencement Information**

**I2** S. 1 wholly in force at 1.4.1995; s. 1 not in force at Royal Assent, see s. 94(1); s. 1 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(a); s. 1 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### **Marginal Citations**

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

## *Forces outside London*

### **2 Police forces and police authorities.**

For sections 2, 2A and 3 of the 1964 Act there shall be substituted—

## *“ Forces outside London*

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

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

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

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

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

#### Commencement Information

- I3** S. 2 wholly in force at 1.4.1995; s. 2 not in force at Royal Assent, see. s. 94(1); s. 2 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(b); s. 2 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(3)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

### 3 Membership of police authorities etc.

- (1) After section 3 of the 1964 Act there shall be inserted—

#### “3A Membership of police authorities etc.

- (1) Subject to subsection (2) of this section, each police authority established under section 3 of this Act shall consist of seventeen members.
- (2) The Secretary of State may by order provide in relation to a police authority specified in the order that the number of its members shall be a specified odd number greater than seventeen.
- (3) A statutory instrument containing an order made under subsection (2) of this section shall be laid before Parliament after being made.
- (4) Schedules 1B and 1C to this Act shall have effect in relation to police authorities established under section 3 and the appointment of their members.

#### 3B Reductions in size of police authorities.

- (1) This section applies to any order under subsection (2) of section 3A of this Act which varies or revokes an earlier order so as to reduce the number of a police authority's members.
- (2) Before making an order to which this section applies, the Secretary of State shall consult—
  - (a) the authority,
  - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 1B to this Act, and
  - (c) any panel (or magistrates' courts committee) which is responsible, or is represented on a joint committee which is responsible, for the appointment of members of the authority.
- (3) An order to which this section applies may include provision as to the termination of the appointment of the existing members of the authority and the making of new appointments or re-appointments.”

- (2) After Schedule 1A to the 1964 Act there shall be inserted (as Schedules 1B and 1C) the Schedules set out in Schedule 2 to this Act.

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#### Commencement Information

- I4** S. 3 wholly in force at 1.4.1995; s. 3 in force for certain purposes at Royal Assent; see s. 94(3); s. 3 in force for certain purposes (8.8.1994) by S.I. 1994/2025, **art. 4(1)(2)(c)**; s. 3 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, **art. 4(1)**, **Sch.** (as amended (14.3.1995) by S.I. 1995/246, **art. 2(3)**)

## 4 Functions of police authorities.

For section 4 of the 1964 Act there shall be substituted—

### “4 General functions of police authorities.

- (1) It shall be the duty of every police authority established under section 3 of this Act to secure the maintenance of an efficient and effective police force for its area.
- (2) In discharging its functions, every police authority established under section 3 of this Act shall have regard to—
  - (a) any objectives determined by the Secretary of State under section 28A of this Act,
  - (b) any objectives determined by the authority under section 4A,
  - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B or otherwise, and
  - (d) any local policing plan issued by the authority under section 4B.
- (3) In discharging any function to which a code of practice issued under section 28C of this Act relates, a police authority established under section 3 of this Act shall have regard to the code.
- (4) A police authority shall comply with any direction given to it by the Secretary of State under section 28B or 28D of this Act.

### 4A Local policing objectives.

- (1) Every police authority established under section 3 of this Act shall, before the beginning of each financial year, determine objectives for the policing of the authority's area during that year.
- (2) Objectives determined under this section may relate to matters to which objectives determined under section 28A of this Act also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (3) Before determining objectives under this section a police authority shall—
  - (a) consult the chief constable for the area, and
  - (b) consider any views obtained by it in accordance with arrangements made under section 106 of the <sup>M3</sup>Police and Criminal Evidence Act 1984 (arrangements for obtaining the views of the community on policing).

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#### **4B Local policing plans.**

- (1) Every police authority established under section 3 of this Act shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the policing of the authority's area during the year ("the local policing plan").
- (2) The local policing plan shall include a statement of the authority's priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
  - (a) any objectives determined by the Secretary of State under section 28A of this Act,
  - (b) any objectives determined by the authority under section 4A, and
  - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B or otherwise.
- (3) A draft of the local policing plan shall be prepared by the chief constable for the area and submitted by him to the authority for it to consider.
- (4) Before issuing a local policing plan which differs from the draft submitted by the chief constable under subsection (3) of this section, a police authority shall consult the chief constable.
- (5) A police authority shall arrange for the local policing plan to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to the Secretary of State.

#### **4C Annual reports by police authorities.**

- (1) As soon as possible after the end of each financial year every police authority established under section 3 shall issue a report relating to the policing of the authority's area for the year.
- (2) A report issued under this section for any year by a police authority shall include an assessment of the extent to which the local policing plan for that year has been carried out.
- (3) A police authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to the Secretary of State."

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#### **Commencement Information**

- I5** S. 4 wholly in force at 1.4.1995; s. 4 not in force at Royal Assent, see s. 94(1); s. 4 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(a)(3)-(6); s. 4 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provision in art. 4(2)) (which S.I. was amended (14.3.1995) by S.I. 1995/246, art. 2(2)(3))
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#### **Marginal Citations**

- M3** 1984 c. 60.

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## 5 Chief constables.

For section 5 of the 1964 Act there shall be substituted—

### “5 General functions of chief constables.

- (1) A police force maintained under section 2 of this Act shall be under the direction and control of the chief constable appointed under section 5A.
- (2) In discharging his functions, every chief constable shall have regard to the local policing plan issued by the police authority for his area under section 4B of this Act.

### 5A Appointment and removal of chief constables.

- (1) The chief constable of a police force maintained under section 2 of this Act shall be appointed by the police authority responsible for maintaining the force, but subject to the approval of the Secretary of State and to regulations under Part II of this Act.
- (2) Without prejudice to any regulations under Part II of this Act or under the <sup>M4</sup>Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (3) Before seeking the approval of the Secretary of State under subsection (2) of this section, the police authority shall give the chief constable an opportunity to make representations and shall consider any representations that he makes.
- (4) A chief constable who is called upon to retire under subsection (2) of this section shall retire on such date as the police authority may specify or on such earlier date as may be agreed upon between him and the authority.”

#### Marginal Citations

M4 1976 c. 35.

## 6 Deputy and assistant chief constables.

For section 6 of the 1964 Act there shall be substituted—

### “6 Assistant chief constables.

- (1) The ranks that may be held in a police force maintained under section 2 of this Act shall include that of assistant chief constable (but not that of deputy chief constable); and in every such police force there shall be at least one person holding that rank.
- (2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under 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.

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- (3) Subsections (2), (3) and (4) of section 5A of this Act shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall after consulting his police authority designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—
  - (a) during any absence, incapacity or suspension from duty of the chief constable, or
  - (b) during any vacancy in the office of chief constable.
- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) of this section at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- (6) The provisions of subsection (4) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.”

## 7 Other members of police forces.

In section 7 of the 1964 Act (other members of police forces) in subsection (1)—

- (a) for the words “section 1” there shall be substituted the words “ section 2 ”,
- (b) the words “, deputy chief constable” shall be omitted, and
- (c) after the word “superintendent” there shall be inserted the words “, chief inspector ”.

## 8 Police fund.

For section 8 of the 1964 Act (financial provisions) there shall be substituted—

### “8 Police fund.

- (1) Each police authority established under section 3 of this Act shall keep a fund to be known as the police fund.
- (2) Subject to any regulations under the <sup>M5</sup>Police Pensions Act 1976, all receipts of the police authority shall be paid into the police fund and all expenditure of the authority shall be paid out of that fund.
- (3) Accounts shall be kept by each police authority of payments made into or out of the police fund.”

### Commencement Information

- I6** S. 8 wholly in force at 1.4.1995; s. 8 not in force at Royal Assent, see s. 94(1); s. 8 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(b)(3)-(6); s. 8 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(4)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

### Marginal Citations

- M5** 1976 c. 35.

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## 9 Supply of goods and services.

After section 8 of the 1964 Act there shall be inserted—

### “8A Supply of goods and services.

Subsections (1) to (3) of section 1 of the <sup>M6</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) shall apply to a police authority established under section 3 of this Act as they apply to a local authority, except that in their application to a police authority the references in those subsections to a public body shall be read as references to any person.”

#### Marginal Citations

**M6** 1970 c. 39.

## 10 Civilian employees.

For section 10 of the 1964 Act there shall be substituted—

### “10 Civilian employees.

- (1) A police authority established under section 3 of this Act may employ persons to assist the police force maintained by it or otherwise to enable the authority to discharge its functions.
- (2) A police authority shall exercise its powers under section 101 (and section 107) of the <sup>M7</sup>Local Government Act 1972 so as to secure that, subject to subsection (3) of this section, any person employed by the authority under this section is under the direction and control of the chief constable of the police force maintained by the authority.
- (3) Subsection (2) of this section shall not apply to such of the persons employed by the authority as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (4) The powers of direction and control referred to in subsection (2) of this section include the powers of engagement and dismissal.”

#### Commencement Information

**I7** S. 10 wholly in force at 1.4.1995; s. 10 not in force at Royal Assent, see s. 94(1); s. 10 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(b)(3)-(6); s. 10 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M7** 1972 c. 70.



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## 11 Appointment of officers.

After section 10 of the 1964 Act there shall be inserted—

### “10A Appointment of clerk.

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

### 10B Appointment of persons not employed by police authorities.

Where a police authority established under section 3 of this Act is required or authorised by any Act—

- (a) to appoint a person to a specified office under the authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the authority may appoint or designate either a person employed by the authority under section 10 of this Act, or a person not holding any office or employment under the authority.”

#### Commencement Information

- 18** S. 11 wholly in force at 1.4.1995; s. 11 not in force at Royal Assent, see s. 94(1); s. 11 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(b)(3)-(6); s. 11 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

## 12 Questions by local councillors.

For section 11 of the 1964 Act (questions on police matters by members of constituent councils) there shall be substituted—

### “11 Questions on police matters at council meetings.

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

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### *General*

## 13 Provision of advice and assistance to international organisations etc.

After section 15 of the 1964 Act there shall be inserted—

### “15A Provision of advice and assistance to international organisations etc.

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
  - (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief officer of police for its area.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a member of the police force maintained by the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) of this section may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
  - (a) making a grant or loan,
  - (b) giving a guarantee or indemnity, or
  - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice or assistance provided by it under this section.
- (7) In its application in relation to the metropolitan police this section shall apply—
  - (a) as if the power conferred by subsection (1) were conferred on the Commissioner of Police of the Metropolis (and accordingly as if the references in subsections (1)(b) and (2) to a police authority were omitted), and
  - (b) as if in subsection (6) the reference to a police authority were a reference to the Receiver for the Metropolitan Police District.
- (8) The provisions of this section are without prejudice to the <sup>M8</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M9</sup>Overseas Development and Co-operation Act 1980.”

#### Marginal Citations

- M8** 1945 c. 17.  
**M9** 1980 c. 63.

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## 14 Alteration of police areas.

For section 21 of the 1964 Act there shall be substituted—

### “21 Power to alter police areas by order.

- (1) The Secretary of State may by order make alterations in police areas in England and Wales other than the City of London police area.
- (2) The alterations that may be made by an order under subsection (1) of this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the abolition of the metropolitan police district.
- (3) The Secretary of State shall not exercise his power under subsection (1) of this section to make alterations unless either—
  - (a) he has received a request to make the alterations from the police authority for each of the areas (other than the metropolitan police district) affected by them, or
  - (b) it appears to him to be expedient to make the alterations in the interests of efficiency or effectiveness.
- (4) The Secretary of State shall exercise his power to make orders under this section in such a way as to ensure that none of the following areas—
  - (a) a county in which there are no district councils,
  - (b) a district in any other county,
  - (c) a county borough in Wales, and
  - (d) a London borough,is divided between two or more police areas.
- (5) Subsection (4) shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it exists at the commencement of section 1 of the Police and Magistrates' Courts Act 1994.

### 21A Alteration of Welsh police areas on local government reorganisation.

- (1) The Secretary of State shall by order made before 1st April 1996 make such alterations to police areas in Wales as he considers necessary or expedient in connection with the reorganisation of local government in Wales taking place on that date.
- (2) The alterations that may be made by an order under subsection (1) of this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the division of any county or county borough between two or more police areas.
- (3) The Secretary of State shall make an order under subsection (1) of this section only after he has consulted every body within the following paragraphs which is in existence when the order is made—
  - (a) the police authorities established under section 3 of this Act for the police areas altered by the order;
  - (b) the police authorities which are to be superseded by the police authorities mentioned in paragraph (a) of this subsection;

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- (c) the county councils which—
    - (i) are the councils of counties wholly or partly within the police areas altered by the order, and
    - (ii) are to cease to exist on 1st April 1996 by virtue of the <sup>M10</sup>Local Government (Wales) Act 1994;
  - (d) the councils of the counties and county boroughs established by virtue of that Act which are wholly or partly within the police areas altered by the order;
- and such other persons as he considers appropriate.

### **21B Objections to alterations proposed by Secretary of State.**

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

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### **21C Orders altering police areas: supplementary provisions.**

- (1) The power to make orders under section 21 or 21A of this Act includes power to make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient, including—
  - (a) provision as to the membership of a police authority;
  - (b) provision for the transfer of property, rights and liabilities;
  - (c) provision for the transfer of members of police forces and other persons;
  - (d) provision as to pending legal proceedings.
- (2) Without prejudice to subsection (1) of this section, the power to make orders under section 21 or 21A of this Act includes power—
  - (a) to amend Schedule 1A to this Act and section 76 of the <sup>M11</sup>London Government Act 1963 (extent of metropolitan police district), and
  - (b) to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order.
- (3) No order shall be made under section 21 of this Act by virtue of paragraph (b) of subsection (3) of that section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (4) An order to which subsection (3) of this section applies, and which would apart from this subsection be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, shall proceed in that House as if it were not such an instrument.
- (5) A statutory instrument containing an order under section 21 or 21A of this Act, other than an order to which subsection (3) of this section applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### **Commencement Information**

**I9** S. 14 wholly in force at 1.4.1995; s. 14 not in force at Royal Assent, see s. 94(1); s. 14 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(a); s. 14 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### **Marginal Citations**

**M10** 1994 c. 19.  
**M11** 1963 c. 33.

## **15 Functions of Secretary of State.**

After section 28 of the 1964 Act there shall be inserted—

### **“28A Setting of objectives for police authorities.**

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

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- (2) Before making an order under this section the Secretary of State shall consult—
  - (a) persons whom he considers to represent the interests of police authorities established under section 3 of this Act, and
  - (b) persons whom he considers to represent the interests of chief constables of forces maintained by those authorities.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

### **28B Setting of performance targets.**

- (1) Where an objective has been determined under section 28A of this Act, the Secretary of State may direct police authorities to establish levels of performance ("performance targets") to be aimed at in seeking to achieve the objective.
- (2) A direction under this section may be given to all police authorities established under section 3 of this Act or to one or more particular authorities.
- (3) A direction given under this section may impose conditions with which the performance targets must conform, and different conditions may be imposed for different authorities.
- (4) The Secretary of State shall arrange for any direction given under this section to be published in such manner as he thinks fit.

### **28C Codes of practice.**

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 of this Act of any of their functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

### **28D Power to give directions to police authorities after adverse reports.**

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 38 of this Act of any police force maintained under section 2 of this Act.
- (2) Where a report made to the Secretary of State under section 38 of this Act on an inspection carried out for the purposes of this section states—
  - (a) that, in the opinion of the person making the report, the force inspected is not efficient or not effective, or
  - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient or will cease to be effective,

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

#### Commencement Information

**I10** S. 15 wholly in force at 1.4.1995; s. 15 not in force at Royal Assent, see s. 94(1); s. 15 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(c)(3)-(6); s. 15 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

### 16 Reports from police authorities.

After section 29 of the 1964 Act there shall be inserted—

#### “29A Reports from police authorities.

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

#### Commencement Information

**I11** S. 16 wholly in force at 1.4.1995; s. 16 not in force at Royal Assent, see s. 94(1); s. 16 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(d)(3)-(6); s. 16 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

### 17 Police grant and other grants.

For section 31 of the 1964 Act there shall be substituted—

#### “31 Police grant.

- (1) Subject to the following provisions of this section, the Secretary of State shall for each financial year make grants for police purposes to—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District;and in those provisions references to police authorities shall be taken as including references to the Receiver.
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—

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

### **31A Grants for capital expenditure.**

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

### **31B Grants for expenditure on safeguarding national security.**

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes by—



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

#### Commencement Information

**I12** S. 17 wholly in force at 1.11.1994; s. 17 not in force at Royal Assent, see s. 94(1); s. 17 in force (1.11.1994, for the purposes of any financial year beginning on or after 1.4.1995) by S.I. 1994/2025, art. 7(1)(2)(a)

## 18 Regulations for police forces.

- (1) Section 33 of the 1964 Act (regulations for the administration etc. of police forces) shall be amended as follows.
- (2) In subsection (2) (which lists certain matters with respect to which regulations may be made) for paragraph (e) (discipline) there shall be substituted—
  - “(e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;”.
- (3) After that subsection there shall be inserted—
  - “(3) Without prejudice to the powers conferred by this section, regulations under this section shall—
    - (a) establish, or make provision for the establishment of, procedures for cases in which a member of a police force may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, and
    - (b) make provision for securing that any case in which a senior officer may be dismissed or dealt with in any of the other ways mentioned in paragraph (a) of this subsection is decided—
      - (i) where he is an officer of the metropolitan police force, by the Commissioner of Police of the Metropolis, and
      - (ii) where he is an officer of any other force, by the police authority which maintains the force or by a committee of that authority.

For the purposes of this subsection “senior officer” means a member of a police force holding a rank above that of superintendent.

- (3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (3)(b) of this section,—
  - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers or other persons, or

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(b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.”

(4) After subsection (4) there shall be inserted—

“(4A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.”

(5) In subsection (5) the words “and may” onwards shall be omitted.

#### Commencement Information

**I13** S. 18 partly in force; s. 18 not in force at Royal Assent, see s. 94(1); s. 18 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 3(1)(2)(a)

## 19 Appeals against dismissal etc.

(1) For section 37 of the 1964 Act (disciplinary appeals to Secretary of State) there shall be substituted—

### “37 Appeals against dismissal etc.

- (1) A member of a police force who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (3) of section 33 of this Act may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to a police appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
  - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against, and
  - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents, and may, in particular, apply subsections (2) and (3) of section 250 of the <sup>M12</sup>Local Government Act 1972 with such modifications as may be set out in the rules.
- (5) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.
- (6) Schedule 5 to this Act shall have effect in relation to appeals under this section.”

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- (2) For Schedule 5 to the 1964 Act there shall be substituted the Schedule set out in Schedule 3 to this Act.

**Marginal Citations**

M12 1972 c. 70.

**20 Inspectors of constabulary.**

- (1) Section 38 of the 1964 Act (appointment and functions of inspectors of constabulary) shall be amended as follows.
- (2) In subsection (2) for the word “efficiency” onwards there shall be substituted the words “efficiency and effectiveness of, every police force maintained for a police area”.
- (3) In subsection (3) after the word “efficiency” there shall be inserted the words “and effectiveness”.

**21 Reports from inspectors of constabulary.**

After section 38 of the 1964 Act there shall be inserted—

**“38A Publication of reports.**

- (1) Subject to subsection (2) of this section, the Secretary of State shall arrange for any report received by him under section 38(2) of this Act to be published in such manner as he thinks fit.
- (2) The Secretary of State may exclude from publication under subsection (1) of this section any part of a report if, in his opinion, the publication of that part—
- (a) would be against the interests of national security, or
  - (b) might jeopardise the safety of any person.
- (3) The Secretary of State shall send a copy of the published report—
- (a) (except where he is himself the police authority) to the police authority maintaining the police force to which the report relates, and
  - (b) to the chief officer of police of that police force.
- (4) The police authority shall invite the chief officer of police to submit comments on the published report to the authority before such date as it may specify.
- (5) The police authority shall prepare comments on the published report and shall arrange for—
- (a) its comments,
  - (b) any comments submitted by the chief officer of police in accordance with subsection (4) of this section, and
  - (c) any response which the authority has to the comments submitted by the chief officer,
- to be published in such manner as the authority thinks fit.

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- (6) The police authority (except where it is the Secretary of State) shall send a copy of any document published under subsection (5) of this section to the Secretary of State.”

#### Commencement Information

**I14** S. 21 wholly in force at 1.4.1995; s. 21 not in force at Royal Assent, see s. 94(1); s. 21 in force (1.4.1995) by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(5)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

## 22 Assistant inspectors and staff officers.

In section 39 of the 1964 Act for subsection (1) (appointment of assistant inspectors of constabulary and staff officers) there shall be substituted—

“(1) The Secretary of State may appoint assistant inspectors of constabulary.

(1A) Members of a police force may be appointed by the Secretary of State to be assistant inspectors of constabulary or to be staff officers to the inspectors of constabulary.”

## 23 Common services.

For section 41 of the 1964 Act there shall be substituted—

### “41 Common services.

- (1) The Secretary of State may provide and maintain, or may contribute to the provision or maintenance of, such organisations, facilities and services as he considers necessary or expedient for promoting the efficiency or effectiveness of the police.
- (2) Charges may be made for the use of facilities and services provided by the Secretary of State (or by organisations provided or maintained by him) under subsection (1) of this section.
- (3) The Secretary of State may by regulations make provision for requiring all police forces in England and Wales to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under subsection (1) of this section) if he considers that it would be in the interests of the efficiency or effectiveness of the police for them to do so.
- (4) Before making regulations under this section, the Secretary of State shall consult—
  - (a) persons whom he considers to represent the interests of police authorities, and
  - (b) persons whom he considers to represent the interests of chief officers of police.”

## 24 Grants by local authorities.

Before section 54 of the 1964 Act there shall be inserted—

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**“53A Grants by local authorities.**

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

**25 Acceptance of gifts and loans.**

After section 53A of the 1964 Act there shall be inserted—

**“53B Acceptance of gifts and loans.**

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

**26 Police officers engaged on service outside their force.**

After section 53B of the 1964 Act there shall be inserted—

**“53C Police officers engaged on service outside their force.**

- (1) For the purposes of this section “relevant service” means—
  - (a) temporary service on which a person is engaged in accordance with arrangements made under section 15A(2) of this Act,
  - (b) central service (as defined in section 43(5) of this Act) on which a person is engaged with the consent of the appropriate authority,
  - (c) service the expenses of which are payable under section 1(1) of the <sup>M13</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
  - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or

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- (e) service pursuant to an appointment under section 10 of the <sup>M14</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 43 of this Act.
  - (3) Subject to subsections (4) to (7) of this section, a member of a police force engaged on relevant service shall be treated as if he were not a member of that force during that service; but, except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the <sup>M15</sup>Police Pensions Act 1976—
    - (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
    - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 33 of this Act fixing his rate of pay by reference to his length of service.
  - (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) to regulations made under the <sup>M16</sup>Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of <sup>M17</sup>the Police (Overseas Service) Act 1945.
  - (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
    - (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
    - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
  - (6) A member of a police force who—
    - (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section, or
    - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the <sup>M18</sup>Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
    - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or is required to resign as an alternative to dismissal,
 may be dealt with under regulations made in accordance with subsection (3) of section 33 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 37 of this Act shall apply accordingly.
  - (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—

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- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
- (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such other person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.”

#### Commencement Information

**I15** S. 26 wholly in force at 1.4.1995; s. 26 in force for certain purposes at Royal Assent, see s. 94(3)(c); s. 26 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M13** 1945 c. 17.

**M14** 1980 c. 63.

**M15** 1976 c. 35.

**M16** 1976 c. 35.

**M17** 1945 c. 17.

**M18** 1945 c. 17.

## CHAPTER II

### OTHER PROVISIONS ABOUT THE POLICE

#### *Financial provisions*

#### 27 Precepts.

- (1) In section 39 of the <sup>M19</sup>Local Government Finance Act 1992, in subsection (1) (list of major precepting authorities) for paragraphs (b) and (c) there shall be substituted—
  - “(b) a police authority established under section 3 of the <sup>M20</sup>Police Act 1964;”.
- (2) In section 54 of that Act (designation of authorities whose budget requirements are to be limited), in subsection (3) (classes of authorities to be treated on same principles) for paragraph (f) there shall be substituted—
  - “(f) police authorities established under section 3 of the <sup>M21</sup>Police Act 1964;”.

#### Commencement Information

**I16** S. 27 wholly in force at 1.11.1994; s. 27 not in force at Royal Assent, see s. 94(1); s. 27 in force (1.11.1994, for the purposes of any financial year beginning on or after 1.4.1995) by S.I. 1994/2025, art. 7(1)(2)(b)

#### Marginal Citations

**M19** 1992 c. 14.

**M20** 1964 c. 48.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
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**M21** 1964 c. 48.

