



# 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*

<sup>F1</sup> 1 .....

**Status:** Point in time view as at 17/12/1996. 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 18 June 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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**Textual Amendments**  
F1 S. 1 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

*Forces outside London*

F2 .....

.....  
**Textual Amendments**  
F2 S. 2 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F3 .....

.....  
**Textual Amendments**  
F3 S. 3 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F4 .....

.....  
**Textual Amendments**  
F4 S. 4 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F5 .....

.....  
**Textual Amendments**  
F5 S. 5 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F6 .....

.....  
**Textual Amendments**  
F6 S. 6 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F7 .....

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**Textual Amendments**

**F7** S. 7 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F8** .....

**Textual Amendments**

**F8** S. 8 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F9** .....

**Textual Amendments**

**F9** S. 9 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F10** .....

**Textual Amendments**

**F10** S. 10 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F11** .....

**Textual Amendments**

**F11** S. 11 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F12** .....

**Textual Amendments**

**F12** S. 12 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

*General*

**F13** .....

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**Textual Amendments**

**F13** S. 13 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F14** **14** .....

**Textual Amendments**

**F14** S. 14 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F15** **15** .....

**Textual Amendments**

**F15** S. 15 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F16** **16** .....

**Textual Amendments**

**F16** S. 16 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F17** **17** .....

**Textual Amendments**

**F17** S. 17 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F18** **18** .....

**Textual Amendments**

**F18** S. 18 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F19** **19** .....

**Textual Amendments**

**F19** S. 19 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

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F20 **20** .....

**Textual Amendments**

F20 S. 20 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F21 **21** .....

**Textual Amendments**

F21 S. 21 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F22 **22** .....

**Textual Amendments**

F22 S. 22 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F23 **23** .....

**Textual Amendments**

F23 S. 23 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F24 **24** .....

**Textual Amendments**

F24 S. 24 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F25 **25** .....

**Textual Amendments**

F25 S. 25 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F26 **26** .....

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**Textual Amendments**  
F26 S. 26 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**CHAPTER II**

**OTHER PROVISIONS ABOUT THE POLICE**

*Financial provisions*

**27 Precepts.**

- (1) In section 39 of the <sup>M1</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>M2</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>M3</sup>Police Act 1964;”.

**Commencement Information**  
I2 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**  
M1 1992 c. 14.  
M2 1964 c. 48.  
M3 1964 c. 48.

F27 28 .....

**Textual Amendments**  
F27 S. 28 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F28 29 .....

**Textual Amendments**  
F28 S. 29 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

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### 30 Revenue accounts and capital finance.

In section 39 of the <sup>M4</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>M5</sup>Police Act 1964;”.

#### Commencement Information

**I3** 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

**M4** 1989 c. 42.  
**M5** 1964 c. 48.

### 31 Financial administration.

In section 111 of the <sup>M6</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>M7</sup>Police Act 1964;”.

#### Commencement Information

**I4** 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

**M6** 1988 c. 41.  
**M7** 1964 c. 48.

<sup>F29</sup>32 .....

#### Textual Amendments

**F29** S. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

### 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.

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- (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>M8</sup>Police Act 1969 (Police Council for the United Kingdom) or section 1 of the <sup>M9</sup>Police Negotiating Board Act 1980.

**Marginal Citations**

**M8** 1969 c. 63.  
**M9** 1980 c. 10.

*Complaints against and conduct of police officers*

<sup>F30</sup>**34** .....

**Textual Amendments**

**F30** S. 34 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F31</sup>**35** .....

**Textual Amendments**

**F31** S. 35 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F32</sup>**36** .....

**Textual Amendments**

**F32** S. 36 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F33</sup>**37** .....

**Textual Amendments**

**F33** S. 37 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F34</sup>**38** .....



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### Textual Amendments

**F34** S. 38 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

## Reorganisation of local government

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

- (1) The <sup>M10</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—
  - “(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

**I5** 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

**M10** 1992 c. 14.

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

- (1) The <sup>M11</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 ”;
  - (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 ”.

#### **Marginal Citations**

**M11** 1972 c. 70.

#### *Miscellaneous*

#### **41 Metropolitan police: assistant commissioners.**

- In section 2 of the <sup>M12</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.

