



# Police Act 1996

## 1996 CHAPTER 16

An Act to consolidate the Police Act 1964, Part IX of the Police and Criminal Evidence Act 1984, Chapter I of Part I of the Police and Magistrates' Courts Act 1994 and certain other enactments relating to the police. [22nd May 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Extent Information

**E1** For the extent of this Act see s.105

### Modifications etc. (not altering text)

**C1** Act applied (6.11.2000) by 1998 c. 32, s. 51, **Sch. 3 para. 8(8)**; S.R. 2000/399, **art. 3** (with arts. 4-5)  
Act: power to modify conferred (2.4.2001) by 2000 c. 39, **s. 7(2)**; S.I. 2001/766, **art. 2(1)(a)** (with art. 3)

### Commencement Information

**II** Act partly in force at 22.8.1996, partly prospective; see s.104; Act wholly in force at 1.4.1999 by S.I. 1999/533, **arts. 2, 3**

## PART I

### ORGANISATION OF POLICE FORCES

#### *Police areas*

#### **1 Police areas.**

(1) England and Wales shall be divided into police areas.

*Status: Point in time view as at 18/09/2012.*

*Changes to legislation: Police Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) The police areas referred to in subsection (1) shall be—
- (a) those listed in Schedule 1 (subject to any amendment made to that Schedule by an order under section 32 below, section 58 of the <sup>M1</sup>Local Government Act 1972, [<sup>F1</sup>section 17 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007]),
  - (b) the metropolitan police district, and
  - (c) the City of London police area.
- (3) References in Schedule 1 to any local government area are to that area as it is for the time being, <sup>F2</sup> . . .

#### Textual Amendments

- F1** Words in s. 1(2)(a) substituted (1.11.2007 for E.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 1 para. 19\(2\)](#); S.I. 2007/3136, art. 2(b)
- F2** Words in s. 1(3) repealed (1.4.2000) by [1999 c. 29](#), ss. 325, 423, [Sch. 27 para. 69](#), [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3271, [art. 4\(b\)\(c\)\(d\)](#)

#### Marginal Citations

- M1** [1972 c. 70](#).

### *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 1.

## 3 Establishment of police authorities.

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

## 4 Membership of police authorities etc.

- (1) Subject to subsection (2), each police authority established under section 3 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 under subsection (2) shall be laid before Parliament after being made.
- (4) [<sup>F3</sup> Schedule 2 ] shall have effect in relation to police authorities established under section 3 and the appointment of their members.

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#### Textual Amendments

- F3** Words in s. 4(4) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 1](#); [S.I. 2006/3364](#), art. 2(b) (with art. 3)

### 5 Reductions in size of police authorities.

- (1) This section applies to any order under section 4(2) 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, <sup>F4</sup>and ]
  - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 2, <sup>F5</sup>...
  - <sup>F5</sup>(c) .....
- (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.

#### Textual Amendments

- F4** Word in s. 5(2)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 371\(a\)](#); [S.I. 2005/910](#), art. 3(y)
- F5** S. 5(2)(c) and word immediately preceding it repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 371\(b\)](#), [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)

<sup>F6</sup> *The metropolitan police force*

#### Textual Amendments

- F6** Ss. 5A-5C and heading inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of [S.I. 2000/1095](#)) for specified purposes and on 3.7.2000 for all other purposes) by [1999 c. 29](#), s. [310\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3271](#), art. [3\(a\)](#); [S.I. 2000/1095](#), arts. [4-6](#)

### 5A Maintenance of the metropolitan police force.

<sup>F7</sup>(1) [ A police force shall be maintained for the metropolitan police district.

[ For further provision about the maintenance of the metropolitan police force, see <sup>F8</sup>(2) Chapter 2 of Part 1 of the Police Reform and Social Responsibility Act 2011.]]

#### Textual Amendments

- F7** S. 5A(1): s. 5A renumbered as s. 5A(1) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 6\(2\)](#); [S.I. 2011/3019](#), art. 3, Sch. 1

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- F8** S. 5A(2) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 6\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F9 5B Establishment of the Metropolitan Police Authority.**

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**Textual Amendments**

- F9** Ss. 5B-6 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 7](#); S.I. 2011/3019, art. 3, Sch. 1 (with art. 10(1)(4))

**F9 5C Membership etc of the Metropolitan Police Authority.**

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**Textual Amendments**

- F9** Ss. 5B-6 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 7](#); S.I. 2011/3019, art. 3, Sch. 1 (with art. 10(1)(4))

*[<sup>F10</sup>The metropolitan police and forces outside London]*

**Textual Amendments**

- F10** Ss. 5A-5C and headings inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of [S.I. 2000/1095](#)) for specified purposes and on 3.7.2000 for all other purposes) by [1999 c. 29](#), s. [310\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3271, [art. 3\(a\)](#); S.I. 2000/1095, [arts. 4-6](#)

**F9 6 General functions of police authorities.**

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**Textual Amendments**

- F9** Ss. 5B-6 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 7](#); S.I. 2011/3019, art. 3, Sch. 1 (with art. 10(1)(4))

**[<sup>F11</sup>6ZA Power to confer particular functions on police authorities**

- (1) The Secretary of State may by order confer particular functions on police authorities.
- (2) Without prejudice to the generality of subsection (1), an order under this section may contain provision requiring a police authority—
  - (a) to monitor the performance of the police force maintained for its area in—
    - (i) complying with any duty imposed on the force by or under this Act, the Human Rights Act 1998 or any other enactment;

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- (ii) carrying out any plan issued by virtue of section 6ZB;
  - (b) to secure that arrangements are made for that force to co-operate with other police forces whenever necessary or expedient;
  - (c) to promote diversity within that force and within the authority.
- (3) Before making an order under this section the Secretary of State must consult—
  - (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F11** S. 6ZA inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 8](#); S.I. 2006/3364, art. 2(b) (with art. 3)

#### [<sup>F12</sup>6ZB Plans by police authorities

- (1) Before the beginning of each financial year every police authority shall issue a plan (a “policing plan”) setting out—
  - (a) the authority's objectives (“policing objectives”) for the policing of its area during that year; and
  - (b) the proposed arrangements for the policing of that area for the period of three years beginning with that year.
- (2) Policing objectives shall be so framed as to be consistent with any strategic priorities determined under section 37A.
- (3) Before determining policing objectives, a police authority shall—
  - (a) consult the relevant chief officer of police, and
  - (b) consider any views obtained by the authority in accordance with arrangements made under section 96.
- (4) A draft of a policing plan required to be issued by a police authority under this section shall be prepared by the relevant chief officer of police and submitted by him to the authority for it to consider.

The authority shall consult the relevant chief officer of police before issuing a policing plan which differs from the draft submitted by him under this subsection.
- (5) The Secretary of State may by regulations make provision supplementing that made by this section.
- (6) The regulations may make provision (further to that made by subsection (3)) as to persons who are to be consulted, and matters that are to be considered, before determining policing objectives.
- (7) The regulations may contain provision as to—

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- (a) matters to be dealt with in policing plans (in addition to those mentioned in subsection (1));
  - (b) persons who are to be consulted, and matters that are to be considered, in preparing policing plans;
  - (c) modification of policing plans;
  - (d) persons to whom copies of policing plans are to be sent.
- (8) Before making regulations under this section the Secretary of State must consult—
- (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (9) Regulations under this section may make different provision for different police authorities.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “the relevant chief officer of police”, in relation to a police authority, means the chief officer of police of the police force maintained by that authority.

#### Textual Amendments

**F12** Ss. 6ZB, 6ZC inserted (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 9](#); [S.I. 2008/311](#), art. 2(b)

### **6ZC Reports by police authorities**

- (1) The Secretary of State may by order require police authorities to issue reports concerning the policing of their areas.
- (2) An order under this section may contain provision as to—
- (a) the periods to be covered by reports, and, as regards each period, the date by which reports are to be issued;
  - (b) the matters to be dealt with in reports;
  - (c) persons to whom copies of reports are to be sent.
- (3) Before making an order under this section the Secretary of State must consult—
- (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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**Textual Amendments**

**F12** Ss. 6ZB, 6ZC inserted (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 9](#); [S.I. 2008/311](#), art. 2(b)

**<sup>F13</sup> 6A Three-year strategy plans**

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**Textual Amendments**

**F13** S. 6A repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 10](#), [Sch. 15 Pt. 1\(B\)](#); [S.I. 2008/311](#), art. 2(b)

**<sup>F147</sup> Local policing objectives.**

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**Textual Amendments**

**F14** S. 7 repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 10](#), [Sch. 15 Pt. 1\(B\)](#); [S.I. 2008/311](#), art. 2(b)

**<sup>F158</sup> Local policing plans.**

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**Textual Amendments**

**F15** S. 8 repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 10](#), [Sch. 15 Pt. 1\(B\)](#); [S.I. 2008/311](#), art. 2(b)

**<sup>F168A</sup> Local policing summaries**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 13](#); [S.I. 2011/3019](#), art. 3, [Sch. 1](#) (with [Sch. 2 para. 7](#))

**<sup>F179</sup> Annual reports by police authorities.**

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**Textual Amendments**

**F17** S. 9 repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 10, **Sch. 15 Pt. 1(B)**; S.I. 2008/311, art. 2(b) (with art. 3)

**F169A General functions of the Commissioner of Police of the Metropolis.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 13**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**F169B Appointment of Commissioner of Police of the Metropolis.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 13**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**F169C Functions of Deputy Commissioner of Police of the Metropolis.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 13**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**F169D Appointment of Deputy Commissioner of Police of the Metropolis.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 13**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**F169E Removal of Commissioner or Deputy Commissioner.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 13](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**<sup>F16</sup>9F Assistant Commissioners of Police of the Metropolis.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 13](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**<sup>F16</sup>9FA Appointment and removal of Deputy Assistant Commissioners**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 13](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

**<sup>F16</sup>9G Commanders.**

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**Textual Amendments**

**F16** Ss. 8A-9G omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 13](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 7)

*[<sup>F18</sup> Police ranks ]*

**Textual Amendments**

**F18** S. 9H cross-heading inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 14](#); S.I. 2011/3019, art. 3, Sch. 1

**[<sup>F19</sup>9H Other members of the metropolitan police force.**

- (1) The ranks that may be held in the metropolitan police force shall be such as may be prescribed by regulations under section 50.
- (2) The ranks so prescribed in the case of the metropolitan police force shall include, in addition to the ranks of—
  - (a) Commissioner of Police of the Metropolis,

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- (b) Deputy Commissioner of Police of the Metropolis,
  - (c) Assistant Commissioner of Police of the Metropolis, and
  - <sup>F20</sup>(ca) [ Deputy Assistant Commissioner of Police of the Metropolis, and]
  - (d) Commander,
- those of [<sup>F21</sup>chief superintendent, ]superintendent, chief inspector, inspector, sergeant and constable.
- (3) In the metropolitan police force, appointments and promotions to any rank below that of Commander shall be made in accordance with regulations under section 50 by the Commissioner of Police of the Metropolis.]

#### Textual Amendments

- F19** S. 9H inserted (3.7.2000) by 1999 c. 29, s. 322 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
- F20** S. 9H(2)(ca) substituted (1.1.2002) for word "and" by 2001 c. 16, s. 122(2); S.I. 2001/3736, art. 3(a)
- F21** Words in s. 9H(2) inserted (1.1.2002) by 2001 c. 16, s. 125(1); S.I. 2001/3736, art. 3(a)

## 10 General functions of chief constables.

- (1) A police force maintained under section 2 shall be under the direction and control of the chief constable appointed under section 11.
- [<sup>F22</sup>(1A) Subsection (1) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4).]
- (2) In discharging his functions, every chief constable shall have regard [<sup>F23</sup>to—
- (a) any arrangements involving his force that are made by virtue of section 6ZA(2)(b);
  - (b) the policing plan issued by the police authority for his area under section 6ZB.]