## 28 Approval of decisions about precepts.

- (1) A police authority established under section 3 of the 1964 Act shall not—
- (a) issue a precept under section 40 of the <sup>M22</sup>Local Government Finance Act 1992, or
  - (b) make the calculations required by section 43 of that Act,
- except by a decision of the authority which complies with subsection (2) below.
- (2) A decision complies with this subsection only if the members approving it—
- (a) constitute at least half of the total membership at the time of the decision, and
  - (b) include more than half of the members (at that time) appointed under paragraph 2 of Schedule 1B to the 1964 Act (local authority appointees).

### Modifications etc. (not altering text)

- C1** S. 28(2)(b) applied (with modifications) (31.1.1995) by S.I. 1995/187, **art. 5(4)(a)**  
 S. 28(2)(b) applied (with modifications) (1.3.1995) by S.I. 1995/493, **art. 12(4)(a)** (with transitional provisions in **arts. 18-21**)  
 S. 28(2)(b) applied (with modifications) (8.3.1995) by S.I. 1995/610, **art. 11(4)(a)** (with transitional provisions in **arts. 15-18**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1769, **art. 4(4)(a)** (with transitional provisions in **arts. 9-12**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1770, **art. 6(4)(a)** (with transitional provisions in **arts. 15-19**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1771, **art. 4(4)(a)** (with transitional provisions in **arts. 9-11**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1772, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1773, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1774, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1775, **art. 4(4)(a)** (with transitional provisions in **arts. 9-11**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1776, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)  
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1779, **art. 6(4)(a)** (with transitional provisions in **arts. 10, 11**)  
 S. 28(2)(b) applied (with modifications) (11.12.1995) by S.I. 1995/2864, **art. 4(4)(a)**  
 S. 28(2)(b) applied (with modifications) (1.3.1996) by S.I. 1996/507, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)

### Commencement Information

- I17** S. 28 wholly in force at 1.11.1994; s. 28 not in force at Royal Assent, see s. 94(1); s. 28 in force (1.11.1994, for the purposes of any financial year beginning on or after 1.4.1995) by S.I. 1994/2025, **art. 7(1)(2)(c)**

### Marginal Citations

- M22** 1992 c. 14.



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**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
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## 29 Directions as to minimum budget.

- (1) The power of the Secretary of State to give directions under section 28D of the 1964 Act to a police authority established under section 3 of that Act shall include power to direct the authority that the amount of its budget requirement for any financial year (under section 43 of the <sup>M23</sup>Local Government Finance Act 1992) shall not be less than an amount specified in the direction.
- (2) The power exercisable by virtue of subsection (1) above, and any direction given under that power, are subject to any limitation imposed under Chapter V of Part I of the <sup>M24</sup>Local Government Finance Act 1992.
- (3) A direction shall not be given by virtue of subsection (1) above in relation to a financial year at any time after the end of the preceding December.
- (4) Where the Secretary of State gives a direction to a police authority under subsection (1) above any precept issued or calculation made by the authority under Part I of the <sup>M25</sup>Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

### Marginal Citations

- M23** 1992 c. 14.  
**M24** 1992 c. 14.  
**M25** 1992 c. 14.

## 30 Revenue accounts and capital finance.

In section 39 of the <sup>M26</sup>Local Government and Housing Act 1989, in subsection (1) (authorities to which provisions about revenue accounts and capital finance apply) for paragraph (j) there shall be substituted—

“(j) a police authority established under section 3 of the <sup>M27</sup>Police Act 1964;”.

### Commencement Information

- I18** S. 30 wholly in force at 1.4.1995; s. 30 not in force at Royal Assent, see s. 94(1); s. 30 in force at 15.3.1995 for certain purposes and otherwise 1.4.1995 by S.I. 1994/3262, art. 4(1)(6), Sch. (with transitional provisions in art. 4(6)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

### Marginal Citations

- M26** 1989 c. 42.  
**M27** 1964 c. 48.

## 31 Financial administration.

In section 111 of the <sup>M28</sup>Local Government Finance Act 1988, in subsection (2) (definition of “relevant authority” for the purposes of provisions regulating financial administration) for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the <sup>M29</sup>Police Act 1964;”.

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#### Commencement Information

**I19** S. 31 wholly in force at 1.4.1995; s. 31 not in force at Royal Assent see s. 94(1); s. 31 in force for certain purposes at 1.10.1994 by S.I. 1994/2025, art. 6(1)(2)(d)(3)–(6); s. 31 in force at 1.4.1995 insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M28** 1988 c. 41.  
**M29** 1964 c. 48.

### 32 Initial financing of new police authorities.

- (1) The Secretary of State may make grants to any police authority established under section 3 of the 1964 Act in respect of expenditure incurred (or to be incurred) by it at any time before the beginning of its first precepting year.
- (2) Without prejudice to any other powers to borrow, a police authority established under section 3 of the 1964 Act may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of meeting its expenditure before the beginning of its first precepting year.
- (3) The sums borrowed by an authority under this section shall not exceed such amount as the Secretary of State may determine, and shall be repaid before the end of its first precepting year.
- (4) In this section the “first precepting year” of a police authority is the financial year in which revenue is first received by it as a result of a precept issued by it under Part I of the <sup>M30</sup>Local Government Finance Act 1992.

#### Commencement Information

**I20** S. 32 partly in force; s. 32 not in force at Royal Assent, see s. 94(1); s. 32 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(d)(3)

#### Marginal Citations

**M30** 1992 c. 14.

### 33 Validation of past grants.

- (1) Any deductions made from grants under section 31 of the 1964 Act for any period ended after 31st March 1980 and before the passing of this Act on account of common services expenditure shall be deemed to have been made in accordance with that section and any order made under it.
- (2) In subsection (1) above “common services expenditure” means expenditure incurred by the Secretary of State under—
  - (a) section 41 (common services) of the 1964 Act, or
  - (b) section 44 (Police Federations) of that Act, or
  - (c) section 4 of the <sup>M31</sup>Police Act 1969 (Police Council for the United Kingdom) or section 1 of the <sup>M32</sup>Police Negotiating Board Act 1980.

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**Marginal Citations**

- M31** 1969 c. 63.  
**M32** 1980 c. 10.

*Complaints against and conduct of police officers*

**34 Reference of matters other than complaints to Complaints Authority.**

In section 88 of the <sup>M33</sup>Police and Criminal Evidence Act 1984 (references of matters other than complaints to the Complaints Authority), in paragraph (a) for the words “an offence against discipline” there shall be substituted the words “behaved in a manner which would justify disciplinary proceedings”.

**Marginal Citations**

- M33** 1984 c. 60.

**35 Steps to be taken after investigation of complaint.**

- (1) Section 90 of the <sup>M34</sup>Police and Criminal Evidence Act 1984 (steps to be taken after investigation: general) shall be amended as follows.
- (2) In subsection (3), paragraph (ii) and the word “and” immediately preceding it shall be omitted.
- (3) In subsection (4), paragraph (b) and the word “and” immediately preceding it shall be omitted.
- (4) In subsection (5)—
  - (a) for the words “Subject to section 91(1) below” there shall be substituted the words “In such cases as may be prescribed by regulations made by the Secretary of State”, and
  - (b) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons”.
- (5) Subsection (6) shall be omitted.
- (6) In subsection (7)—
  - (a) for the words “Subject to section 91(1) below” there shall be substituted the words “In such cases as may be prescribed by regulations made by the Secretary of State”, and
  - (b) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons”.
- (7) Subsection (8) shall be omitted.

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- (8) In subsection (9) for the words “the chief officer” onwards there shall be substituted the words “ then, if the chief officer is required by virtue of regulations under subsection (5) or (7) above to send the Authority a memorandum, he shall at the same time send them a copy of the complaint, or of the record of the complaint, and a copy of the report of the investigation ”.
- (9) In subsection (10)—
- (a) in paragraph (a) for the words “prefer disciplinary charges” onwards there shall be substituted the words “ bring disciplinary proceedings, it shall be his duty to bring and proceed with them; and ”, and
  - (b) in paragraph (b) for the words “preferred such charges” there shall be substituted the words “ brought such proceedings ”.

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**Marginal Citations**

**M34** 1984 c. 60.

**36 Powers of Complaints Authority as to disciplinary proceedings.**

- (1) Section 93 of the <sup>M35</sup>Police and Criminal Evidence Act 1984 (powers of Complaints Authority as to disciplinary charges) shall be amended as follows.
- (2) In subsection (1) for the words “preferred disciplinary charges” onwards there shall be substituted the words “ brought disciplinary proceedings or does not propose to do so, the Authority may recommend him to bring such proceedings ”.
- (3) In subsection (2) for the words “withdraw charges which he has preferred” there shall be substituted the words “ discontinue disciplinary proceedings that he has brought ”.
- (4) In subsection (3) for the words “prefer such charges” onwards there shall be substituted the words “ bring disciplinary proceedings, they may direct him to do so ”.
- (5) In subsection (5) for the words “prefer and proceed with charges specified in” there shall be substituted the words “ comply with ”.
- (6) For subsection (6) there shall be substituted—
 

“(6) The Authority may withdraw a direction given under this section.”
- (7) For subsections (7) and (8) there shall be substituted—
 

“(7) A chief officer shall—

  - (a) advise the Authority of what action he has taken in response to a recommendation or direction under this section, and
  - (b) furnish the Authority with such other information as they may reasonably require for the purpose of discharging their functions under this section.”

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**Marginal Citations**

**M35** 1984 c. 60.

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### 37 Repeal of certain provisions about discipline.

The following provisions of the <sup>M36</sup>Police and Criminal Evidence Act 1984 shall cease to have effect—

- (a) section 67(8) (failure to comply with a code of practice is a disciplinary offence);
- (b) section 92 (powers of Complaints Authority to direct reference of reports etc. to Director of Public Prosecutions);
- (c) section 94 (disciplinary tribunals);
- (d) section 97(4) (review of complaints procedure and reports by Complaints Authority);
- (e) section 101 (discipline regulations);
- (f) in section 104, subsections (1) and (2) (which prevent a police officer convicted or acquitted of a criminal offence being charged with an equivalent disciplinary offence).

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**Marginal Citations**

**M36** 1984 c. 60.

### 38 Saving for certain complaints procedures.

The amendment, by any provision of this Act, of Part IX of the <sup>M37</sup>Police and Criminal Evidence Act 1984 shall not affect any procedures established by virtue of section 96 of that Act (constabularies maintained by authorities other than police authorities) before the amendment comes into force.

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**Marginal Citations**

**M37** 1984 c. 60.

### *Reorganisation of local government*

### 39 Police areas in England: alterations under Local Government Act 1992.

- (1) The <sup>M38</sup>Local Government Act 1992 shall be amended as follows.
- (2) In section 14(5) (matters on which Local Government Commission to make recommendations) after paragraph (d) there shall be added— “ (e) whether, in connection with any recommended structural or boundary change, there should be any change in police areas (including any change resulting in a reduction or increase in the number of police areas) ”.
- (3) In section 15 (procedure on a review) in subsections (3)(c) and (4)(c) (duty to deposit draft and final recommendations with affected councils) after the word “council” there shall be inserted the words “ or police authority ”.
- (4) In section 17 (implementation of recommendations), in subsection (3)(g) for the words “and election” there shall be substituted the words “ , election and membership ”.
- (5) After subsection (5) of section 17 there shall be added—

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“(6) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that none of the following areas—

- (a) a county in which there are no district councils,
- (b) a district in any other county, and
- (c) a London borough,

is divided between two or more police areas; but this subsection shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it exists at the commencement of section 1 of the Police and Magistrates' Courts Act 1994.”

(6) In section 18, subsection (2) and paragraph (a) of subsection (4) shall cease to have effect.

(7) In section 19(2) (provision that may be made by regulations), in paragraph (a) after the words “local authority” in each place where they occur there shall be inserted the words “ or police authority ”.

#### Commencement Information

**I21** S. 39 wholly in force at 1.4.1995; s. 39 not in force at Royal Assent, see s. 94(1); s. 39(1)(4)-(7) in force (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(f); s. 39(2)(3) in force (1.4.1995) by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M38** 1992 c. 14.

## 40 Police areas in Wales: alterations under Local Government Act 1972.

(1) The <sup>M39</sup>Local Government Act 1972 shall be amended as follows.

(2) In section 54(1) (changes that may be proposed by Welsh Local Government Boundary Commission) after paragraph (e) there shall be added— “ (f) a change in police areas (including a change resulting in a reduction or increase in the number of police areas) in connection with a change in local government areas ”.

(3) In section 58 (implementation of Commission's reports) after subsection (3) there shall be inserted—

“(3A) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that no county or county borough is divided between two or more police areas.”

(4) In section 60 (procedure for reviews)—

- (a) in subsection (2)(a)(i) (duty to consult local authorities etc.) after the word “area” there shall be inserted the words “ and the police authority for any police area ”;
- (b) in subsection (2)(c) (duty to deposit documents with councils, etc.) after the words “principal council” there shall be inserted the words “ or police authority ”, and after the word “such” there shall be inserted the word “ principal ”;

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- (c) in subsection (5)(b) (further duty to deposit documents with councils, etc.) after the words "principal council" there shall be inserted the words " or police authority ", and after the word "such" there shall be inserted the word " principal ".
- (5) In section 67 (provision that may be made by orders), in subsection (5)(b) for the words "and election" there shall be substituted the words " , election and membership ".

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**Marginal Citations**

M39 1972 c. 70.

*Miscellaneous*

**41 Metropolitan police: assistant commissioners.**

In section 2 of the <sup>M40</sup>Metropolitan Police Act 1856 (power to appoint six assistant commissioners of police)—

- (a) the word "six", and  
(b) the words "and upon every vacancy" onwards,  
shall be omitted.

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**Marginal Citations**

M40 1856 c.2.

**42 Application of Firearms Act 1968 to civilian staff.**

In section 54 of the <sup>M41</sup>Firearms Act 1968 (application of Act to Crown servants) for subsection (3) (which provides that members of police forces are deemed to be in the service of Her Majesty) there shall be substituted—

- “(3) For the purposes of this section and of any rule of law whereby any provision of this Act does not bind the Crown, a person shall be deemed to be in the service of Her Majesty if he is—
- (a) a member of a police force, or  
(b) a person employed by a police authority who is under the direction and control of a chief officer of police.”

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**Marginal Citations**

M41 1968 c. 27.

**43 Application to police authorities of enactments relating to local authorities etc.**

Schedule 4 to this Act (which makes amendments relating to the application of enactments to police authorities, including amendments providing for them to be treated as local authorities for certain purposes) shall have effect.

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#### Commencement Information

**I22** S. 43 wholly in force at 1.4.1995; s. 43 not in force at Royal Assent, see s. 94(1); s. 43 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(e)(3)-(6); s. 43 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### 44 Minor and consequential amendments.

Schedule 5 to this Act (which makes minor and consequential amendments relating to the police) shall have effect.

#### Commencement Information

**I23** S. 44 partly in force; s. 44 in force for certain purposes at Royal Assent, see s. 94(3); s. 44 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(d); s. 44 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(h); s. 44 in force for certain purposes (31.12.1994) by S.I. 1994/3262, art. 3(1)(b) (with transitional provisions in art. 3(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); s. 44 in force for certain purposes (1.4.1995) by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); s. 44 in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with saving in art. 3)

#### 45 Application of certain provisions to new police authorities.

- (1) Any relevant legislative provision which, immediately before the passing of this Act, applied to police authorities constituted in accordance with section 2 of the 1964 Act shall, except where the context otherwise requires, apply in the same way to police authorities established under section 3 of the 1964 Act (as substituted by section 2 of this Act).
- (2) Subsection (1) above is subject to any provision to the contrary made by or under this Act.
- (3) For the purposes of subsection (1) above, a provision is a “relevant legislative provision” if it is a provision (other than a provision which applies only to specified police authorities) of an instrument which—
  - (a) was made before the passing of this Act under a public general Act, and
  - (b) is of a legislative character.

#### Commencement Information

**I24** S. 45 wholly in force at 1.4.1995; s. 45 not in force at Royal Assent, see s. 94(1); s. 45 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(f)(3)-(6); s. 45 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### 46 Interpretation of Part I.

In this Part of this Act “the 1964 Act” means the <sup>M42</sup>Police Act 1964.



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### Marginal Citations

M42 1964 c. 48.

## PART II

### POLICE (SCOTLAND)

#### 47 Constitution of police force.

(1) For section 3 of the 1967 Act there shall be substituted—

##### “3 Establishments of police forces

(1) A police force shall consist of a chief constable, regular constables and special constables.

(2) In subsection (1) above—

“regular constables” means constables (including probationary constables) to whom both pay and allowances are, by virtue of section 26 of this Act, payable; and “special constables” means constables to whom allowances only are so payable.”.

(2) In section 7 of that Act (assignment of ranks)—

(a) in subsection (1)—

(i) the words “, deputy chief constable” and “, chief superintendent and” shall be omitted; and

(ii) after the word “superintendent” there shall be inserted the words “, chief inspector, inspector, sergeant and constable.”; and

(b) subsection (2) shall be omitted.

(3) In section 8(1) (appointment of police cadets), the words “and subject to the approval of the police authority and the Secretary of State as to numbers” shall be omitted.

(4) In section 14(1) (extra policing of locality where works are being constructed), the words “(whether by the appointment of temporary constables or otherwise)” shall be omitted.

(5) In section 26(2)(d) (regulations as to retirement of certain constables), the words “or temporary” shall be omitted.

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### Commencement Information

**I25** S. 47 wholly in force at 1.4.1996; s. 47 not in force at Royal Assent, see s. 94(1); s. 47(2)(a) in force (1.4.1995) by S.I. 1995/492, art. 2, Sch. 1 (with transitional provisions in art. 4); s. 47(1)(2)(b)(4)(5) in force (13.12.1995) by S.I. 1995/3003, art. 2, Sch.; s. 47(3) in force (1.4.1996) by S.I. 1995/492, art. 3, Sch. 2 (with transitional provisions in art. 4)

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## 48 Deputy and assistant chief constables.

For sections 5 and 5A of the 1967 Act there shall be substituted—

### “5 Assistant chief constables.

- (1) The ranks that may be held in a police force maintained under section 1 of this Act shall include that of assistant chief constable (but not that of deputy chief constable); and in every such police force there shall be at least one person holding that rank.
- (2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under 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.
- (3) Subsections (4) to (7) of section 4 of this Act shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall, after consulting the police authority for the area for which his force is maintained, designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—
  - (a) during any absence, incapacity or suspension from duty of the chief constable, or
  - (b) during any vacancy in the office of chief constable.
- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) of this section at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- (6) The provisions of subsection (4) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.”

#### Commencement Information

**I26** S. 48 wholly in force at 1.4.1995; s. 48 not in force at Royal Assent, see s. 94(1); s. 48 in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 48 in force (1.4.1995) insofar as not already in force by S.I. 1995/492, art. 2, Sch. 1

## 49 Civilian employees.

For section 9 of the 1967 Act there shall be substituted—

### “9 Civilian employees.

- (1) A police authority may employ for the assistance of the constables of a police force maintained for their area, or otherwise to enable the authority to discharge their functions, officers who are not constables.
- (2) The police authority shall exercise their powers under section 56 (and section 63) of the <sup>M43</sup>Local Government (Scotland) Act 1973 so as to secure

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that, subject to subsection (3) below, any person employed by the authority under subsection (1) above is under the direction and control of the chief constable of the police force.

- (3) Subsection (2) above shall not apply to such of the persons employed by the authority as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (4) The powers of direction and control referred to in subsection (2) above include the powers of engagement and dismissal.”.

**Marginal Citations**

M43 1973 c. 65.

**50 Provision of advice and assistance to international organisations etc.**

After section 12 of the 1967 Act there shall be inserted—

**“12A Provision of advice and assistance to international organisations etc.**

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
  - (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief constable of a force maintained by it.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a constable of the force maintained for the area of the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) above may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
  - (a) making a grant or loan,
  - (b) giving a guarantee or indemnity, or
  - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice and assistance provided by it under this section.
- (7) The provisions of this section are without prejudice to the <sup>M44</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M45</sup>Overseas Development and Co-operation Act 1980.”.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Marginal Citations

**M44** 1945 c. 17.

**M45** 1980 c. 63.

## 51 Chief constables' annual reports.

In section 15(1) of the 1967 Act (submission of general report by chief constable on policing)—

- (a) for the word “May” there shall be substituted the word “ July ”;
- (b) for the words “general report in writing on” there shall be substituted the words “report in writing on such matters as the Secretary of State may prescribe as respects, and generally as respects, ”; and
- (c) for the words “year ended on 31st December last preceding” there shall be substituted the words “ twelve months ending on 31st March in that year ”.

#### Commencement Information

**I27** S. 51 wholly in force at 1.1.1996; s. 51 not in force at Royal Assent, see s. 94(1); s. 51(b) in force (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 51 in force (1.1.1996) insofar as not already in force by S.I. 1994/3075, art. 4(1) (with transitional provision in art. 4(2))

## 52 Regulations for police forces.

- (1) Section 26 of the 1967 Act (regulations as to government and administration of police forces) shall be amended as follows.
- (2) In subsection (2) (which lists certain matters with respect to which regulations may be made), for paragraph (e) there shall be substituted—
 

“(e) the conduct and efficiency of constables;”.
- (3) After that subsection there shall be inserted—
 

“(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—

  - (a) establish, or make provision for the establishment of, procedures for cases in which a constable may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution; and
  - (b) make provision for securing that any case in which a constable who holds a rank above that of superintendent may be dismissed, or dealt with in any of the other ways mentioned in paragraph (a) above, is decided by the police authority of the area for which the force is maintained.

(2B) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (2A)(b) above—

  - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief constables or other persons; or

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(b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

(2C) Without prejudice to the generality of subsection (2A)(a) above, regulations under this section shall specify the circumstances in which, for the purposes of section 40A(2) of this Act, proceedings by virtue of that subsection are to be taken to have commenced.”.

(4) Subsection (7) shall be omitted.

#### Commencement Information

**I28** S. 52 wholly in force at 1.8.1996; s. 52 not in force at Royal Assent, see s. 94(1); s. 52(1)(3) in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 3(1)(2)(d); s. 52(1) in force (1.1.1995) insofar as not already in force and s. 52(3) in force for certain further purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 52(2)(3)(4) in force (1.8.1996) insofar as not already in force by S.I. 1996/1646, art. 2, Sch. (with saving in art. 3)

### 53 Fixed term appointments etc.

(1) Section 26 of the 1967 Act shall be further amended—

- (a) by inserting, after the words “administration of” in subsection (1), the words “, and the conditions of service in, ”; and
- (b) by inserting after subsection (5)—

“(5A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.”.

(2) Section 23 of the 1967 Act (chief constables affected by amalgamations or local government reorganisation) shall be amended as follows—

- (a) in subsection (2), for the word “deputy” there shall be substituted “assistant”;
- (b) in subsection (3), after the word “Act” there shall be inserted “ and to subsection (3A) below ”; and
- (c) after subsection (3) there shall be inserted—

“(3A) If a chief constable was appointed for a term which expires within three months of his becoming a constable of a police force by virtue of this section, subsection (3) above shall have effect as if the reference in it to three months were a reference to that term.”.

#### Commencement Information

**I29** S. 53 wholly in force at 1.4.1995; s. 53 not in force at Royal Assent, see s. 94(1); s. 53(1) in force (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 53(2) in force (1.4.1995) by S.I. 1995/492, art. 2, Sch. 1

### 54 Power of Secretary of State to give directions to police authorities.

After section 26 of the 1967 Act there shall be inserted—

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*Status: Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**“26A Power to give directions to police authority after adverse report.**

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 33(3) of this Act of any police force maintained under section 1 of this Act.
- (2) Where a report made to the Secretary of State on an inspection carried out for the purposes of this section states—
  - (a) that, in the opinion of the person making the report, the force inspected is not efficient; or
  - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient,

the Secretary of State may direct the police authority or joint police committee for the area for which the force is maintained to take such measures as may be specified in the direction.

**26B Police efficiency: allocation of funds.**

Without prejudice to the generality of subsection (2) of section 26A of this Act, the Secretary of State may under that subsection direct a police authority or joint police committee to allocate from their income, to the purpose of ensuring that a police force is efficient, such amounts as he shall specify.

**26C Duty of compliance.**

It shall be the duty of a police authority or joint police committee to comply with any direction given to them under section 26A or 26B of this Act.”.

**55 Appeals against dismissal etc.**

- (1) For section 30 of the 1967 Act there shall be substituted—

**“30 Appeals against dismissal etc.**

- (1) A constable who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (2A) of section 26 of this Act may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to such a tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
  - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
  - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals under this section to a police appeals tribunal.