#### **Marginal Citations**

**M12** 1856 c.2.

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

In section 54 of the <sup>M13</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

**M13** 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

**I6** 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.

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### Commencement Information

**I7** 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)

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#### Textual Amendments

**F35** S. 45 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

## 46 Interpretation of Part I.

In this Part of this Act “the 1964 Act” means the <sup>M14</sup>Police Act 1964.

#### Marginal Citations

**M14** 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

- 18** 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)

#### 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

- 19** 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—

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### **“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>M15</sup>Local Government (Scotland) Act 1973 so as to secure 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**

**M15** 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

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- (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>M16</sup>Police (Overseas Service) Act 1945 and section 10 of the <sup>M17</sup>Overseas Development and Co-operation Act 1980.”.

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**Marginal Citations**

**M16** 1945 c. 17.

**M17** 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 ”.

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**Commencement Information**

**I10** 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

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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
- (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

**III** 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.”.



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#### Commencement Information

**II2** 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—

#### “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.

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- (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.
  - (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>M18</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

**I13** 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

**M18** 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.

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(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, 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.

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- (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.”.

#### Commencement Information

**I14** 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>M19</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>M20</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>M21</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

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- (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>M22</sup>Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M23</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—
- (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>M24</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

**I15** 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

**M19** 1945 c. 17.

**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.

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**M20** 1980 c. 63.  
**M21** 1976 c. 35.  
**M22** 1976 c. 35.  
**M23** 1945 c. 17.  
**M24** 1945 c. 17.

## 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

**I16** 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)

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## 62 Transmission of criminal statistics.

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

- (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)—

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- (a) in subsection (1), the definitions of “regular constable”, “special constable” and “temporary constable” shall be omitted; and
- (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

**I17** 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>M25</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

**M25** 1973 c. 65.

#### 65 Interpretation of Part II.

In this Part of this Act “the 1967 Act” means the <sup>M26</sup>Police (Scotland) Act 1967.

#### Marginal Citations

**M26** 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>M27</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

M27 1970 c. 9 (N.I.).

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

- (1) Section 26 of the <sup>M28</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**

**M28** 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>M29</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**

**M29** 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

**I18** 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

**I19** 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>M30</sup>Magistrates' Courts Act 1980 by virtue of section 28(1) or (1A) of this Act."

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**Marginal Citations**

**M30** 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.

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**Commencement Information**

**I20** 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>M31</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>M32</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>M33</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>M34</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

**M31** 1972 c. 11.

**M32** 1972 c. 11.

**M33** 1971 c. 56.

**M34** 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>M35</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>M36</sup>Social Security Contributions and Benefits Act 1992, and
    - (ii) state scheme premiums so payable under Chapter III of Part III of the <sup>M37</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>M38</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

**I21** 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

**M35** 1991 c. 53.  
**M36** 1992 c. 4.  
**M37** 1993 c. 48.  
**M38** 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

**I22** 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

**I23** 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>M39</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

**M39** 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

**I24** 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>M40</sup>Police Act 1964 or section 12A(2) of the <sup>M41</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>M42</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)

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

- C1** 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)
- C2** 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)
- C3** 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)
- C4** 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)

#### **Marginal Citations**

- M40** 1964 c. 48.  
**M41** 1967 c. 77.  
**M42** 1964 c. 48.

**F3695** .....

#### **Textual Amendments**

- F36** S. 95 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

## **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;



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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

### <sup>F37</sup>SCHEDULE 1

#### Textual Amendments

**F37** Sch. 1 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

### <sup>F38</sup>SCHEDULE 2

#### Textual Amendments

**F38** Sch. 2 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

### <sup>F39</sup>SCHEDULE 3

#### Textual Amendments

**F39** Sch. 3 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

## 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

**I25** 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))

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## PART I

### AMENDMENTS OF LOCAL GOVERNMENT ENACTMENTS

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

- 1 In section 2 of the <sup>M43</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>M44</sup>Police Act 1964, ”.

