

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

**F1** Sch. 1 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt.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

### <sup>F2</sup>SCHEDULE 2

#### Textual Amendments

**F2** Sch. 2 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt.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

### <sup>F3</sup>SCHEDULE 3

#### Textual Amendments

**F3** Sch. 3 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt.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

**I1** 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>M1</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>M2</sup>Police Act 1964, ”.

**Marginal Citations**

- M1** 1962 c. 56.  
**M2** 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>M3</sup>Police Act 1964, ”.

**Marginal Citations**

- M3** 1964 c. 48.

#### *Local Government Act 1966*

- 3 In section 11 of the <sup>M4</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>M5</sup>Police Act 1964 and ”.

**Marginal Citations**

- M4** 1966 c. 42.  
**M5** 1964 c. 48.

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

- 4 In section 1 of the <sup>M6</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>M7</sup>Police Act 1964 and ”.

**Marginal Citations**

- M6** 1969 c. 2.  
**M7** 1964 c. 48.

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*Local Authorities (Goods and Services) Act 1970*

- 5 In section 1 of the <sup>M8</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>M9</sup>Police Act 1964, any ”.

**Marginal Citations**

**M8** 1970 c. 39.

**M9** 1964 c. 48.

*Local Government Act 1972*

- <sup>F46</sup> .....

**Textual Amendments**

**F4** 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>M10</sup>Police Act 1964 ”.

**Marginal Citations**

**M10** 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>M11</sup>Police Act 1964 ”.

**Marginal Citations**

**M11** 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>M12</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>M13</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**

**M12** 1964 c. 48.

**M13** 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>M14</sup>Police Act 1964 ”.
- (3) After subsection (1) there shall be inserted—
- “(1A) A police authority established under section 3 of the <sup>M15</sup>Police Act 1964 shall not be treated—
- (a) as a local authority for the purposes of section 112, 139, 140A or 140C above, or
  - (b) as a principal council for the purposes of section 122 above.”

**Marginal Citations**

**M14** 1964 c. 48.

**M15** 1964 c. 48.

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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>M16</sup>Police Act 1964 ”.

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**Marginal Citations**

**M16** 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>M17</sup>Police Act 1964 ”.

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**Marginal Citations**

**M17** 1964 c. 48.

- 14 The words “and a police authority established under section 3 of the <sup>M18</sup>Police Act 1964” shall be inserted after the words “joint authority”—
- (a) in section 229 of that Act (photographic copies of documents), in subsection (8);
  - (b) in section 231 of that Act (service of notices on local authorities, etc.), in subsection (4);
  - (c) in section 232 of that Act (public notices), in subsection (1A);
  - (d) in section 233 of that Act (service of notices by local authorities), in subsection (11); and
  - (e) in section 234 of that Act (authentication of documents), in subsection (4).

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**Marginal Citations**

**M18** 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>M19</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>M20</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>M21</sup>Police Act 1964 ”.

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**Commencement Information**

**I2** 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**

**M19** 1964 c. 48.  
**M20** 1964 c. 48.  
**M21** 1964 c. 48.

*Local Government Act 1974*

- 16 In section 25 of the <sup>M22</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>M23</sup>Police Act 1964;”.

**Marginal Citations**

**M22** 1974 c. 7.  
**M23** 1964 c. 48.

*Local Government (Miscellaneous Provisions) Act 1976*

- 17 In section 30 of the <sup>M24</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**

**M24** 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>M25</sup>Police Act 1964 and”.

**Marginal Citations**

**M25** 1964 c. 48.

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*Local Government, Planning and Land Act 1980*

- 19 In section 2 of the <sup>M26</sup>Local Government, Planning and Land Act 1980 (duty of authorities to publish information), in subsection (1)—
- (a) in paragraph (j) the words from “a police committee” to “in Scotland”, and
  - (b) in paragraph (k) the words from “a combined” to “in Scotland”,
- shall be omitted.

**Marginal Citations**

**M26** 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>M27</sup>Police Act 1964 ”.

**Marginal Citations**

**M27** 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>M28</sup>Police Act 1964;”.

**Marginal Citations**

**M28** 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>M29</sup>Police Act 1964.”

**Marginal Citations**

**M29** 1964 c. 48.

*Local Government (Miscellaneous Provisions) Act 1982*

- 23 In section 33 of the <sup>M30</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>M31</sup>Police Act 1964 ”.