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- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents and may, in particular, apply subsections (4) and (5) of section 210 of the <sup>M46</sup>Local Government (Scotland) Act 1973 with such modifications as may be set out in the rules.
  - (5) Schedule 3 to this Act shall have effect in relation to appeals under this section.
  - (6) Rules made under this section may make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient in consequence of the coming into operation of an amalgamation scheme, amending scheme or revoking scheme while an appeal under this section is pending; and without prejudice to the generality of this subsection, such provision may in particular include modifications to Schedule 3 to this Act in that Schedule's application to any case affected by the making of such a scheme.”.
- (2) For Schedule 3 to the 1967 Act there shall be substituted the Schedule set out in Schedule 6 to this Act.

#### Commencement Information

**I30** S. 55 wholly in force at 1.8.1996; s. 55 not in force at Royal Assent, see s. 94(1); s. 55(1) in force (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 55 in force (1.8.1996) insofar as not already in force by S.I. 1996/1646, art. 2, Sch. (with saving in art. 3)

#### Marginal Citations

**M46** 1973 c. 65.

## 56 Expenditure in safeguarding national security.

After section 32 of the 1967 Act there shall be inserted—

### “32A Grants for expenditure on safeguarding national security.

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) by a police authority or joint police committee in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.”.

## 57 Duty of inspectors of constabulary.

For subsection (3) of section 33 of the 1967 Act (inspectors of constabulary), there shall be substituted—

- “(3) It shall be the duty of the inspectors of constabulary, on being directed to do so by the Secretary of State, to visit and inquire into any matter concerning or relating to the operation of a police force or of police forces generally; and,

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without prejudice to the generality of this subsection, such matters may include the state and efficiency of, and of the buildings and equipment used by, the force or forces.”.

**58 Assistant inspectors of constabulary and staff officers to inspectors of constabulary.**

In section 34 of the 1967 Act, for subsection (1) (appointment of assistant inspectors of constabulary and their staff officers) there shall be substituted—

“(1) The Secretary of State may appoint assistant inspectors of constabulary.

(1A) Constables may be appointed under subsection (1) above or to be staff officers to inspectors of constabulary.”.

**59 Common services.**

For section 36 of the 1967 Act there shall be substituted—

**“36 Common services.**

- (1) After consulting the Joint Central Committee and such bodies or associations as appear to the Secretary of State to be representative of police authorities or of chief constables or superintendents (such consultation being in the following provisions of this section referred to as “relevant consultation”), he may, either directly or indirectly, provide and maintain such facilities and services, or establish and maintain such institutions and organisations, as he considers necessary or expedient for promoting the efficiency of the police.
- (2) The Secretary of State may, after relevant consultation, by regulations make provision for requiring all police forces in Scotland to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under subsection (1) above) if he considers that it would be in the interests of the efficiency of the police for them to do so.
- (3) The Secretary of State may, after relevant consultation, by order determine the charges to be payable for facilities and services provided under or by virtue of subsection (1) above, make provision as regards their payment and make provision for the recovery, other than by such charges, of expenses incurred by him in providing the facilities and services.
- (4) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any expenses falling on a police authority or joint police committee by virtue of subsection (3) above shall be defrayed in like manner as other expenses incurred for the purposes of this Act by the authority or committee.
- (6) The Secretary of State may, after relevant consultation, in any order under subsection (3) above apply that order, or any provision of that order, to other expenses specified in the order, being expenses incurred by him for the purposes of police forces generally.”.



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### Commencement Information

**I31** S. 59 wholly in force at 1.4.1995; s. 59 not in force at Royal Assent, see s. 94(1); s. 59 in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 59 in force (1.4.1995) insofar as not already in force by S.I. 1994/3075, art. 3; see also S.I. 1995/492, art. 2, Sch. 1

## 60 Constables engaged on service outside their force.

After section 38 of the 1967 Act there shall be inserted—

### “38A Constables engaged on service outside their force.

- (1) For the purposes of this section “relevant service” means—
- (a) temporary service on which a person is engaged in accordance with arrangements made under section 12A(2) of this Act,
  - (b) central service (as defined by section 38(5) of this Act) on which a person is engaged with the consent of the appropriate authority,
  - (c) service the expenses of which are payable under section 1(1) of the <sup>M47</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
  - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or
  - (e) service pursuant to an appointment under section 10 of the <sup>M48</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 38 of this Act.
- (3) Subject to subsections (4) to (7) of this section, a constable of a police force engaged on relevant service shall be treated as if he were not a constable of that force during that service; but except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the <sup>M49</sup>Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
  - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 26 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) of this section to regulations made under the <sup>M50</sup>Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M51</sup>Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—

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- (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
  - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A constable who—
- (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section,
  - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations under section 1 of the <sup>M52</sup>Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
  - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with subsection (2A) of section 26 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 30 of this Act shall apply accordingly.
- (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
  - (b) in a case within paragraph (c) of that subsection it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.”.

#### **Commencement Information**

**I32** S. 60 wholly in force at 1.4.1995: s. 60 in force for certain purposes at Royal Assent, see s. 94(3)(c); s. 60 in force (1.4.1995) insofar as not already in force by S.I. 1995/492, art. 2, Sch. 1

#### **Marginal Citations**

**M47** 1945 c. 17.  
**M48** 1980 c. 63.  
**M49** 1976 c. 35.  
**M50** 1976 c. 35.  
**M51** 1945 c. 17.  
**M52** 1945 c. 17.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
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VALID FROM 01/08/1996

## 61 Examination of handling of complaints against constables.

After section 40 of the 1967 Act there shall be inserted—

### “40A Examination of handling of complaints against constables.

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A)(a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—
  - (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and
  - (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—
  - (a) the Secretary of State may require the inspectors of constabulary to submit to him, and
  - (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them,a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.”

### Commencement Information

**I33** S. 61 wholly in force at 1.8.1996; s. 61 not in force at Royal Assent, see s. 94(1); s. 61 in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 4)

## 62 Transmission of criminal statistics.

In section 47 of the 1967 Act (criminal statistics)—

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- (a) in subsection (1), for the words “the year to 31st December last preceding” there shall be substituted the words “such period as the Secretary of State may specify in the direction”; and
- (b) for subsection (2) there shall be substituted—

“(2) The Secretary of State shall prepare such reports as he considers appropriate from such statements as he receives by virtue of subsection (1) above; and he shall lay any such report before Parliament and send a copy of it to each police authority.”.

### **63 Other amendments of 1967 Act.**

- (1) The 1967 Act shall be amended in accordance with this section.
- (2) In section 6(2) (application of certain provisions of 1967 Act to constables below rank of assistant chief constable) the words “a deputy chief constable” shall be omitted.
- (3) In section 7(3) (assignment of lower rank), for the words from “as to” to the end there shall be substituted the words “made in accordance with section 26(2A) of this Act”.
- (4) In section 24 (effect of amalgamation scheme on constables engaged in service other than with their own force)—
  - (a) in subsection (1) for the words from “either” to “transferred force” there shall be substituted the words “a person is engaged in relevant service within the meaning of section 38A of this Act”;
  - (b) in subsection (2) for the word “overseas” in each of the three places where it occurs there shall be substituted the word “relevant”; and
  - (c) in subsection (3), the words from “and the expression” onwards shall be omitted.
- (5) In section 31 (requirement for chief constable to retire in interests of efficiency)—
  - (a) in subsection (2)—
    - (i) for the words “a deputy or” there shall be substituted the word “an”; and
    - (ii) the words “or deputy” shall be omitted; and
  - (b) in subsection (4), the words “or deputy” shall be omitted.
- (6) In section 32(1) (payment towards expenses of police authorities and joint police committees) after the words “19(6)” there shall be inserted the words “, section 32A”.
- (7) In section 38—
  - (a) in subsection (3A), for the words “subsection (1) above” there shall be substituted the words “section 38A(3) of this Act”; and
  - (b) in subsection (5) (interpretation), in the definition of “central service” for the words “service as a staff officer to the inspectors of constabulary” there shall be substituted the words “temporary service under section 34 of this Act”.
- (8) In section 42(1) (offence of causing disaffection amongst constables), the words “or to commit breaches of discipline” shall be omitted.
- (9) In section 51 (interpretation)—
  - (a) in subsection (1), the definitions of “regular constable”, “special constable” and “temporary constable” shall be omitted; and

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(b) after subsection (3) there shall be inserted— “ (3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective. ”.

(10) In Schedule 2 (transitory provisions for purposes of amalgamation schemes), paragraph 2 shall be omitted.

#### Commencement Information

**I34** S. 63 wholly in force at 1.8.1996: s. 63(4)(7)(a) in force for certain purposes at Royal Assent, see s. 94(3)(c); s. 63(1)(6)(7)(b)(9)(b) in force (1.1.1995) by S.I. 1994/3075, art. 2, **Sch.**; s. 63(9)(a) in force (13.12.1995) by S.I. 1995/3003, art. 2, **Sch.**; s. 63(2)(4)(5)(7) in force (1.4.1995) insofar as not already in force by S.I. 1995/492, art.2, **Sch. 1** (with transitional provisions in art. 3); s. 63(3)(8)(10) in force (1.8.1996) by S.I. 1996/1646, art. 2, **Sch.** (with savings in art. 3)

#### 64 Delegation of functions of Scottish police authority.

In section 63 of the <sup>M53</sup>Local Government (Scotland) Act 1973 (arrangements as to police authority functions etc.), after subsection (2) there shall be inserted—

“(2A) The officers who may discharge functions of a police authority in pursuance of arrangements under section 56(1) or (2) of this Act shall include the chief constable of the police force.

(2B) Where, pursuant to arrangements made by virtue of subsection (2A) above, a chief constable may discharge functions of a police authority, he may himself arrange for the discharge of any of the functions in question by a constable of the police force or by a person who is employed by the authority but is not under their direction and control.”.

#### Marginal Citations

**M53** 1973 c. 65.

#### 65 Interpretation of Part II.

In this Part of this Act “the 1967 Act” means the <sup>M54</sup>Police (Scotland) Act 1967.

#### Marginal Citations

**M54** 1967 c. 77.

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## PART III

### POLICE (NORTHERN IRELAND)

#### 66 Regulations for administration, etc. of Royal Ulster Constabulary.

- (1) Section 25 of the <sup>M55</sup>Police Act (Northern Ireland) 1970 (regulations for administration, etc. of Royal Ulster Constabulary) shall be amended as follows.
- (2) Subsection (5) (Treasury concurrence required for certain regulations) shall be omitted.
- (3) For subsections (6) and (7) there shall be substituted—
  - “(5A) In relation to any matter as to which provision may be made by regulations under this section (other than the matters mentioned in subsection (2)(e) and (f)), the regulations may—
    - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or
    - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.
  - (5B) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
  - (6) Where regulations under subsection (2)(a) vary the ranks held by members of the Royal Ulster Constabulary, the regulations may make consequential amendments to any statutory provision (including this Act) containing a reference to any rank held by a member of that Constabulary.”

#### Marginal Citations

**M55** 1970 c. 9 (N.I.).

#### 67 Regulations for administration, etc. of reserve constables.

- (1) Section 26 of the <sup>M56</sup>Police Act (Northern Ireland) 1970 (regulations for administration, etc. of reserve constables) shall be amended as follows.
- (2) Subsection (3) (Treasury concurrence required for certain regulations) shall be omitted.
- (3) At the end there shall be added—
  - “(4) In relation to any matter as to which provision may be made by regulations under this section (other than the matters mentioned in subsection (2)(cc) and (d)), the regulations may—
    - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or
    - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.”

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**Marginal Citations**

**M56** 1970 c. 9 (N.I.).

**68 Minor and consequential amendments.**

- (1) The Police Act (Northern Ireland) 1970 shall have effect subject to the following minor and consequential amendments.
- (2) Section 10(5) (Treasury concurrence required for certain regulations relating to police cadets) shall be omitted.
- (3) In section 34 (orders and regulations)—
  - (a) for subsection (1) there shall be substituted—

“(1) Regulations and orders under this Act (other than orders under section 4(3)) shall be subject to annulment in pursuance of a resolution of either House of Parliament and section 5 of the <sup>M57</sup>Statutory Instruments Act 1946 shall apply accordingly.”;
  - (b) after subsection (1) there shall be inserted—

“(1A) The following regulations shall not be made without the concurrence of the Treasury, namely—

    - (a) regulations under section 10 for regulating pensions;
    - (b) regulations under section 25 providing for any of the matters specified in subsection (2)(k) of that section;
    - (c) regulations under section 26 providing for the matter specified in subsection (2)(f) of that section.”;
    - (c) in subsection (3) for the words from “sections” to “reserve constables and” there shall be substituted the words “ section 10(4) (making provision with respect to allowances of”.
- (4) In section 35 (interpretation) in the definition of “senior officer” for the words from “means” onwards there shall be substituted the words “ means an officer above the rank of superintendent ”.

**Marginal Citations**

**M57** 1946 c. 36.

**PART IV**

**MAGISTRATES' COURT**

*Magistrates' courts committees*

**69 Alteration of magistrates' courts committee areas.**

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor written proposals—

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- (a) for the replacement of two or more magistrates' courts committees (including the committee submitting the proposals) with a single magistrates' courts committee or with two or more magistrates' courts committees in relation to areas different from the existing magistrates' courts committee areas, or
  - (b) for the replacement of the committee submitting the proposals with two or more magistrates' courts committees.
- (2) Before submitting such proposals, the magistrates' courts committee shall consult—
- (a) the magistrates for their area or any other existing magistrates' courts committee area to which the proposal relates,
  - (b) any other magistrates' courts committee to which the proposal relates, and
  - (c) every interested authority.
- (3) Whether or not proposals have been submitted to him under subsection (1) above, the Lord Chancellor may by order made by statutory instrument provide—
- (a) for the replacement of two or more magistrates' courts committees with a single magistrates' courts committee or with two or more magistrates' courts committees relating to areas which are different from the existing magistrates' courts committee areas, or
  - (b) for the replacement of a magistrates' courts committee with two or more magistrates' courts committees.
- (4) The Lord Chancellor shall not make an order under subsection (3) above unless he is satisfied that the making of the order is likely to contribute to an overall increase in the efficiency of the administration of the magistrates' courts for the magistrates' courts committee area or areas to which the order relates.
- (5) Before making an order under subsection (3) above, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
- (a) the magistrates for each of the existing magistrates' courts committee areas to which the order relates,
  - (b) the magistrates' courts committees to which the proposal relates, and
  - (c) every interested authority.
- (6) For the purposes of subsection (5) above, an order shall be taken to implement proposals if it implements them without alteration or the departures from the proposals do not, in the opinion of the Lord Chancellor, effect important alterations in the proposals.
- (7) Where proposals under subsection (1) above or an order under subsection (3) above would (apart from this subsection) divide a petty sessions area between the areas of two or more magistrates' courts committees, the proposals or order shall provide for a consequential alteration of petty sessions areas.
- (8) An order under subsection (3) above may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—
- (a) provision for the transfer of property, rights and liabilities,
  - (b) provision for the management or custody of transferred property (whether real or personal), and
  - (c) provision for any magistrates' courts committee coming into existence by virtue of the order to be constituted under section 22 of the 1979 Act as a body



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corporate, and to incur liabilities, before the date on which the functions of any existing magistrates' courts committee are transferred to it.

(9) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section—

“existing magistrates' courts committee area” means a magistrates' courts committee area existing by virtue of—

- (a) section 19(2) of the 1979 Act (as amended by section 79(4) of this Act),
- (b) an order made under section 19(3) of that Act before the commencement of this section, or
- (c) a previous order under subsection (3) above;

“interested authority”, in relation to any proposal or order, means the council of every local authority whose area includes any of the existing magistrates' courts committee areas to which the proposal or order relates, or part of any such area;

“local authority” means any unitary authority or any county council so far as they are not a unitary authority; and

“unitary authority” means—

- (a) the council of any county so far as they are the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a county borough council,
- (d) a London borough council, or
- (e) the Common Council of the City of London.

(11) Any order made under subsection (3) of section 19 of the 1979 Act (power to establish a single magistrates' courts committee for a joint committee area) before the commencement of this section shall continue to have effect notwithstanding the repeal of that subsection by this Act, but subject to any subsequent order under subsection (3) above.

(12) Until 1st April 1996, the definition of “unitary authority” in subsection (10) above shall have effect with the omission of paragraph (c).

## **70 Constitution of magistrates' courts committees.**

For section 20 of the 1979 Act there shall be substituted—

### **“20 Constitution of magistrates' courts committees.**

- (1) A magistrates' courts committee shall, subject to subsections (2) to (4) below, be composed of magistrates for the area to which the committee relates, chosen in accordance with regulations under section 21 of this Act.
- (2) Not more than two other members, who need not be justices of the peace, may be either—
  - (a) co-opted by a magistrates' courts committee to the committee with the approval of the Lord Chancellor, or
  - (b) appointed by the Lord Chancellor to the committee.

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- (3) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the inner London magistrates' courts committee.
- (4) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, two members of the inner London magistrates' courts committee shall be other metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (5) In subsections (3) and (4) above "the inner London magistrates' courts committee" means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area."

## **71 Regulations as to constitution etc. of magistrates' courts committees.**

- (1) Section 21 of the 1979 Act (powers of Lord Chancellor in relation to magistrates' courts committees) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
  - “(1A) Any such regulations shall provide for the members referred to in section 20(1) of this Act to be chosen by a selection panel constituted in accordance with the regulations.”
- (3) For subsection (2) there shall be substituted—
  - “(2) Any such regulations may—
    - (a) lay down an upper limit for the number of members of a magistrates' courts committee (inclusive of the members referred to in subsections (2), (3) and (4) of section 20 of this Act), and
    - (b) enable the Lord Chancellor to direct that, in relation to any magistrates' courts committee to which the direction is given, any members co-opted or appointed under subsection (2) of that section are to be left out of account in applying the upper limit.
  - (2A) Any such regulations may also make different provision in relation to the magistrates' courts committees for areas which consist of or include the whole or any part of the inner London area from that made in relation to other committees.”

## **72 Supplementary provisions as to magistrates' courts committees.**

- (1) Section 22 of the 1979 Act (supplementary provisions as to magistrates' courts committees) shall be amended in accordance with this section.
- (2) For subsection (1) there shall be substituted—
  - “(1) Subject to subsection (1A) below, a magistrates' courts committee shall appoint one of their members to be chairman of the committee.
  - (1A) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, the chief metropolitan stipendiary magistrate shall by virtue of his office be the chairman of any magistrates' courts committee for an area which consists of or includes the whole of the inner London area.”

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- (3) Subsection (2) shall be omitted.
- (4) At the end of subsection (4) there shall be added the words “ which may, if they include at least one member of the committee, also include persons who are not members ”.
- (5) After subsection (4) there shall be inserted—
- “(4A) A magistrates’ courts committee may also arrange for the discharge of any of their functions—
- (a) by the chairman of the committee, or
- (b) by the justices’ chief executive.”
- (6) At the end there shall be added—
- “(8) A magistrates’ courts committee shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the committee.
- (9) The minutes of proceedings of every meeting of a magistrates’ courts committee shall be open to inspection by members of the public at the offices of the committee, except to the extent that the committee determine that the minutes disclose information of a confidential nature.
- (10) Copies of any minutes which are open to inspection under subsection (9) above shall be made available to the public on payment of such reasonable fee as the magistrates’ courts committee may in any case determine.
- (11) A magistrates’ courts committee making a determination under subsection (9) above shall state their reasons for regarding the information in question as being of a confidential nature.”

#### Commencement Information

**I35** S. 72 wholly in force at 1.1.1996; s. 72 not in force at Royal Assent, see s. 94(1); s. 72(1)-(5) in force (1.4.1995) by S.I. 1995/685, art. 4(a) (with transitional provisions in art. 6); s. 72(6) in force for certain areas (1.4.1995, 1.10.1995 and 1.1.1996) by S.I. 1995/685, arts. 4(a) and 5(1)(2)(3) respectively (with transitional provisions in art. 6)

### 73 General powers and duties of magistrates’ courts committees.

After section 22 of the 1979 Act there shall be inserted—

#### “22A General powers and duties of magistrates’ courts committees.

- (1) A magistrates’ courts committee shall be responsible for the efficient and effective administration of the magistrates’ courts for their area.
- (2) A magistrates’ courts committee may, in particular—
- (a) allocate administrative responsibilities among the justices’ chief executive, the justices’ clerks and the staff of the committee, and
- (b) determine the administrative procedures to be followed by any of the persons mentioned in paragraph (a) above.
- (3) It shall be the duty of every magistrates’ courts committee to provide courses of instruction for justices’ clerks and for staff of the committee.

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- (4) The Lord Chancellor may give directions to magistrates' courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.
- (5) The Lord Chancellor may also give directions to magistrates' courts committees requiring each of them to take specified steps, at such intervals as may be specified—
  - (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee, or
  - (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.
- (6) In discharging their responsibilities under subsection (1) above, a magistrates' courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates' courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit.”

#### 74 **Reports and plans.**

After section 24B of the 1979 Act there shall be inserted—

##### “24C Reports and plans.

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
  - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed,
  - (b) shall be in the prescribed form,
  - (c) shall be sent to such persons as may be prescribed, and
  - (d) shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (3) The Lord Chancellor may direct any one or more magistrates' courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.”

*Justices' chief executives, justices' clerks and staff*

#### 75 **Appointment and functions of justices' chief executive.**

After section 24C of the 1979 Act there shall be inserted—

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*“ Justices’ chief executives, justices’ clerks and staff*

**24D Appointment of justices’ chief executive.**

- (1) Every magistrates’ courts committee shall appoint a justices’ chief executive.
- (2) A person may not be appointed as justices’ chief executive unless—
  - (a) the magistrates’ courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
  - (b) the Lord Chancellor has approved one or more of those persons, and
  - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices’ chief executive does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates’ courts committee of the reasons for his decision.
- (5) A person may not be appointed as justices’ chief executive unless he is eligible under section 26 of this Act for appointment as justices’ clerk.
- (6) A person may not be appointed both as justices’ chief executive and as justices’ clerk for a petty sessions area unless the Lord Chancellor has agreed that he may hold both appointments.
- (7) Where, in accordance with subsection (6) above, a person holds an appointment as justices’ chief executive with an appointment as justices’ clerk for a petty sessions area, he shall not exercise any functions as justices’ clerk for the petty sessions area unless authorised to do so (either generally or in any particular case) by the magistrates’ courts committee for the area which includes that petty sessions area.
- (8) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument.

**24E Functions of justices’ chief executive.**

- (1) The justices’ chief executive in relation to any magistrates’ courts committee shall—
  - (a) act as clerk to the committee, and
  - (b) subject to and in accordance with any directions given by the committee, carry on the day to day administration of the magistrates’ courts for the area to which the committee relates.
- (2) A justices’ chief executive may arrange for his functions under subsection (1) (a) above to be exercised by any member of the staff of the magistrates’ courts committee.

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- (3) It shall be the duty of the justices' chief executive to make arrangements for discussions relating to law, practice and procedure among the justices' clerks for petty sessions areas within the area of the committee."

#### Commencement Information

**I36** S. 75 partly in force; s. 75 not in force at Royal Assent, see s. 94(1); s. 75 in force for certain areas (1.4.1995) by S.I. 1995/685, arts. 4(c), 5(4) (with transitional provisions in art. 6)

## 76 Appointment and removal of justices' clerks.

For section 25 of the 1979 Act (and the heading "Justices' clerks and their staffs" immediately preceding it) there shall be substituted—

### "25 Appointment and removal of justices' clerks.

- (1) Justices' clerks shall be appointed by the magistrates' courts committee; and a magistrates' courts committee may appoint more than one justices' clerk for any petty sessions area.
- (2) A person may not be appointed as justices' clerk unless—
  - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
  - (b) the Lord Chancellor has approved one or more of those persons, and
  - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' clerk does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) The approval of the Lord Chancellor shall be required—
  - (a) for any decision to increase the number of justices' clerks in a petty sessions area or to have more than one justices' clerk in a new petty sessions area, or
  - (b) for the removal of the justices' clerk for a petty sessions area where the magistrates for the area do not consent to the removal.
- (6) A magistrates' courts committee shall consult the magistrates for any petty sessions area—
  - (a) on the appointment of a justices' clerk for the area, except in the case of a re-appointment on the expiry of a fixed term, or
  - (b) on the removal of a justices' clerk for the area.
- (7) Before—
  - (a) approving any persons under subsection (2) above, or
  - (b) approving the removal of a justices' clerk,

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the Lord Chancellor shall consider any representations made to him by the magistrates for the petty sessions area concerned; and before approving the removal of a justices' clerk the Lord Chancellor shall also consider any representations made to him by the clerk.