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**Marginal Citations**

**M43** 1962 c. 56.

**M44** 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>M45</sup>Police Act 1964, ”.

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**Marginal Citations**

**M45** 1964 c. 48.

#### *Local Government Act 1966*

- 3 In section 11 of the <sup>M46</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>M47</sup>Police Act 1964 and ”.

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**Marginal Citations**

**M46** 1966 c. 42.

**M47** 1964 c. 48.

#### *Local Government Grants (Social Need) Act 1969*

- 4 In section 1 of the <sup>M48</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>M49</sup>Police Act 1964 and ”.

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**Marginal Citations**

**M48** 1969 c. 2.

**M49** 1964 c. 48.

**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.

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*Local Authorities (Goods and Services) Act 1970*

- 5 In section 1 of the <sup>M50</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>M51</sup>Police Act 1964, any ".

**Marginal Citations**

**M50** 1970 c. 39.

**M51** 1964 c. 48.

*Local Government Act 1972*

- <sup>F40</sup>6 .....

**Textual Amendments**

**F40** Sch. 4 para. 6 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

- 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>M52</sup>Police Act 1964 ".

**Marginal Citations**

**M52** 1964 c. 48.

- 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>M53</sup>Police Act 1964 ".

**Marginal Citations**

**M53** 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>M54</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>M55</sup>Police Act 1964 ", and
- (b) for the word "which" there shall be substituted the words " or other person that ".

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### Marginal Citations

**M54** 1964 c. 48.

**M55** 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.

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>M56</sup>Police Act 1964 ”.

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

“(1A) A police authority established under section 3 of the <sup>M57</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.”

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### Marginal Citations

**M56** 1964 c. 48.

**M57** 1964 c. 48.

**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.

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- 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>M58</sup>Police Act 1964 ”.

**Marginal Citations**

**M58** 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>M59</sup>Police Act 1964 ”.

**Marginal Citations**

**M59** 1964 c. 48.

- 14 The words “and a police authority established under section 3 of the <sup>M60</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).

**Marginal Citations**

**M60** 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>M61</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>M62</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>M63</sup>Police Act 1964 ”.

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### Commencement Information

**I26** 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

**M61** 1964 c. 48.  
**M62** 1964 c. 48.  
**M63** 1964 c. 48.

### Local Government Act 1974

- 16 In section 25 of the <sup>M64</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>M65</sup>Police Act 1964;”.

### Marginal Citations

**M64** 1974 c. 7.  
**M65** 1964 c. 48.

### Local Government (Miscellaneous Provisions) Act 1976

- 17 In section 30 of the <sup>M66</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

**M66** 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>M67</sup>Police Act 1964 and ”.

### Marginal Citations

**M67** 1964 c. 48.

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*Local Government, Planning and Land Act 1980*

- 19 In section 2 of the <sup>M68</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.

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**Marginal Citations**

**M68** 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>M69</sup>Police Act 1964 ”.

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**Marginal Citations**

**M69** 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>M70</sup>Police Act 1964;”.

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**Marginal Citations**

**M70** 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>M71</sup>Police Act 1964.”

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**Marginal Citations**

**M71** 1964 c. 48.

*Local Government (Miscellaneous Provisions) Act 1982*

- 23 In section 33 of the <sup>M72</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>M73</sup>Police Act 1964 ”.

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**Marginal Citations**

**M72** 1982 c. 30.



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**M73** 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>M74</sup>Police Act 1964; and”.

#### Marginal Citations

**M74** 1964 c. 48.

### Local Government Finance Act 1982

- 25 In section 12 of the <sup>M75</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>M76</sup>Police Act 1964;”.

#### Commencement Information

**I27** 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); 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))

#### Marginal Citations

**M75** 1982 c. 32.

**M76** 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>M77</sup>Police Act 1964 ”.

#### Marginal Citations

**M77** 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>M78</sup>Police Act 1964 ”.

#### Marginal Citations

**M78** 1964 c. 48

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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>M79</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.”