#### Textual Amendments

- F22** S. 10(1A) inserted (12.3.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 3; S.I. 2010/507, art. 4(c)
- F23** Words in s. 10(2) substituted (1.4.2008) by Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 2 para. 12; S.I. 2008/790, art. 2(b)

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

- C2** S. 10(1) excluded (1.4.1998) by 1997 c. 50, s. 23(5); S.I. 1998/354, art. 2(2)(j)
- S. 10(1) excluded (1.1.2000) by S.I. 1999/3272, art. 2(2)

## 11 Appointment and removal of chief constables.

- (1) The chief constable of a police force maintained under section 2 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 section 50.
- (2) Without prejudice to any regulations under section 50 or under the <sup>M2</sup>Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may

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call upon the chief constable [<sup>F24</sup> in the interests of efficiency or effectiveness, to retire or to resign ] .

(3) Before seeking the approval of the Secretary of State under subsection (2), the police authority shall give the chief constable [<sup>F25</sup>—

- (a) an explanation in writing of the authority's grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and
- (b) an opportunity to make representations;

and the authority shall consider any representations made by or on behalf of the chief officer.

The opportunity given to the chief constable to make representations must include the opportunity to make them in person.]

[<sup>F26</sup>(3A) A police authority maintaining a police force under section 2, acting with the approval of the Secretary of State, may suspend from duty the chief constable of that force if—

- (a) it is proposing to consider whether to exercise its power under subsection (2) to call upon the chief constable to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in that force requires the suspension; or
- (b) having been notified by the Secretary of State that he is proposing to consider whether to require the police authority to exercise that power, it is satisfied that, in the light of the Secretary of State's proposal, the maintenance of public confidence in that force requires the suspension; or
- (c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State's intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of a police authority maintaining such a force (without reference to the preceding provisions of this subsection) to suspend the chief constable of that force from duty if it is required to do so by the Secretary of State under section 42(1A).]

(4) A chief constable who is called upon to [<sup>F27</sup> retire or resign under subsection (2), shall retire or resign with effect from such date as the police authority may specify, or with effect from such earlier date ] as may be agreed upon between him and the authority.

#### Textual Amendments

- F24** Words in s. 11(2) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 30\(2\)\(a\), 108\(2\); S.I. 2004/1319, art. 2\(a\)](#)
- F25** Words in s. 11(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 31\(2\), 108\(2\); S.I. 2004/1319, art. 2\(b\)](#)
- F26** S. 11(3A) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 32\(2\), 108\(2\); S.I. 2004/1319, art. 2\(c\)](#)
- F27** Words in s. 11(4) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 30\(2\)\(b\), 108\(2\); S.I. 2004/1319, art. 2\(a\)](#)

#### Marginal Citations

- M2** 1976 c. 35.

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**[<sup>F28</sup>11A Appointment and removal of deputy chief constables**

(1) Every police force maintained under section 2 shall have [<sup>F29</sup>one or more deputy chief constables].

[<sup>F30</sup>(2) The appointment of a person to be a deputy chief constable of a police force shall be made, in accordance with regulations under section 50, by the police authority responsible for maintaining that force.

(2A) Where the police authority responsible for maintaining a police force—

(a) proposes to increase the number of deputy chief constables that the force has, or

(b) proposes to appoint a particular person to be a deputy chief constable,

it may do so only after consultation with the chief constable and subject to the approval of the Secretary of State.]

(3) Subsections (2) to (4) of section 11 shall apply in relation to a deputy chief constable as they apply in relation to a chief constable.][<sup>F31</sup>but with the omission in subsection (3A)

(a) of paragraph (b);

(b) in paragraph (c), of the words from “or been sent” to “exercise that power”; and

(c) of the words after paragraph (c).]

**Textual Amendments**

**F28** S. 11A inserted (1.1.2002) by 2001 c. 16, s. 123(1); S.I. 2001/3736, art. 3(a)

**F29** Words in s. 11A(1) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 14(2)

**F30** S. 11A(2)(2A) substituted for s. 11A(2) (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 14(3)

**F31** Words in s. 11A(3) inserted (1.6.2004) by Police Reform Act 2002 (c. 30), ss. 32(4), 108(2); S.I. 2004/1319, art. 2(c)

**12 Assistant chief constables.**

(1) The ranks that may be held in a police force maintained under section 2 shall include that of assistant 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 section 50, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.

(3) Subsections (2) [<sup>F32</sup> to ] (4) of section 11 shall apply to an assistant chief constable as they apply to a chief constable. [<sup>F33</sup>but with the omission in subsection (3A) —

(a) of paragraph (b);

(b) in paragraph (c), of the words from “or been sent” to “exercise that power”; and

(c) of the words after paragraph (c).]

<sup>F34</sup>(4) .....

*Status: Point in time view as at 18/09/2012.*

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F35(5) .....

F36(6) .....

#### Textual Amendments

- F32** Word in s. 12(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 32(5)(a)**, 108(2); S.I. 2004/1319, **art. 2(c)**
- F33** Words in s. 12(3) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 32(5)(b)**, 108(2); S.I. 2004/1319, **art. 2(c)**
- F34** S. 12(4)-(6) repealed (1.1.2002) by [2001 c. 16](#), **ss. 124(1), 137**, **Sch. 7 Pt. IV**; S.I. 2001/3736, **art. 3(a)(c)**
- F35** S. 12(4)-(6) repealed (1.1.2002) by [2001 c. 16](#), **ss. 124(1), 137**, **Sch. 7 Pt. IV**; S.I. 2001/3736, **art. 3(a)(c)**
- F36** S. 12(4)-(6) repealed (1.1.2002) by [2001 c. 16](#), **ss. 124(1), 137**, **Sch. 7 Pt. IV**; S.I. 2001/3736, **art. 3(a)(c)**

### [<sup>F37</sup>12A Power of deputy to exercise functions of chief constable

- (1) [<sup>F38</sup>The appropriate deputy chief constable] of a police force may exercise or perform any or all of the powers or duties of the chief constable of that force—
- during any absence, incapacity or suspension from duty of the chief constable,
  - during any vacancy in the office of the chief constable, or
  - at any other time, with the consent of the chief constable.

- [ The appropriate deputy chief constable for the purposes of subsection (1) is—
- <sup>F39</sup>(1A) (a) in the case of a police force that has only one deputy chief constable, the deputy chief constable;
- (b) in the case of a police force that has more than one deputy chief constable, the most senior deputy chief constable.

(1B) The chief constable of a police force that has more than one deputy chief constable shall, after consulting the police authority responsible for maintaining the force, designate the deputy chief constables in order of seniority for the purposes of subsection (1A)(b).

- (1C) During any absence, incapacity or suspension from duty of the person who—
- is designated as the most senior deputy chief constable for the purposes of subsection (1A)(b), or
  - is treated under this subsection as the most senior deputy chief constable,
- the person designated as the next most senior deputy chief constable shall be treated as the most senior one for those purposes.]

- [<sup>F40</sup>(2) The chief constable of a police force shall, after consulting the police authority responsible for maintaining the force, designate a person holding the rank of assistant chief constable in that force to exercise or perform any or all of the powers or duties of the chief constable during any period when—
- the chief constable is absent, incapacitated or suspended from duty and—
    - the deputy chief constable, or each of the deputy chief constables, is also absent, incapacitated or suspended from duty, or

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- (ii) the office of the deputy chief constable, or of each of the deputy chief constables, is vacant;
- or
- (b) the office of the chief constable is vacant and—
  - (i) the office of the deputy chief constable, or of each of the deputy chief constables, is also vacant, or
  - (ii) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty.]
- (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2).
- (4) The power to act by virtue of subsection (1)(a) or (b) or subsection (2) shall not be exercisable for a continuous period exceeding three months except with the consent of the Secretary of State.
- (5) The provisions of [<sup>F41</sup>subsections (1) to (2)] shall be without prejudice to any other enactment that makes provision for the exercise by any other person of powers conferred on a chief constable.]

**Textual Amendments**

**F37** S. 12A inserted (1.1.2002) by 2001 c. 16, s. 124(2); S.I. 2001/3736, art. 3(a)

**F38** Words in s. 12A(1) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(2)

**F39** Ss. 12A(1A)-(1C) inserted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(3)

**F40** S. 12A(2) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(4)

**F41** Words in s. 12A(5) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(5)

**13 Other members of police forces.**

- (1) The ranks that may be held in a police force maintained under section 2 shall be such as may be prescribed by regulations under section 50 and the ranks so prescribed shall include, in addition to chief constable [<sup>F42</sup>, deputy chief constable] and assistant chief constable, the ranks of [<sup>F43</sup>chief superintendent ]superintendent, chief inspector, inspector, sergeant and constable.
- (2) .....
- (3) Appointments and promotions to any rank below that of assistant chief constable in any police force maintained under section 2 shall be made, in accordance with regulations under section 50, by the chief constable.

**Textual Amendments**

**F42** Words in s. 13(1) inserted (1.1.2002) by 2001 c. 16, s. 123(2)(a); S.I. 2001/3736, art. 3(a)

**F43** Words in s. 13(1) inserted (1.1.2002) by 2001 c. 16, s. 125(2); S.I. 2001/3736, art. 3(a)

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**F<sup>44</sup>14 Police fund.**

.....

**Textual Amendments**

**F44** Ss. 14-17 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 16](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 8)

**F<sup>44</sup>15 Civilian employees.**

.....

**Textual Amendments**

**F44** Ss. 14-17 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 16](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 8)

**F<sup>44</sup>16 Appointment of [<sup>F45</sup>chief executive].**

.....

**Textual Amendments**

**F44** Ss. 14-17 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 16](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 8)

**F45** Words in s. 16 heading substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 18\(3\)](#); S.I. 2007/709, art. 3(c) (with art. 6)

**F<sup>44</sup>17 Appointment of persons not employed by police authorities.**

.....

**Textual Amendments**

**F44** Ss. 14-17 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 16](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 8)

**[<sup>F46</sup>18 Supply of goods and services.**

(1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39)(supply of goods and services by local authorities)—

<sup>F47</sup>(a) .....

(b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.

(2) The modification is that references in those subsections to a public body shall be read as references to any person.



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[<sup>F48</sup>(3) A police authority may not enter into an agreement with another police authority under section 1 of the 1970 Act in respect of a matter which could be the subject of a police authority collaboration agreement.]]

#### Textual Amendments

- F46** S. 18 substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 101**, 108(2)-(5); S.I. 2002/2306, **art. 2(f)(x)**
- F47** S. 18(1)(a) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 18(2)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 9)
- F48** S. 18(3) inserted (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), **Sch. 7 para. 5**; S.I. 2010/507, art. 4(c)

## 19 Approval of decisions about precepts.

- (1) A police authority established under section 3 shall not—
- issue a precept under section 40 of the <sup>M3</sup>Local Government Finance Act 1992, or
  - make the calculations required by section 43 of that Act, except by a decision of the authority which complies with subsection (2) below.
- (2) A decision complies with this subsection only if the members approving it—
- constitute at least half of the total membership at the time of the decision, and
  - include more than half of the members (at that time) [<sup>F49</sup> who are members of a relevant council as defined in paragraph 8 of Schedule 2 ] .

#### Textual Amendments

- F49** Words in s. 19(2)(b) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 2 para. 5**; S.I. 2006/3364, art. 2(b) (with art. 3)

#### Marginal Citations

- M3** 1992 c. 14.

## 20 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 [<sup>F50</sup> established under section 3] 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 2.



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#### Textual Amendments

**F50** Words in s. 20(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 78** (with **Sch. 12 para. 9(1)**); **S.I. 2000/1648, art. 2, Sch.**

### [<sup>F51</sup>**20A Questions on metropolitan police matters at London Assembly meetings.**

- (1) The London Assembly shall make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of the Metropolitan Police Authority to be put by members of the Assembly at a meeting of the Assembly for answer by a person nominated by the Metropolitan Police Authority for that purpose.
- (2) On being given reasonable notice by the London Assembly of a meeting of the Assembly at which questions on the discharge of the Metropolitan Police Authority's functions are to be put, the Metropolitan Police Authority shall nominate one or more of its members to attend the meeting to answer those questions.]