**Marginal Citations**

**M30** 1982 c. 30.

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**M31** 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>M32</sup>Police Act 1964; and”.

**Marginal Citations**

**M32** 1964 c. 48.

*Local Government Finance Act 1982*

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

**Textual Amendments**

**F5** Sch. 4 Pt. I para. 25 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch. 5** (with s. 55(2))

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

**Textual Amendments**

**F6** Sch. 4 Pt. I para. 26 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch. 5** (with s. 55(2))

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

**Textual Amendments**

**F7** Sch. 4 Pt. I para. 27 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch. 5** (with s. 55(2))

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

**Textual Amendments**

**F8** Sch. 4 Pt. I para. 28 repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch. 5** (with s. 55(2))

*Local Government Act 1986*

29 In section 6 of the <sup>M33</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>M34</sup>Police Act 1964.”.

**Marginal Citations**

**M33** 1986 c. 10.



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**M34** 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>M35</sup>Police Act 1964,”.

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**Marginal Citations**

**M35** 1966 c. 42.

*Local Government Act 1988*

- 31 In section 1 of the <sup>M36</sup>Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1) for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the <sup>M37</sup>Police Act 1964,”.

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**Marginal Citations**

**M36** 1988 c. 9.

**M37** 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>M38</sup>Police Act 1964. ”

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**Marginal Citations**

**M38** 1967 c. 77.

*Local Government Finance Act 1988*

- 33 In section 112 of the <sup>M39</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>M40</sup>Police Act 1964, and”.

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**Marginal Citations**

**M39** 1988 c. 41.

**M40** 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

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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>M41</sup>Local Government and Housing Act 1989 (designation and reports of monitoring officer)—
- (a) in subsection (1), after the words “paid service” there shall be inserted the words “ (or, in the case of a police authority established under section 3 of the Police Act 1964, the clerk to the authority) ”;
  - (b) in subsection (2), for the words “sub-committee or officer of the authority”, in both places where they occur, there shall be substituted the words “ or sub-committee of the authority, by any person holding any office or employment under the authority ”; and
  - (c) in subsection (3), for the words “head of the authority’s paid service” there shall be substituted the words “ person who is for the time being designated as the head of the authority’s paid service under section 4 above ”.

**Marginal Citations**

**M41** 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>M42</sup>Police Act 1964;”.

**Marginal Citations**

**M42** 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>M43</sup>Police Act 1964;”.

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### Marginal Citations

**M43** 1964 c. 48.

<sup>F9</sup>40 .....

### Textual Amendments

**F9** 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>M44</sup>Police Act 1964;”.

### Marginal Citations

**M44** 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>M45</sup>Police Act 1964;”.

### Marginal Citations

**M45** 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>M46</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>M47</sup>Police Act 1964; and”.

### Marginal Citations

**M46** 1992 c. 14.

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**M47** 1964 c. 48.

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

#### *Trustee Investments Act 1961*

- 46 In section 11 of the <sup>M48</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>M49</sup>Police Act 1964 ”.

#### Marginal Citations

**M48** 1961 c. 62.

**M49** 1964 c. 48.

- 47 In Part II of Schedule 1 to that Act (list of narrower-range investments requiring advice), in paragraph 9, in sub-paragraph (d) for the words “a combined police authority” onwards there shall be substituted the words “ a police authority established under section 3 of the <sup>M50</sup>Police Act 1964; ”.

#### Marginal Citations

**M50** 1964 c. 48.

#### *Leasehold Reform Act 1967*

- 48 In section 28 of the <sup>M51</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>M52</sup>Police Act 1964; and ”.

#### Marginal Citations

**M51** 1967 c. 88.

**M52** 1964 c. 48.

#### *Post Office Act 1969*

- <sup>F10</sup>49 .....

#### Textual Amendments

**F10** Sch. 4 para. 49 repealed (26.3.2001) by 2000 c. 26, s. 127(6), Sch. 9; S.I. 2001/1148, art. 2(2), Sch. Table (with art. 34)

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*Employment Agencies Act 1973*

50 In section 13 of the <sup>M53</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>M54</sup>Police Act 1964 ”.

**Marginal Citations**

**M53** 1973 c. 35.

**M54** 1964 c. 48.

*Race Relations Act 1976*

<sup>F11</sup>51 .....