**Marginal Citations**

**M79** 1964 c. 48.

*Local Government Act 1986*

29 In section 6 of the <sup>M80</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>M81</sup>Police Act 1964.”.

**Marginal Citations**

**M80** 1986 c. 10.

**M81** 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>M82</sup>Police Act 1964.”.

**Marginal Citations**

**M82** 1966 c. 42.

*Local Government Act 1988*

31 In section 1 of the <sup>M83</sup>Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1) for paragraph (e) there shall be substituted—

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“(e) a police authority established under section 3 of the <sup>M84</sup>Police Act 1964.”.

#### Marginal Citations

**M83** 1988 c. 9.

**M84** 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>M85</sup>Police Act 1964. ”

#### Marginal Citations

**M85** 1967 c. 77.

#### *Local Government Finance Act 1988*

33 In section 112 of the <sup>M86</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—

“(a) any police authority established under section 3 of the <sup>M87</sup>Police Act 1964, and”.

#### Marginal Citations

**M86** 1988 c. 41.

**M87** 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>M88</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 ”.

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**Marginal Citations**

**M88** 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>M89</sup>Police Act 1964;”.

**Marginal Citations**

**M89** 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>M90</sup>Police Act 1964;”.

**Marginal Citations**

**M90** 1964 c. 48.

<sup>F41</sup>40 .....

**Textual Amendments**

**F41** Sch. 4 Pt. I para. 40 repealed (17.12.1996) by 1996 c. 53, s. 147, **Sch. 3 Pt. I**; S.I. 1996/2842, **art. 3**

- 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>M91</sup>Police Act 1964;”.

**Status:** Point in time view as at 17/12/1996. 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 18 June 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

**M91** 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>M92</sup>Police Act 1964;”.

### Marginal Citations

**M92** 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
- (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>M93</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>M94</sup>Police Act 1964; and”.

### Marginal Citations

**M93** 1992 c. 14.

**M94** 1964 c. 48.

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

#### *Trustee Investments Act 1961*

- 46 In section 11 of the <sup>M95</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>M96</sup>Police Act 1964 ”.

### Marginal Citations

**M95** 1961 c. 62.

**M96** 1964 c. 48.

**Status:** Point in time view as at 17/12/1996. 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 18 June 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)

- 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>M97</sup>Police Act 1964; ”.

**Marginal Citations**

**M97** 1964 c. 48.

*Leasehold Reform Act 1967*

- 48 In section 28 of the <sup>M98</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>M99</sup>Police Act 1964; and ”.

**Marginal Citations**

**M98** 1967 c. 88.

**M99** 1964 c. 48.

*Post Office Act 1969*

- 49 In section 7 of the <sup>M100</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>M101</sup>Police Act 1964.”

**Marginal Citations**

**M100** 1969 c. 48.

**M101** 1964 c. 48.

*Employment Agencies Act 1973*

- 50 In section 13 of the <sup>M102</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>M103</sup>Police Act 1964 ”.

**Marginal Citations**

**M102** 1973 c. 35.

**M103** 1964 c. 48.

**Status:** Point in time view as at 17/12/1996. 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 18 June 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)

### *Race Relations Act 1976*

- 51 In section 71 of the <sup>M104</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>M105</sup>Police Act 1964 and ”.

#### **Marginal Citations**

**M104** 1976 c. 74.

**M105** 1964 c. 48.

### *Rent (Agriculture) Act 1976*

- 52 In section 5 of the <sup>M106</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>M107</sup>Police Act 1964;”.

#### **Marginal Citations**

**M106** 1976 c. 80.

**M107** 1964 c. 48.

### *Rent Act 1977*

- 53 In section 14 of the <sup>M108</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>M109</sup>Police Act 1964;”

#### **Marginal Citations**

**M108** 1977 c. 42.

**M109** 1964 c. 48.

### *Justices of the Peace Act 1979*

- 54 In section 64 of the Justices of the <sup>M110</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>M111</sup>Police Act 1964, ”.

**Status:** Point in time view as at 17/12/1996. 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 18 June 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**

M110 1979 c. 55.

M111 1964 c. 48.

*Acquisition of Land Act 1981*

55 In section 17 of the <sup>M112</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>M113</sup>Police Act 1964 "; and
- (b) in paragraph (b) at the end there shall be added the words " or a police authority established under section 3 of the <sup>M114</sup>Police Act 1964. "

**Marginal Citations**

M112 1981 c. 67.