#### Textual Amendments

**F51** S. 20A inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 78** (with **Sch. 12 para. 9(1)**); **S.I. 2000/1648, art. 2, Sch.**

### **21 Application of certain provisions to police authorities.**

- (1) Any relevant legislative provision which, immediately before 21st July 1994, applied to police authorities constituted in accordance with section 2 of the <sup>M4</sup>Police Act 1964 shall, except where the context otherwise requires, apply in the same way to police authorities established under section 3 above.
- (2) Subsection (1) is subject to any provision to the contrary made—
  - (a) by this Act, or
  - (b) by any other Act passed, or subordinate legislation made, on or after 21st July 1994.
- (3) For the purposes of subsection (1), a provision is a “relevant legislative provision” if it is a provision (other than a provision which applies only to specified police authorities) of an instrument which—
  - (a) was made before 21st July 1994 under a public general Act, and
  - (b) is of a legislative character.

#### Marginal Citations

**M4** 1964 c. 48.

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### *General provisions*

## **22 Reports by chief constables to police authorities.**

- (1) Every [<sup>F52</sup>chief officer of police of a police force] shall, as soon as possible after the end of each financial year, submit to the police authority a general report on the policing during that year of the area for which his force is maintained.
- (2) A [<sup>F52</sup>chief officer] shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The [<sup>F52</sup>chief officer of police] of a police force shall, whenever so required by the police authority, submit to that authority a report on such matters as may be specified in the requirement, being matters connected with the policing of the area for which the force is maintained.
- (4) A report submitted under subsection (3) shall be in such form as the police authority may specify.
- (5) If it appears to the [<sup>F52</sup>chief officer] that a report in compliance with subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the police authority, he may request that authority to refer the requirement to submit the report to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (6) The police authority may arrange, or require the [<sup>F52</sup>chief officer] to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the authority to be appropriate.

<sup>F53</sup>(7) .....

#### **Textual Amendments**

**F52** Words in s. 22(1)(2)(3)(5)(6) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27**, para. 79(2)-(5) (with **Sch. 12** para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

**F53** S. 22(7) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, **Sch. 27** para. 79(6), **Sch. 34 Pt. VII** (with **Sch. 12** para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

### *[<sup>F54</sup>General provisions]*

#### **Textual Amendments**

**F54** S. 22A cross-heading inserted (16.1.2012) by **Police Reform and Social Responsibility Act 2011** (c. 13), s. 157(1), **Sch. 16 para. 22**; S.I. 2011/3019, art. 3, **Sch. 1**

## **[<sup>F55</sup>22A Collaboration agreements**

- (1) A collaboration agreement may be made by—
  - (a) two or more policing bodies; or
  - (b) the chief officers of police of one or more police forces and two or more policing bodies.

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- (2) A collaboration agreement is an agreement containing one or more of the following—
  - (a) provision about the discharge of functions of members of a police force (“force collaboration provision”);
  - (b) provision about support by a policing body for another policing body (“policing body collaboration provision”);
  - (c) provision about support by a policing body for the police force which another policing body is responsible for maintaining (“policing body & force collaboration provision”).
- (3) A collaboration agreement may not contain force collaboration provision unless the parties to the agreement consist of, or include,—
  - (a) the chief officer of police of each police force to which the provision relates, and
  - (b) the policing body that is responsible for maintaining each such police force.
- (4) A collaboration agreement may not contain policing body collaboration provision unless the parties to the agreement consist of, or include, each policing body to which the provision relates.
- (5) A collaboration agreement may not contain policing body & force collaboration provision unless the parties to the agreement consist of, or include—
  - (a) the policing body, or each policing body, to which the provision relates;
  - (b) the chief officer of police of the police force, or each police force, to which the provision relates; and
  - (c) the policing body that is responsible for maintaining each such police force.
- (6) Subsection (1) does not prevent other persons from being parties to collaboration agreements.
- (7) Subsection (2) does not prevent a collaboration agreement from including other kinds of provision.
- (8) For the purposes of subsections (3) and (5), the circumstances in which force collaboration provision, or policing body & force collaboration provision, is to be taken to relate to a police force include the cases where provision relates—
  - (a) to functions of a kind which are or may be exercisable by members of that police force, or
  - (b) to the police area for which that police force is established.
- (9) For the purposes of subsections (4) and (5), the circumstances in which policing body collaboration provision, or policing body & force collaboration provision, is to be taken to relate to a policing body include the cases where provision relates—
  - (a) to functions of a kind which are or may be exercisable by that policing body or members of the staff of that body, or
  - (b) to the police area for which that policing body is established.

#### **Textual Amendments**

**F55** Ss. 22A-22C inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. **89(2)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

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## **22B Duty of chief officers to keep collaboration agreements under review**

- (1) The chief officer of police of a police force must keep under consideration the ways in which the collaboration functions could be exercised by the chief officer and by one or more other persons to improve the efficiency or effectiveness of—
  - (a) that police force, and
  - (b) one or more other police forces.
- (2) If the chief officer considers that there is a particular way in which the collaboration functions could be so exercised by the chief officer and by one or more other particular persons (“the proposed collaboration”), the chief officer must notify those other persons (the “proposed partners”) of the proposed collaboration.
- (3) The chief officer, and the proposed partners notified under subsection (2) (the “notified proposed partners”), must consider whether to exercise the collaboration functions to give effect to the proposed collaboration.
- (4) In considering whether to so exercise the collaboration functions, the chief officer and the notified proposed partners must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more police forces.
- (5) Subsection (6) applies if all, or two or more, of—
  - (a) the chief officer, and
  - (b) the notified proposed partners,
 (the “agreeing parties”) are of the view that the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more police forces (if the agreeing parties were to exercise the collaboration functions to give effect to the proposed collaboration, or to give effect to it so far as it relates to them).
- (6) The agreeing parties must exercise the collaboration functions so as to give effect to the proposed collaboration or to give effect to it so far as it relates to them.
- (7) In this section “collaboration functions” means functions of chief officers of police or policing bodies under any of sections 22A to 23I (apart from this section).

### **Textual Amendments**

**F55** Ss. 22A-22C inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. [89\(2\)](#), [157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

## **22C Duty of policing bodies to keep collaboration agreements under review**

- (1) A policing body must keep under consideration the ways in which the collaboration functions could be exercised by the policing body and by one or more other persons to improve—
  - (a) the efficiency or effectiveness of—
    - (i) that policing body,
    - (ii) the police force which that policing body is responsible for maintaining, or
    - (iii) that body and that force, and
  - (b) the efficiency or effectiveness of one or more other policing bodies and police forces.

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- (2) If the policing body considers that there is a particular way in which the collaboration functions could be so exercised by the policing body and by one or more other particular persons (“the proposed collaboration”), the policing body must notify those other persons (the “proposed partners”) of the proposed collaboration.
- (3) The policing body, and the proposed partners notified under subsection (2) (the “notified proposed partners”), must consider whether to exercise the collaboration functions to give effect to the proposed collaboration.
- (4) In considering whether to so exercise the collaboration functions, the policing body and the notified proposed partners must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more policing bodies or police forces.
- (5) Subsection (6) applies if all, or two or more, of—
  - (a) the policing body, and
  - (b) the notified proposed partners,(the “agreeing parties”) are of the view that the proposed collaboration would be in the interests of the efficiency or effectiveness of one or more policing bodies or police forces (if the agreeing parties were to exercise the collaboration functions to give effect to the proposed collaboration, or to give effect to it so far as it relates to them).
- (6) The agreeing parties must exercise the collaboration functions so as to give effect to the proposed collaboration, or to give effect to it so far as it relates to them.
- (7) In this section “collaboration functions” means functions of policing bodies or chief officers of police under any of sections 22A to 23I (apart from this section).]

#### Textual Amendments

**F55** Ss. 22A-22C inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 89(2), 157(1)**; [S.I. 2011/3019](#), art. 3, Sch. 1

#### [<sup>F56</sup>23 [<sup>F57</sup>Collaboration agreements involving police forces]

- <sup>F58</sup>(1) .....
- (2) [<sup>F59</sup>Force collaboration provision may, in particular, consist of provision—]
  - (a) for the joint discharge of functions by members of police forces;
  - (b) for members of a police force to discharge functions in another force's area;
  - (c) for members of a police force to be provided to another force.
- <sup>F60</sup>(3) .....
- (4) [<sup>F61</sup>A collaboration agreement] may provide for a member of a police force, or a civilian employee, to be under the direction and control of a chief officer specified in or determined in accordance with the agreement.
- (5) A chief officer may make [<sup>F62</sup>a collaboration agreement] only if the chief officer thinks that the agreement is in the interests of the efficiency or effectiveness of one or more police forces.
- <sup>F63</sup>(6) .....

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F<sup>63</sup>(7) .....  
F<sup>63</sup>(8) .....]

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by Policing and Crime Act 2009 (c. 26), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)
- F57** S. 23 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F58** S. 23(1) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F59** Words in s. 23(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F60** S. 23(3) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F61** Words in s. 23(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F62** Words in s. 23(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(7)**; S.I. 2011/3019, art. 3, Sch. 1
- F63** S. 23(6)(7)(8) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 2(8)**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2011/3019, art. 3, Sch. 1

#### [<sup>F56</sup>23A [<sup>F64</sup>C Collaboration agreements involving policing bodie]

- F<sup>65</sup>(1) .....
- (2) [<sup>F66</sup>Policing body collaboration provision, or policing body & force collaboration provision, may, in particular, consist of provision—]
- (a) for support to be provided jointly by two or more [<sup>F67</sup>policing bodies];
  - (b) for support to be provided for two or more [<sup>F67</sup>policing bodies] or forces jointly;
  - (c) for [<sup>F68</sup>a policing body] to provide support to [<sup>F69</sup>another policing body] or to a force maintained by [<sup>F69</sup>another policing body].
- (3) [<sup>F70</sup> In relation to policing body collaboration provision, or policing body & force collaboration provision,] references to the provision of support include, in particular, the provision of—
- (a) premises;
  - (b) equipment;
  - (c) staff;
  - (d) services;
  - (e) facilities.
- F<sup>71</sup>(4) .....
- (5) [<sup>F72</sup>A policing body may make a collaboration agreement] only if it thinks that the agreement is in the interests of the efficiency or effectiveness of one or more [<sup>F73</sup>policing bodies] or police forces.

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[<sup>F74</sup>(6) A policing body must consult the chief officer of police of the police force which the body is responsible for maintaining before making a collaboration agreement (unless that chief officer is a party to the agreement).]

<sup>F75</sup>(7) .....

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by Policing and Crime Act 2009 (c. 26), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)
- F64** S. 23A title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F65** S. 23A(1) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F66** Words in s. 23A(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F67** Words in s. 23A(2)(a)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F68** Words in s. 23A(2)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(4)(c)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F69** Words in s. 23A(2)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(4)(c)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F70** Words in s. 23A(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F71** S. 23A(4) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F72** Words in s. 23A(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(7)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F73** Words in s. 23A(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(7)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F74** S. 23A(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(8)**; S.I. 2011/3019, art. 3, Sch. 1
- F75** S. 23A(7) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 3(9)**; S.I. 2011/3019, art. 3, Sch. 1

#### [<sup>F76</sup>23AA Force collaboration provision about civilian employees

- (1) This section applies to force collaboration provision, contained in a collaboration agreement, which is about the discharge of functions by designated civilian employees of one police force (the “assisting force”) for the purposes of another police force (the “assisted force”).
- (2) The force collaboration provision must specify—
  - (a) the functions which the designated civilian employees are permitted by the collaboration agreement to discharge for the purposes of the assisted force, and
  - (b) any restrictions or conditions on that permission for the designated civilian employees to discharge those functions.
- (3) The force collaboration provision must not permit the designated civilian employees to discharge functions for the purposes of the assisted force unless those employees



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are, by virtue of the relevant section 38 designation, authorised to discharge those functions for the purposes of the assisting force.