- (8) For the purposes of subsections (5) to (7) above, removal as justices' clerk shall be taken to include, in relation to a person employed as such under a contract for a fixed term, the expiry of that term without renewal in any case where the clerk has not consented to the failure to renew.
- (9) In this section "regulations" means regulations made by the Lord Chancellor by statutory instrument."

**77 Justices' chief executives and justices' clerks to be employed under contracts of service.**

After section 26 of the 1979 Act there shall be inserted—

**"26A Justices' chief executives and justices' clerks to be employed under contracts of service.**

- (1) Except as provided by this Act, a justices' chief executive or justices' clerk—
- (a) shall be employed by the magistrates' courts committee, on such terms as they may determine, and
  - (b) shall hold and vacate office in accordance with the terms of his contract of service.
- (2) Subsection (1) above shall not have effect in relation to any person appointed by a magistrates' courts committee before the commencement of this section as justices' clerk for a petty sessions area so long as he—
- (a) continues to hold office as a justices' clerk for that area or for any one or more petty sessions areas including any part of that area, and
  - (b) has not entered into a contract of service after the commencement of this section.
- (3) Any justices' clerk in relation to whom, by virtue of subsection (2) above, subsection (1) above does not have effect shall hold office during the pleasure of the magistrates' courts committee concerned."

**78 Independence of justices' clerk and staff in relation to legal functions.**

After section 30 of the 1979 Act there shall be inserted—

**"30A Independence of justices' clerk and staff in relation to legal functions.**

- (1) When exercising the functions specified in subsection (2) below or giving advice to justices of the peace in an individual case—
- (a) a justices' clerk shall not be subject to the direction of the magistrates' courts committee, the justices' chief executive or any other person, and

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(b) any member of the staff of a magistrates' courts committee shall not be subject to the direction of that committee or of the justices' chief executive (when acting as such).

(2) The functions referred to in subsection (1) above are functions conferred by rules made in accordance with section 144 of the <sup>M58</sup>Magistrates' Courts Act 1980 by virtue of section 28(1) or (1A) of this Act."

#### Marginal Citations

**M58** 1980 c. 43.

### *Inner London area*

#### **79 Magistrates' courts committee for inner London area.**

- (1) Section 35 of the 1979 Act (under which the committee of magistrates for the inner London area is constituted) shall cease to have effect.
- (2) The body corporate constituted under that section shall remain in existence, but as a magistrates' courts committee for the inner London area constituted in accordance with Part II of the 1979 Act.
- (3) Any reference in any document to the committee of magistrates shall have effect, in relation to any time after the commencement of subsection (2) above, as a reference to the magistrates' courts committee for the inner London area.
- (4) In section 19(2) of the 1979 Act (areas to which magistrates' courts committees relate) for the word "and" at the end of paragraph (c) there shall be substituted the words—  
 "(cc) the inner London area; and".
- (5) Section 38(2) of the 1979 Act (which confers administrative functions on the chief metropolitan stipendiary magistrate) shall cease to have effect.
- (6) Subsections (2) and (3) above have effect subject to any order made under section 69 of this Act after the commencement of subsection (2) above.

#### Commencement Information

**I37** S. 79 wholly in force at 1.4.1995; s. 79 not in force at Royal Assent, see. s. 94(1); s. 79 in force (1.11.1994) for certain purposes by S.I. 1994/2594, art. 4; s. 79 in force (1.4.1995) for all remaining purposes by S.I. 1995/685, art. 3 (with transitional provisions in art. 6)

#### **80 Organisation of justices' clerks in inner London area.**

- (1) Section 37 of the 1979 Act (which obliges the committee of magistrates for the inner London area to appoint a principal chief clerk and chief clerks, together with such senior deputy chief clerks, deputy chief clerks and other officers as may be necessary) shall cease to have effect.
- (2) Any person who, immediately before the commencement of subsection (1) above, holds office as principal chief clerk for the inner London area shall be taken to have



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been appointed by the magistrates' courts committee for the inner London area as justices' chief executive in accordance with section 24D of the 1979 Act.

- (3) Any person who, immediately before the commencement of subsection (1) above, holds office as chief clerk for any petty sessional division of the inner London area or for the youth courts or family proceedings courts for that area and the City of London shall be taken to have been appointed by the magistrates' courts committee for the inner London area in accordance with section 25 of the 1979 Act as a justices' clerk for that petty sessional division or, as the case requires, in accordance with section 34B of that Act as a justices' clerk for those courts.
- (4) Except as provided by subsections (5) to (7) of section 25 of the 1979 Act, any person to whom subsection (2) or (3) above applies shall hold and vacate office in accordance with the terms of his appointment or, if he has entered into a contract of service (whether before or after the commencement of subsection (1) above), in accordance with the terms of his contract of service.
- (5) The abolition by virtue of subsection (1) above of the statutory offices of senior deputy chief clerk and deputy chief clerk shall not affect the continuation of the contract of service of any person who holds either of those offices immediately before the commencement of that subsection.
- (6) A person who is employed under a contract of service to which subsection (5) above applies shall not be dismissed from his employment without the approval of the Lord Chancellor; and before approving the dismissal of any such person the Lord Chancellor shall consider any representations made by him.
- (7) Any reference in any instrument or document to the chief clerk for any petty sessional division of the Inner London area or for the youth courts or family proceedings courts for that area and the City of London shall have effect, in relation to any time after the commencement of subsection (1) above, as a reference to the justices' clerk for that petty sessional division or, as the case may be, for those courts.

## **81 Division of work in inner London area.**

After section 34 of the 1979 Act there shall be inserted—

### **“34A Division of work in inner London area.**

- (1) There shall be established for the purposes of this section a committee consisting of the following members—
  - (a) the chief metropolitan stipendiary magistrate,
  - (b) six lay justices appointed by the chairmen of the petty sessional divisions of the inner London area, and
  - (c) six metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (2) The lay justices eligible for appointment under paragraph (b) of subsection (1) above include any of the chairmen referred to in that paragraph.
- (3) The members of the committee shall hold office for a period of twelve months, but shall be eligible for re-appointment.
- (4) The chief metropolitan stipendiary magistrate shall be the chairman of the committee.

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- (5) It shall be the duty of the committee—
- (a) to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices, and
  - (b) to give general directions to any magistrates' courts committee for any area which consists of or includes the whole or any part of the inner London area as to the division of the work.”

## **82 Pensions etc. of justices' chief executive, justices' clerks and staff in inner London area.**

- (1) Schedule 7 (which re-enacts certain provisions relating to the functions of the Receiver for the Metropolitan Police District with respect to pensions etc. of court staff) shall have effect.
- (2) The Lord Chancellor may by order make provision with respect to pensions, allowances or gratuities payable to or in respect of inner London court staff, or any class of inner London court staff.
- (3) An order under subsection (2) above may—
  - (a) itself make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the order, are to be or may be paid to or in respect of inner London court staff, or any class of inner London court staff, or
  - (b) provide that the civil service provisions are to have effect, with such modifications as may be prescribed by the order, in relation to the payment by such persons as may be so prescribed, out of such funds as may be so prescribed, of pensions, allowances and gratuities to or in respect of inner London court staff, or any class of inner London court staff.
- (4) Without prejudice to the generality of subsections (2) and (3) above, an order under subsection (2)—
  - (a) may include all or any of the provisions referred to in paragraphs 1 to 11 of Schedule 3 to the <sup>M59</sup>Superannuation Act 1972, and
  - (b) may make different provision as respects different classes of persons and different circumstances.
- (5) Paragraphs 1 to 11 of Schedule 3 to the <sup>M60</sup>Superannuation Act 1972 shall have effect, in their application for the purposes of this section, as if references to regulations were references to an order under this section and references to the Secretary of State were references to the Lord Chancellor.
- (6) Subsections (3) and (4) of section 7 of the <sup>M61</sup>Superannuation Act 1972 (which relate to increases under the Pensions (Increase) Act 1971) shall have effect in relation to an order under subsection (2) above as they have effect in relation to regulations under that section.
- (7) The Lord Chancellor may by order repeal or amend any of the relevant enactments, whether or not he makes provision under subsection (2) above.
- (8) An order under subsection (2) or (7) above may make such consequential, transitional, incidental or supplemental provision (including provision amending or repealing any

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provision of this Act, the 1979 Act or any other enactment) as the Lord Chancellor thinks necessary or expedient.

(9) Before making an order under subsection (2) or (7) above the Lord Chancellor shall consult—

- (a) the inner London magistrates' courts committee,
- (b) such local authorities as appear to him to be concerned,
- (c) the Receiver for the Metropolitan Police District, and
- (d) such representatives of other persons likely to be affected by the proposed order as appear to him to be appropriate.

(10) An order under subsection (2) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(11) In this section—

“the civil service provisions” has the meaning given by section 15(1) of the <sup>M62</sup>Superannuation (Miscellaneous Provisions) Act 1967,

“inner London court staff” means the justices' chief executive employed by the inner London magistrates' courts committee, any justices' clerk for the inner London area and staff of the inner London magistrates' courts committee,

“the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area, and

“the relevant enactments” means—

- (a) Schedule 7 to this Act, and
- (b) section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs) so far as it relates to the persons mentioned in subsection (1)(a)(ii) of that section.

#### Marginal Citations

**M59** 1972 c. 11.

**M60** 1972 c. 11.

**M61** 1971 c. 56.

**M62** 1967 c. 28.

### *Administrative and financial arrangements*

#### **83 Administrative and financial arrangements for magistrates' courts.**

(1) For sections 55 and 56 of the 1979 Act there shall be substituted—

##### **“55 Duties of local authorities.**

(1) Subject to the provisions of this Act, the paying authority or authorities in relation to any magistrates' courts committee shall provide the petty sessional

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court-houses and other accommodation, and the goods and services, proper for the performance of the functions of—

- (a) the magistrates for the magistrates' courts committee area,
- (b) the magistrates' courts committee,
- (c) any other committee of the magistrates for that area, or
- (d) the justices' clerks for any part of the magistrates' courts committee area.

- (2) Subsection (1) above shall not require the paying authority or authorities to provide any current item or class of current items if the magistrates' courts committee have notified the authority or authorities that they intend to obtain that item or class of items otherwise than from that authority or any of those authorities.
- (3) For the purposes of subsection (2) above "current item" means any goods or services which are of such a kind that expenditure incurred by a paying authority on providing them would not be capital expenditure.
- (4) Where there is one paying authority in relation to a magistrates' courts committee, that authority shall pay the expenses of the committee.
- (5) Where there are two or more paying authorities in relation to a magistrates' courts committee, each of those authorities shall pay a proper proportion of those expenses.
- (6) For the purposes of subsections (4) and (5) above the expenses of a magistrates' courts committee shall be taken to include—
  - (a) expenses incurred by them in obtaining goods and services which are proper for the purposes mentioned in subsection (1) above but which by virtue of subsection (2) above the paying authority or authorities are not required to provide;
  - (b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' chief executive or as justices' clerk for any part of the magistrates' courts committee area, the remuneration of any staff employed by the committee and the remuneration of any court security officers employed (whether by the committee or a paying authority) under section 76(2)(a) of the <sup>M63</sup>Criminal Justice Act 1991 in relation to petty sessions areas within the magistrates' courts committee area together with—
    - (i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the <sup>M64</sup>Social Security Contributions and Benefits Act 1992, and
    - (ii) state scheme premiums so payable under Chapter III of Part III of the <sup>M65</sup>Pension Schemes Act 1993;
  - (c) the sums payable under any contract entered into (whether by any such magistrates' courts committee or a paying authority) under section 76(2)(b) of the <sup>M66</sup>Criminal Justice Act 1991; and
  - (d) so far as they are not otherwise provided for, all other costs incurred, with the general or special authority of the magistrates' courts committee, by the justices for the magistrates' courts committee area.
- (7) Nothing in subsection (1), (4) or (5) above shall require any paying authority to incur any expenditure or make any payment which would—

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- (a) cause the net cost to it in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to that authority and that year, is for the time being determined by the Lord Chancellor under subsection (3)(b) of that section, or
- (b) cause its capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to that authority and that year, is for the time being determined by the Lord Chancellor under subsection (4)(b) of that section;

and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.

- (8) Subject to section 16(2) of this Act, any accommodation provided under this section for any justice, justices' clerk or justices' chief executive may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be deemed to be in that area for the purposes of the jurisdiction of the justices when acting in the court-house.
- (9) Two or more paying authorities may arrange for accommodation, goods or services provided for the purposes of this section by one of them to be used also as if provided for those purposes by the other or each of the others.
- (10) In this section—
  - “paying authority” in relation to a magistrates' courts committee, means any responsible authority whose area comprises all or part of the area to which the committee relates;
  - “responsible authority” means any unitary authority or any county council so far as they are not a unitary authority; and
  - “unitary authority” means—
    - (a) the council of any county so far as they are the council for an area for which there are no district councils,
    - (b) the council of any district comprised in an area for which there is no county council,
    - (c) a county borough council,
    - (d) a London borough council, or
    - (e) the Common Council of the City of London.
- (11) Until 1st April 1996, the definition of “unitary authority” in subsection (10) above shall have effect with the omission of paragraph (c).

## **56 Provisions supplementary to s. 55.**

- (1) Subject to the provisions of this section—
  - (a) the petty sessional court-houses and other accommodation, goods and services to be provided by the paying authority, or each of the paying authorities, under section 55 of this Act,
  - (b) the salary to be paid to a justices' clerk or justices' chief executive and to staff of a magistrates' courts committee, and
  - (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred,

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shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the paying authority or authorities.

- (2) Where the expenses of a magistrates' courts committee (including any sums which are taken by section 55(6) of this Act to be such expenses) fall to be borne by more than one paying authority, any question as to the manner in which they are to be borne by the authorities concerned shall be determined by agreement between those authorities and the magistrates' courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.
  - (3) Any paying authority which is aggrieved by a determination of a magistrates' courts committee under subsection (1) above may, within one month from the receipt by the authority of written notice of the determination, appeal to the Lord Chancellor, whose decision shall be binding upon the magistrates' courts committee and any authority concerned.
  - (4) The approval of the Lord Chancellor shall be required for any determination under subsection (1) above reducing the salary of a justices' clerk or justices' chief executive, unless the justices' clerk or justices' chief executive concerned consents to the reduction.
  - (5) In this section "paying authority" has the same meaning as in section 55 of this Act."
- (2) Section 57 of the 1979 Act (application of sections 55 and 56 to outer London areas and City of London) and section 58 of that Act (arrangements for inner London area corresponding to those under section 55 of that Act) shall cease to have effect.

#### Commencement Information

**I38** S. 83 partly in force; s. 83 not in force at Royal Assent, see s. 94(1); s. 83(1) in force for certain areas (1.4.1995) by S.I. 1995/685, arts. 4(h), 5(5) (with transitional provisions in art. 6); s. 83(2) in force for certain purposes (1.4.1995) by S.I. 1995/685, art. 4(i) (with transitional provisions in art. 6)

#### Marginal Citations

**M63** 1991 c. 53.  
**M64** 1992 c. 4.  
**M65** 1993 c. 48.  
**M66** 1991 c. 53.

## 84 Local authority land appropriated to magistrates' courts purposes.

After section 59 of the 1979 Act there shall be inserted—

### “59A Local authority land appropriated to magistrates' courts purposes.

- (1) Where after the commencement of this section a responsible authority appropriate any land owned by them to magistrates' courts purposes, the authority shall be taken for the purposes of section 59(2) of this Act to incur, in the year in which the appropriation is made, capital expenditure in pursuance of their functions under this Part of this Act of an amount equal to the open market value of the land at the time of the appropriation.

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(2) In subsection (1) above—

“land” includes any interest in land,

“magistrates’ courts purposes” means the purposes of being provided under section 55(1) of this Act as a petty sessional court-house or other accommodation, and

“responsible authority” has the same meaning as in section 55 of this Act.”

## **85 Regulations as to accounts and audit.**

After section 62 of the 1979 Act there shall be inserted—

### **“62A Regulations as to accounts and audit.**

(1) The Lord Chancellor may by regulations made by statutory instrument require magistrates’ courts committees—

- (a) to keep prescribed accounts and prescribed records in relation to those accounts, and
- (b) to cause any such accounts to be audited in accordance with the regulations.

(2) In subsection (1) above “prescribed” means prescribed by the regulations.”

### *Inspectors of the magistrates’ courts service*

## **86 Inspectors of the magistrates’ courts service.**

(1) The Lord Chancellor may appoint such number of inspectors of the magistrates’ courts service (to be known collectively as “Her Majesty’s Magistrates’ Courts Service Inspectorate”) as he may consider appropriate.

(2) The Lord Chancellor shall appoint one of the persons so appointed to be Her Majesty’s Chief Inspector of the Magistrates’ Courts Service.

(3) It shall be the duty of inspectors of the magistrates’ courts service—

- (a) to inspect and report to the Lord Chancellor on the organisation and administration of magistrates’ courts for each magistrates’ courts committee area, and
- (b) to discharge such other functions in connection with the organisation and administration of magistrates’ courts as the Lord Chancellor may from time to time direct.

(4) Her Majesty’s Chief Inspector of the Magistrates’ Courts Service shall make an annual report to the Lord Chancellor as to the discharge of the functions of the Inspectorate and the Lord Chancellor shall, within one month of receiving the report, lay a copy of it before each House of Parliament.

(5) The Lord Chancellor shall make to or in respect of inspectors of the magistrates’ courts service such payments by way of remuneration, allowances or otherwise as he may with the approval of the Treasury determine.

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- (6) Any person appointed by the Lord Chancellor before the commencement of this section as an inspector of the magistrates' courts service, or as Her Majesty's Chief Inspector of the Magistrates' Courts Service, shall be taken to have been appointed under this section.

## 87 Powers of inspectors.

- (1) Subject to subsection (2) below, an inspector of the magistrates' courts service exercising his functions under section 86 above shall have at all reasonable times—
- (a) a right of entry to any court-house or other premises occupied by a magistrates' courts committee, and
  - (b) a right to inspect, and take copies of, any records kept by a magistrates' courts committee, and any other documents containing information relating to the administration of the magistrates' courts for their area, which he considers relevant to the discharge of his functions.
- (2) Subsection (1) above does not entitle an inspector—
- (a) to be present when a magistrates' court is hearing proceedings in private, or
  - (b) to attend any private deliberations of the justices of the peace.
- (3) The records referred to in paragraph (b) of subsection (1) above include records kept by means of a computer; and an inspector exercising the power to inspect records conferred by that subsection—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been in use in connection with the records in question, and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used, or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
 to afford him such reasonable assistance as he may require.

### *Default powers*

## 88 Default powers.

- (1) The Lord Chancellor may make an order under subsection (3) below if he is of the opinion that, without reasonable excuse, a magistrates' courts committee—
- (a) are failing properly to discharge any duty imposed on them by or under any enactment, or
  - (b) have so failed and are likely to do so again.
- (2) Before making an order under subsection (3) below, the Lord Chancellor shall give a written warning to the magistrates' courts committee specifying the default or defaults to which the order relates.
- (3) An order under this subsection shall—
- (a) state that the Lord Chancellor is of the opinion mentioned in subsection (1) above, and



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- (b) provide either or both of the following—
  - (i) that, on the making of the order, the chairman of the committee is to vacate his office as chairman, or
  - (ii) that, on the making of the order, one or more specified members of the committee (who may include the chairman but may not consist of all the members of the committee) are to vacate their office.
- (4) If, after making an order under subsection (3) above, the Lord Chancellor remains of the opinion mentioned in subsection (1) above, he may make an order—
  - (a) stating that he remains of that opinion, and
  - (b) providing—
    - (i) that all the members of the committee are to vacate their office on the making of the order, and
    - (ii) that for a specified period, not exceeding three months, beginning with the making of the order the committee is to consist of persons nominated by the Lord Chancellor (who need not be justices of the peace).
- (5) An order under subsection (4) above shall provide for new members of the committee to be chosen, in accordance with regulations under section 21 of the 1979 Act, to take office at the end of the specified period.
- (6) In relation to the magistrates' courts committee for an area which consists of or includes the whole or any part of the inner London area, the reference in subsection (3) (b)(ii) above to members of the committee does not include the chief metropolitan stipendiary magistrate; and where an order under subsection (4) above is made in relation to any such committee, subsections (3) and (4) of section 20 of the 1979 Act (under which the chief metropolitan stipendiary magistrate and other stipendiary magistrates are members of the committee) shall not have effect in relation to the committee during the period specified in the order.

#### Commencement Information

**I39** S. 88 wholly in force at 1.4.1995; s. 88 not in force at Royal Assent, see s. 94(1); s. 88(1)-(5) in force (1.11.1994) by S.I. 1994/2594, art. 3(i); s. 88(6) in force (1.4.1995) by S.I. 1995/685, art. 4(k) (with transitional provisions in art. 6)

#### *Studies by Audit Commission*

### **89 Studies by Audit Commission.**

- (1) The Audit Commission may, at the request of a magistrates' courts committee, undertake or promote comparative and other studies—
  - (a) designed to enable the Commission to make recommendations for improving economy, efficiency and effectiveness in the performance of the committee's functions, and
  - (b) for improving the financial or other management of the committee.
- (2) Any magistrates' courts committee which has requested a study in accordance with subsection (1) above, and any officer or member of such a committee, shall provide

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the Audit Commission, or any person authorised by it, with such information as it or he may reasonably require for the carrying out of the study.

- (3) The Audit Commission shall charge the magistrates' courts committee concerned such fees for any study carried out under subsection (1) above as will cover the full cost of carrying it out.
- (4) In this section "the Audit Commission" means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

### *General*

## 90 Regulations under Justices of the Peace Act 1979.

After section 69 of the 1979 Act there shall be inserted—

### “69A Regulations.

A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of section 12, 21, 24C, 24D(2), 25(2) or 62A of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## 91 Minor and consequential amendments.

- (1) Schedule 8 to this Act (which makes minor and consequential amendments relating to magistrates' courts) shall have effect.
- (2) The repeal of subsections (1), (2) and (4) of section 27 of the 1979 Act does not affect any justices' clerks in relation to whom section 26A(1) of the 1979 Act does not have effect.
- (3) The repeal of sections 36 and 36A of the 1979 Act does not affect the division of the inner London area into petty sessional divisions as existing immediately before the commencement of the repeal or the names of those petty sessional divisions.

### Commencement Information

**I40** S. 91 partly in force; s. 91 not in force at Royal Assent, see s. 94(1); s. 91(1) in force for certain purposes (1.11.1994) by S.I. 1994/2594, arts. 3(1), 6; s. 91(1) in force for certain purposes and certain areas (1.4.1995) by S.I. 1995/685, arts. 4(1), 5(6), 7 (with transitional provisions in art. 6); s. 91(2)(3) in force (1.4.1995) by S.I. 1995/685, art. 4(m) (with transitional provisions in art. 6)

## 92 Interpretation of Part IV.

- (1) In this Part of this Act “the 1979 Act” means the <sup>M67</sup>Justices of the Peace Act 1979.
- (2) Expressions used in this Part of this Act and in the 1979 Act have the same meaning in this Part as in that Act.

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#### Marginal Citations

M67 1979 c. 55.

## PART V

### SUPPLEMENTARY

#### 93 Repeals.

The enactments mentioned in Schedule 9 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

**I41** S. 93 partly in force; s. 93 not in force at Royal Assent, see s. 94(1); s. 93 in force for certain purposes (8.8.1994) by S.I. 1994/2025, arts. 3(1)(2)(f)(g), 4(1)(2)(e); s. 93 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(i); s. 93 in force for certain purposes (23.8.1994) by S.I. 1994/2151, art. 2(1)(2)(b); s. 93 in force for certain purposes (1.11.1994) by S.I. 1994/2594, arts. 3(n), 7; s. 93 in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; s. 93 in force (1.4.1995) for certain purposes by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); s. 93 in force (1.4.1995) for certain purposes by S.I. 1995/685, arts. 3, 4(n) (with transitional provisions in art. 6); s. 93 in force (13.12.1995) for certain purposes by S.I. 1995/3003, art. 2, Sch.; s. 93 in force (1.8.1996) for certain purposes by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

#### 94 Commencement and transitional provisions.

- (1) Except as provided by subsections (2) and (3) below, the preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions of this Act—  
Part IV and Schedule 8, and  
Part II of Schedule 9 and section 93 so far as it relates to that Part of that Schedule,  
shall come into force on such day as the Lord Chancellor may by order appoint.
- (3) The following provisions of this Act—
  - (a) section 3 and Schedule 2, so far as they relate to—
    - (i) the power to make orders under the section inserted by section 3, or
    - (ii) the power to make regulations under paragraph 11 of the Schedule entitled Schedule 1C set out in Schedule 2,
  - (b) sections 13 and 50,
  - (c) sections 26 and 60, subsections (4) and (7)(a) of section 63, and paragraphs 17 to 20 of Schedule 5, so far as they relate to service in accordance with arrangements made under section 15A(2) of the <sup>M68</sup>Police Act 1964 or section 12A(2) of the <sup>M69</sup>Police (Scotland) Act 1967, and
  - (d) section 44, so far as it relates to paragraphs 17 to 20 of Schedule 5,

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shall come into force on the passing of this Act.