M113 1964 c. 48.

M114 1964 c. 48.

*Stock Transfer Act 1982*

56 In Schedule 1 to the <sup>M115</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**

M115 1982 c. 41.

*County Courts Act 1984*

57 In section 60 of the <sup>M116</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>M117</sup>Police Act 1964 ”.

**Marginal Citations**

M116 1984 c. 28.

M117 1964 c. 48.



**Status:** Point in time view as at 17/12/1996. 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 18 June 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)

### *Housing Act 1985*

- 58 In section 4 of the <sup>M118</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>M119</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>M120</sup>Police Act 1964 and ”.

#### **Marginal Citations**

**M118** 1985 c. 68.

**M119** 1985 c. 51.

**M120** 1964 c. 48.

### *Housing Associations Act 1985*

- 59 In section 106 of the <sup>M121</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>M122</sup>Police Act 1964 ”.

#### **Marginal Citations**

**M121** 1985 c. 69.

**M122** 1964 c. 48.

### *Landlord and Tenant Act 1985*

- 60 In section 38 of the <sup>M123</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>M124</sup>Police Act 1964 and ”.

#### **Marginal Citations**

**M123** 1985 c. 70.

**M124** 1964 c. 48.

**Status:** Point in time view as at 17/12/1996. 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 18 June 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)

*Landlord And Tenant Act 1987*

- 61 In section 58 of the <sup>M125</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>M126</sup>Police Act 1964 ”.

**Marginal Citations**

**M125** 1987 c. 31.

**M126** 1964 c. 48.

*Housing Act 1988*

- 62 In Schedule 1 to the <sup>M127</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>M128</sup>Police Act 1964."

**Marginal Citations**

**M127** 1988 c. 50.

**M128** 1964 c. 48.

*Town and Country Planning Act 1990*

- 63 In section 252 of the <sup>M129</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>M130</sup>Police Act 1964, ”.

**Marginal Citations**

**M129** 1990 c. 8.

**M130** 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)

**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.

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### Commencement Information

**I28** 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)

## <sup>F42</sup>PART I

### Textual Amendments

**F42** Sch. 5 Pt. I (ss. 1-15) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

1 (1) Section 12 of the 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.”

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

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where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of the authority's functions.”

.....

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.

.....

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 ”.

.....

9            In section 42 (research) after the word “efficiency” there shall be inserted the words “ or effectiveness ”.

*Status:* Point in time view as at 17/12/1996. 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 18 June 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)

- .....
- 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 ”.

- .....
- 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 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 ”.

- .....
- 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 ”.

- .....
- 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 Local Government Act 1958” there shall be substituted the words “ , section 58 of the Local Government Act 1972 or section 17 of the 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.”

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

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## “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 London Government Act 1963;

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

“police authority” means—

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

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

“police fund” means—

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

## PART II

### AMENDMENT OF OTHER ENACTMENTS

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

<sup>F43</sup>16 .....

#### Textual Amendments

**F43** Sch. 5 Pt. II para. 16 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**Status:** Point in time view as at 17/12/1996. 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 18 June 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)

### *Pensions (Increase) Act 1971*

17 In Schedule 2 to the <sup>M137</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>M138</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>M139</sup>Police (Scotland) Act 1967 had effect; or

(ba) was engaged on temporary service in accordance with section 15A(2) of the <sup>M140</sup>Police Act 1964 or section 12A(2) of the <sup>M141</sup>Police (Scotland) Act 1967; or”.

#### **Commencement Information**

**I35** 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**

**M137** 1971 c. 56.

**M138** 1980 c. 63

**M139** 1967 c. 77.

**M140** 1964 c. 48.

**M141** 1967 c. 77.

### *Overseas Pensions Act 1973*

18 In section 2 of the <sup>M142</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>M143</sup>Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the <sup>M144</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>M145</sup>Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the <sup>M146</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;”.

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#### Commencement Information

**I36** 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

**M142** 1973 c. 21.  
**M143** 1964 c. 48.  
**M144** 1945 c. 17.  
**M145** 1967 c. 77.  
**M146** 1945 c. 17.

#### *Police Pensions Act 1976*

- 19 In section 7 of the <sup>M147</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>M148</sup>Police Act 1964 or, as the case may be, section 38A of the <sup>M149</sup>Police (Scotland) Act 1967 have or had effect;”.