- (4) The force collaboration provision does not authorise the designated civilian employees to discharge functions for the purposes of the assisted force (but see section 38B of the Police Reform Act 2002).
- (5) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force include references to—
  - (a) the joint discharge of functions by the civilian employees and members of the assisted police force,
  - (b) the discharge of functions by the civilian employees in the assisted force's area, and
  - (c) the provision of the civilian employees to the assisted force.

(6) In this section—

“designated”, in relation to a civilian employee of a police force, means designated by the chief officer of police of that force by a section 38 designation;

“relevant section 38 designation”, in relation to a designated civilian employee, means the section 38 designation relating to the employee;

“section 38 designation” means a designation under section 38 of the Police Reform Act 2002.]

**Textual Amendments**

**F76** S. 23AA inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 13 para. 1; S.I. 2011/3019, art. 3, Sch. 1](#)

**23B Collaboration agreements: payments**

- (1) A collaboration agreement may provide for payments between [<sup>F77</sup>parties to the agreement].
- (2) Provision under subsection (1) may [<sup>F78</sup>in the case of policing bodies or chief officers of police who are parties to the agreement], in particular—
  - (a) specify the [<sup>F79</sup>policing bodies or chief officers of police] by which and to which a payment is to be made or the manner in which those [<sup>F79</sup>policing bodies or chief officers of police] are to be determined;
  - (b) specify the amount of any payment or the manner in which it is to be determined.
- (3) [<sup>F80</sup>A policing body or chief officer of police] must make any payments required by provision made under subsection (1).

<sup>F81</sup>(4) .....

<sup>F81</sup>(5) .....

**Textual Amendments**

**F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 5, 116\(1\); S.I. 2010/507, art. 4\(a\)](#)



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- F77** Words in s. 23B(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 4\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F78** Words in s. 23B(2) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 4\(3\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F79** Words in s. 23B(2)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 4\(3\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F80** Words in s. 23B(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 4\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F81** S. 23B(4)(5) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 4\(5\)](#); S.I. 2011/3019, art. 3, Sch. 1

### 23C Collaboration agreements: consultation and supplemental

<sup>F82</sup>(1) . . . . .

- (2) A collaboration agreement must be in writing.
- (3) A collaboration agreement may make different provision for different cases or circumstances.
- (4) A collaboration agreement may be varied by a subsequent collaboration agreement.
- (5) A collaboration agreement may be brought to an end by agreement between the parties to it; and section 23(6) or, as the case may be, section 23A(6) applies to an agreement under this subsection.

[ If circumstances are such that one or more of the parties to a collaboration agreement <sup>F83</sup>(6) would not, at a particular time, have power to enter into a collaboration agreement of that description (whether because of a failure to meet the requirements of section 22A(1) or (5) or otherwise) each person who does not have that power must cease to be a party to the agreement.]

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 5, 116\(1\)](#); S.I. 2010/507, art. 4(a)
- F82** S. 23C(1) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 5\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F83** S. 23C(6) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 5\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

### 23D Collaboration agreements: accountability

- (1) Where a chief officer makes a [<sup>F84</sup>collaboration agreement], the [<sup>F85</sup>policing body] responsible for maintaining the force shall hold the chief officer to account for the discharge of functions by anyone who—
  - (a) is acting under the terms of the agreement, and
  - (b) while so acting, is under the direction and control of the chief officer.
- (2) Before [<sup>F86</sup>making a collaboration agreement to which a chief officer of police is to be a party, a policing body] must notify the chief officer of the arrangements that it proposes to make for the discharge of its functions under this section in connection with the agreement.

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- (3) When deciding what arrangements to make, the [<sup>F87</sup>policing body] shall, in particular, [<sup>F88</sup>make] arrangements for those functions to be discharged jointly with another [<sup>F87</sup>policing body] responsible for maintaining a force whose chief officer is a party to the agreement.
- (4) The functions conferred on a [<sup>F89</sup> policing body ] under this section do not affect any other function of holding a chief officer to account.

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by Policing and Crime Act 2009 (c. 26), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)
- F84** Words in s. 23D(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 6(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F85** Words in s. 23D(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 6(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F86** Words in s. 23D(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 6(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F87** Words in s. 23D(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 6(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F88** Word in s. 23D(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 6(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F89** Words in s. 23D(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 6(5)**; S.I. 2011/3019, art. 3, Sch. 1

### 23E Collaboration agreements: publication

- (1) A person who makes a collaboration agreement must—
  - (a) publish the agreement, or
  - (b) publish the fact that the agreement has been made and such other details about it as the person thinks appropriate.
- (2) [<sup>F90</sup> In a case where information is notified to a chief officer of police under section 23D(2), that information] must be published by the chief officer with the information under subsection (1).

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by Policing and Crime Act 2009 (c. 26), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)
- F90** Words in s. 23E(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 12 para. 7**; S.I. 2011/3019, art. 3, Sch. 1

### 23F Collaboration agreements: guidance

- (1) The Secretary of State may give chief officers or [<sup>F91</sup>policing bodies] guidance about collaboration agreements or related matters.
- (2) In discharging their functions, chief officers and [<sup>F91</sup>policing bodies] must have regard to the guidance.

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#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 5](#), 116(1); S.I. 2010/507, [art. 4\(a\)](#)
- F91** Words in s. 23F substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 157\(1\)](#), [Sch. 12 para. 8](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)

### [<sup>F92</sup>23FA] **Police functions that must be the subject of force collaboration provision**

- (1) The Secretary of State may, by order, require a specified police function to be exercised in relation to—
  - (a) all police areas, or
  - (b) all police areas apart from any specified in the order,in accordance with police collaboration provision.
- (2) An order under this section may specify whether the specified police function is required to be exercised in relation to the specified police areas in accordance with police collaboration provision contained in—
  - (a) a single collaboration agreement which relates to all of those police areas, or
  - (b) a number of collaboration agreements which, between them, relate to all of those police areas.
- (3) Provision under subsection (2)(b) need not specify a particular number of collaboration agreements.
- (4) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (5) If, but for this subsection, an instrument containing an order under this section would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.
- (6) In this section “specified” means specified in an order under this section.]

#### Textual Amendments

- F92** S. 23FA inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 89\(3\)](#), 157(1); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)

### **23G Collaboration agreements: directions**

- (1) The Secretary of State may give chief officers or [<sup>F93</sup>policing bodies] directions about collaboration agreements or related matters.
- (2) A direction may be given to—
  - (a) one or more chief officers;
  - (b) one or more [<sup>F93</sup>policing bodies]
- (3) A person to whom a direction is given must comply with it.
- (4) A direction may, in particular—

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- (a) require two or more persons to make, or prohibit them from making, a collaboration agreement;
  - (b) require two or more persons to vary, or prohibit them from varying, a collaboration agreement;
  - (c) require two or more persons to consider making a collaboration agreement of a specified description;
  - (d) specify terms to be included, or not to be included, in collaboration agreements.
- (5) A direction may relate to—
- (a) a particular agreement,
  - (b) agreements of a particular description, or
  - (c) agreements in general.
- (6) Before giving a direction under this section the Secretary of State must consult the person or persons to whom it is to be given.

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)
- F93** Words in s. 23G(1)(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 12 para. 9**; S.I. 2011/3019, art. 3, Sch. 1

### 23H Collaboration agreements: termination by Secretary of State

- (1) The Secretary of State may terminate a collaboration agreement by notice to the parties to the agreement.
- (2) A notice under this section may provide for the termination of the agreement with immediate effect or at the end of a specified period.
- (3) Before giving a notice under this section the Secretary of State must consult the parties to the agreement.

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)

### [<sup>F94</sup>23HA] Decisions about efficiency or effectiveness

In reaching a conclusion about whether or not a collaboration agreement is, or would be, in the interests of efficiency or effectiveness of one or more police forces (the “police forces under consideration”), a person must, in particular, consider—

- (a) the existing collaboration agreements, and other arrangements for co-operation, to which the police forces under consideration are parties;
- (b) the desirability of police forces taking a consistent approach in making such agreements and other arrangements; and

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- (c) the opportunities available to the police forces under consideration to make such agreements and other arrangements.]

#### Textual Amendments

**F94** S. 23HA inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 12 para. 10](#); [S.I. 2011/3019, art. 3, Sch. 1](#)

### 23I Collaboration agreements: definitions

- (1) This section has effect for the purposes of sections [<sup>F95</sup>22A] to 23H.
- (2) “Police force” includes—
- the British Transport Police Force, and
  - the Civil Nuclear Constabulary.
- (3) “Chief officer” means—
- in relation to the British Transport Police Force, the Chief Constable of the force,
  - in relation to the Civil Nuclear Constabulary, the chief constable of the Constabulary, and
  - in relation to any other police force, the chief officer of police of that force.
- (4) [<sup>F96</sup>“Policing body” means—]
- [ a local policing body,]
- <sup>F96</sup>(aa)
- the British Transport Police Authority, and
  - the Civil Nuclear Police Authority.
- [ The following expressions have the meanings given in section 22A—
- <sup>F97</sup>(5) “collaboration agreement”;
- “force collaboration provision”;
- “policing body collaboration provision”;
- “policing body & force collaboration provision”.
- (6) References to the police force which a policing body is responsible for maintaining include—
- in the case of the British Transport Police Authority, the British Transport Police, and
  - in the case of the Civil Nuclear Police Authority, the Civil Nuclear Constabulary.
- (7) References to a police force include—
- references to the special constables appointed by a chief officer of police, and
  - references to the civilian employees of the police force;
- and references to the members of a police force are to be read accordingly.
- (8) For that purpose “civilian employee” means—
- in the case of a police force maintained under section 2 or 5A, the members of the civilian staff of that force;

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- (b) in the case of any other police force, the employees of the policing body responsible for maintaining that force who are under the direction and control of the chief officer of police of that force.]]

#### Textual Amendments

- F56** Ss. 23-23I substituted for s. 23 (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 5**, 116(1); S.I. 2010/507, art. 4(a)
- F95** Word in s. 23I(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 12 para. 11(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F96** Words in s. 23I(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 12 para. 11(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F97** Ss. 23I(5)-(8) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 12 para. 11(4)**; S.I. 2011/3019, art. 3, Sch. 1

## 24 Aid of one police force by another.

- (1) The chief officer of police of any police force may, on the application of the chief officer of police of any other police force, provide constables or other assistance for the purpose of enabling the other force to meet any special demand on its resources.
- (2) If it appears to the Secretary of State to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) cannot be made, or cannot be made in time, he may direct the chief officer of police of any police force to provide such constables or other assistance for that purpose as may be specified in the direction.
- (3) While a constable is provided under this section for the assistance of another police force he shall, notwithstanding sections <sup>F98</sup>sections 2 and 4 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”), be under the direction and control of the chief officer of police of that other force.
- <sup>F99</sup>(3A) While a member of the civilian staff of a police force maintained under section 2, or a member of the civilian staff of the metropolitan police force, is provided under this section for the assistance of another police force, that member of staff is, notwithstanding section 2 or 4 of the 2011 Act, under the direction and control of the chief officer of police of that other force.]
- (4) The <sup>F100</sup>local policing body] maintaining a police force for which assistance is provided under this section shall pay to the <sup>F100</sup>local policing body] maintaining the force from which that assistance is provided such contribution as may be agreed upon between <sup>F101</sup>those bodies] or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all <sup>F102</sup>local policing bodies] generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.
- <sup>F103</sup>(4A) This section shall apply in relation to the British Transport Police Authority, the British Transport Police Force and the Chief Constable of that Force as it applies to a <sup>F104</sup>local policing body] , a police force and a chief officer of police respectively; and for that purpose the reference in subsection (3) to <sup>F105</sup>sections 2 and 4 of the 2011 Act shall be construed as including a reference to section 24(2) of the Railways and Transport Safety Act 2003.]



