

*Changes to legislation:* There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, Part II. (See end of Document for details)

## SCHEDULES

### SCHEDULE 5 **U.K.**

#### POLICE: MINOR AND CONSEQUENTIAL AMENDMENTS

##### Extent Information

**E1** The provisions of Sch. 5 have the same extent as the enactments they amend, see s. 96(1)-(3)

##### Commencement Information

**II** 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)

### PART II **U.K.**

#### AMENDMENT OF OTHER ENACTMENTS

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

<sup>F1</sup>16 .....

##### Textual Amendments

**F1** Sch. 5 Pt. II para. 16 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

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

17 In Schedule 2 to the <sup>M1</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>M2</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>M3</sup>Police (Scotland) Act 1967 had effect; or

(ba) was engaged on temporary service in accordance with section 15A(2) of the <sup>M4</sup>Police Act 1964 or section 12A(2) of the <sup>M5</sup>Police (Scotland) Act 1967; or”.

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#### Commencement Information

- I1** 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

- M1** 1971 c. 56.  
**M2** 1980 c. 63  
**M3** 1967 c. 77.  
**M4** 1964 c. 48.  
**M5** 1967 c. 77.

#### *Overseas Pensions Act 1973*

- 18 In section 2 of the <sup>M6</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>M7</sup>Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the <sup>M8</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>M9</sup>Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the <sup>M10</sup>Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980),

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

#### Commencement Information

- I2** 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

- M6** 1973 c. 21.  
**M7** 1964 c. 48.  
**M8** 1945 c. 17.  
**M9** 1967 c. 77.  
**M10** 1945 c. 17.

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*Police Pensions Act 1976*

- 19 In section 7 of the <sup>M11</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>M12</sup>Police Act 1964 or, as the case may be, section 38A of the <sup>M13</sup>Police (Scotland) Act 1967 have or had effect;”.

**Commencement Information**

- I3** 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**

- M11** 1976 c. 35.  
**M12** 1964 c. 48.  
**M13** 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>M14</sup>Overseas Development and Co-operation Act 1980;
  - (aa) temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
  - (ab) service in the Royal Ulster Constabulary in respect of which the provisions of section 53C of the Police Act 1964 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have effect;”.
- (3) In subsection (2)(b) after the words “subsection (1)” there shall be inserted “ (aa), (ab), ”.
- (4) In subsection (3)—
- (a) in paragraph (b) after the words “subsection (1)(a),” there shall be inserted “ (aa), (ab), ”, and
  - (b) after the words “body in” there shall be inserted the words “ or with ”.

**Commencement Information**

- I4** 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))

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**Marginal Citations**

**M14** 1980 c. 63

*Police Negotiating Board Act 1980*

**F21** .....

**Textual Amendments**

**F2** 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*

**F322** .....

**Textual Amendments**

**F3** 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>M15</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**

**M15** 1982 c. 36.

*Police and Criminal Evidence Act 1984*

24 [<sup>F4</sup>In section 84 of the <sup>M16</sup>Police and Criminal Evidence Act 1984 (general provision relating to police complaints and discipline), in subsection (4)—  
 (a) in the definition of “senior officer” for the words “chief superintendent” there shall be substituted the word “ superintendent ”, and]  
 (b) .....

**Textual Amendments**

**F4** Sch. 5 Pt. II para. 24: opening words and para. 24(a) repealed (31.3.1999) by 1996 c. 16, ss. 103(3), 104(2), **Sch. 9 Pt. II**, S.I. 1999/533

**Commencement Information**

**I5** 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**

**M16** 1984 c. 60.

<sup>F5</sup>25 .....

**Textual Amendments**

**F5** Sch. 5 Pt. II para. 25 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F6</sup>26 .....

**Textual Amendments**

**F6** Sch. 5 Pt. II para. 26 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F7</sup>27 .....

**Textual Amendments**

**F7** Sch. 5 Pt. II para. 27 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F8</sup>28 .....

**Textual Amendments**

**F8** Sch. 5 Pt. II para. 28 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F9</sup>29 .....

**Textual Amendments**

**F9** Sch. 5 Pt. II para. 29 repealed (31.3.1999) by 1996 c. 16, ss. 103(3), 104(2), **Sch. 9 Pt. II**; S.I. 1999/533, **art. 2(a)**

<sup>F10</sup>30 .....

**Textual Amendments**

**F10** Sch. 5 Pt. II para. 30 repealed (31.3.1999) by 1996 c. 16, ss. 103(3), 104(2), **Sch. 9 Pt. II**; S.I. 1999/533, **art. 2(a)**

<sup>F11</sup>31 .....

**Textual Amendments**

**F11** Sch. 5 Pt. II para. 31 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

<sup>F12</sup>32 .....

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**Textual Amendments**

**F12** Sch. 5 Pt. II para. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F13</sup>33 .....

**Textual Amendments**

**F13** Sch. 5 Pt. II para. 33 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F14</sup>34 .....

**Textual Amendments**

**F14** 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”.

<sup>F15</sup>36 .....

**Textual Amendments**

**F15** Sch. 5 Pt. II para. 36 repealed (31.3.1999) by 1996 c. 16, ss. 103(3), 104(2), Sch. 9 Pt. II; S.I. 1999/533, art. 2(a)

*Public Order Act 1986*

37 In section 15 of the <sup>M17</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**

**M17** 1986 c. 64.

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*Channel Tunnel Act 1987*

- 38 (1) Section 14 of the <sup>M18</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**

**M18** 1987 c. 53.

*Tribunals and Inquiries Act 1992*

- 39 In section 7 of the <sup>M19</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>F16</sup>(a) .....
- (b) for the words “or 56(a)” there shall be substituted the words “, 56(a) or 57A”.

**Textual Amendments**

**F16** Sch. 5 Pt. II para. 39(a) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**Commencement Information**

**I6** 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**

**M19** 1992 c. 53.

- 40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.
- <sup>F17</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).”

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#### **Textual Amendments**

**F17** Sch. 5 Pt. II para. 40(2) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

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#### **Commencement Information**

**I7** Sch. 5 Pt. I para. 40 partly in force; Sch. 5 Pt. I para. 40 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 40(1)(3) in force (1.8.1996) by S.I. 1996/1646, art. 2, **Sch.** (with savings in art. 3)



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