- (4) An order under subsection (1) or (2) above may appoint different days for different purposes or different areas.
- (5) The power to make orders under subsection (1) or (2) above includes power to make such transitional provisions and savings as appear to the Secretary of State or, as the case may be, the Lord Chancellor to be necessary or expedient.
- (6) Without prejudice to the generality of subsection (5) above, an order under subsection (1) above may make provision—
  - (a) for the co-existence, for such period as may be prescribed by the order, of the police authorities to be established under section 3 of the <sup>M70</sup>Police Act 1964 (“the new police authorities”) and the police authorities which they are to supersede (“the old police authorities”); for the division of functions between them; for the performance by the old police authorities, before the new police authorities come into existence, of functions prescribed by the order and for consequential and supplementary matters (including the modification of the application in relation to them of provisions of this or any other Act or of any instrument);
  - (b) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
  - (c) for the transfer of members of police forces and other persons;
  - (d) as to pending legal proceedings;
  - (e) for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
  - (f) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (e) above.
- (7) Without prejudice to the generality of subsection (5) above, an order under subsection (2) above may make provision—
  - (a) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
  - (b) for the Lord Chancellor, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
  - (c) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (b) above.
- (8) An order under this section shall be made by statutory instrument which, if the order contains provisions made by virtue of subsections (5) to (7) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Subordinate Legislation Made**

- P1** S. 94(1) power exercised as follows;  
 different dates appointed for certain provisions by S.I. 1994/2025, arts. 3-7;  
 23.8.1994 appointed for certain provisions by S.I. 1994/2151, art. 2;  
 1.11.1994 appointed for certain provisions by S.I. 1994/2594, arts. 3, 4 (with transitional provisions in art. 5);

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different dates appointed for certain provisions by S.I. 1994/3075, arts. 2-4, **Sch.** (with transitional provisions in art. 4(2));  
different dates appointed for certain provisions by S.I. 1994/3262, arts. 3, 4, **Sch.** (with transitional provisions in arts. 3(2), 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3));  
3.2.1995 appointed for certain provisions by S.I. 1995/42, art. 3;  
different dates appointed for certain provisions by S.I. 1995/492, arts. 2, 3, Schs. 1, 2;  
different dates appointed for certain provisions and areas by S.I. 1995/685, arts. 3-5 (with transitional provisions in art. 6);  
13.12.1995 appointed for certain provisions by S.I. 1995/3003, art. 2, **Sch.**;  
1.8.1996 appointed for certain provisions by S.I. 1996/1646, art. 2, **Sch.** (with savings in art. 3)

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

- C2** S. 94(4) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(4) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)
- C3** S. 94(5) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(5) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)
- C4** S. 94(7) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(7) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)
- C5** S. 94(8) applied (19.6.1997) by 1997 c. 25, ss. 73(1), 74(1), Sch. 4 Pt. II paras. 7(8), **15(3)** (with Sch. 4 Pt. II para. 27)  
S. 94(8) applied (19.6.1997) by 1997 c. 25, s. **74(1)(4)** (with Sch. 4 Pt. II para. 27)

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**Marginal Citations**

- M68** 1964 c. 48.  
**M69** 1967 c. 77.  
**M70** 1964 c. 48.

**95 Police: co-operation on implementation.**

- (1) It shall be the duty of the relevant authorities and their staff to co-operate with each other, and generally to exercise their functions, so as to facilitate the implementation of this Act and any transfer of functions, property or staff made under it.
- (2) In subsection (1) above “relevant authorities” means the police authorities to be established under section 3 of the <sup>M71</sup>Police Act 1964 and the police authorities which they are to supersede, and
- where the police authority to be superseded is a committee of a council constituted in accordance with section 2 of that Act, that council, and
  - where the police authority to be superseded is a combined police authority constituted in accordance with section 3(4) of that Act, the constituent councils.

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**Marginal Citations**

- M71** 1964 c. 48.

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**96 Extent.**

- (1) The following provisions of this Act extend to England and Wales only—
  - sections 1 to 41 together with Schedules 1 to 3;
  - Part IV together with Schedule 8;
  - Schedules 4 and 5 so far as they relate to enactments which extend to England and Wales only.
- (2) Part II of, together with Schedule 6 to, this Act extends to Scotland only.
- (3) The following provisions of this Act extend to Northern Ireland (and in the case of Part III to Northern Ireland only)—
  - sections 43 and 44 together with Schedules 4 and 5 so far as they relate to enactments which extend there;
  - Part III;
  - Part V.
- (4) The provisions of Schedule 9 to this Act have the same extent as the enactments repealed.
- (5) Except as provided by subsections (3) and (4) above, this Act does not extend to Northern Ireland.

**97 Short title.**

This Act may be cited as the Police and Magistrates' Courts Act 1994.

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### SCHEDULE TO BE INSERTED IN POLICE ACT 1964: POLICE AREAS

##### Commencement Information

**I42** Sch. 1 wholly in force at 1.4.1995; Sch. 1 not in force at Royal Assent, see s. 94(1); Sch. 1 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(f)(3)-(6); Sch. 1 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provision in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### “SCHEDULE 1A

#### POLICE AREAS

#### *England (except London)*

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

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

### *Wales*

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



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South Wales

The counties of Mid Glamorgan, South Glamorgan and West Glamorgan”

SCHEDULE 2

Section 3.

SCHEDULES TO BE INSERTED IN POLICE ACT 1964: POLICE AUTHORITIES

**Commencement Information**

**I43** Sch. 2 wholly in force at 1.4.1995; Sch. 2 in force for certain purposes at Royal Assent (21.7.1994), see s. 94(3); Sch. 2 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(f)(3)-(6); Sch. 2 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

“SCHEDULE 1B

POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

*Membership of police authorities*

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

*Appointment of members by relevant councils*

- 2 (1) In the case of a police authority in relation to which there is only one relevant council, the members of the police authority referred to in paragraph 1(1)(a) or (2)(a) of this Schedule shall be appointed by that council.
- (2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.
- 3 The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.

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

*Appointment of independent members*

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

*Appointment of magistrates*

- 7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c) of this Schedule—
- (a) must be magistrates for an area all or part of which constitutes or forms part of the authority's area, and
  - (b) shall be appointed in accordance with paragraph 8 of this Schedule;
- and in that paragraph and paragraph 9 references to a panel are references to a selection panel established under regulations made in accordance with section 21(1A) of the <sup>M72</sup>Justices of the Peace Act 1979.
- 8 (1) Where there is a panel for an area which constitutes or includes the police authority's area, that panel shall make the appointment.
- (2) Where the area of more than one panel falls wholly or partly within the police authority's area, the appointment shall be made by a joint committee consisting of representatives from the panels concerned.
- (3) The number of members of a joint committee, and the number of those members to be appointed by each panel, shall be such as the panels may agree or, in the absence of agreement, as may be determined by the Lord Chancellor.

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

#### *Chairman*

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

#### *Disqualification*

- 11 A person shall be disqualified for being appointed as a member of a police authority if he has attained the age of seventy years.
- 12 (1) Subject to sub-paragraphs (3) and (4) of this paragraph, a person shall be disqualified for being appointed as or being a member of a police authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority are represented, or by any person holding any such office or employment;
  - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order under the <sup>M73</sup>Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and

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- (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (4) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d) of this paragraph, the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- 13 Without prejudice to paragraphs 11 and 12 of this Schedule, a member of a relevant council shall be disqualified for being appointed as or being a member of a police authority under paragraph 2 of this Schedule if he was elected for an electoral division or ward wholly within the metropolitan police district.
- 14 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule if—
- (a) he has not yet attained the age of twenty-one years, or
  - (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.
- 15 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
  - (b) a magistrate eligible for appointment to the police authority under paragraph 8 of this Schedule;
  - (c) a member of the selection panel for the police authority's area established under Schedule 1C to this Act;
  - (d) a member of a police force;
  - (e) an officer or employee of a police authority; or
  - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) of this paragraph as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
  - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

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### *Tenure of office*

- 16 Subject to the following paragraphs (and to the provisions of any order under section 3A(2) of this Act), a person shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment.
- 17 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
  - (b) such shorter term as the body appointing him may determine in any particular case.
- (2) A person shall not, by virtue of sub-paragraph (1)(b) of this paragraph, be appointed under paragraph 5 of this Schedule for a term shorter than four years without the approval of the Secretary of State.
- 18 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the police authority.
- (2) Where a member appointed under paragraph 5 of this Schedule resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.
- 19 (1) A member of a relevant council appointed to be a member of a police authority under paragraph 2 of this Schedule shall cease to be a member of the authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).
- (2) A magistrate appointed to be a member of a police authority under paragraph 8 of this Schedule shall cease to be a member of the authority if he ceases to be a magistrate for an area all or part of which constitutes or forms part of the authority's area.
- 20 (1) A police authority may remove a member from office by notice in writing if—
- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 12 of this Schedule),
  - (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where a police authority removes a member under sub-paragraph (1) of this paragraph, it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 8 of this Schedule, to the body which appointed him, and
  - (b) in the case of a member appointed under paragraph 5, to the Secretary of State.
- 21 A council or joint committee may remove from office a member of a police authority appointed by it under paragraph 2 of this Schedule with a view to appointing another in his place if it considers that to do so would further the object provided for by paragraph 4.
- 22 If a chairman of a police authority ceases to be a member, he shall also cease to be chairman.

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### *Eligibility for re-appointment*

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

### *Validity of acts*

- 24 The acts and proceedings of any person appointed to be a member or chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 25 The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

### *Allowances*

- 26 (1) A police authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may, with the approval of the Treasury, determine.
- (2) Payments made under sub-paragraph (1) of this paragraph may differ according to whether the recipient is a chairman or other member or was appointed under paragraph 2, 5 or 8 of this Schedule.

### *Interpretation*

- 27 (1) For the purposes of this Schedule, a council is a “relevant council” in relation to a police authority if—
- (a) it is the council for a county, district, county borough or London borough which constitutes, or is wholly within, the authority’s police area, and
  - (b) in the case of a district council, the district is not in a county having a county council within paragraph (a).
- (2) In determining for the purposes of sub-paragraph (1) of this paragraph whether a county or district is wholly within a police area, any part of the county or district which is within the metropolitan police district shall be disregarded.

## SCHEDULE 1C

### POLICE AUTHORITIES: SELECTION OF INDEPENDENT MEMBERS

#### *Selection panels*

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

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

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonably require, and
- (b) meet any expenses incurred by the panel in the exercise of their functions.

*Functions of selection panel*

- 8 (1) Where appointments to a police authority are to be made under paragraph 5 of Schedule 1B to this Act, the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.
- (2) Unless the selection panel are able to identify only a smaller number, the number of persons to be nominated by a selection panel under this paragraph on any occasion shall be a number four times greater than the number of appointments to be made under paragraph 5 of Schedule 1B to this Act.
- (3) A selection panel shall notify the Secretary of State of—
- (a) the name of each person nominated by it under this paragraph, and
  - (b) such other information regarding those persons as it considers appropriate.
- 9 A person shall not be nominated under paragraph 8 of this Schedule in relation to an authority if, by virtue of paragraph 11, 12, 14 or 15 of Schedule 1B to this Act, he is disqualified for being appointed as a member of the authority under paragraph 5 of that Schedule.
- 10 In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under paragraph 8 of this Schedule—
- (a) represent the interests of a wide range of people within the community in the police area, and
  - (b) include persons with skills, knowledge or experience in such fields as may be specified for the purposes of this paragraph in regulations made under paragraph 11 of this Schedule.
- 11 (1) The Secretary of State may make regulations as to—
- (a) the procedures to be followed in relation to the selection of persons for nomination under paragraph 8 of this Schedule, and
  - (b) the conduct of the proceedings of selection panels.
- (2) Without prejudice to the generality of sub-paragraph (1) of this paragraph, regulations under this paragraph may—
- (a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications or suggestions for nomination under paragraph 8 of this Schedule, and for dealing with applications and suggestions received;
  - (b) make provision specifying the fields referred to in paragraph 10 of this Schedule;
  - (c) prescribe matters, in addition to those mentioned in paragraph 10 of this Schedule, to which a selection panel is to have regard in carrying out any of its functions;
  - (d) provide for decisions of a selection panel to be taken by a majority of the members.
- (3) Regulations under this paragraph may make different provision for different cases and circumstances.



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- (4) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Secretary of State's short-list*

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

**Marginal Citations**

M72 1979 c. 55.

M73 1986 c. 46.

SCHEDULE 3

Section 19.

SCHEDULE TO BE INSERTED IN POLICE ACT 1964: APPEALS TRIBUNALS

“SCHEDULE 5

APPEALS

*Police appeals tribunals*

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who have a seven year general qualification within the meaning of section 71 of the <sup>M74</sup>Courts and Legal Services Act 1990 and have been nominated by the Lord Chancellor for the purposes of this Schedule,

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- (b) one shall be a member of a police authority, other than the relevant police authority, and
- (c) one shall be a person who—
  - (i) is (or has within the previous five years been) an Inspector of Constabulary, or
  - (ii) has within the previous five years been (and is no longer) the Commissioner of Police of the Metropolis.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.
- 2 (1) In the case of an appeal by a member of a police force who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
  - (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a) of this Schedule,
  - (b) one shall be a member of the authority or, where the authority is the Secretary of State, a person nominated by him,
  - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief officers of police, other than a person who is (or has at any time been) the chief officer of police of the force maintained by the relevant authority, and
  - (d) one shall be a retired officer of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

#### *Notice of appeal*

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 37 of this Act.

#### *Respondent*

- 4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 37 of this Act.

#### *Casting vote*

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

#### *Hearing*

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to appear by a serving member of a police force or by counsel or a solicitor; and the respondent shall have the right to appear by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

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### *Effect of orders*

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal 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 his rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

### *Remuneration and expenses*

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration, and
  - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

### *Costs*

- 9 (1) An appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the relevant police authority.
- (2) Subject to sub-paragraph (1) of this paragraph, all the costs and expenses of an appeal under section 37 of this Act, including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8 of this Schedule, shall be defrayed out of the police fund of the relevant police authority.

### *Interpretation*

- 10 In this Schedule—
- (a) “senior officer” means a member of a police force holding a rank above that of superintendent,
  - (b) “relevant police authority” means the police authority which maintains the police force of which the appellant is a member, and
  - (c) “retired officer of appropriate rank” means—
    - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired member of a police force who at the time of his retirement was of that rank, and
    - (ii) in any other case a retired member of a police force who at the time of his retirement was of the rank of chief inspector or below.”

#### **Marginal Citations**

M74 1990 c. 41.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 4

Section 43.

### APPLICATION TO POLICE AUTHORITIES OF ENACTMENTS RELATING TO LOCAL AUTHORITIES

#### Extent Information

**E1** The provisions of Sch. 4 have the same extent as the provisions they amend, see s. 96(1)-(3)

#### Commencement Information

**I44** Sch. 4 wholly in force at 1.4.1995; Sch. 4 not in force at Royal Assent, see s. 94(1); Sch. 4 except paras. 1-4, 15(2), 42 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(g)(3)-(6); Sch. 4 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provision in art. 4(8)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

## PART I

### AMENDMENTS OF LOCAL GOVERNMENT ENACTMENTS

#### *Local Government (Records) Act 1962*

- 1 In section 2 of the <sup>M75</sup>Local Government (Records) Act 1962 (acquisition and deposit of records), in subsection (6) after the words "City of London," there shall be inserted the words " to a police authority established under section 3 of the <sup>M76</sup>Police Act 1964, ”.

#### Marginal Citations

**M75** 1962 c. 56.  
**M76** 1964 c. 48.

- 2 In section 8 of that Act (interpretation), in subsection (1), in the definition of "local authority" after the words "City of London" there shall be inserted the words " , a police authority established under section 3 of the <sup>M77</sup>Police Act 1964, ”.

#### Marginal Citations

**M77** 1964 c. 48.

#### *Local Government Act 1966*

- 3 In section 11 of the <sup>M78</sup>Local Government Act 1966 (grants for expenditure due to ethnic minority population), in subsection (2) after the words "apply to" there shall be inserted the words " a police authority established under section 3 of the <sup>M79</sup>Police Act 1964 and ”.

#### Marginal Citations

**M78** 1966 c. 42.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**M79** 1964 c. 48.

*Local Government Grants (Social Need) Act 1969*

- 4 In section 1 of the <sup>M80</sup>Local Government Grants (Social Need) Act 1969 (provision for grants), in subsection (3) after the word “include” there shall be inserted the words “ a police authority established under section 3 of the <sup>M81</sup>Police Act 1964 and ”.

**Marginal Citations**

**M80** 1969 c. 2.

**M81** 1964 c. 48.

*Local Authorities (Goods and Services) Act 1970*

- 5 In section 1 of the <sup>M82</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in subsection (4), in the definition of “public body” after the words “local authority” there shall be inserted the words “ , any police authority established under section 3 of the <sup>M83</sup>Police Act 1964, any ”.

**Marginal Citations**

**M82** 1970 c. 39.

**M83** 1964 c. 48.

*Local Government Act 1972*

- 6 In section 94 of the <sup>M84</sup>Local Government Act 1972 (disability of members of authorities for voting on account of interest in contracts, etc.), in subsection (5) (b) (receipt of certain allowances not to be treated as a pecuniary interest) after the words “176 below” there shall be inserted the words “ or paragraph 26 of Schedule 1B to the <sup>M85</sup>Police Act 1964 ”.

**Marginal Citations**

**M84** 1972 c. 70.

**M85** 1964 c. 48.

- 7 In section 98 of that Act, in subsection (1A) (application to joint authorities of provisions about members’ interests) after the words “joint authority” there shall be inserted the words “ and a police authority established under section 3 of the <sup>M86</sup>Police Act 1964 ”.

**Marginal Citations**

**M86** 1964 c. 48.

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- 8 In section 99 of that Act (meetings and proceedings of local authorities) after the words “joint authorities,” there shall be inserted the words “ police authorities established under section 3 of the <sup>M87</sup>Police Act 1964 ”.

**Marginal Citations**

**M87** 1964 c. 48.

- 9 (1) Section 100J of that Act (application to joint authorities etc. of provisions relating to access to meetings and documents) shall be amended as follows.
- (2) For subsection (1)(e) there shall be substituted—
- “(e) a police authority established under section 3 of the <sup>M88</sup>Police Act 1964;”.
- (3) In subsection (4), in paragraph (a)—
- (a) for the words “combined police authority” there shall be substituted the words “ police authority established under section 3 of the <sup>M89</sup>Police Act 1964 ”, and
- (b) for the word “which” there shall be substituted the words “ or other person that ”.

**Marginal Citations**

**M88** 1964 c. 48.

**M89** 1964 c. 48.

- 10 (1) Section 107 of that Act (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) the words “104 and” shall be omitted, and
- (b) after the words “those sections” there shall be inserted the words “ and section 104 ”.
- (3) In subsection (3) for the words “for the purposes of” there shall be substituted the word “ by ”.
- (4) After subsection (3) there shall be inserted—
- “(3A) Where pursuant to arrangements made by virtue of subsection (3) above—
- (a) a chief officer of police, or
- (b) the deputy of a chief officer of police,
- may discharge functions of a police authority, he may himself arrange for the discharge of any of those functions by a member of the police force or by a person who is employed by the authority but is not under the authority’s direction and control.”
- (5) In subsection (8) for the words “for the purposes of” there shall be substituted the word “ by ”.
- (6) Subsections (9) and (10) shall be omitted.

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11 (1) Section 146A of that Act (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.

(2) In subsection (1)—

- (a) at the beginning there shall be inserted the words “ Subject to subsection (1A) below, ”, and
- (b) after the words “joint authority” there shall be inserted the words “ and a police authority established under section 3 of the <sup>M90</sup>Police Act 1964 ”.

(3) After subsection (1) there shall be inserted—

“(1A) A police authority established under section 3 of the <sup>M91</sup>Police Act 1964 shall not be treated—

- (a) as a local authority for the purposes of section 112, 139, 140A or 140C above, or
- (b) as a principal council for the purposes of section 122 above.”

#### Marginal Citations

**M90** 1964 c. 48.

**M91** 1964 c. 48.

12 In section 223 of that Act (appearance of local authorities in legal proceedings), in subsection (2) after the words “joint authority” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M92</sup>Police Act 1964 ”.

#### Marginal Citations

**M92** 1964 c. 48.

13 In section 228 of that Act (inspection of documents), in subsection (7A) after the words “joint authority” there shall be inserted the words “ or a police authority established under section 3 of the <sup>M93</sup>Police Act 1964 ”.

#### Marginal Citations

**M93** 1964 c. 48.

14 The words “and a police authority established under section 3 of the <sup>M94</sup>Police Act 1964” shall be inserted after the words “joint authority”—

- (a) in section 229 of that Act (photographic copies of documents), in subsection (8);
- (b) in section 231 of that Act (service of notices on local authorities, etc.), in subsection (4);
- (c) in section 232 of that Act (public notices), in subsection (1A);
- (d) in section 233 of that Act (service of notices by local authorities), in subsection (11); and
- (e) in section 234 of that Act (authentication of documents), in subsection (4).

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#### Marginal Citations

**M94** 1964 c. 48.

- 15 (1) Schedule 12 to that Act (meetings and proceedings of local authorities) shall be amended as follows.
- (2) In sub-paragraph (1) of paragraph 6A after the words “joint authority”, there shall be inserted the words “ or a police authority established under section 3 of the <sup>M95</sup>Police Act 1964 ”.
- (3) In paragraph 6B—
- (a) after the word “that” there shall be inserted “ (a) ”, and
- (b) for the words “members in the case of a joint authority” there shall be substituted the words “, and
- (b) in the case of a police authority established under section 3 of the <sup>M96</sup>Police Act 1964, sub-paragraphs (2) and (3) of paragraph 5 shall not apply and if the chairman is absent from a meeting of such an authority another member chosen by the members of the authority present shall preside.”
- (4) In paragraph 46, after the words “joint authority” there shall be inserted the words “ and a police authority established under section 3 of the <sup>M97</sup>Police Act 1964 ”.

#### Commencement Information

**I45** Sch. 4 para. 15 wholly in force at 1.4.1995; Sch. 4 not in force at Royal Assent, see s. 94(1); Sch. 4 para. 15(1)(3) in force for certain purposes at 1.10.1994 by S.I. 1994/2025, art. 6(1)(2)(d)(3)–(6); Sch. 4 para. 15 in force at 1.4.1995 insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M95** 1964 c. 48.

**M96** 1964 c. 48.

**M97** 1964 c. 48.

#### *Local Government Act 1974*

- 16 In section 25 of the <sup>M98</sup>Local Government Act 1974 (authorities subject to investigation by Commission for Local Administration), in subsection (1) for paragraph (ca) there shall be substituted—
- “(ca) any police authority established under section 3 of the <sup>M99</sup>Police Act 1964;”.

#### Marginal Citations

**M98** 1974 c. 7.

**M99** 1964 c. 48.



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### *Local Government (Miscellaneous Provisions) Act 1976*

- 17 In section 30 of the <sup>M100</sup>Local Government (Miscellaneous Provisions) Act 1976 (power to forgo repayment of remuneration paid to deceased employees), for subsection (3) (police authorities to be treated as local authorities and police officers to be treated as their employees) there shall be substituted—

“(3) For the purposes of this section a member of a police force which is maintained by a police authority (other than the Secretary of State) shall be treated as employed by the authority and references to employment shall be construed accordingly.”

#### **Marginal Citations**

**M100** 1976 c. 57.

- 18 In section 44 of that Act (interpretation), in subsection (1), in paragraph (a) of the definition of “local authority” after the words “of this Act,” there shall be inserted the words “a police authority established under section 3 of the <sup>M101</sup>Police Act 1964 and ”.

#### **Marginal Citations**

**M101** 1964 c. 48.

### *Local Government, Planning and Land Act 1980*

- 19 In section 2 of the <sup>M102</sup>Local Government, Planning and Land Act 1980 (duty of authorities to publish information), in subsection (1)—
- (a) in paragraph (j) the words from “a police committee” to “in Scotland”, and
  - (b) in paragraph (k) the words from “a combined” to “in Scotland”,
- shall be omitted.

#### **Marginal Citations**

**M102** 1980 c. 65.

- 20 In section 20 of that Act (interpretation of provisions relating to direct labour organisations), in subsection (1), in paragraph (a)(i) of the definition of “local authority” after the words “borough council,” there shall be inserted the words “a police authority established under section 3 of the <sup>M103</sup>Police Act 1964 ”.