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F106(5) . . . . . ]

**Textual Amendments**

- F98** Words in s. 24(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 10)
- F99** S. 24(3A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 10)
- F100** Words in s. 24(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(4\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F101** Words in s. 24(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(4\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F102** Words in s. 24(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F103** S. 24(4A) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, [12\(4\)\(b\)](#)
- F104** Words in s. 24(4A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(5\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F105** Words in s. 24(4A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 23\(5\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 10)
- F106** S. 24(5) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 70, [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)

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

- C3** S. 24 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)

**25 Provision of special services.**

(1) The chief officer of police of a police force may provide, at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the [F107local policing body] of charges on such scales as may be determined by [F108that body].

[F109(1A) The Chief Constable of the British Transport Police Force may provide special police services at the request of any person, subject to the payment to the [F110British Transport Police Authority] of charges on such scales as may be determined by that Authority.]

(2) . . . . .

**Textual Amendments**

- F107** Words in s. 25(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 24\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F108** Words in s. 25(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 24\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F109** S. 25(1A) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), [Sch. 7 para. 23](#)
- F110** Words in s. 25(1A) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, [12\(1\)\(c\)](#)

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

- C4 S. 25 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)

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

- (1) Subject to the provisions of this section, a [<sup>F111</sup>local policing body] may provide advice and assistance—
- (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by [<sup>F112</sup>the body] or the chief officer of police for its area.
- (2) The power conferred on a [<sup>F113</sup>local policing body] by subsection (1) includes a power to make arrangements under which a member of the police force maintained by [<sup>F114</sup>the body] is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) may be given subject to such conditions as appear to the Secretary of State to be appropriate.
- (5) Nothing in this section authorises a [<sup>F115</sup>local policing body] to provide any financial assistance by—
- (a) making a grant or loan,
  - (b) giving a guarantee or indemnity, or
  - (c) investing by acquiring share or loan capital.
- (6) A [<sup>F115</sup>local policing body] may make charges for advice or assistance provided by it under this section.
- <sup>F116</sup>(7) .....
- (8) The provisions of this section are without prejudice to the <sup>M5</sup>Police (Overseas Service) Act 1945 <sup>F117</sup>.....

#### Textual Amendments

- F111** Words in s. 26(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 25\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F112** Words in s. 26(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 25\(2\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F113** Words in s. 26(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 25\(3\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F114** Words in s. 26(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 25\(3\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F115** Words in s. 26(5)(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 25\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F116** S. 26(7) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 81, [Sch. 34 Pt. VII](#) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, [Sch.](#)



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**F117** Words in s. 26(8) repealed (17.6.2002) by [International Development Act 2002 \(c. 1\)](#), ss. 19, 20(2), [Sch. 4](#) (with [Sch. 5 para. 5](#)); [S.I. 2002/1408](#), [art. 2](#)

#### Marginal Citations

**M5** 9 & 10 Geo. 6 c. 17.

## 27 Special constables.

- (1) The chief officer of police of the police force maintained for a police area may, in accordance with regulations under section 51, appoint special constables for that area.
- (2) Subject to [<sup>F118</sup>provision included in a [<sup>F119</sup>collaboration agreement] by virtue of section 23(4),][<sup>F120</sup>section 24(3) and] regulations under section 51, all special constables appointed for a police area shall be under the direction and control of, and subject to dismissal by, the chief officer of police.

#### Textual Amendments

**F118** Words in s. 27(2) inserted (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 6](#); [S.I. 2010/507](#), [art. 4\(c\)](#)

**F119** Words in s. 27(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 26](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)

**F120** Words in s. 27(2) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 23](#); [S.I. 2007/709](#), [art. 3\(c\)](#) (with [art. 6](#))

## 28 Police cadets.

- (1) The chief officer of police of a police force may, in accordance with regulations under section 52, appoint persons as police cadets to undergo training with a view to becoming members of that police force.
- (2) Subject to regulations under section 52, all police cadets shall be under the control of, and subject to dismissal by, the chief officer of police.
- (3) [<sup>F121</sup>Accordingly], for the purposes of any enactment relating to the functions of employers and of any rule of law with respect to the vicarious liability of employers, [<sup>F122</sup>the chief officer of a police force] shall be treated as the employer of any police cadets undergoing training with the force.

<sup>F123</sup>(4) . . . . .

#### Textual Amendments

**F121** Word in s. 28(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 27\(a\)](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)

**F122** Words in s. 28(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 27\(b\)](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)

**F123** S. 28(4) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, [Sch. 27 para. 82](#), [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648](#), [art. 2](#), [Sch.](#)

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## 29 Attestation of constables.

Every member of a police force maintained for a police area and every special constable appointed for a police area shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4—

- <sup>F124</sup>(a) . . . . .
- (b) <sup>F125</sup>. . . before a justice of the peace having jurisdiction within the police area.

### Textual Amendments

- F124** S. 29(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 83, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F125** Words in s. 29(b) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 83, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

### Modifications etc. (not altering text)

- C5** S. 29 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. **24(3)**; S.I. 2004/1572, art. 3(g)
- C6** S. 29 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. **25(3)**; S.I. 2004/1572, art. 3(h)
- C7** S. 29 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **51(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

## 30 Jurisdiction of constables.

- (1) A member of a police force shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- [<sup>F126</sup>(2) A special constable shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.]
- <sup>F127</sup>(3) . . . . .
- [<sup>F128</sup>(3A) A member of the British Transport Police Force who is for the time being required by virtue of [<sup>F129</sup>section 22A] to serve with a police force maintained by a [<sup>F130</sup>local policing body] shall have all the powers and privileges of a member of that police force.]
- [<sup>F131</sup>(3B) Where a member of the British Transport Police Force is for the time being under the direction and control of the chief officer of another police force by virtue of a [<sup>F132</sup>collaboration agreement under section 22A], the member shall have all the powers and privileges of a member of that other force.
- (3C) In subsection (3B), “police force” and “chief officer” have the meanings given by section 23I.]
- <sup>F133</sup>(4) . . . . .
- (5) In this section—  
powers includes powers under any enactment, whenever passed or made;  
“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;

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and this section, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.

- (6) This section is without prejudice to—
- (a) sections 98 and 99 below, and
  - (b) any other enactment conferring powers on constables for particular purposes.

#### Textual Amendments

- F126** S. 30(2) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 21\(2\)](#); S.I. 2007/709, art. 3(c) (with art. 6)
- F127** S. 30(3) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 21\(3\)](#), [Sch. 15 Pt. 1\(B\)](#); S.I. 2007/709, art. 3(c)(r)(i) (with art. 6)
- F128** S. 30(3A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 24](#)
- F129** Words in s. 30(3A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 28\(2\)\(a\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F130** Words in s. 30(3A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 28\(2\)\(b\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F131** S. 30(3B)(3C) inserted (12.3.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 7\(b\)](#); S.I. 2010/507, art. 4(c)
- F132** Words in s. 30(3B) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 28\(3\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F133** S. 30(4) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 21\(3\)](#), [Sch. 15 Pt. 1\(B\)](#); S.I. 2007/709, art. 3(c)(r)(i) (with art. 6)

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

- C8** S. 30 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)

### [<sup>F134</sup>31 Rewards for diligence

- (1) The chief constable of a police force maintained under section 2 may grant to members of that police force rewards for exceptional diligence or other specially meritorious conduct.
- (2) The Commissioner of Police of the Metropolis may grant to members of the metropolitan police force rewards for exceptional diligence or other specially meritorious conduct.
- (3) The Common Council may, on the recommendation of the Commissioner of Police for the City of London, grant out of the City of London police fund to members of the City of London police force rewards for exceptional diligence or other specially meritorious conduct.]

#### Textual Amendments

- F134** S. 31 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 29](#); S.I. 2011/3019, art. 3, [Sch. 1](#) (with [Sch. 2 para. 11](#))

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### *Alteration of police areas*

## **32 Power to alter police areas by order.**

- (1) The Secretary of State may by order make alterations in police areas in England and Wales other than the City of London police area.
- (2) The alterations that may be made by an order under this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the abolition of the metropolitan police district.
- (3) The Secretary of State shall not exercise his power under this section to make alterations unless either—
  - (a) he has received a request to make the alterations from the <sup>F135</sup>local policing body] for each of the areas <sup>F136</sup>... affected by them, or
  - (b) it appears to him to be expedient to make the alterations in the interests of efficiency or effectiveness.
- (4) The Secretary of State shall exercise his power to make orders under this section in such a way as to ensure that <sup>F137</sup>no police area falls partly in England and partly in Wales and that ] none of the following areas—
  - (a) a county in which there are no district councils,
  - (b) a district in any other county,
  - (c) a county borough in Wales, and
  - (d) a London borough,
 is divided between two or more police areas.

<sup>F138</sup>(5) .....

#### **Textual Amendments**

- F135** Words in s. 32(3)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 10 para. 5\(2\)](#); S.I. 2012/1129, art. 2(g)
- F136** Words in s. 32(3)(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 84(2), [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, art. 2, [Sch.](#)
- F137** Words in s. 32(4) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 10 para. 5\(3\)](#); S.I. 2012/1129, art. 2(g)
- F138** S. 32(5) repealed (1.4.2000) by 1999 c. 29, ss. 325, 423, [Sch. 27 para. 84\(3\)](#) [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 1999/3271, [art. 4\(b\)\(c\)\(d\)](#)

## **33 Objections to alterations proposed by Secretary of State.**

- (1) Before making an order under section 32 by virtue of subsection (3)(b) of that section, the Secretary of State shall give notice of his proposal to—
  - (a) the <sup>F139</sup>local policing body] for every area <sup>F140</sup>... that he proposes to alter,
  - (b) the council of every county, district, county borough or London borough wholly or partly within any area (other than the metropolitan police district) that he proposes to alter,
- <sup>F141</sup>(bb) the Greater London Authority, if he proposes to alter the metropolitan police district,]

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- (c) the council of every London borough, county or district all or part of which would under the proposal be brought into or left out of the metropolitan police district, and
  - (d) such other persons as he considers appropriate.
- (2) A notice under subsection (1) shall—
- (a) specify the proposed alterations and describe the general nature of any related provisions proposed to be included in the order,
  - (b) set out the Secretary of State’s reasons for proposing the alterations, and
  - (c) specify a date before which any objections to the proposals are to be delivered to the Secretary of State.
- (3) The date specified under subsection (2)(c) shall fall after the end of the period of four months beginning with the date of the notice.
- (4) Where objections have been duly delivered to the Secretary of State by a person notified under subsection (1), the Secretary of State shall before making the order under section 32—
- (a) consider the objections, and
  - (b) give to that person a further notice stating whether he accepts the objections and, if he does not, giving his reasons.
- (5) Where the Secretary of State has given a notice under subsection (1) specifying proposed alterations, the provisions of an order making the alterations may be inconsistent with the notice so far as it describes the general nature of the provisions, and may contain provisions not referred to in the notice.