#### Commencement Information

**I37** 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

**M147** 1976 c. 35.  
**M148** 1964 c. 48.  
**M149** 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>M150</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;



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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 18 June 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)

(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 ”.

#### Commencement Information

**I38** 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

**M150** 1980 c. 63

### Police Negotiating Board Act 1980

<sup>F44</sup>21 .....

#### Textual Amendments

**F44** Sch. Pt. II para. 21 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

### Finance Act 1981

<sup>F45</sup>22 .....

#### Textual Amendments

**F45** Sch. 5 Pt. II para. 22 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

### Aviation Security Act 1982

23 In section 31 of the <sup>M151</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

**M151** 1982 c. 36.

**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.  
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*Police and Criminal Evidence Act 1984*

- 24 In section 84 of the <sup>M152</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
  - <sup>F46</sup>(b) .....

**Textual Amendments**  
**F46** Sch. 5 Pt. II para. 24(b) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

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**Commencement Information**  
**I39** 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))

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**Marginal Citations**  
**M152** 1984 c. 60.

<sup>F47</sup>25 .....

**Textual Amendments**  
**F47** Sch. 5 Pt. II para. 25 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F48</sup>26 .....

**Textual Amendments**  
**F48** Sch. 5 Pt. II para. 26 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F49</sup>27 .....

**Textual Amendments**  
**F49** Sch. 5 Pt. II para. 27 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F50</sup>28 .....

**Textual Amendments**  
**F50** Sch. 5 Pt. II para. 28 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

- 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

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(b) after the word “efficiency” there shall be inserted the words “ and effectiveness ”.

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 ”.

F51 31 .....

**Textual Amendments**

F51 Sch. 5 Pt. II para. 31 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F52 32 .....

**Textual Amendments**

F52 Sch. 5 Pt. II para. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F53 33 .....

**Textual Amendments**

F53 Sch. 5 Pt. II para. 33 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F54 34 .....

**Textual Amendments**

F54 Sch. 5 Pt. II para. 34 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

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 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—

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“(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>M153</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**

M153 1986 c. 64.

*Channel Tunnel Act 1987*

38 (1) Section 14 of the <sup>M154</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**

M154 1987 c. 53.

*Tribunals and Inquiries Act 1992*

39 In section 7 of the <sup>M155</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)—

<sup>F55</sup>(a) .....

(b) for the words “or 56(a)” there shall be substituted the words “, 56(a) or 57A”.

**Textual Amendments**

F55 Sch. 5 Pt. II para. 39(a) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**Status:** Point in time view as at 17/12/1996. 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 18 June 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)

**Commencement Information**

**I40** 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**

**M155** 1992 c. 53.

40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.

<sup>F56</sup>(2) . . . . .

(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).”

**Textual Amendments**

**F56** Sch. 5 Pt. II para. 40(2) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**Commencement Information**

**I41** 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)

SCHEDULE 6

Section 55.

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

**Commencement Information**

**I42** 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;

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**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.

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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 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.

#### *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.

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### *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.

### *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.”

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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>M156</sup>(Miscellaneous Provisions) Act 1967, other than benefits payable by the London Residuary Body, and any superannuation contributions and other payments for which the inner London magistrates’ courts committee may be liable as their employer under any such enactment or instrument.

**Marginal Citations**

**M156** 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>M157</sup>Superannuation Act 1972 with respect to court staff.

**Marginal Citations**

**M157** 1972 c. 11.



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- 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.

## SCHEDULE 8

Section 91.

## MAGISTRATES' COURTS: MINOR AND CONSEQUENTIAL AMENDMENTS

**Commencement Information**

**I43** 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>M158</sup>JUSTICES OF THE PEACE ACT 1979**Marginal Citations**

**M158** 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—

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“(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.”
- 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.

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- 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.
- (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."

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- 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.
- 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—

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*“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

“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”.

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- (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—
- “(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**

**I44** 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(I), 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 ”.

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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 ”.