#### **Marginal Citations**

**M103** 1964 c. 48.

- 21 In section 99 of that Act (directions to dispose of land), in subsection (4) after paragraph (db) there shall be inserted—

“(dc) a police authority established under section 3 of the <sup>M104</sup>Police Act 1964;”.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Marginal Citations**

M104 1964 c. 48.

- 22 In Schedule 16 to that Act (bodies to whom provisions of Part X relating to registration of land apply) after paragraph 5B there shall be inserted—
- “5C A police authority established under section 3 of the <sup>M105</sup>Police Act 1964.”

**Marginal Citations**

M105 1964 c. 48.

*Local Government (Miscellaneous Provisions) Act 1982*

- 23 In section 33 of the <sup>M106</sup>Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a) after the words “Residuary Body” there shall be inserted the words “, a police authority established under section 3 of the <sup>M107</sup>Police Act 1964”.

**Marginal Citations**

M106 1982 c. 30.

M107 1964 c. 48.

- 24 In section 41 of that Act (lost and uncollected property), in subsection (13), in the definition of “local authority” after paragraph (c) there shall be inserted—
- “(ca) a police authority established under section 3 of the <sup>M108</sup>Police Act 1964; and”.

**Marginal Citations**

M108 1964 c. 48.

*Local Government Finance Act 1982*

- 25 In section 12 of the <sup>M109</sup>Local Government Finance Act 1982 (accounts subject to audit), in subsection (2) for paragraph (g) there shall be substituted—
- “(g) a police authority established under section 3 of the <sup>M110</sup>Police Act 1964;”.

**Commencement Information**

**I46** Sch. 4 Pt. I para. 25 wholly in force at 1.4.1995; Sch. 4 Pt. I para. 25 not in force at Royal Assent, see s. 94(1); Sch. 4 Pt. I para. 25 in force for certain purposes at 1.10.1994 by S.I. 1994/2025, art. 6(1)(2)(d)(3)-(6); Sch. 4 para. 25 in force (15.1.1995) for certain further purposes by S.I. 1994/3262, art. 4(8);

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**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
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Sch. 4 para. 25 in force at 1.4.1995 insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

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**Marginal Citations**

M109 1982 c. 32.

M110 1964 c. 48.

- 26 In section 19 of that Act (declaration that item of account is unlawful), in subsection (7) at the end there shall be added the words “ and a police authority established under section 3 of the <sup>M111</sup>Police Act 1964 ”.

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**Marginal Citations**

M111 1964 c. 48.

- 27 In section 20 of that Act (recovery of amount not accounted for etc.), in subsection (10) at the end there shall be added the words “ and a police authority established under section 3 of the <sup>M112</sup>Police Act 1964 ”.

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**Marginal Citations**

M112 1964 c. 48

- 28 After section 28A of that Act there shall be inserted—

**“28B Delivery of documents relating to police authorities to Secretary of State.**

- (1) The Commission shall send to the Secretary of State a copy of any report of which a copy is sent to the Commission under section 18(4) above and which relates to a police authority established under section 3 of the <sup>M113</sup>Police Act 1964.
- (2) If it appears to the Commission appropriate to do so, it may send to the Secretary of State a copy of any document—
  - (a) which relates to one or more police authorities established under section 3 of the Police Act 1964, and
  - (b) which has been sent (or a copy of which has been sent) by the Commission to a police authority established under that section.”

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**Marginal Citations**

M113 1964 c. 48.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*Local Government Act 1986*

- 29 In section 6 of the <sup>M114</sup>Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality), in subsection (2)(a) after the entry relating to the Broads Authority there shall be inserted—

“a police authority established under section 3 of the <sup>M115</sup>Police Act 1964,”.

**Marginal Citations**

<sup>M114</sup> 1986 c. 10.

<sup>M115</sup> 1964 c. 48

- 30 In section 9 of that Act (interpretation of provisions relating to the transfer of mortgages), in subsection (1)(a) after the entry relating to the Common Council there shall be inserted—

“a police authority established under section 3 of the <sup>M116</sup>Police Act 1964,”.

**Marginal Citations**

<sup>M116</sup> 1966 c. 42.

*Local Government Act 1988*

- 31 In section 1 of the <sup>M117</sup>Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1) for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the <sup>M118</sup>Police Act 1964,”.

**Marginal Citations**

<sup>M117</sup> 1988 c. 9.

<sup>M118</sup> 1967 c. 77.

- 32 In Schedule 2 to that Act, in the list of public authorities to which provisions on public supply or works contracts apply, for the entry relating to police authorities there shall be substituted— “ A police authority established under section 3 of the <sup>M119</sup>Police Act 1964. ”

**Marginal Citations**

<sup>M119</sup> 1967 c. 77.

*Local Government Finance Act 1988*

- 33 In section 112 of the <sup>M120</sup>Local Government Finance Act 1988 (financial administration as to combined police and fire authorities), in subsection (2) for paragraph (a) there shall be substituted—

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

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“(a) any police authority established under section 3 of the <sup>M121</sup>Police Act 1964, and”.

#### Marginal Citations

[M120 1988 c. 41.](#)

[M121 1964 c. 48.](#)

34 In section 114 of that Act (functions of the chief finance officer as regards reports), in subsection (2), for the words “or officer of the authority” there shall be inserted the words “ of the authority, a person holding any office or employment under the authority, a member of a police force maintained by the authority, ”.

#### *Local Government and Housing Act 1989*

35 In section 5 of the <sup>M122</sup>Local Government and Housing Act 1989 (designation and reports of monitoring officer)—

- (a) in subsection (1), after the words “paid service” there shall be inserted the words “ (or, in the case of a police authority established under section 3 of the Police Act 1964, the clerk to the authority) ”;
- (b) in subsection (2), for the words “sub-committee or officer of the authority”, in both places where they occur, there shall be substituted the words “ or sub-committee of the authority, by any person holding any office or employment under the authority ”; and
- (c) in subsection (3), for the words “head of the authority’s paid service” there shall be substituted the words “ person who is for the time being designated as the head of the authority’s paid service under section 4 above ”.

#### Marginal Citations

[M122 1989 c. 42.](#)

36 In section 13 of that Act (voting rights of members of certain committees who are not members of the relevant local authority)—

- (a) in subsection (4)(h) for the words “paragraphs (a) to (g)” there shall be substituted the words “ paragraphs (b) to (g) ”, and
- (b) in subsection (9) for the words “paragraphs (a) to (j)” there shall be substituted the words “ paragraphs (a) to (f) or (h) to (j) ”.

37 In section 18 of that Act (allowances for local authority members), in subsection (5) (a) for the words “paragraphs (d) and (j)” there shall be substituted the words “ paragraphs (d), (g) and (j) ”.

38 In section 21 of that Act, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.) for paragraph (g) there shall be substituted—

“(g) a police authority established under section 3 of the <sup>M123</sup>Police Act 1964;”.

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**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Marginal Citations**

M123 1964 c. 48.

- 39 In section 67 of that Act (application of provisions relating to companies in which local authorities have interests), in subsection (3) (definition of local authority) for paragraph (i) there shall be substituted—

“(i) a police authority established under section 3 of the<sup>M124</sup>Police Act 1964;”.

**Marginal Citations**

M124 1964 c. 48.

- 40 In section 101 of that Act (housing grants for improvements and repairs), in subsection (3) (bodies ineligible to apply for grants) after paragraph (e) there shall be inserted—

“(ea) a police authority established under section 3 of the<sup>M125</sup>Police Act 1964;”.

**Marginal Citations**

M125 1964 c. 48.

- 41 In section 152 of that Act (interpretation etc. of provision relating to power of local authorities to impose charges) subsections (1)(f) and (2)(g) shall be omitted.

- 42 In section 155 of that Act (emergency assistance to local authorities), after subsection (4)(e) there shall be inserted—

“(ea) a police authority established under section 3 of the<sup>M126</sup>Police Act 1964;”.

**Marginal Citations**

M126 1964 c. 48.

- 43 In section 157 of that Act (commutation of, and interest on, periodic payments of grants etc.), in subsection (6) for paragraph (g) there shall be substituted—

“(g) a police authority established under section 3 of the<sup>M127</sup>Police Act 1964;”.

**Marginal Citations**

M127 1964 c. 48.

- 44 In Schedule 1 to that Act (political balance on local authority committees etc.)—
- (a) in paragraph 2(1)(a) for the words “paragraphs (f) to (j)” there shall be substituted the words “ paragraphs (f) or (h) to (j) ”, and

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- (b) in paragraph 4(1), in paragraph (a) of the definition of “relevant authority” for the words “paragraphs (a) to (c) or (f) to (j)” there shall be substituted the words “ paragraphs (a) to (c), (f) or (h) to (j) ”.

#### *Local Government Finance Act 1992*

- 45 In section 19 of the <sup>M128</sup>Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3) for paragraph (c) there shall be substituted—

“(c) a police authority established under section 3 of the <sup>M129</sup>Police Act 1964; and”.

#### **Marginal Citations**

**M128** 1992 c. 14.

**M129** 1964 c. 48.

## **PART II**

### AMENDMENTS OF OTHER ENACTMENTS

#### *Trustee Investments Act 1961*

- 46 In section 11 of the <sup>M130</sup>Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)(a) after the words “the Broads Authority” there shall be inserted the words “, a police authority established under section 3 of the <sup>M131</sup>Police Act 1964 ”.

#### **Marginal Citations**

**M130** 1961 c. 62.

**M131** 1964 c. 48.

- 47 In Part II of Schedule 1 to that Act (list of narrower-range investments requiring advice), in paragraph 9, in sub-paragraph (d) for the words “a combined police authority” onwards there shall be substituted the words “ a police authority established under section 3 of the <sup>M132</sup>Police Act 1964; ”.

#### **Marginal Citations**

**M132** 1964 c. 48.

#### *Leasehold Reform Act 1967*

- 48 In section 28 of the <sup>M133</sup>Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), in paragraph (a) for the words “any combined police authority” onwards there shall be substituted the words “ any police authority established under section 3 of the <sup>M134</sup>Police Act 1964; and ”.

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**Marginal Citations**

M133 1967 c. 88.

M134 1964 c. 48.

*Post Office Act 1969*

- 49 In section 7 of the <sup>M135</sup>Post Office Act 1969 (powers of the Post Office) after subsection (1) there shall be inserted—

“(1AA) In subsection (1)(e) above, “local authority” includes a police authority established under section 3 of the <sup>M136</sup>Police Act 1964.”

**Marginal Citations**

M135 1969 c. 48.

M136 1964 c. 48.

*Employment Agencies Act 1973*

- 50 In section 13 of the <sup>M137</sup>Employment Agencies Act 1973, in subsection (7) (cases in which Act is not to apply), in paragraph (f) after the words “local authority” there shall be inserted the words “, a police authority established under section 3 of the <sup>M138</sup>Police Act 1964 ”.

**Marginal Citations**

M137 1973 c. 35.

M138 1964 c. 48.

*Race Relations Act 1976*

- 51 In section 71 of the <sup>M139</sup>Race Relations Act 1976 (local authorities: general statutory duty) after the word “includes” there shall be inserted the words “ a police authority established under section 3 of the <sup>M140</sup>Police Act 1964 and ”.

**Marginal Citations**

M139 1976 c. 74.

M140 1964 c. 48.



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### *Rent (Agriculture) Act 1976*

- 52 In section 5 of the <sup>M141</sup>Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or to local authority, etc.), in subsection (3) after paragraph (b) there shall be inserted—

“(baa) a police authority established under section 3 of the <sup>M142</sup>Police Act 1964;”.

#### **Marginal Citations**

[M141 1976 c. 80.](#)

[M142 1964 c. 48.](#)

### *Rent Act 1977*

- 53 In section 14 of the <sup>M143</sup>Rent Act 1977 (landlord's interest belonging to local authority, etc.) after paragraph (c) there shall be inserted—

“(caa) a police authority established under section 3 of the <sup>M144</sup>Police Act 1964;”.

#### **Marginal Citations**

[M143 1977 c. 42.](#)

[M144 1964 c. 48.](#)

### *Justices of the Peace Act 1979*

- 54 In section 64 of the Justices of the <sup>M145</sup>Peace Act 1979 (disqualification in certain cases of justices who are members of local authorities), in subsection (6) (definition of local authority) for the word “and” (in the first place where it occurs) there shall be substituted the words “ a police authority established under section 3 of the <sup>M146</sup>Police Act 1964, ”.

#### **Marginal Citations**

[M145 1979 c. 55.](#)

[M146 1964 c. 48.](#)

### *Acquisition of Land Act 1981*

- 55 In section 17 of the <sup>M147</sup>Acquisition of Land Act 1981 (compulsory purchase of local authority and statutory undertakers' land), in subsection (4), in the definition (for the purposes of subsection (3)) of “local authority”—

(a) in paragraph (a) after the words “City of London” there shall be inserted the words “, a police authority established under section 3 of the <sup>M148</sup>Police Act 1964 ”; and

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- (b) in paragraph (b) at the end there shall be added the words “ or a police authority established under section 3 of the <sup>M149</sup>Police Act 1964. ”

**Marginal Citations**

**M147** 1981 c. 67.  
**M148** 1964 c. 48.  
**M149** 1964 c. 48.

*Stock Transfer Act 1982*

- 56 In Schedule 1 to the <sup>M150</sup>Stock Transfer Act 1982 (securities that can be transferred through a computerised system), in paragraph 7(1) for the word “or” at the end of paragraph (b) there shall be substituted—

“(ba) any police authority established under section 3 of the Police Act 1964; or”.

**Marginal Citations**

**M150** 1982 c. 41.

*County Courts Act 1984*

- 57 In section 60 of the <sup>M151</sup>County Courts Act 1984 (right of audience for officer of local authority in proceedings brought by authority), in subsection (3), in the definition of “local authority” after the words “borough council” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M152</sup>Police Act 1964 ”.

**Marginal Citations**

**M151** 1984 c. 28.  
**M152** 1964 c. 48.

*Housing Act 1985*

- 58 In section 4 of the <sup>M153</sup>Housing Act 1985 (interpretation), in paragraph (e) (definition of “local authority”)—

(a) after the words “Broads Authority” (in the first place where they occur) there shall be inserted the words “ , in sections 438, 441, 442, 443 and 458 includes the Broads Authority and a joint authority established by Part IV of the <sup>M154</sup>Local Government Act 1985 ”,

(b) the words “sections 438, 441, 442, 443, 458, 460(3)” shall be omitted, and

(c) after the words “Broads Authority” (in the second place where they occur) there shall be inserted the words “ , a police authority established under section 3 of the <sup>M155</sup>Police Act 1964 and ”.

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#### Marginal Citations

M153 1985 c. 68.

M154 1985 c. 51.

M155 1964 c. 48.

#### *Housing Associations Act 1985*

- 59 In section 106 of the <sup>M156</sup>Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority”—
- (a) for the words “sections 84(5) and 85(4)” there shall be substituted the words “ section 84(5) ”, and
  - (b) at the end there shall be added the words “ and in section 85(4) includes such a joint authority and a police authority established under section 3 of the <sup>M157</sup>Police Act 1964 ”.

#### Marginal Citations

M156 1985 c. 69.

M157 1964 c. 48.

#### *Landlord and Tenant Act 1985*

- 60 In section 38 of the <sup>M158</sup>Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority” after the words “Broads Authority” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M159</sup>Police Act 1964 and ”.

#### Marginal Citations

M158 1985 c. 70.

M159 1964 c. 48.

#### *Landlord And Tenant Act 1987*

- 61 In section 58 of the <sup>M160</sup>Landlord and Tenant Act 1987, in subsection (1) (definition of “exempt landlord”), in paragraph (a) after the word “Scilly,” there shall be inserted the words “ a police authority established under section 3 of the <sup>M161</sup>Police Act 1964 ”.

#### Marginal Citations

M160 1987 c. 31.

M161 1964 c. 48.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

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### *Housing Act 1988*

- 62 In Schedule 1 to the <sup>M162</sup>Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 12 (local authority tenancies, etc.) after sub-paragraph (2) (f) there shall be added the words “and
- (g) a police authority established under section 3 of the <sup>M163</sup>Police Act 1964.”

#### **Marginal Citations**

**M162** 1988 c. 50.

**M163** 1964 c. 48.

### *Town and Country Planning Act 1990*

- 63 In section 252 of the <sup>M164</sup>Town and Country Planning Act 1990 (procedure for making of orders relating to highways), in subsection (12), in the definition of “local authority” after the words “London borough,” there shall be inserted the words “ a police authority established under section 3 of the <sup>M165</sup>Police Act 1964, ”.

#### **Marginal Citations**

**M164** 1990 c. 8.

**M165** 1964 c. 48.

## SCHEDULE 5

Section 44.

### POLICE: MINOR AND CONSEQUENTIAL AMENDMENTS

#### **Extent Information**

**E2** The provisions of Sch. 5 have the same extent as the enactments they amend, see s. 96(1)-(3)

#### **Commencement Information**

**I47** Sch. 5 partly in force; Sch. 5 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I paras. 5, 15 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(g)(3)-(6); Sch. 5 Pt. I para. 10(1)(3) in force (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(j); Sch. 5 paras. 1, 8 in force (31.12.1994) by S.I. 1994/3262, art. 3(1)(a) (with transitional provisions in art. 3(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); Sch. 5 Pt. I paras. 11 (only so far as extending to Scotland), 39 (the opening words and 39(b)), 40(1)(3) in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

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## PART I

### AMENDMENTS OF POLICE ACT 1964

- 1 (1) Section 12 of the <sup>M166</sup>Police Act 1964 (reports by chief constables to police authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “calendar year” there shall be substituted the words “ financial year ”, and
- (b) the words “in writing” shall be omitted.
- (3) After subsection (1) there shall be inserted—
- “(1A) A chief constable shall arrange for a report submitted by him under subsection (1) of this section to be published in such manner as he thinks fit.”
- (4) In subsection (2) the words “in writing” shall be omitted.
- (5) After subsection (2) there shall be inserted—
- “(2A) A report submitted under subsection (2) of this section shall be in such form as the police authority may specify.”
- (6) After subsection (3) there shall be inserted—
- “(3A) The police authority may arrange, or require the chief constable to arrange, for a report under subsection (2) of this section to be published in such manner as the authority thinks fit.”

#### Commencement Information

**I48** Sch. 5 Pt. 1 para. 1 wholly in force at 31.12.1994; Sch. 5 Pt. 1 para. 1 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. 1 para. 1 in force (31.12.1994) by S.I. 1994/3262, art. 3(1)(a) (with transitional provisions in art. 3(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M166** 1964 c. 48.

- 2 (1) Section 13 (collaboration agreements) shall be amended as follows.
- (2) In subsection (1) after the word “efficiently” there shall be inserted the words “ or effectively ”.
- (3) After subsection (6) there shall be added—
- “(7) The provisions of this section shall not prejudice the power of a police authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of the authority’s functions.”

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- 3 In section 17(1) (appointment of police cadets) the words “and subject to the approval of the police authority as to numbers” shall be omitted.
- 4 In section 19(3) (jurisdiction of special constables) after the words “City of London”, in each place where they occur, there shall be added the words “ police area ”.
- 5 In section 25, subsection (5) (five representatives of Cambridge University to be members of police authority for area including Cambridge) shall be omitted.

#### Commencement Information

**I49** Sch. 5 Pt. I para. 5 wholly in force at 1.4.1995; Sch. 5 Pt. I para. 5 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 5 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(g)(3)-(6); Sch. 5 Pt. I para. 5 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

- 6 In section 28 (general duty of Secretary of State) after the word “efficiency” there shall be inserted the words “ and effectiveness ”.
- 7 (1) Section 29 (removal of chief constables etc.) shall be amended as follows.  
 (2) At the end of subsection (1) there shall be added the words “ or effectiveness ”.  
 (3) In subsection (2) for the words “a deputy or assistant chief constable” there shall be substituted the words “ an assistant chief constable ”.
- 8 (1) Section 30 (reports by chief constables to the Secretary of State) shall be amended as follows.  
 (2) After subsection (1) there shall be inserted—  
 “(1A) A requirement under subsection (1) of this section may specify the form in which a report is to be given.  
 (1B) The Secretary of State may arrange, or require the chief constable to arrange, for a report under this section to be published in such manner as the Secretary of State thinks fit.”  
 (3) In subsection (2) for the words “calendar year” there shall be substituted the words “ financial year ”.

#### Commencement Information

**I50** Sch. 5 Pt. I para. 8 wholly in force at 31.12.1994; Sch. 5 Pt. I para. 8 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 8 in force (31.12.1994) by S.I. 1994/3262, art. 3(1)(a) (with transitional provisions in art. 3(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

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- 9 In section 42 (research) after the word “efficiency” there shall be inserted the words “or effectiveness”.
- 10 (1) Section 43 (central service on police duties) shall be amended as follows.
- (2) In subsection (3A), for the words “subsection (1) above” there shall be substituted the words “section 53C(3) of this Act”.
- (3) In subsection (5) for the words “service as a staff officer to the inspectors of constabulary” there shall be substituted the words “temporary service under section 39 of this Act”.

#### Commencement Information

**I51** Sch. 5 Pt. I para. 10 wholly in force at 1.4.1995; Sch. 5 Pt. I para. 10 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 10(1)(3) in force (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(j); Sch. 5 Pt. I para. 10(2) in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

VALID FROM 01/08/1996

- 11 (1) Section 44 (Police Federations) shall be amended as follows.
- (2) In subsection (1A) for the words “disciplinary proceedings” there shall be substituted the words “proceedings brought under regulations made in accordance with subsection (3) of section 33 of this Act or with subsection (2A) of section 26 of the <sup>M167</sup>Police (Scotland) Act 1967”.
- (3) In subsection (1B) for the words “the Secretary of State” there shall be substituted the words “a police appeals tribunal”.

#### Commencement Information

**I52** Sch. 5 Pt. I para. 11 partly in force; Sch. 5 Pt. I para. 11 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 11 in force (1.8.1996) (only so far as extending to Scotland) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

#### Marginal Citations

**M167** 1967 c. 77.

- 12 In section 53 (causing disaffection) in subsection (1) the words “or to commit breaches of discipline” shall be omitted.
- 13 In section 56 (metropolitan and City of London police funds) in paragraph (a) after the words “City of London” there shall be added the words “police area”.

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- 14 (1) Section 58 (chief officers affected by amalgamations or local government reorganisations) shall be amended as follows.
- (2) In subsection (1), for the words “or Part II of the <sup>M168</sup>Local Government Act 1958” there shall be substituted the words “, section 58 of the <sup>M169</sup>Local Government Act 1972 or section 17 of the <sup>M170</sup>Local Government Act 1992”.
- (3) In subsection (2) for the word “deputy” there shall be substituted the word “assistant”.
- (4) After subsection (3) there shall be inserted—
- “(3A) If a chief constable was appointed for a term which expires within three months of his becoming a member of a police force by virtue of this section, subsection (3) shall have effect as if the reference to three months were a reference to that term.”

#### Marginal Citations

**M168** 1958 c. 55.

**M169** 1972 c. 70.

**M170** 1992 c. 19.

- 15 For section 62 (meaning of “police area” etc.) there shall be substituted—

#### “62 Meaning of “chief officer of police” etc.

Except where the context otherwise requires, in this Act—

“chief officer of police” means—

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

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

“metropolitan police district” means that district as defined in section 76 of the <sup>M171</sup>London Government Act 1963;

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

“police authority” means—

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

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



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“police fund” means—

- (a) in relation to a force maintained under section 2, the fund kept by that force's police authority under section 8 of this Act,
- (b) in relation to the metropolitan police, the metropolitan police fund, and
- (c) in relation to the City of London Police, the fund out of which the expenses of the City police are paid.”

#### Commencement Information

**I53** Sch. 5 Pt. I para. 15 wholly in force at 1.4.1995; Sch. 5 Pt. I para. 15 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 15 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(g)(3)-(6); Sch. 5 Pt. I para. 15 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

M171 1963 c. 33.

## PART II

### AMENDMENT OF OTHER ENACTMENTS

#### *Offices, Shops and Railway Premises Act 1963*

- 16 In section 90 of the <sup>M172</sup>Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (1), in the definition of “police authority” for the words “ the <sup>M173</sup>Police Pensions Act 1921” there shall be substituted the words “ the <sup>M174</sup>Police Pensions Act 1976 ”.

#### Marginal Citations

M172 1963 c. 41.

M173 1921 c. 31.

M174 1976 c. 35.