#### Textual Amendments

- F139** Words in s. 33(1)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 10 para. 6](#); S.I. 2012/1129, art. 2(g)
- F140** Words in s. 33(1)(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, [Sch. 27 para. 85\(2\)](#), [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, art. 2, [Sch.](#)
- F141** S. 33(1)(bb) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para. 85\(3\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, art. 2, [Sch.](#)

### 34 Orders altering police areas: supplementary provisions.

- (1) The power to make orders under section 32 includes power to make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient, including—
- <sup>[F142]</sup>(a) provision as to who is to be a police and crime commissioner;
  - (b) provision for the transfer of property, rights and liabilities;
  - (c) provision for the transfer of members of police forces and other persons;
  - (d) provision as to pending legal proceedings.
- <sup>[F143]</sup>(1A) Provision falling within subsection (1)(a) includes, in particular—
- (a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;

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- (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.]
- (2) Without prejudice to subsection (1), the power to make orders under section 32 includes power—
- (a) to amend Schedule 1 to this Act and section 76 of the <sup>M6</sup>London Government Act 1963 (extent of metropolitan police district), <sup>F144</sup>...
  - (b) to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order [<sup>F145</sup>and
  - (c) to apply (with or without modification) any provision of, or made under, Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011.]
- [<sup>F146</sup>(2A) An order under section 32 which includes provision within subsection (1A)(b) may, in particular require the election in question to be held before the alteration of police areas takes effect.]
- (3) No order shall be made under section 32 by virtue of subsection (3)(b) of that section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (4) An order to which subsection (3) applies, and which would apart from this subsection be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, shall proceed in that House as if it were not such an instrument.
- (5) A statutory instrument containing an order made under section 32 by virtue of subsection (3)(a) of that section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F142** S. 34(1)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 10 para. 7\(2\)](#); S.I. 2012/1129, art. 2(g)
- F143** S. 34(1A) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 10 para. 7\(3\)](#); S.I. 2012/1129, art. 2(g)
- F144** Words in s. 34(2)(a) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 10 para. 7\(4\)\(a\)](#); S.I. 2012/1129, art. 2(g)
- F145** S. 34(2)(c) and word inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 10 para. 7\(4\)\(b\)](#); S.I. 2012/1129, art. 2(g)
- F146** S. 34(2A) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 10 para. 7\(5\)](#); S.I. 2012/1129, art. 2(g)

#### Marginal Citations

- M6** 1963 c. 33.

### *Supplemental*

## 35 The Scilly Isles.

For the purposes of the application of this Part to the Isles of Scilly—

- (a) the Isles shall be treated as if they were a county, and
- (b) references to the council of a county shall be construed as references to the Council of the Isles.

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## PART II

### CENTRAL SUPERVISION, DIRECTION AND FACILITIES

#### *Functions of Secretary of State*

#### **36 General duty of Secretary of State.**

- (1) The Secretary of State shall exercise his powers under the provisions of this Act referred to in subsection (2) in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the police.
- (2) The provisions of this Act mentioned in subsection (1) are—
  - (a) Part I;
  - (b) this Part;
  - (c) Part III (other than sections 61 and 62);
  - (d) in Chapter II of Part IV, [<sup>F147</sup>sections 84 and 85] and Schedule 6; and
  - (e) in Part V, section 95.

#### **Textual Amendments**

**F147** Words in s. 36(2)(d) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 2](#); S.I. 2008/2712, art. 2, [Sch. para. 16\(a\)](#)

#### <sup>F148</sup>**36A National Policing Plan**

.....

#### **Textual Amendments**

**F148** S. 36A repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 24](#), [Sch. 15 Pt. 1\(B\)](#)

#### <sup>F149</sup>**37 Setting of objectives for police authorities.**

.....

#### **Textual Amendments**

**F149** S. 37 repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 24](#), [Sch. 15 Pt. 1\(B\)](#)

#### <sup>F150</sup>**37A The strategic policing requirement**

- (1) The Secretary of State must, from time to time, issue a document (the “strategic policing requirement”) which sets out what, in the Secretary of State’s view, are—
  - (a) national threats at the time the document is issued, and
  - (b) appropriate national policing capabilities to counter those national threats.



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- (2) A chief officer of police must, in exercising the functions of chief officer, have regard to the strategic policing requirement.
- (3) Before issuing the strategic policing requirement, the Secretary of State—
  - (a) must obtain the advice of—
    - (i) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
    - (ii) such persons as appear to the Secretary of State to represent the views of local policing bodies, and
  - (b) must consult such other persons as the Secretary of State thinks fit.
- (4) The strategic policing requirement need not set out a national threat (in particular) if, in the Secretary of State's view, countering the threat would involve police forces other than England and Wales police forces (and only those other police forces).
- (5) References in this section to national policing capabilities to counter a threat are references to the ability of all England and Wales police forces—
  - (a) to exercise one or more functions to counter that threat,
  - (b) to exercise one or more functions in one or more particular ways to counter that threat, or
  - (c) to exercise one or more functions in accordance with common operational standards to counter that threat.
- (6) In this section—
  - “England and Wales police force” means—
    - (a) a police force maintained under section 2,
    - (b) the metropolitan police force, and
    - (c) the City of London police force;
  - “national threat” means a threat (whether actual or prospective) which is—
    - (a) a threat to national security, public safety, public order or public confidence that is of such gravity as to be of national importance, or
    - (b) a threat which can be countered effectively or efficiently only by national policing capabilities to counter the threat.]

#### Textual Amendments

**F150** S. 37A substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 77, 157\(1\); S.I. 2012/1129, art. 2\(c\)](#)

### 38 Setting of performance targets.

- (1) Where [<sup>F151</sup>a strategic priority has been determined under section 37A], the Secretary of State may direct police authorities to establish levels of performance (performance targets to be aimed at in seeking [<sup>F152</sup>to give effect to that priority]).
- (2) A direction under this section [<sup>F153</sup>to which [<sup>F154</sup>section 37A] applies] or to one or more particular authorities.
- (3) A direction given under this section may impose conditions with which the performance targets must conform, and different conditions may be imposed for different authorities.



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(4) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

[<sup>F155</sup>(5) A police authority that is given a direction under this section shall comply with it.]

**Textual Amendments**

**F151** Words in s. 38(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), **Sch. 2 para. 26(2)(a)**

**F152** Words in s. 38(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), **Sch. 2 para. 26(2)(b)**

**F153** Words in s. 38(2) substituted (3.7.2000) by [1999 c. 29](#), s. 325, **Sch. 27 para. 87** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648](#), art. 2, **Sch.**

**F154** Words in s. 38(2) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), **Sch. 2 para. 26(3)**

**F155** S. 38(5) inserted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), **Sch. 2 para. 26(4)**

<sup>F156</sup>**39 Codes of practice.**

.....

**Textual Amendments**

**F156** [S. 39](#) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 81(b)**, [157\(1\)](#); [S.I. 2011/3019](#), art. 3, **Sch. 1** (with art. [9\(1\)\(2\)](#))

[<sup>F157</sup>**39A Codes of practice for chief officers**

(1) If the Secretary of State considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales, he may issue codes of practice relating to the discharge of their functions by the chief officers of police of those forces.

(2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.

[<sup>F158</sup>(3) .....

(4) Before [<sup>F159</sup>issuing or revising such a code, the Secretary of State] shall consult with—

[<sup>F160</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council;]

[<sup>F161</sup>(b) the Association of Chief Police Officers; and]

(c) such other persons as [<sup>F162</sup>the Secretary of State] thinks fit.

(5) The Secretary of State shall lay any code of practice issued by him under this section, and any revision of any such code, before Parliament.

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- (6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
- (a) would be against the interests of national security;
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
  - (c) could jeopardise the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, a chief officer of police shall have regard to the code.]

#### Textual Amendments

- F157** S. 39A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 2**, 108(2)-(5); S.I. 2002/2306, **art. 2(a)**
- F158** S. 39A(3) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 30(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F159** Words in s. 39A(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 30(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F160** Ss. 39A(4)(a)-(ab) substituted for s. 39A(4)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 30(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 12)
- F161** S. 39A(4)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 4 para. 3**; S.I. 2007/709, art. 3(d) (with art. 6)
- F162** Words in s. 39A(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 30(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1

#### [<sup>F163</sup>40 Power to give directions in relation to police force

- (1) Where the Secretary of State is satisfied that the whole or any part of a police force is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the [<sup>F164</sup>local policing body] responsible for maintaining the force to take specified measures for the purpose of remedying the failure.
- (2) Where the Secretary of State is satisfied that the whole or a part of a police force will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the [<sup>F164</sup>local policing body] responsible for maintaining the force to take specified measures in order to prevent such a failure occurring.
- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which the person or persons submitting the plan propose to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to any police force unless—
  - (a) the [<sup>F164</sup>local policing body] responsible for maintaining the force and the chief officer of police of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers

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- appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
- (b) that [F164]local policing body] and chief officer have each been given an opportunity of making representations about those grounds;
  - (c) that [F164]local policing body] and chief officer have each had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Secretary of State has considered any such representations and any such proposals.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
- (a) the [F164]local policing body] responsible for maintaining the force and the chief officer of police of that force have already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
  - (b) the information they had about those matters was sufficient to enable them to identify remedial measures that would have made the giving of the direction unnecessary; and
  - (c) they have each had a reasonable opportunity to take such measures.
- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
- (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and
  - (b) an opportunity of making written observations about those grounds.
- The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.
- (7) A [F164]local policing body] that is given a direction under this section shall comply with it.

#### Textual Amendments

**F163** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)

**F164** Words in s. 40 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(2\)](#), 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1

#### **40A Power to give directions in relation to [F165]local policing body]**

- (1) Where the Secretary of State is satisfied that a [F165]local policing body] is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the [F165]local policing body] to take specified measures for the purpose of remedying the failure.
- (2) Where the Secretary of State is satisfied that a [F165]local policing body] will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the [F165]local policing body] to take specified measures in order to prevent such a failure occurring.

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- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which [<sup>F166</sup>the local policing body] submitting the plan proposes to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to a [<sup>F165</sup>local policing body] unless—
- (a) the [<sup>F165</sup>local policing body] has been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling it to make representations or proposals under the following paragraphs of this subsection;
  - (b) the [<sup>F165</sup>local policing body] has been given an opportunity of making representations about those grounds;
  - (c) the [<sup>F165</sup>local policing body] has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Secretary of State has considered any such representations and any such proposals.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
- (a) the [<sup>F165</sup>local policing body] has already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
  - (b) the information [<sup>F166</sup>the local policing body] had about those matters was sufficient to enable it to identify remedial measures that would have made the giving of the direction unnecessary; and
  - (c) [<sup>F166</sup>the local policing body] has had a reasonable opportunity to take such measures.
- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
- (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and
  - (b) an opportunity of making written observations about those grounds.
- The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.
- (7) A [<sup>F165</sup>local policing body] that is given a direction under this section shall comply with it.
- (8) Nothing in this section or in section 40 prevents the Secretary of State from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 40.

#### Textual Amendments

**F163** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), [art. 3\(c\)](#) (with [art. 6](#))

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**F165** Words in s. 40A substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(3\)\(a\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F166** Words in s. 40A substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(3\)\(b\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

#### **40B Procedure for directions under section 40 or 40A**

- (1) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where—
  - (a) a proposal is made for the giving of a direction under section 40;
  - (b) a proposal is made for the giving of a direction under section 40A.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
  - <sup>F167</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
    - (aa) the Mayor's Office for Policing and Crime;
    - (ab) the Common Council;
    - (b) the Association of Chief Police Officers; and
    - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (5) On giving a direction under section 40 or section 40A to a <sup>F168</sup>local policing body], the Secretary of State shall notify the chief officer of police of the force in question that he has given that direction.
- (6) Where the Secretary of State gives a direction under section 40 or section 40A he shall lay before Parliament—
  - (a) a copy of the direction; and
  - (b) a report about it.
- (7) A report under <sup>F169</sup>subsection (6)]—
  - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
  - (b) may relate to more than one direction.]