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

VALID FROM 01/04/2001

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

24 In section 151 of the <sup>M159</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>M160</sup>Peace Act 1979 ”.

#### **Marginal Citations**

**M159** 1939 c. xcvi.

**M160** 1979 c. 55.

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

25 In section 15 of the <sup>M161</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

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justices' chief executive for that area or as staff of the magistrates' courts committee for that area ”.

**Marginal Citations**

M161 1967 c. 28.

*Pensions (Increase) Act 1971*

- 26 In Schedule 2 to the <sup>M162</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**

M162 1971 c. 56.

- 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>M163</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**

M163 1974 c. 23.

*Domestic Proceedings and Magistrates' Courts Act 1978*

- 29 In section 30 of the <sup>M164</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**

M164 1978 c. 22.



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### *Magistrates' Courts Act 1980*

- 30 In section 70 of the <sup>M165</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**

**M165** 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.

### *Road Traffic Offenders Act 1988*

- 32 In section 82 of the <sup>M166</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>M167</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**

**M166** 1988 c. 53.

**M167** 1979 c. 55.

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### *Criminal Justice Act 1991*

- 33 (1) Section 76 of the <sup>M168</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—
- “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**

**I45** 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**

**M168** 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”.

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VALID FROM 27/09/1999

### Local Government Finance Act 1992

- 35 In section 46 of the <sup>M169</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

M169 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)

#### Commencement Information

- I46** 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

- I47** 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

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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**)

<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
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 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

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		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. F57 ... Section 58(6). F57 ... F57 ... Schedules 3, 4 and 8. In Schedule 9, the entry relating to the Police (Overseas Service) Act 1945.
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.	In section 6(2), the words "a deputy chief constable". In section 7(1), the words "deputy chief constable," and " , chief superintendent and". Section 7(2). In section 8(1), the words "and subject to the approval of the police authority and the Secretary of State as to numbers". In section 14(1), the words "(whether by the appointment

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		of temporary constables or otherwise)". In section 24(3) the words from "and the expression" onwards. In section 26, in subsection (2)(d), the words "or temporary"; and subsection (7). In section 31, in each of subsections (2) and (4), the words "or deputy". Section 38(1) to (3). In section 38(5), the words from " "police regulations" " onwards In section 42(1), the words "or to commit breaches of discipline". In section 51(1), the definitions of "regular constable", "special 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).

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		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 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).

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1984 c. 60.	The Police and Criminal Evidence Act 1984.	<p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>F58 . . . .</p> <p>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.</p>
1985 c. 43.	The Local Government (Access to Information) Act 1985.	In Schedule 2, paragraph 5.
1985 c. 51.	The Local Government Act 1985.	<p>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"</p>



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		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.
		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

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		definition of "local authority" the words "a combined police authority or".
1990 c. 41.	The Courts and Legal Services Act 1990.	F59 ...
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).
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.

#### Textual Amendments

**F57** Sch. 9 Pt. I entries relating to 1964 c. 48 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**F58** Sch. 9 Pt. I entries relating to 1984 c. 60 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**F59** Sch. 9 Pt. I entry relating to 1990 c. 41 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

#### 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).

**Status:** Point in time view as at 17/12/1996. This version of this Act contains provisions that are not valid for this point in time.

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## PART II

### MAGISTRATES' COURTS

#### Commencement Information

**I48** 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". 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).

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		<p>In section 23, in subsection (1) the words from "acting" to "boroughs".</p> <p>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".</p> <p>In section 24A(1), the words from "for an area" to "City of London".</p> <p>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).</p> <p>In section 27, subsections (1) to (5) and (7) and (9).</p> <p>Section 28(1A)(b) and (c).</p> <p>In section 30(1), the words "outside the inner London area".</p> <p>Sections 35 to 38.</p> <p>Section 53(6).</p> <p>Sections 57 and 58.</p> <p>In section 59(1)(b), the words "or, in the case of the Receiver, his corresponding functions".</p> <p>In section 63, subsection (2) and, in subsection (4), the words "or subsection (2)" and "or committee of magistrates".</p> <p>In section 70, the definitions of "joint committee area" and "the Receiver".</p>
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).

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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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