#### *Pensions (Increase) Act 1971*

- 17 In Schedule 2 to the <sup>M175</sup>Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 15, for sub-paragraph (b) there shall be substituted—
- “(b) was engaged on service pursuant to an appointment under section 10 of the <sup>M176</sup>Overseas Development and Co-operation Act 1980, being service in respect of which section 53C of the Police Act 1964 or, as the case may be, section 38A of the <sup>M177</sup>Police (Scotland) Act 1967 had effect; or

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(ba) was engaged on temporary service in accordance with section 15A(2) of the <sup>M178</sup>Police Act 1964 or section 12A(2) of the <sup>M179</sup>Police (Scotland) Act 1967; or”.

#### Commencement Information

**I54** Sch. 5 Pt. II para. 17 wholly in force at 1.4.1995; Sch. 5 Pt. II para. 17 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 17 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M175** 1971 c. 56.  
**M176** 1980 c. 63  
**M177** 1967 c. 77.  
**M178** 1964 c. 48.  
**M179** 1967 c. 77.

#### *Overseas Pensions Act 1973*

18 In section 2 of the <sup>M180</sup>Overseas Pensions Act 1973 (which makes provisions for superannuation schemes as respects certain overseas service), in subsection (2), for paragraph (d) there shall be substituted—

“(d) a person who is—

(i) a member of a police force engaged on relevant service within the meaning of section 53C(1)(a), (c) or (e) of the <sup>M181</sup>Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the <sup>M182</sup>Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980), or

(ii) a constable of a police force engaged on relevant service within the meaning of section 38A(1)(a), (c) or (e) of the <sup>M183</sup>Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the <sup>M184</sup>Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980),

and who is incapacitated or dies as a result of an injury sustained or disease contracted during that service;”.

#### Commencement Information

**I55** Sch. 5 Pt. II para. 18 wholly in force at 1.4.1995; Sch. 5 Pt. II para. 18 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 18 in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M180** 1973 c. 21.  
**M181** 1964 c. 48.  
**M182** 1945 c. 17.  
**M183** 1967 c. 77.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

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M184 1945 c. 17.

### *Police Pensions Act 1976*

- 19 In section 7 of the <sup>M185</sup>Police Pensions Act 1976 (payment of pensions and contributions), in subsection (2), for paragraph (b) there shall be substituted—
- “(b) an officer engaged on service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980;
  - (ba) a person engaged on temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
  - (bb) a person engaged on service in the Royal Ulster Constabulary, whose service is or was for the time being service in respect of which the provisions of section 53C of the <sup>M186</sup>Police Act 1964 or, as the case may be, section 38A of the <sup>M187</sup>Police (Scotland) Act 1967 have or had effect;”.

#### **Commencement Information**

**I56** Sch. 5 para. 19 wholly in force at 1.4.1995; Sch. 5 para. 19 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 19 in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### **Marginal Citations**

M185 1976 c. 35.  
M186 1964 c. 48.  
M187 1967 c. 28.

- 20 (1) Section 11 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1), for paragraph (a) there shall be substituted—
- “(a) service as an officer pursuant to an appointment under section 10 of the <sup>M188</sup>Overseas Development and Co-operation Act 1980;
  - (aa) temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
  - (ab) service in the Royal Ulster Constabulary in respect of which the provisions of section 53C of the Police Act 1964 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have effect;”.
- (3) In subsection (2)(b) after the words “subsection (1)” there shall be inserted “ (aa), (ab), ”.
- (4) In subsection (3)—
- (a) in paragraph (b) after the words “subsection (1)(a),” there shall be inserted “ (aa), (ab), ”, and
  - (b) after the words “body in” there shall be inserted the words “ or with ”.

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#### Commencement Information

**I57** Sch. 5 Pt. II para. 20 wholly in force at 1.4.1995; Sch. 5 Pt. II para. 20 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 20 in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M188** 1980 c. 63

### *Police Negotiating Board Act 1980*

- 21 (1) Section 1 of the <sup>M189</sup>Police Negotiating Board Act 1980 shall be amended as follows.
- (2) In subsection (1) (which provides for a Board of persons representing the interests of authorities maintaining police forces and of members of police forces) at the end of paragraph (b) there shall be inserted—
- “(c) the Commissioner of Police of the Metropolis, and  
 (d) the Secretary of State,”.
- (3) In subsection (3) (consultation) for the words “referred to in” there shall be substituted the words “of the persons referred to in paragraphs (a), (b) and (c) of”.

#### Marginal Citations

**M189** 1980 c. 10.

### *Finance Act 1981*

- 22 In section 107 of the <sup>M190</sup>Finance Act 1981 (sale of houses at discount by local authorities etc.), in subsection (3)(k) for the words “section 62(b)” there shall be substituted the words “section 62”.

#### Marginal Citations

**M190** 1981 c. 35.

### *Aviation Security Act 1982*

- 23 In section 31 of the <sup>M191</sup>Aviation Security Act 1982 (application to Scotland, etc.), in subsection (2)(b) for the words from “from” to “paragraph” there shall be substituted the words “following “area or,””.

#### Marginal Citations

**M191** 1982 c. 36.

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### Police and Criminal Evidence Act 1984

24 In section 84 of the <sup>M192</sup>Police and Criminal Evidence Act 1984 (general provision relating to police complaints and discipline), in subsection (4)—

- (a) in the definition of “senior officer” for the words “chief superintendent” there shall be substituted the word “superintendent”, and
- (b) at the end there shall be added—

““disciplinary proceedings” means proceedings identified as such by regulations under section 33 of the <sup>M193</sup>Police Act 1964.”

#### Commencement Information

**I58** Sch. 5 Pt. II para. 24 partly in force; Sch. 5 Pt. II para. 24 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. II para. 24(a) in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M192** 1984 c. 60.

**M193** 1964 c. 48.

25 In section 85 of that Act (investigation of complaints: standard procedure)—

- (a) subsection (8) shall be omitted, and
- (b) in subsection (10) for the words “a criminal or disciplinary charge” there shall be substituted the words “criminal or disciplinary proceedings”.

26 In section 86 of that Act (investigation of complaints against senior officers), in subsection (2) for the words “a criminal or disciplinary charge” there shall be substituted the words “criminal or disciplinary proceedings”.

27 In section 89 of that Act (supervision of investigations by Complaints Authority), in subsection (12) for the word “charge” there shall be substituted the word “proceedings”.

28 Section 91 of that Act (steps to be taken where accused has admitted charges) shall cease to have effect.

29 In section 95 of that Act (manner of dealing with complaints etc.)—

- (a) for the words “adequate and efficient” there shall be substituted the words “efficient and effective”, and
- (b) after the word “efficiency” there shall be inserted the words “and effectiveness”.

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- 30 In section 96 of that Act (constabularies maintained by authorities other than police authorities), in subsection (1) after the word “corresponding” there shall be inserted the words “ or similar ”.
- 31 In section 99 of that Act (regulations), in subsection (2) after paragraph (e) there shall be inserted—  
“ (ea) for enabling the Authority to relinquish the supervision of the investigation of any complaint or other matter; ”.
- 32 In section 100 of that Act, in subsection (6) (regulations to which affirmative parliamentary procedure applies)—  
(a) after paragraph (a) there shall be inserted—  
“ (aa) of section 90(5) or (7) above; ”, and  
(b) in paragraph (b) for the words “section 99(2)(b) or (e)” there shall be substituted the words “ section 99(2)(b), (e) or (ea) ”.
- 33 For section 102 of that Act (representation at disciplinary proceedings) there shall be substituted—

**“102 Representation at disciplinary and other proceedings.**

- (1) A police officer of the rank of superintendent or below may not be dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 33(3)(a) of the <sup>M194</sup>Police Act 1964 unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.
- (2) Where an officer makes an election to which subsection (1) above refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.
- (3) Except in a case where an officer of the rank of superintendent or below has been given an opportunity to elect to be legally represented and has so elected, he may be represented at the hearing only by another member of a police force.
- (4) Regulations under section 33 of the <sup>M195</sup>Police Act 1964 shall specify—
  - (a) a procedure for notifying an officer of the effect of subsections (1) to (3) above,
  - (b) when he is to be notified of the effect of those subsections, and
  - (c) when he is to give notice whether he wishes to be legally represented at the hearing.
- (5) If an officer—
  - (a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented; or
  - (b) gives notice in accordance with the regulations that he does not wish to be legally represented,

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he may be dismissed, required to resign or reduced in rank without his being legally represented.

- (6) If an officer has given notice in accordance with the regulations that he wishes to be legally represented, the case against him may be presented by counsel or a solicitor whether or not he is actually so represented.”

**Marginal Citations**

M194 1964 c. 48.

M195 1964 c. 48.

- 34 (1) Section 105 of that Act (guidelines) shall be amended as follows.
- (2) In subsection (1)—
- (a) after the words “issue guidance” there shall be inserted the words “ to police authorities, ”
- (b) for paragraph (b) there shall be substituted—
- “(b) under regulations made under section 33 of the Police Act 1964 in relation to the matters mentioned in subsection (2) (e) of that section;”, and
- (c) after the word “and”, in the third place where it occurs, there shall be inserted the words “ police authorities and ”.
- (3) For subsection (3) there shall be substituted—
- “(3) A failure on the part of a police authority or a police officer to have regard to any guidance issued under subsection (1) above shall be admissible in evidence on any appeal from a decision taken in proceedings under regulations made in accordance with subsection (3) of section 33 of the <sup>M196</sup>Police Act 1964.”
- (4) In subsection (4)—
- (a) the words from “affecting” to “charges”, and
- (b) the words “and are not governed by section 104 above”, shall be omitted.

**Marginal Citations**

M196 1964 c. 48.

- 35 (1) Section 107 of that Act (police officers performing duties of higher rank) shall be amended as follows.
- (2) In subsection (1) for the words “he has been” onwards there shall be substituted—
- “(a) he has been authorised by an officer holding a rank above the rank of superintendent to exercise the power or, as the case may be, to give his authority for its exercise, or
- (b) he is acting during the absence of an officer holding the rank of superintendent who has authorised him, for the duration of that

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absence, to exercise the power or, as the case may be, to give his authority for its exercise.”

- (3) In subsection (2) for the words “chief superintendent” there shall be substituted the word “superintendent”.
- 36 (1) Schedule 4 to that Act (Police Complaints Authority) shall be amended as follows.
- (2) For paragraph 1(6) (appointment of two deputy chairmen) there shall be substituted—
- “(6) The Secretary of State may appoint not more than two of the members of the Authority to be deputy chairmen.”
- (3) In paragraph 3(4) (grounds on which members can be removed) after paragraph (d) there shall be inserted—
- “(da) he has acted improperly in relation to his duties, or”.

*Public Order Act 1986*

- 37 In section 15 of the <sup>M197</sup>Public Order Act 1986 (delegation of functions of chief officer of police), for the words “a deputy or”, in both places where they occur, there shall be substituted the word “an”.

**Marginal Citations**

**M197** 1986 c. 64.

*Channel Tunnel Act 1987*

- 38 (1) Section 14 of the <sup>M198</sup>Channel Tunnel Act 1987 (arrangements for the policing of the tunnel system) shall be amended as follows.
- (2) In subsections (1), (2) and (3) for the words “of the county of Kent” there shall be substituted the words “maintained for the Kent police area”.
- (3) In subsections (4) and (5)—
- (a) for the words “police committee for the county of Kent” there shall be substituted the words “Kent Police Authority”, and
- (b) for the word “committee”, in the second place where it occurs, there shall be substituted the word “Authority”.

**Marginal Citations**

**M198** 1987 c. 53.



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VALID FROM 01/08/1996

### *Tribunals and Inquiries Act 1992*

- 39 In section 7 of the <sup>M199</sup>Tribunals and Inquiries Act 1992 (which restricts Ministers' powers to remove members of tribunals listed in Schedule 1 to that Act), in subsection (2) (tribunals to which that section does not apply)—
- (a) after “36(a),” there shall be inserted “ 36A, ”, and
  - (b) for the words “or 56(a)” there shall be substituted the words “ , 56(a) or 57A ”.

#### **Commencement Information**

**I59** Sch. 5 Pt. I para. 39 partly in force; Sch. 5 Pt. I para. 39 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 39 (the opening words and (b)) in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

#### **Marginal Citations**

**M199** 1992 c. 53.

- 40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.
- (2) In Part I (tribunals under the direct supervision of the Council), after paragraph 36 there shall be inserted—

#### **Police**

“36A An appeals tribunal constituted in accordance with Schedule 5 to the Police Act 1964 (c.48).”

- (3) In Part II (tribunals under the supervision of the Scottish Committee of the Council), after paragraph 57 there shall be inserted—

#### **Police**

“57A An appeals tribunal constituted in accordance with Schedule 3 to the Police (Scotland) Act 1967 (c.77).”

#### **Commencement Information**

**I60** Sch. 5 Pt. I para. 40 partly in force; Sch. 5 Pt. I para. 40 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 40(1)(3) in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

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VALID FROM 01/08/1996

SCHEDULE 6

Section 55.

SCHEDULE TO BE INSERTED IN POLICE  
(SCOTLAND) ACT 1967 : APPEALS TRIBUNALS

**Commencement Information**

**I61** Sch. 6 wholly in force at 1.8.1996; Sch. 6 not in force at Royal Assent, see s. 94(1); Sch. 6 in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

“SCHEDULE 3

APPEALS

*Police Appeals Tribunals*

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
  - (a) one shall be a person chosen from a list of persons who have been nominated by the Lord President of the Court of Session for the purposes of this Schedule;
  - (b) one shall be a member of a police authority, other than the relevant police authority; and
  - (c) one shall be a person who is (or has within the previous five years been) an inspector of constabulary.

(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.
- 2 (1) In the case of an appeal by a constable who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
  - (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a) of this Schedule;
  - (b) one shall be a member of the authority;
  - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the police force; and
  - (d) one shall be a retired constable of appropriate rank.

(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

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#### *Notice of appeal*

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules under section 30 of this Act.

#### *Respondent*

- 4 On any appeal the respondent shall be the person prescribed by rules under section 30 of this Act.

#### *Casting vote*

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

#### *Hearing*

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to be represented by a serving constable or by an advocate or a solicitor; and the respondent to be represented by a constable of the force maintained by, or an officer of, the relevant police authority or by an advocate or a solicitor.

#### *Effect*

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force, or in his rank he shall, for the purposes of reckoning service for pension and to such extent (if any) as may be determined by the order for the purposes of pay, be deemed to have served in the force or in that rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

#### *Tribunal remuneration and expenses*

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration; and
  - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

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*Expenses of proceedings*

- 9 (1) An appellant shall pay the whole of his own expenses unless the police appeals tribunal directs that the whole or any part of those expenses are to be paid by the relevant police authority.
- (2) Subject to sub-paragraph (1) of this paragraph, all the expenses of an appeal under section 30 of this Act, including the expenses of the respondent and any remuneration or expenses paid by virtue of paragraph 8 of this Schedule, shall be paid by the relevant police authority.

*Interpretation*

- 10 In this Schedule—
- (a) “senior officer” means a constable holding a rank above that of superintendent;
- (b) “relevant police authority” means the police authority for the area for which the police force of which the appellant is a constable is maintained; and
- (c) “retired constable of appropriate rank” means—
- (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired constable who at the time of his retirement was of that rank, and
- (ii) in any other case a retired constable who at the time of his retirement was of the rank of chief inspector or below.”

SCHEDULE 7

Section 82.

CONTINUING FUNCTIONS OF RECEIVER FOR THE METROPOLITAN  
 POLICE DISTRICT IN RELATION TO PENSIONS ETC. OF COURT STAFF

- 1 In this Schedule—
- “court staff” has the same meaning as in section 59 of the 1979 Act,
- “the inner London magistrates’ courts committee” has the same meaning as in section 82 of this Act,
- “the Receiver” means the Receiver for the Metropolitan Police District,
- and
- “responsible authority” has the same meaning as in section 55 of the 1979 Act.
- 2 The Receiver shall pay out of the metropolitan police fund any superannuation benefits payable in respect of justices’ clerks and other officers employed by the committee of magistrates or the inner London magistrates’ courts committee under any enactment or instrument applied to those clerks or other officers by regulations having effect in accordance with section 15(9) of the Superannuation <sup>M200</sup>(Miscellaneous Provisions) Act 1967, other than benefits payable by the London Residuary Body, and any superannuation contributions and other payments for which

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

the inner London magistrates' courts committee may be liable as their employer under any such enactment or instrument.

#### Marginal Citations

M200 1967 c. 28.

- 3 Nothing in paragraph 2 above shall require the Receiver to incur any expenditure or make any payment which would cause the net cost to him in any year of the matters mentioned in paragraph 4 below to exceed the amount which, in relation to that year, is for the time being determined by the Lord Chancellor under paragraph 5(b) below.
- 4 The Lord Chancellor may out of money provided by Parliament pay to the Receiver grants towards the net cost to the Receiver in any year—
- (a) of the Receiver's functions under paragraph 2 above, and
  - (b) of the Receiver's functions corresponding to those of responsible authorities under regulations made, or having effect as if made, under section 7 of the <sup>M201</sup>Superannuation Act 1972 with respect to court staff.

#### Marginal Citations

M201 1972 c. 11.

- 5 The amount of any grant under paragraph 4 above towards the net cost to the Receiver in any year of the matters mentioned in that paragraph shall not exceed 80 per cent of whichever of the following is the less, namely—
- (a) that net cost, and
  - (b) the amount which, in relation to that year, is for the time being determined for the purposes of this paragraph by the Lord Chancellor.
- 6 In subsections (5), (6) and (7) of section 59 of the 1979 Act (grants by Lord Chancellor to responsible authorities)—
- (a) references to that section include references to this Schedule, and
  - (b) references to the matters mentioned in subsection (1) of that section include references to the matters mentioned in paragraph 4 above.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 8

Section 91.

### MAGISTRATES' COURTS: MINOR AND CONSEQUENTIAL AMENDMENTS

#### Commencement Information

**I62** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent, see s. 94(1)(2); Sch. 8 in force for certain purposes at 1.11.1994, 3.2.1995, 1.4.1995 and otherwise *prosp.* by S.I. 1994/2594, arts. 3(1), 6; S.I. 1995/42, art. 2; S.I. 1995/685, arts. 4(1), 7

## PART I

### AMENDMENT OF <sup>M202</sup>JUSTICES OF THE PEACE ACT 1979

#### Marginal Citations

**M202** 1979 c. 55.

- 1 (1) Section 12 of the 1979 Act (travelling, subsistence and financial loss allowances) shall be amended as follows.
  - (2) In subsection (5) for paragraph (b) there shall be substituted—
    - “(b) in relation to the inner London area—
      - (i) the council of the inner London borough which is or includes the petty sessions area for which the justice acts, or
      - (ii) where the justice acts for a petty sessions area which is partly included in two or more inner London boroughs, the councils of those boroughs;”.
  - (3) After that subsection there shall be inserted—
 

“(5A) Where by virtue of subsection (5)(b)(ii) above an allowance under this section is payable jointly by two or more inner London boroughs, the manner in which it is to be borne by each of them shall be determined by agreement between them or, in default of agreement, by the Lord Chancellor.”
- 2 (1) Section 17 (chairman and deputy chairmen of justices) shall be amended as follows.
  - (2) In subsection (1), after the words “for the area” there shall be inserted the words “ ; and any contested election for the purposes of this section shall be held ”.
  - (3) In subsection (2), for the words “subsection (3)” there shall be substituted the words “ subsections (2A) and (3) ”.
  - (4) After subsection (2) there shall be inserted—
 

“(2A) Subsection (2) above shall not confer on any chairman or deputy chairman of the justices the right to preside in court if, under rules made under the next following section, he is ineligible to preside in court.”

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 3 In section 18 (rules as to chairmanship and size of bench) in subsection (2)—
- (a) in paragraph (b), after the words “petty sessions area” there shall be inserted the words “(including any procedure for nominating candidates at any such election)”, and
  - (b) for paragraph (c) there shall be substituted—
    - “(c) as to courses of instruction to be completed by justices before they may preside in court;
    - (d) as to the approval of justices, by committees of justices constituted in accordance with the rules, before they may preside in court, as to the justices who may be so approved and as to the courts to which the approval relates; and
    - (e) as to circumstances in which a justice may preside in court even though requirements imposed by virtue of paragraph (c) or (d) above are not satisfied in relation to him.”
- 4 (1) Section 19 (general provisions as to magistrates’ courts committees) shall be amended as follows.
- (2) In subsection (1), for the words from “in relation to” to “this Act or” there shall be substituted the words “as are or may be conferred on them by or under this or any other Act and such other functions relating to matters of an administrative character”.
  - (3) In subsection (2), for the words “subsection (3) below” there shall be substituted the words “section 69 of the Police and Magistrates’ Courts Act 1994 and to any order made under subsection (3) of this section before the commencement of that section”.
  - (4) Subsections (3) and (4) shall be omitted.
- 5 In section 22 (supplementary provisions as to magistrates’ courts committees), in subsection (3) for the words “section 20” there shall be substituted the words “section 21”.
- 6 (1) Section 23 (powers and duties of committee as to petty sessional divisions) shall be amended as follows.
- (2) In subsection (1)—
    - (a) the words from “acting” to “boroughs” shall cease to have effect, and
    - (b) for the words “the county, district or borough” there shall be substituted the words “their area”.
  - (3) In subsection (2) for the words “the county, district or borough, as the case may be” there shall be substituted the words “their area”.
  - (4) In subsection (4) for the words “a non-metropolitan county or metropolitan district or any of the outer London boroughs”, in both places where they occur, there shall be substituted the words “an area”.
- 7 (1) Section 24 (procedure relating to section 23) shall be amended as follows).

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsection (1)(a)—
- (a) for the words “council of the” there shall be substituted the words “ council of every ”,
  - (b) the word “outer” shall be omitted, and
  - (c) for the word “concerned” there shall be substituted the words “ which includes all or part of the area ”.
- (3) In subsection (2)—
- (a) for the words “council of the” there shall be substituted the words “ council of every ”,
  - (b) the word “outer” shall be omitted, and
  - (c) for the word “concerned” there shall be substituted the words “ which includes all or part of the area ”.
- (4) In subsection (5)—
- (a) the words “in a non-metropolitan county, metropolitan district or outer London borough” shall be omitted, and
  - (b) at the end there shall be inserted the words “ or by section 69 of the Police and Magistrates’ Courts Act 1994 ”.
- 8 (1) Section 24A (alteration of names of petty sessions areas outside inner London area) shall be amended as follows.
- (2) In subsection (1) the words “for an area mentioned in section 19(2) above other than the City of London” shall be omitted.
- (3) After subsection (2) there shall be inserted—
- “(2A) Nothing in this section shall enable the name of the petty sessions area consisting of the City of London to be changed.”
- 9 In section 24B (procedure relating to section 24A), for the words “outer London borough” in subsections (1)(a) and (2) there shall be substituted the words “ London borough ”.
- 10 (1) Section 26 (qualifications for appointment as justices’ clerk) shall be amended as follows.
- (2) In subsection (1) the words “of any class or description” and, in paragraph (a), the words from “and is within” to “that class or description” shall be omitted.
- (3) For subsection (3) there shall be substituted—
- “(3) A person not having the qualification which is required by subsection (1)(a) above may be appointed as justices’ clerk if at the time of the appointment he is a barrister or solicitor and has served for not less than five years as assistant to a justices’ clerk.”
- (4) Subsections (2), (4) and (5) shall be omitted.



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- 11 (1) Section 27 (conditions of service and staff of justices' clerks) shall be amended as follows.
- (2) Subsections (1) to (5) and (7) and (9) shall be omitted.
- (3) For subsection (6) there shall be substituted—
- “(6) A magistrates' courts committee may employ staff on such terms as they think fit.”
- (4) At the end of subsection (8) there shall be added the words “ or approved by the Lord Chancellor in accordance with the rules ”.
- 12 In section 28 (general powers and duties of justices' clerks), in subsection (1A), paragraphs (b) and (c) shall be omitted.
- 13 In section 30 (person acting as substitute clerk to justices), in subsection (1) the words “outside the inner London area” shall be omitted.
- 14 In section 32 (allocation and sittings of metropolitan stipendiary magistrates), in subsection (1), for the words “constituted under section 36 of this Act” there shall be substituted the words “ of the inner London area ”.
- 15 After section 34A of the 1979 Act there shall be inserted—

*“ Justices' clerks for youth courts and family proceedings courts*

**34B Appointment of justices' clerks for youth courts and family proceedings courts.**

- (1) The inner London magistrates' courts committee shall appoint one or more justices' clerks for the youth courts and family proceedings courts for the metropolitan area.
- (2) Subsections (2) to (4), (5)(b), (6) and (7) of section 25 of this Act have effect in relation to any justices' clerk appointed under subsection (1) above as they have effect in relation to a justices' clerk for a petty sessions area, but with the substitution for any reference to the magistrates for a petty sessions area of a reference to the justices of the peace who are members of the youth court panel for the metropolitan area or (as the case may be) of a family panel for that area, other than any such justice whose name is for the time being entered on the supplemental list.
- (3) In this section—
- “the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, all the magistrates courts' committees for areas which consist of or include any part of the inner London area acting jointly; and

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**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the metropolitan area” means the inner London area and the City of London.”