#### **Textual Amendments**

**F163** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); S.I. 2007/709, art. 3(c) (with art. 6)

**F167** Ss. 40B(2)(a)-(ab) substituted for s. 40B(2)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(4\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 3)

**F168** Words in s. 40B(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(5\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

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**F169** Words in s. 40B(7) substituted (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\), s. 116\(6\)\(a\), Sch. 7 para. 133](#)

**41 Directions as to minimum budget.**

- (1) The power of the Secretary of State to give directions under section 40 [<sup>F170</sup>or 40A] to a police authority established under section 3 shall include power to direct the authority that the amount of its [<sup>F171</sup>council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act) for any financial year] shall not be less than an amount specified in the direction.
- (2) The power exercisable by virtue of subsection (1), and any direction given under that power, are subject to any limitation imposed under Chapter [<sup>F172</sup> 4ZA or ][<sup>F173</sup>IVA] of Part I of the Local Government Finance Act 1992.
- (3) A direction shall not be given by virtue of subsection (1) in relation to a financial year at any time after the end of the preceding December.
- (4) Where the Secretary of State gives a direction to a police authority by virtue of subsection (1), any precept issued or calculation made by the authority under Part I of the Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

**Textual Amendments**

- F170** Words in s. 41(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 28; S.I. 2007/709, art. 3\(c\) \(with art. 6\)](#)
- F171** Words in s. 41(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 7 para. 33; S.I. 2011/2896, art. 2\(i\)](#)
- F172** Words in s. 41(2) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 6 para. 33; S.I. 2011/2896, art. 2\(i\)](#)
- F173** Words in s. 41(2) substituted (27.7.1999 so as to apply as mentioned in S. 30(2)) by [1999 c. 27, s. 30\(1\), Sch. 1 Pt. II para. 10](#)

<sup>F174</sup>**41A Power to give directions as to action plans**

.....

**Textual Amendments**

- F174** S. 41A repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 29, Sch. 15 Pt. 1\(B\); S.I. 2007/709, art. 3\(c\)\(r\)\(i\) \(with art. 6\)](#)

<sup>F175</sup>**41B Procedure for directions under section 41A**

.....



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### Textual Amendments

**F175** S. 41B repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 29, [Sch. 15 Pt. 1\(B\)](#); [S.I. 2007/709](#), art. 3(c)(r)(i) (with art. 6)

## 42 <sup>F176</sup>Metropolitan police: suspension or removal of Commissioner or Deputy Commissioner]

- <sup>F177</sup><sup>F178</sup>(1) The Secretary of State may require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the Police Reform and Social Responsibility Act 2011 (the “2011 Act”) to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign.
- (1A) The Secretary of State may also require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the 2011 Act to suspend the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, if the Secretary of State considers that it is necessary for the maintenance of public confidence in the metropolitan police force for that police officer to be suspended.]
- (2) <sup>F179</sup>Before requiring the Mayor's Office for Policing and Crime to exercise its power to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign, the Secretary of State shall—
- (a) give the officer concerned a notice in writing—
- (i) informing him of the Secretary of State’s intention to require the exercise of that power; and
- (ii) explaining the Secretary of State’s grounds for requiring the exercise of that power; and
- (b) give that officer an opportunity to make representations to the Secretary of State.
- (2A) Where the Secretary of State gives a notice under subsection (2)(a), he shall send a copy of the <sup>F180</sup>notice to the Mayor's Office for Policing and Crime.]
- (2B) The Secretary of State shall consider any representations made to him under subsection (2).]
- (3) <sup>F181</sup>Where the Secretary of State proposes to require the exercise of a power mentioned in subsection (1), he] shall, appoint one or more persons (one at least of whom shall be a person who is not an officer of police or of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- <sup>F182</sup>(3A) At an inquiry held under subsection (3)—
- (a) the Commissioner <sup>F183</sup>or Deputy Commissioner] shall be entitled, in accordance with any regulations under section 42A, to make representations to the inquiry;
- (b) the <sup>F184</sup>Mayor's Office for Policing and Crime] shall be entitled, in accordance with any regulations made under section 42A, to make representations to the inquiry.
- (3B) The entitlement of the Commissioner <sup>F185</sup>or Deputy Commissioner] to make representations shall include the entitlement to make them in person.]



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- (4) The costs incurred by a [<sup>F186</sup> the Commissioner [<sup>F187</sup> or Deputy Commissioner ]] in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the police fund.
- [<sup>F188</sup>(4A) If the Secretary of State exercises the power conferred by subsection (1) to require the Mayor's Office for Policing and Crime to call upon the Commissioner to retire or resign—
- (a) the requirement of section 48(1) of the 2011 Act to obtain the Secretary of State's consent does not apply, and
  - (b) section 48(5) of the 2011 Act does not apply.]
- (4B) In this section “the Commissioner” means the Commissioner of Police of the Metropolis and “the Deputy Commissioner” means the Deputy Commissioner of Police of the Metropolis.
- <sup>F189</sup>(4C) . . . . .
- <sup>F190</sup>(5) . . . . .

#### Textual Amendments

- F176** S. 42 title substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(3)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F177** S. 42(1)-(2B) substituted for s. 42(1)(2) (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 33(2)**, 108(2); S.I. 2004/1319, **art. 2(d)**
- F178** S. 42(1)(1A) substituted for s. 42(1)-(1B) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(4)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F179** Words in s. 42(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(5)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F180** Words in s. 42(2A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(6)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F181** Words in s. 42(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 33(3)**, 108(2); S.I. 2004/1319, **art. 2(d)**
- F182** S. 42(3A)(3B) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 33(4)**, 108(2); S.I. 2004/1319, **art. 2(d)**
- F183** Words in s. 42(3A)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(7)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F184** Words in s. 42(3A)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(7)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F185** Words in s. 42(3B) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(8)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F186** Words in s. 42(4) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 33(5)**, 108(2); S.I. 2004/1319, **art. 2(d)**
- F187** Words in s. 42(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(9)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F188** S. 42(4A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(10)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F189** S. 42(4C) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(11)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F190** S. 42(5) repealed (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 33(7)**, 108(2), **Sch. 8**; S.I. 2004/1319, **art. 2(d)(f)**

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[<sup>F191</sup>**42A Procedure in relation to removal of senior officers**

- (1) The Secretary of State may by regulations make provision as to the procedure to be followed in the exercise of any power conferred or duty imposed by section <sup>F192</sup>... 42.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
  - [<sup>F193</sup>(a) the Mayor's Office for Policing and Crime;]
  - (b) the Association of Chief Police Officers; and
  - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F191** S. 42A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 34**, 108(2)-(5); S.I. 2002/2306, **art. 2(c)(i)**

**F192** Words in s. 42A(1) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 31(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 13)

**F193** S. 42A(2)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 31(4)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 13)

<sup>F194</sup>**43 Reports from police authorities.**

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**Textual Amendments**

**F194** S. 43 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 81(c)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(2))

[<sup>F195</sup>**44 Provision of information by chief officers of police**

- (1) The Secretary of State may require a chief officer of police of any police force to provide the Secretary of State with information on such matters as may be specified in the requirement, being matters connected with—
  - (a) the policing of the police area for which that police force is maintained, or
  - (b) the discharge of the national or international functions of that police force.
- (2) A requirement under subsection (1) may, in particular, specify information in the form of statistical data, being data connected with—
  - (a) the policing of that police area, or
  - (b) the discharge of the national or international functions of the police force for that area.
- (3) A requirement under subsection (1) may specify the form in which information is to be provided.

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- (4) The Secretary of State may require a chief officer to publish, in such manner as appears to the Secretary of State to be appropriate, information provided in accordance with a requirement under subsection (1).
- (5) The Secretary of State may cause a consolidated and classified abstract of any information in the form of statistical data that is provided in accordance with subsection (1) to be prepared and laid before Parliament.]

#### Textual Amendments

**F195** S. 44 substituted for ss. 44. 45 (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 92, 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

### <sup>F195</sup>45 Criminal statistics.

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#### Textual Amendments

**F195** S. 44 substituted for ss. 44. 45 (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 92, 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

### 46 Police grant.

- (1) Subject to the following provisions of this section, the Secretary of State shall for each financial year make grants for police purposes to—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the [<sup>F196</sup>Greater London Authority];
 and in those provisions references to police authorities shall be taken as including references to the [<sup>F197</sup>Greater London Authority] .
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
  - (a) the aggregate amount of grants to be made under this section, and
  - (b) the amount of the grant to be made to each authority;
 and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2), and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among police authorities of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2), and the formulae and other rules referred to in subsection (4), may be different for different authorities or different classes of authority.

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- (6) A copy of every report prepared under subsection (3) shall be laid before the House of Commons, and no payment of grant shall be made unless the report setting out the determination of its amount has been approved by resolution of that House.
- (7) A grant to a police authority under this section shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may with the approval of the Treasury determine; and any such time may fall within or after the financial year concerned.
- [<sup>F198</sup>(7A) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the [<sup>F199</sup>Mayor's Office for Policing and Crime] and pay it over to [<sup>F200</sup>that Office] .]
- (8) Where in consequence of a further determination under subsection (2) the amount of an authority's grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall be paid by the authority to the Secretary of State on such day as he may specify; but no sum shall be payable by an authority under this subsection unless the report setting out the further determination has been approved by resolution of the House of Commons.
- [<sup>F201</sup>(9) Where the Greater London Authority is required to pay a sum under subsection (8) above, the Mayor of London may direct the [<sup>F202</sup>Mayor's Office for Policing and Crime] to pay an amount not exceeding that sum to the Greater London Authority on such day as he may specify in the direction.]

#### Textual Amendments

- F196** Words in s. 46(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F197** Words in s. 46(1) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F198** S. 46(7A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F199** Words in s. 46(7A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 24(7)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F200** Words in s. 46(7A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 24(7)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F201** S. 46(9) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F202** Words in s. 46(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 24(9)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

#### 47 Grants for capital expenditure.

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) for police purposes [<sup>F203</sup>by local policing bodies].
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

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- [<sup>F204</sup>(4) Any grant [<sup>F205</sup>under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime] shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the [<sup>F206</sup>Mayor's Office for Policing and Crime] and pay it over to [<sup>F207</sup>that Office].]

#### Textual Amendments

- F203** Words in s. 47(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(a\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F204** S. 47(4)(5) inserted (3.7.2000) by [1999 c. 29, s. 325, Sch. 27 para. 93\(3\)](#) (with Sch. 12 para. 9(1)); [S.I. 2000/1648, art. 2, Sch.](#)
- F205** Words in s. 47(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(b\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F206** Words in s. 47(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(c\)\(i\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F207** Words in s. 47(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(c\)\(ii\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)

#### 48 Grants for expenditure on safeguarding national security.

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes [<sup>F208</sup>by local policing bodies in connection with safeguarding national security].
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.
- [<sup>F209</sup>(4) Any grant [<sup>F210</sup>under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime] shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the [<sup>F211</sup>Mayor's Office for Policing and Crime] and pay it over to [<sup>F212</sup>that Office].]

#### Textual Amendments

- F208** Words in s. 48(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(3\)\(a\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F209** S. 48(4)(5) inserted (3.7.2000) by [1999 c. 29, s. 325, Sch. 27 para. 94\(3\)](#) (with Sch. 12 para. 9(1)); [S.I. 2000/1648, art. 2, Sch.](#)
- F210** Words in s. 48(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(3\)\(b\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F211** Words in s. 48(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(3\)\(c\)\(i\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F212** Words in s. 48(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(3\)\(c\)\(ii\), 157\(1\); S.I. 2011/3019, art. 3, Sch. 1](#)

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**F213 49 Local inquiries.**

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**Textual Amendments**

**F213** S. 49 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 14, [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

**50 Regulations for police forces.**

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
  - (a) the ranks to be held by members of police forces;
  - (b) the qualifications for appointment and promotion of members of police forces;
  - (c) periods of service on probation;
  - (d) voluntary retirement of members of police forces;
  - (e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;
  - (f) the suspension of members of a police force from membership of that force and from their office as constable;
  - (g) the maintenance of personal records of members of police forces;
  - (h) the duties which are or are not to be performed by members of police forces;
  - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 64;
  - (j) the hours of duty, leave, pay and allowances of members of police forces; and
  - (k) the issue, use and return of police clothing, personal equipment and accoutrements.

[<sup>F214</sup>(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor's Office for Policing and Crime, in exercising—

- (a) powers of suspension, or
- (b) powers of removal,

(whether, in the case of the Mayor's Office for Policing and Crime, on their own initiative or in compliance with a requirement imposed by the Secretary of State).