**Textual Amendments**

**F11** Sch. 4 para. 51 repealed (2.4.2001) by 2000 c. 34, s. 9(2), Sch. 3; S.I. 2001/566, art. 2

*Rent (Agriculture) Act 1976*

52 In section 5 of the <sup>M55</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>M56</sup>Police Act 1964;”.

**Marginal Citations**

**M55** 1976 c. 80.

**M56** 1964 c. 48.

*Rent Act 1977*

53 In section 14 of the <sup>M57</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>M58</sup>Police Act 1964;”

**Marginal Citations**

**M57** 1977 c. 42.

**M58** 1964 c. 48.

*Justices of the Peace Act 1979*

<sup>F12</sup>54 .....

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**Textual Amendments**

**F12** Sch. 4 Pt. II para. 54 repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), Sch. 6 Pt. I (with Sch. 4 para. 27)

*Acquisition of Land Act 1981*

- 55 In section 17 of the <sup>M59</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>M60</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>M61</sup>Police Act 1964. "

**Marginal Citations**

**M59** 1981 c. 67.

**M60** 1964 c. 48.

**M61** 1964 c. 48.

*Stock Transfer Act 1982*

- 56 In Schedule 1 to the <sup>M62</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**

**M62** 1982 c. 41.

*County Courts Act 1984*

- 57 In section 60 of the <sup>M63</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>M64</sup>Police Act 1964 ”.

**Marginal Citations**

**M63** 1984 c. 28.

**M64** 1964 c. 48.

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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 17 September 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) View outstanding changes

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### *Housing Act 1985*

- 58 In section 4 of the <sup>M65</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>M66</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>M67</sup>Police Act 1964 and ".

#### **Marginal Citations**

**M65** 1985 c. 68.

**M66** 1985 c. 51.

**M67** 1964 c. 48.

### *Housing Associations Act 1985*

- 59 In section 106 of the <sup>M68</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>M69</sup>Police Act 1964 ".

#### **Marginal Citations**

**M68** 1985 c. 69.

**M69** 1964 c. 48.

### *Landlord and Tenant Act 1985*

- 60 In section 38 of the <sup>M70</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>M71</sup>Police Act 1964 and ".

#### **Marginal Citations**

**M70** 1985 c. 70.

**M71** 1964 c. 48.

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes*

*Landlord And Tenant Act 1987*

- 61 In section 58 of the <sup>M72</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>M73</sup>Police Act 1964 ”.

**Marginal Citations**

**M72** 1987 c. 31.

**M73** 1964 c. 48.

*Housing Act 1988*

- 62 In Schedule 1 to the <sup>M74</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>M75</sup>Police Act 1964.”

**Marginal Citations**

**M74** 1988 c. 50.

**M75** 1964 c. 48.

*Town and Country Planning Act 1990*

- 63 In section 252 of the <sup>M76</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>M77</sup>Police Act 1964, ”.

**Marginal Citations**

**M76** 1990 c. 8.

**M77** 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\(1\)-\(3\)](#)



**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

### Commencement Information

**I3** 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>F13</sup>PART I

### Textual Amendments

**F13** Sch. 5 Pt. I (ss. 1-15) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

## PART II

### AMENDMENT OF OTHER ENACTMENTS

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

<sup>F14</sup>16 .....

### Textual Amendments

**F14** 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>M84</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>M85</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>M86</sup>Police (Scotland) Act 1967 had effect; or

(ba) was engaged on temporary service in accordance with section 15A(2) of the <sup>M87</sup>Police Act 1964 or section 12A(2) of the <sup>M88</sup>Police (Scotland) Act 1967; or”.

### Commencement Information

**I10** 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))

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes*

#### Marginal Citations

- M84** 1971 c. 56.  
**M85** 1980 c. 63  
**M86** 1967 c. 77.  
**M87** 1964 c. 48.  
**M88** 1967 c. 77.

#### *Overseas Pensions Act 1973*

18 In section 2 of the <sup>M89</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>M90</sup>Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the <sup>M91</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>M92</sup>Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the <sup>M93</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

- I11** 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

- M89** 1973 c. 21.  
**M90** 1964 c. 48.  
**M91** 1945 c. 17.  
**M92** 1967 c. 77.  
**M93** 1945 c. 17.

#### *Police Pensions Act 1976*

19 In section 7 of the <sup>M94</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;

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

- (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>M95</sup>Police Act 1964 or, as the case may be, section 38A of the <sup>M96</sup>Police (Scotland) Act 1967 have or had effect;”.

