



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART I

POLICE

CHAPTER I

PRINCIPAL AMENDMENTS OF POLICE ACT 1964

Forces outside London

2 Police forces and police authorities

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

“Forces outside London

2 Maintenance of police forces

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

3 Establishment of police authorities

- (1) There shall be a police authority for every police area for the time being listed in Schedule 1A to this Act.
- (2) A police authority established under this section for any area shall be a body corporate to be known by the name of the area with the addition of the words “Police Authority”.

3 Membership of police authorities etc

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

“3A Membership of police authorities etc

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

3B Reductions in size of police authorities

- (1) This section applies to any order under subsection (2) of section 3A of this Act which varies or revokes an earlier order so as to reduce the number of a police authority's members.
 - (2) Before making an order to which this section applies, the Secretary of State shall consult—
 - (a) the authority,
 - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 1B to this Act, and
 - (c) any panel (or magistrates' courts committee) which is responsible, or is represented on a joint committee which is responsible, for the appointment of members of the authority.
 - (3) An order to which this section applies may include provision as to the termination of the appointment of the existing members of the authority and the making of new appointments or re-appointments.”
- (2) After Schedule 1A to the 1964 Act there shall be inserted (as Schedules 1B and 1C) the Schedules set out in Schedule 2 to this Act.

4 Functions of police authorities

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

“4 General functions of police authorities

- (1) It shall be the duty of every police authority established under section 3 of this Act to secure the maintenance of an efficient and effective police force for its area.
- (2) In discharging its functions, every police authority established under section 3 of this Act shall have regard to—

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

- (a) any objectives determined by the Secretary of State under section 28A of this Act,
 - (b) any objectives determined by the authority under section 4A,
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B or otherwise, and
 - (d) any local policing plan issued by the authority under section 4B.
- (3) In discharging any function to which a code of practice issued under section 28C of this Act relates, a police authority established under section 3 of this Act shall have regard to the code.
- (4) A police authority shall comply with any direction given to it by the Secretary of State under section 28B or 28D of this Act.

4A Local policing objectives

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

4B Local policing plans

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

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

- (5) A police authority shall arrange for the local policing plan to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to the Secretary of State.

4C Annual reports by police authorities

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

5 Chief constables

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

“5 General functions of chief constables

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

5A Appointment and removal of chief constables

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

6 Deputy and assistant chief constables

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

“6 Assistant chief constables

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

7 Other members of police forces

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

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

8 Police fund

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

“8 Police fund

- (1) Each police authority established under section 3 of this Act shall keep a fund to be known as the police fund.

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

- (2) Subject to any regulations under the Police Pensions Act 1976, all receipts of the police authority shall be paid into the police fund and all expenditure of the authority shall be paid out of that fund.
- (3) Accounts shall be kept by each police authority of payments made into or out of the police fund.”

9 Supply of goods and services

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

“8A Supply of goods and services

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

10 Civilian employees

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

“10 Civilian employees

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

11 Appointment of officers

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

“10A Appointment of clerk

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

10B Appointment of persons not employed by police authorities

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

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

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

12 Questions by local councillors

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

“11 Questions on police matters at council meetings

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