16 Section 36 (petty sessional divisions in inner London area) and section 36A (alteration of names of petty sessions area in inner London area) shall be omitted.

17 In section 42 (no petty sessional divisions in the City) for the words “section 41 above” there shall be substituted the words “ this Act ”.

18 (1) Section 53 (indemnification of justices and justices' clerks) shall be amended as follows.

(2) In subsection (3), in paragraph (b), for the words “the local authority” there shall be substituted the words “ any paying authority ”.

(3) After subsection (3) there shall be inserted—

“(3A) Where there are two or more paying authorities in relation to any justice or justices' clerk, any question as to the extent to which the funds required to indemnify him are to be provided by each authority shall be determined by agreement between those authorities and the magistrates' courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.”

(4) In subsection (4) for the words “this section” there shall be substituted the words “ subsection (3) above ”.

(5) For subsection (5) there shall be substituted—

“(5) In this section—

“justices' clerk” includes any person appointed by a magistrates' courts committee to assist a justices' clerk,

“local funds”, in relation to a justice or justices' clerk, means funds out of which the expenses of the magistrates' courts committee for the area for which he acted at the material time are payable, and

“paying authority”, in relation to a justice or justices' clerk, means any authority which is a paying authority for the purposes of section 55 of this Act in relation to the magistrates' courts committee for the area for which he acted at the material time.”

19 (1) Section 59 (grants by Lord Chancellor to responsible authorities) shall be amended as follows.

(2) In subsection (1)—

(a) in paragraph (b) after the word “7” there shall be inserted the words “ or 24 ”, and

(b) for the word “and” immediately following that paragraph there shall be substituted—

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**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(bb) of their functions under any regulations having effect by virtue of paragraph 13(1) of Schedule 1 to this Act; and”.

(3) For subsection (8) there shall be substituted—

“(8) In this section—

“court staff” means justices’ chief executives, justices’ clerks and staff of magistrates’ courts committees, and

“responsible authority” has the same meaning as in section 55 of this Act.”

#### Commencement Information

**I63** Sch. 8 Pt. I para. 19 partly in force at 1.4.1995; Sch. 8 Pt. I para. 19 not in force at Royal Assent, see s. 94(1); Sch. 8 Pt. I para. 19(1)(2) in force (3.2.1995) for certain purposes by S.I. 1995/42, {arts. 2, 3;} Sch. 8 Pt. I para. 19(1)(3) in force (1.4.1995) for certain purposes by S.I. 1995/685, arts. 4(1), 7 (with arts. 5, 6)

20 In section 62 (defaults of justices’ clerks and their staffs), in subsection (1), for the words “a person employed to assist a justices’ clerk” there shall be substituted the words “any staff of a magistrates’ courts committee”.

21 In section 63 (courses of instruction), in subsection (5), for the words “and their staffs” there shall be substituted the words “and for staff of magistrates’ courts committees”.

22 In section 70 (interpretation), for the definition of “magistrate” there shall be substituted—

““magistrate”—

(a) in relation to a commission area, means a justice of the peace for the commission area, other than a justice whose name is for the time being entered in the supplemental list,

(b) in relation to a part of a commission area, means a person who (in accordance with paragraph (a) of this definition) is a magistrate for that area and ordinarily acts in and for that part of it, and

(c) in relation to a magistrates’ courts committee area, means a person who (in accordance with paragraphs (a) and (b) of this definition) is a magistrate for that area or any part of that area;

“magistrates’ courts committee area” means the area to which a magistrates’ courts committee relates;”.

23 In Schedule 1, in paragraph 17 (saving for superannuation provisions), for the words “55 to 58” there shall be substituted the words “55 and 56”.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

VALID FROM 01/04/2001

#### *London Building Acts (Amendment) Act 1939*

- 24 In section 151 of the <sup>M203</sup>London Building Acts (Amendment) Act 1939 (Crown exemptions), in subsection (1)(bb) the words from “the magistrates’ courts” to “City of London” shall be omitted and for the words “that area” in the second place where they occur there shall be substituted the words “ the inner London area within the meaning of the Justices of the <sup>M204</sup>Peace Act 1979 ”.

#### **Marginal Citations**

**M203** 1939 c. xcvi.

**M204** 1979 c. 55.

#### *Superannuation (Miscellaneous Provisions) Act 1967*

- 25 In section 15 of the <sup>M205</sup>Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs), in subsection (1)(a)(ii), for the words from “or other officer” to “that area” there shall be substituted the words “ , as a justices’ chief executive for that area or as staff of the magistrates’ courts committee for that area ”.

#### **Marginal Citations**

**M205** 1967 c. 28.

#### *Pensions (Increase) Act 1971*

- 26 In Schedule 2 to the <sup>M206</sup>Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 47, at the end of paragraph (b) there shall be added the words—

“or as staff of such a committee; or  
 (c) service as a justices’ chief executive.”

#### **Marginal Citations**

**M206** 1971 c. 56.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 27 In Schedule 6 to that Act (employments relevant to section 13(2) of that Act), in paragraph (d) after the words “for that area” there shall be inserted the words “ or by any magistrates’ courts committee whose area includes all or part of that area ”.

*Juries Act 1974*

- 28 In Schedule 1 to the Juries <sup>M207</sup>Act 1974, in Group B of Part I (persons ineligible) for the entry beginning “Justices’ clerks” there shall be substituted— “ Justices’ chief executives, justices’ clerks and justices’ clerks’ assistants. ”

**Marginal Citations**

**M207** 1974 c. 23.

*Domestic Proceedings and Magistrates’ Courts Act 1978*

- 29 In section 30 of the <sup>M208</sup>Domestic Proceedings and Magistrates’ Courts Act 1978 (provisions as to jurisdiction and procedure), in subsection (1) for the words “the committee of magistrates” there shall be substituted the words “ a magistrates’ courts committee ”.

**Marginal Citations**

**M208** 1978 c. 22.

*Magistrates’ Courts Act 1980*

- 30 In section 70 of the <sup>M209</sup>Magistrates’ Courts Act 1980 (jurisdiction of magistrates’ courts in inner London for domestic proceedings), for the words “committee of magistrates” in subsections (1) and (2) there shall be substituted the words “ magistrates’ courts committee whose area consists of or includes that petty sessions area ”.

**Marginal Citations**

**M209** 1980 c. 43.

- 31 In section 145 of that Act, subsection (1)(d) (by virtue of which rules may make provision as to the extent to which a justices’ clerk may engage in practice as a legal representative) shall be omitted.

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Road Traffic Offenders Act 1988*

32 In section 82 of the <sup>M210</sup>Road Traffic Offenders Act 1988 (accounting for fixed penalties in England and Wales), for subsection (2) there shall be substituted—

“(2) Where, in England and Wales, a justices’ clerk for a petty sessions area comprised in the area of one magistrates’ courts committee (“the first committee”) discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another magistrates’ courts committee (“the second committee”)

- (a) the paying authority or authorities in relation to the second committee must make to the paying authority or authorities in relation to the first committee such payment in connection with the discharge of those functions as may be agreed between all the paying authorities concerned or, in default of such agreement, as may be determined by the Lord Chancellor, and
- (b) any such payment between paying authorities shall be taken into account in determining for the purposes of section 59 of the Justices of the <sup>M211</sup>Peace Act 1979 the net cost to the responsible authorities of the functions referred to in subsection (1) of that section.

(2A) In subsection (2) above “paying authority” and “responsible authority” have the same meaning as in section 55 of the Justices of the Peace Act 1979.”

#### **Marginal Citations**

**M210** 1988 c. 53.

**M211** 1979 c. 55.

### *Criminal Justice Act 1991*

33 (1) Section 76 of the <sup>M212</sup>Criminal Justice Act 1991 (provision of court security officers) shall be amended as follows.

(2) In subsections (1)(b) and (2), for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.

(3) In subsection (3)—

- (a) the words from “in relation to” to “inner London area” shall be omitted, and
- (b) for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.

(4) In subsection (4), for the words from “in relation to” to “responsible authority” there shall be substituted the words “any paying authority”.

(5) Subsection (5) shall be omitted.

(6) For subsection (6) there shall be substituted—

“(6) In this section—

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 11 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the committee”, in relation to a petty sessions area, means the magistrates' courts committee whose area consists of or includes that petty sessions area, and

“paying authority”, in relation to a committee, has the same meaning as in section 55 of the 1979 Act.”

#### Commencement Information

**I64** Sch. 8 Pt. II para. 33 partly in force; Sch. 8 Pt. II para. 33 not in force at Royal Assent see s. 94(1)(2); Sch. 8 Pt. II para. 33(1)-(4)(6) in force (1.4.1995) by 1995/685, arts. 4(1), 7(2)(i)

#### Marginal Citations

**M212** 1991 c. 53.

- 34 In section 77 of that Act (powers and duties of court security officers), in subsection (5)—
- (a) in paragraph (a), for the words “chief clerk” there shall be substituted the words “justices' chief executive”, and
  - (b) in paragraph (b), for the words from “employed to” to “by him” there shall be substituted the words “of the magistrates' courts committee authorised by such a justices' chief executive or clerk”.

VALID FROM 27/09/1999

#### *Local Government Finance Act 1992*

- 35 In section 46 of the <sup>M213</sup>Local Government Finance Act 1992 (special items for purposes of section 45), in subsection (2)(d) for the words from “the magistrates' courts” to “that area” there shall be substituted the words “the probation service in the inner London area or the functions referred to in paragraph 4 of Schedule 7 to the Police and Magistrates' Courts Act 1994”.

#### Marginal Citations

**M213** 1992 c. 14.

SCHEDULE 9

Section 93.

REPEALS

#### Extent Information

**E3** The repeals in Sch. 9 have the same extent as the enactments repealed, see s. 96(4)

**Status:** Point in time view as at 01/04/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Commencement Information

**I65** Sch. 9 partly in force; Sch. 9 not in force at Royal Assent, see s. 94(1); Sch. 9 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(h)(3)-(6); Sch. 9 in force for certain purposes (23.8.1994) by S.I. 1994/2151, art. 2(1)(2)(c); Sch. 9 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(m); Sch. 9 in force for certain purposes (1.11.1994) by S.I. 1994/2594, arts. 3(n), 7; Sch. 9 in force for certain purposes (31.12.1994) by S.I. 1994/3262, art. 3(1)(c); Sch. 9 in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; Sch. 9 in force for certain purposes (1.4.1995) by S.I. 1994/3262, art. 4(1), Sch. and S.I. 1995/492, art. 2, Sch. 1 and S.I. 1995/685, arts. 4(n), 8; Sch. 9 in force for certain purposes (13.12.1995) by S.I. 1995/3003, art. 1, Sch.; Sch. 9 in force for certain purposes (1.4.1996) by S.I. 1995/492, art. 3, Sch. 2; Sch. 9 in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

## PART I

### POLICE

### Commencement Information

**I66** Sch. 9 Pt. I partly in force; Sch. 9 Pt. I not in force at Royal Assent, see s. 94(1); Sch. 9 Pt. I in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(h)(3)-(6); Sch. 9 Pt. I in force for certain purposes (23.8.1994) by S.I. 1994/2151, art. 2(1)(2)(c); Sch. 9 Pt. I in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(m); Sch. 9 Pt. I in force for certain purposes (31.12.1994) by S.I. 1994/3262, art. 3(1)(c); Sch. 9 Pt. I in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; Sch. 9 Pt. I in force (1.4.1995) for certain purposes by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); Sch. 9 Pt. I in force for certain purposes (13.12.1995) by S.I. 1995/3003, art. 2, Sch.; Sch. 9 Pt. I in force for certain purposes (1.4.1996) by S.I. 1995/492, art. 3, Sch. 2; Sch. 9 Pt. I in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

Chapter	Short title	Extent of repeal
19 & 20 Vict. c. 2.	The Metropolitan Police Act 1856.	In section 2 the word "six" and the words "and upon every vacancy" onwards.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	In section 9, paragraph (a) of the definition of "compensation authority".
54 & 55 Vict. c. 43.	The Forged Transfers Act 1891.	In section 2, in paragraph (ab) of the definition of "local authority" the words "a combined police authority or".
2 Edw. 7 c. 28.	The Licensing Act 1902.	In section 6(1) the words "(within the meaning of the Police Act 1890)".
9 & 10 Geo. 6 c. 17.	The Police (Overseas Service) Act 1945.	Section 2(1), (1A) and (2). Section 3(1) and (2).
9 & 10 Geo. 6 c. 18.	The Statutory Orders (Special Procedure) Act 1945.	In section 11(1), in paragraph (aa) of the



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		definition of "local authority" the words "a combined police authority or".
12, 13 & 14 Geo. 6 c. 5.	The Civil Defence Act 1948.	In section 9(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
1963 c. 18.	The Stock Transfer Act 1963.	In section 4(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
1964 c. 48.	The Police Act 1964.	Section 6A. In section 7(1) the words "deputy chief constable". Section 9. In section 12, in subsections (1) and (2) the words "in writing". In section 17(1) the words "and subject to the approval of the police authority as to numbers". Sections 22, 23 and 24. Section 25(5). In section 26(1) the words "and to the county fund" and the words "and to the general fund" onwards. In section 27, the definition of "amalgamation scheme", "constituent area", "constituent authority", "local fund" and "officer" In section 29(2) the words "or deputy". In section 29(4) the words "or deputy". In section 33(5) the words "and may" onwards. Section 43(1) to (3). In section 43(5) the words "and "police regulations"" onwards. In section 53(1) the words "or to commit breaches of discipline". Section 58(6).

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		<p>In section 60(1) the words “(other than orders on appeals under section 37)”.</p> <p>In section 60(2) the words “(other than such orders as aforesaid)”.</p> <p>Schedules 3, 4 and 8.</p> <p>In Schedule 9, the entry relating to the Police (Overseas Service) Act 1945.</p>
1965 c. 12.	The Industrial and Provident Societies Act 1965.	In section 31(a)(ia) the words “a combined police authority or”.
1965 c. 63.	The Public Works Loans Act 1965.	In section 2(1)(a)(ia) the words “a combined police authority or”.
1967 c. 77.	The Police (Scotland) Act 1967.	<p>In section 6(2), the words “a deputy chief constable”.</p> <p>In section 7(1), the words “deputy chief constable,” and “, chief superintendent and”.</p> <p>Section 7(2).</p> <p>In section 8(1), the words “and subject to the approval of the police authority and the Secretary of State as to numbers”.</p> <p>In section 14(1), the words “(whether by the appointment of temporary constables or otherwise)”.</p> <p>In section 24(3) the words from “and the expression” onwards.</p> <p>In section 26, in subsection (2)(d), the words “or temporary”; and subsection (7).</p> <p>In section 31, in each of subsections (2) and (4), the words “or deputy”.</p> <p>Section 38(1) to (3).</p> <p>In section 38(5), the words from “ “police regulations” ” onwards</p> <p>In section 42(1), the words “or to commit breaches of discipline”.</p> <p>In section 51(1), the definitions of “regular constable”, “special</p>

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		constable" and "temporary constable". In Schedule 2, paragraph 2. In Schedule 4, the entry relating to the Police (Overseas Service) Act 1945.
1968 c. 13.	The National Loans Act 1968.	In Schedule 4, in paragraph 1(a)(ia) the words "a combined police authority or".
1969 c. 51.	The Development of Tourism Act 1969.	In section 14(2)(a)(ia) the words "a combined police authority or".
1969 c. 63.	The Police Act 1969.	Section 2.
1971 c. 23.	The Courts Act 1971.	Section 53(5). In section 53(6) the words "or subsection (5)". In section 53(7) the words "and (b) any amalgamation" onwards.
1971 c. 56.	The Pensions (Increase) Act 1971.	In Schedule 3, in paragraph 6(1)(a)(ia) the words "a combined police authority or".
1972 c. 70.	The Local Government Act 1972.	Section 101(9)(c) In section 107(1)(b) the words "104 and". Section 107(9) and (10). In section 168(5)(aa) the words "a combined police authority or". In section 196, subsections (2) to (4), (6) and (9).
1976 c. 35.	The Police Pensions Act 1976.	In Schedule 2, paragraph 1, in paragraph 5 the words "43(1) and" and in paragraph 6 the words from "1948" to "in both".
1980 c. 10.	The Police Negotiating Board Act 1980.	In section 1(1) the word "and" at the end of paragraph (a).
1980 c. 63.	The Overseas Development and Co-operation Act 1980.	Section 11.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 2(1), in paragraph (j) the words from "a police committee" to "in Scotland", and in paragraph (k) the words

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		from "a combined" to "in Scotland".
1980 c. 66.	The Highways Act 1980.	In Schedule 6, in paragraph 3(3)(a)(ia) the words "a combined police authority or".
1981 c. 64.	The New Towns Act 1981.	In section 80(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
1981 c. 67.	The Acquisition of Land Act 1981.	In section 7(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or". In Schedule 4, paragraph 13.
1982 c. 32.	The Local Government Finance Act 1982.	In Schedule 5, paragraph 2.
1982 c. 36.	The Aviation Security Act 1982.	In section 30(3)(c) the words "or, if that area is a county, to employment by the police authority or the county council".
1984 c. 27.	The Road Traffic Regulation Act 1984.	Section 97(2).
1984 c. 60.	The Police and Criminal Evidence Act 1984.	Section 67(8). Section 85(8). In section 90(3), paragraph (ii) and the word "and" immediately preceding it. In section 90(4), paragraph (b) and the word "and" immediately preceding it. Section 90(6) and (8). Sections 91 and 92. Section 94. Section 97(4). In section 99(2), in paragraph (k) the words "other than" onwards. Sections 101 and 103. Section 104(1) and (2). In section 105, in subsection (4) the words from "affecting" to "charges" and the words "and are not

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		governed by section 104 above".
		Section 108(2) and (3).
		In section 108(6) the words "section 58(2) of the Police Act 1964 and" and the words "both of"
		In Schedule 4, in paragraph 11, sub-paragraph (a)(ii) and sub-paragraph (b)(iii) and the word "or" immediately preceding it.
		In Schedule 6, paragraphs 14 and 15.
1985 c. 43.	The Local Government (Access to Information) Act 1985.	In Schedule 2, paragraph 5.
1985 c. 51.	The Local Government Act 1985.	Sections 24 and 25.
		In section 29(1) the words "joint magistrates' committee or magistrates' courts committee" and the words "or committee".
		In section 29(3) the words "and any alteration" onwards
		In section 30(1) the words "joint magistrates' committee and magistrates' courts committee".
		In section 30(2), paragraph (c) and the word "and" immediately preceding it.
		Section 32(8).
		In section 36 the words "joint magistrates' committee or magistrates' courts committee", and the words "from a constituent council" in the second place where they occur.
		In section 37 the word "police,".
		In section 42, subsections (1)(a) and (2)(a), and in subsection (3) the word "police,".
		In the tables in Parts II to IV of Schedule 10, in column 1 the words "Joint magistrates' committee" and column 2.

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		In the table in Part V of Schedule 10, in column 1 the words "Magistrates:" onwards and column In the tables in Parts VI and VII of Schedule 10, in column 1 the words "Joint magistrates' committee" and column 2. In Schedule 11, paragraph 1.
1985 c. 68.	The Housing Act 1985.	In section 4(e) the words "sections 438, 441, 442, 443, 458, 460(3)".
1986 c. 32.	The Drug Trafficking Offences Act 1986.	Section 35.
1986 c. 63.	The Housing and Planning Act 1986.	In Schedule 5, paragraph 20.
1988 c. 1.	The Income and Corporation Taxes Act 1988.	In section 842A(2)(e).
1988 c. 41.	The Local Government Finance Act 1988.	In section 111(2), paragraphs (f) and (l).
1989 c. 42.	The Local Government and Housing Act 1989.	Section 5(4)(a). Section 13(4)(a). In section 21(1)(i) the word "police,". In section 39(1)(g) the word "police,". In section 67(3)(k) the word "police,". Section 152(1)(f). In section 152(2), paragraph (g) and the word "police," in paragraph (i). In Schedule 1, paragraph 2(1)(c).
1990 c. 8.	The Town and Country Planning Act 1990.	In section 336(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 22.
1992 c. 14.	The Local Government Finance Act 1992.	In section 19(3), paragraph (d), the word "and" at the end of paragraph (e), and paragraph (f). In section 46, subsections (2)(a) and (3)(a).

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1992 c. 19.	The Local Government Act 1992.	In section 14(5), the word "and" at the end of paragraph (c). In section 18, subsections (2) and (4)(a). In Schedule 3, paragraphs 3, 4 and 5.
1993 c. 25.	The Local Government (Overseas Assistance) Act 1993	In section 1(10), paragraph (b) and in paragraph (d) the word "police".
1994 c. 19.	The Local Government (Wales) Act 1994.	Section 24.

*Act of the Parliament of Northern Ireland*

Chapter	Short title	Extent of repeal
1970 c. 9 (N.I.).	The Police Act (Northern Ireland) 1970.	Section 10(5). Section 25(5). Section 26(3).

**PART II**

MAGISTRATES' COURTS

**Commencement Information**

**I67** Sch. 9 Pt. II partly in force; Sch. 9 Pt. II not in force at Royal Assent, see 94(1); Sch. 9 Pt. II in force for certain purposes at 1.11.1994 by S.I. 1994/2594, arts. 3(n), 7; Sch. 9 Pt. II in force for certain further purposes at 1.4.1995 by S.I. 1995/685, arts. 4(n), 8

Chapter	Short title	Extent of repeal
60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act 1897.	Sections 3, 4, 7 and 11.
2 & 3 Geo. 6 c. xcvi.	The London Building Acts (Amendment) Act 1939.	In section 151(1)(bb) the words from "the magistrates' courts" to "City of London".
14 & 15 Geo. 6 c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 48 the words "or justices' clerk".
7 & 8 Eliz. 2 c. 45.	The Metropolitan Magistrates' Courts Act 1959.	In section 3(1) the words "and the metropolitan magistrates' courts".

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		In section 4(2) the words “of the metropolitan magistrates’ courts”.
1964 c. 42.	The Administration of Justice Act 1964.	In Schedule 3, in Part II, paragraph 29.
1968 c. 65.	The Gaming Act 1968.	In Schedule 2, in paragraph 2(2), in the definition of “the clerk to the licensing authority”, the words from “(or, in the case” to “committee of magistrates)”.
1974 c. 23.	The Juries Act 1974.	In Schedule 1, in Group B of Part I, the words from “Clerks and other officers” to “magistrates courts administration”.
1979 c. 55.	The Justices of the Peace Act 1979.	In section 12(7), the words from “which” onwards. In section 18(2), the word “and” at the end of paragraph (b). Section 19(3) and (4). In section 21(1), the words “(except as provided by subsection (2) below)”. Section 22(2). In section 23, in subsection (1) the words from “acting” to “boroughs”. In section 24, in subsections (1)(a) and (2), the word “outer” and in subsection (5) the words “in a non-metropolitan county, metropolitan district or outer London borough”. In section 24A(1), the words from “for an area” to “City of London”. In section 26, in subsection (1) the words “of any class or description” and, in paragraph (a), the words from “and is within” to “that class or description” and subsections (2), (4) and (5). In section 27, subsections (1) to (5) and (7) and (9). Section 28(1A)(b) and (c).



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		In section 30(1), the words "outside the inner London area". Sections 35 to 38. Section 53(6). Sections 57 and 58. In section 59(1)(b), the words "or, in the case of the Receiver, his corresponding functions". In section 63, subsection (2) and, in subsection (4), the words "or subsection (2)" and "or committee of magistrates". In section 70, the definitions of "joint committee area" and "the Receiver".
1980 c. 43.	The Magistrates' Courts Act 1980.	Section 68(7). Section 141(3). Section 145(1)(d).
1985 c. 51.	The Local Government Act 1985.	Section 12(4)(a), (5), (6), (8) (c) and (9).
1988 c. 33.	The Criminal Justice Act 1988.	Sections 164(3) and 165.
1990 c. 41.	The Courts and Legal Services Act 1990.	Section 10(3) to (5). In Schedule 18, paragraph 25(4)(c).
1991 c. 53.	The Criminal Justice Act 1991.	In section 76, in subsection (3), the words from "in relation to" to "inner London area" and subsection (5). Section 79. Section 93(1) and (2). In Schedule 11, in paragraph 40(2)(k), the words "35(3), 37(1)," and paragraph 41(2) (c).
1992 c. 6.	The Social Security (Consequential Provisions) Act 1992.	In Schedule 2, paragraph 58.
1993 c. 48.	The Pension Schemes Act 1993.	In Schedule 8, paragraph 12.

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