#### Commencement Information

**I12** 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

**M94** 1976 c. 35.

**M95** 1964 c. 48.

**M96** 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>M97</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

**I13** 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

**M97** 1980 c. 63

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes*

*Police Negotiating Board Act 1980*

F15 21 .....

**Textual Amendments**

**F15** 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*

F16 22 .....

**Textual Amendments**

**F16** 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>M98</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**

**M98** 1982 c. 36.

*Police and Criminal Evidence Act 1984*

24 [F17In section 84 of the <sup>M99</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**

**F17** 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**

**I14** Sch. 5 Pt. II para. 24 partly in force; Sch. 5 Pt. II para. 24 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. II para. 24(a) in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

**Marginal Citations**

**M99** 1984 c. 60.

F18 25 .....

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes*

**Textual Amendments**

**F18** Sch. 5 Pt. II para. 25 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F19</sup>26 .....

**Textual Amendments**

**F19** Sch. 5 Pt. II para. 26 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F20</sup>27 .....

**Textual Amendments**

**F20** Sch. 5 Pt. II para. 27 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F21</sup>28 .....

**Textual Amendments**

**F21** Sch. 5 Pt. II para. 28 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F22</sup>29 .....

**Textual Amendments**

**F22** 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>F23</sup>30 .....

**Textual Amendments**

**F23** 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>F24</sup>31 .....

**Textual Amendments**

**F24** Sch. 5 Pt. II para. 31 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

<sup>F25</sup>32 .....

**Textual Amendments**

**F25** Sch. 5 Pt. II para. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes*

F26 33 .....

**Textual Amendments**

**F26** Sch. 5 Pt. II para. 33 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F27 34 .....

**Textual Amendments**

**F27** 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”.

F28 36 .....

**Textual Amendments**

**F28** 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>M100</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**

**M100** 1986 c. 64.

*Channel Tunnel Act 1987*

38 (1) Section 14 of the <sup>M101</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”.

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

- (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**

M101 1987 c. 53.

*Tribunals and Inquiries Act 1992*

- 39 In section 7 of the <sup>M102</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>F29</sup>(a) .....
  - (b) for the words “or 56(a)” there shall be substituted the words “ , 56(a) or 57A ”.

**Textual Amendments**

**F29** 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**

**I15** 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**

M102 1992 c. 53.

- 40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.
- <sup>F30</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**

**F30** Sch. 5 Pt. II para. 40(2) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**Changes to legislation:** *Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes*

#### Commencement Information

**I16** 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

**I17** Sch. 6 wholly in force at 1.8.1996; Sch. 6 not in force at Royal Assent, see s. 94(1); Sch. 6 in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

## “SCHEDULE 3

### APPEALS

#### *Police Appeals Tribunals*

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

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

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



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**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

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### *Notice of appeal*

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

### *Respondent*

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

### *Casting vote*

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

### *Hearing*

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

### *Effect*

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

### *Tribunal remuneration and expenses*

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

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

### 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.”

## F31 SCHEDULE 7

### Textual Amendments

**F31** Sch. 7 repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), Sch. 6 Pt. I (with Sch. 4 para. 27)

## SCHEDULE 8

Section 91.

### MAGISTRATES' COURTS: MINOR AND CONSEQUENTIAL AMENDMENTS

### Commencement Information

**I18** 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

## F32 PART I

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

**Textual Amendments**

**F32** Sch. 8 Pt. I (ss. 1-23) repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), **Sch. 6 Pt. I** (with Sch. 4 para. 27)

**PART II**

**AMENDMENTS OF OTHER ENACTMENTS**

*London Building Acts (Amendment) Act 1939*

<sup>F33</sup>24 .....

**Textual Amendments**

**F33** Sch. 8 para. 24 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(i)** (with Sch. 2 para. 2)

*Superannuation (Miscellaneous Provisions) Act 1967*

<sup>F34</sup>25 .....

**Textual Amendments**

**F34** Sch. 8 para. 25 repealed (1.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(6)** (with s. 107, Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(c)(i)** (with Sch. 2 para. 2)

*Pensions (Increase) Act 1971*

26 In Schedule 2 to the <sup>M103</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**

**M103** 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 <sup>F35</sup> .....

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**Textual Amendments**

**F35** Sch. 8 para. 28 repealed (5.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336(3), Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(i)(iv)

*Domestic Proceedings and Magistrates' Courts Act 1978*

29 **F36** .....

**Textual Amendments**

**F36** Sch. 8 para. 29 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

*Magistrates' Courts Act 1980*

30 **F37** .....

**Textual Amendments**

**F37** Sch. 8 para. 30 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

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 **F38** .....

**Textual Amendments**

**F38** Sch. 8 para. 32 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

*Criminal Justice Act 1991*

33 **F39** .....

**Textual Amendments**

**F39** Sch. 8 para. 33 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

34 **F40** .....

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

#### Textual Amendments

**F40** Sch. 8 para. 34 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), **Sch. 10**; S.I. 2005/910, **art. 3(aa)**

### Local Government Finance Act 1992

**F41** 35 .....

#### Textual Amendments

**F41** Sch. 8 para. 35 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with s. 107, Sch. 14 paras. 7(2), 36(9))

## 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

**I20** 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

**I21** Sch. 9 Pt. I partly in force; Sch. 9 Pt. I not in force at Royal Assent, see s. 94(1); Sch. 9 Pt. I in force for certain purposes (8.8.1994) by S.I. 1994/2025, **art. 4(1)(2)(h)(3)-(6)**; Sch. 9 Pt. I in force for certain purposes (23.8.1994) by S.I. 1994/2151, **art. 2(1)(2)(c)**; Sch. 9 Pt. I in force for certain purposes (1.10.1994) by S.I. 1994/2025, **art. 5(1)(2)(m)**; Sch. 9 Pt. I in force for certain purposes (31.12.1994) by S.I. 1994/3262, **art. 3(1)(c)**; Sch. 9 Pt. I in force for certain purposes (1.1.1995) by S.I. 1994/3075, **art. 2, Sch.**; Sch. 9 Pt. I in force (1.4.1995) for certain purposes by S.I. 1994/3262, **art. 4, Sch.** (as amended

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 17 September 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) View outstanding changes

(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. 1 in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

Chapter	Short title	Extent of repeal
19 & 20 Vict. c. 2.	The Metropolitan Police Act 1856.	In section 2 the word "six" and the words "and upon every vacancy" onwards.
49 & 50 Vict. c. 38.	The Riot (Damages) Act 1886.	In section 9, paragraph (a) of the definition of "compensation authority".
54 & 55 Vict. c. 43.	The Forged Transfers Act 1891.	In section 2, in paragraph (ab) of the definition of "local authority" the words "a combined police authority or".
2 Edw. 7 c. 28.	The Licensing Act 1902.	In section 6(1) the words "(within the meaning of the Police Act 1890)".
9 & 10 Geo. 6 c. 17.	The Police (Overseas Service) Act 1945.	Section 2(1), (1A) and (2). Section 3(1) and (2).
9 & 10 Geo. 6 c. 18.	The Statutory Orders (Special Procedure) Act 1945.	In section 11(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
12, 13 & 14 Geo. 6 c. 5.	The Civil Defence Act 1948.	In section 9(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
1963 c. 18.	The Stock Transfer Act 1963.	In section 4(1), in paragraph (aa) of the definition of "local authority" the words "a combined police authority or".
1964 c. 48.	The Police Act 1964.	Section 6A. In section 7(1) the words "deputy chief constable". Section 9. In section 12, in subsections (1) and (2) the words "in writing". In section 17(1) the words "and subject to the approval of the police authority as to numbers".

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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 17 September 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) View outstanding changes*

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		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. F42 ... Section 58(6). F42 ... F42 ... 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 of temporary constables or otherwise)".

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		<p>In section 24(3) the words from “and the expression” onwards.</p> <p>In section 26, in subsection (2)(d), the words “or temporary”; and subsection (7).</p> <p>In section 31, in each of subsections (2) and (4), the words “or deputy”.</p> <p>Section 38(1) to (3).</p> <p>In section 38(5), the words from “ “police regulations” ” onwards</p> <p>In section 42(1), the words “or to commit breaches of discipline”.</p> <p>In section 51(1), the definitions of “regular constable”, “special constable” and “temporary constable”.</p> <p>In Schedule 2, paragraph 2.</p> <p>In Schedule 4, the entry relating to the Police (Overseas Service) Act 1945.</p>
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>F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .  F43  . . . .</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.	F44 ...
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

**F42** 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**

**F43** 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**

**F44** 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).

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## PART II

### MAGISTRATES' COURTS

#### Commencement Information

**I22** 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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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 66-68 (Pt. 3) repealed by [1998 c. 32 Sch. 6](#)
- Sch. 4 para. 7 by [2000 c. 22 Sch. 6](#)