(2B) In subsection (2A)—

“power of removal” means—

- (a) the power conferred on police and crime commissioners by section 38(3) of the 2011 Act to require chief constables to retire or resign;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(3) of the 2011 Act to require the Commissioner or Deputy Commissioner of Police of the Metropolis to retire or resign;

“power of suspension” means—



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- (a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;
- and for this purpose “2011 Act” means the Police Reform and Social Responsibility Act 2011.]
- [<sup>F215</sup>(3) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or
- (b) make provision for the establishment of,
- procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of members of police forces, including procedures for cases in which such persons may be dealt with by dismissal.]
- (4) In relation to any matter as to which provision may be made by regulations under this section, the regulations may<sup>F216</sup> ... —
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [<sup>F217</sup>local policing bodies], chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (5) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- [<sup>F218</sup>(6A) Without prejudice to the powers conferred by this section, regulations under this section may make provision with respect to—
- (a) steps to be taken in connection with the appointment of senior officers;
- (b) payments to senior officers who cease to hold office before the end of a fixed term appointment.
- (6B) In subsection (6A) “senior officer” means—
- (a) a member of a police force holding a rank above that of chief superintendent;
- (b) the Commissioner of Police for the City of London.]
- (7) Regulations under this section may make different provision for different cases and circumstances.
- (8) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F214** S. 50(2A)(2B) inserted (15.12.2011) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 82\(12\)](#), [157\(1\)](#); [S.I. 2011/3019](#), [art. 2\(c\)](#)



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- F215** S. 50(3) substituted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 22 para. 3(2)**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, **art. 2(1)(h)(i)** (with **art. 3**)
- F216** Words in s. 50(4) repealed (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 3(3), **Sch. 28 Pt. 8**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, **art. 2(1)(h)(i)** (with **art. 3**)
- F217** Words in s. 50(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 32**; S.I. 2011/3019, art. 3, Sch. 1
- F218** S. 50(6A)(6B) inserted (19.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 3, 116(1)**; S.I. 2010/999, art. 2(a)

#### Commencement Information

- I2** S. 50 wholly in force at 1.4.1999; s. 50(1)(2)(4)-(8) in force at 23.8.1996, see s. 104(1)(2); s. 50(3) in force at 1.4.1999 by **S.I. 1999/533, art. 2**

## 51 Regulations for special constables.

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of special constables.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
- (a) the qualifications for appointment of special constables;
  - (b) the retirement of special constables;
  - <sup>[F219]</sup>(ba) the conduct <sup>[F220]</sup>, efficiency and effectiveness] of special constables and the maintenance of discipline;]
  - (c) the suspension of special constables from their office as constable;
  - (d) the allowances payable to special constables; and
  - (e) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces.
- <sup>[F221]</sup>(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or
  - (b) make provision for the establishment of,
- procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of special constables, including procedures for cases in which such persons may be dealt with by dismissal.]
- (3) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.
- <sup>[F222]</sup>(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, <sup>[F223]</sup>local policing bodies], chief officers of police or other persons, or

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

(4) Subsections (7) and (8) of section 50 shall apply to regulations under this section.

#### Textual Amendments

- F219** S. 51(2)(ba) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 35, 108(2)-(5); S.I. 2002/2306, art. 2(c)(ii)
- F220** Words in s. 51(2)(ba) inserted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 4(2); S.I. 2008/2712, art. 2, Sch. para. 16(b) (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)
- F221** S. 51(2A) inserted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 4(3); S.I. 2008/2712, art. 2, Sch. para. 16(b) (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)
- F222** S. 51(3A) inserted (25.6.1997) by 1997 c. 50, s. 128(1); S.I. 1997/1377, art. 2(2)(h)
- F223** Words in s. 51(3A)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 33; S.I. 2011/3019, art. 3, Sch. 1

## 52 Regulations for police cadets.

(1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.

[<sup>F224</sup>(1A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [<sup>F225</sup>local policing bodies], chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]

(2) Subsections (5), (7) and (8) of section 50 shall apply to regulations under this section.

#### Textual Amendments

- F224** S. 52(1A) inserted (25.6.1997) by 1997 c. 50, s. 128(2); S.I. 1997/1377, art. 2(2)(h)
- F225** Words in s. 52(1A)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 34; S.I. 2011/3019, art. 3, Sch. 1

## 53 Regulations as to standard [<sup>F226</sup>and provision] of equipment.

[<sup>F227</sup>(1)] The Secretary of State may make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations.

[<sup>F228</sup>(1A) The Secretary of State may by regulations make any or all of the following provisions—

- (a) provision requiring [<sup>F229</sup>one or more police forces], when using equipment for the purposes specified in the regulations to use only—
- (i) the equipment which is specified in the regulations;

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- (ii) equipment which is of a description so specified; or
  - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
  - (b) provision requiring [<sup>F230</sup>one or more police forces] to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;
  - (c) provision prohibiting [<sup>F231</sup>one or more police forces] from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
    - (i) where the conditions subject to which the approval was given are satisfied; and
    - (ii) in accordance with the other terms of that approval;
  - (d) provision requiring equipment used by [<sup>F232</sup>one or more police forces] to comply, in the case of all police forces, with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
  - (e) provision prohibiting [<sup>F233</sup>one or more police forces] from using equipment specified in the regulations, or any equipment of a description so specified.
- [<sup>F234</sup>(1AA) The Secretary of State may, by regulations, make provision about the arrangements which must be, may be, or must not be, used for the provision of equipment for use for police purposes.
- (1AB) The regulations may, in particular—
- (a) make provision about the nature or terms of such arrangements, or
  - (b) prescribe arrangements which may be, or must be, used.]
- (1B) The Secretary of State shall not make any regulations under subsection (1A) [<sup>F235</sup>or (1AA)] unless he considers it necessary to do so for the purpose of promoting the efficiency and effectiveness [<sup>F236</sup>of one or more police forces].
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
- [<sup>F237</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
  - (aa) the Mayor's Office for Policing and Crime;
  - (ab) the Common Council;]
  - (b) the Association of Chief Police Officers; and
  - (c) such other persons as he thinks fit.
- (2A) Regulations under this section may make different provision for different cases and circumstances.
- (2B) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2C) In this section “equipment” includes—
- [<sup>F238</sup>(za) software;]
  - (a) vehicles; and
  - (b) headgear and protective and other clothing.]

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### Textual Amendments

- F226** Words in s. 53 title inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(2\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F227** S. 53 renumbered as s. 53(1) (1.4.1998) by [1997 c. 50](#), s. 134(1), [Sch. 9 para. 75](#); S.I. 1997/354, [art. 2\(2\)\(ay\)](#)
- F228** S. 53(1A)-(2C) substituted for s. 53(2)(3) (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 6](#), 108(2)-(5); S.I. 2002/2306, [art. 2\(a\)](#)
- F229** Words in s. 53(1A)(a) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)
- F230** Words in s. 53(1A)(b) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)
- F231** Words in s. 53(1A)(c) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)
- F232** Words in s. 53(1A)(d) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(b\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)
- F233** Words in s. 53(1A)(e) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)
- F234** S. 53(1AA)(1AB) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(3\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F235** Words in s. 53(1B) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(4\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F236** Words in s. 53(1B) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(3\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)
- F237** S. 53(2)(a)-(ab) substituted for s. 53(2)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(5\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 4)
- F238** S. 53(2C)(za) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(4\)](#), 116(1); S.I. 2010/125, [art. 2\(b\)](#)

### Modifications etc. (not altering text)

- C9** S. 53 extended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [ss. 44](#), 45; S.I. 2004/1572, [art. 3\(aa\)\(bb\)](#)

## [<sup>F239</sup>53A Regulation of procedures and practices

- (1) The Secretary of State may by regulations make provision requiring [<sup>F240</sup>one or more police forces]—
  - (a) to adopt particular procedures or practices; or
  - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
  - (a) the chief inspector of constabulary; and
  - [<sup>F241</sup>(b) the National Policing Improvement Agency.]
- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
  - [<sup>F242</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
    - (aa) the Mayor's Office for Policing and Crime;
    - (ab) the Common Council;]

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- (b) the Association of Chief Police Officers.
- (4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.
- (5) Before giving any advice in response to a request for the purposes of subsection (2), the [<sup>F243</sup>National Policing Improvement Agency] shall consult with—
- [<sup>F244</sup>(a) the Association of Police Authorities; and  
(b) the Association of Chief Police Officers; and]  
(c) such other persons as it thinks fit.
- (6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
- (a) he has, as respects that procedure or practice, received advice from the [<sup>F245</sup>National Policing Improvement Agency] and has considered that advice;  
(b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and  
(c) the Secretary of State himself is satisfied as to those matters.
- (7) Those matters are—
- (a) that the adoption of that procedure or practice is necessary in order to [<sup>F246</sup>—  
(i) promote the efficiency and effectiveness of a police force, or  
(ii)] facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations;  
(b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and  
(c) that securing the adoption of that procedure or practice is in the national interest.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing the first regulations to be made under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (10) A statutory instrument containing any other regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F239** S. 53A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#) {ss. 7}, 108(2)-(5); S.I. 2002/2306, [art. 2\(a\)](#)
- F240** Words in s. 53A(1) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 12\(2\)](#), 116(1); S.I. 2010/125, [art. 2\(c\)](#)
- F241** S. 53A(2)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 63\(2\)](#); S.I. 2007/709, [art. 3\(a\)](#) (with [art. 6](#))
- F242** Ss. 53A(3)(a)-(ab) substituted for s. 53A(3)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 35\(3\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#) (with [Sch. 2 para. 14](#))
- F243** Words in s. 53A(5) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 63\(3\)](#); S.I. 2007/709, [art. 3\(a\)](#) (with [art. 6](#))

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- F244** S. 53A(5)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 4 para. 6(3)**; S.I. 2007/709, art. 3(d) (with art. 6)
- F245** Words in s. 53A(6)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 63(4)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F246** Words in s. 53A(7)(a) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 12(3)**, 116(1); S.I. 2010/125, art. 2(c)

### *Inspectors of constabulary*

#### **54 Appointment and functions of inspectors of constabulary.**

- (1) Her Majesty may appoint such number of inspectors (to be known as Her Majesty's Inspectors of Constabulary as the Secretary of State may with the consent of the Treasury determine, and of the persons so appointed one may be appointed as chief inspector of constabulary.
- (2) The inspectors of constabulary shall inspect, and report <sup>F247</sup> ... on the efficiency and effectiveness of, every police force maintained for a police area <sup>F248</sup> ... <sup>F249</sup> ... <sup>F250</sup> ...
- [<sup>F251</sup>(2A) The inspectors of constabulary may carry out an inspection of, and report to the Secretary of State on, a police authority's performance of its functions or of any particular function or functions (including in particular its compliance with [<sup>F252</sup>the requirement to have regard to the views of people in its area about policing in that area and its compliance with] the requirements of Part 1 of the Local Government Act 1999 (best value)).]
- [<sup>F253</sup>(2B) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of a police force maintained for any police area; and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.]
- [<sup>F254</sup>(2BA) The local policing body for a police area may at any time request the inspectors of constabulary to carry out an inspection under this section of a police force maintained for that police area; and a request under this subsection may include a request for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.
- (2BB) Where a local policing body requests the inspectors to carry out an inspection under subsection (2BA), the body must pay to the inspectors such reasonable costs incurred or to be incurred in connection with the inspection as the inspectors may require.]
- <sup>F255</sup>(2C) .....
- [<sup>F256</sup>(2D) It shall be the duty of the chief inspector of constabulary—
- (a) to enter into arrangements with the Independent Police Complaints Commission for the purpose of securing cooperation, in the carrying out of their respective functions, between the inspectors of constabulary and that Commission; and
- (b) to ensure that inspectors of constabulary provide that Commission with all such assistance and co-operation as may be required by those arrangements or as otherwise appears to the chief inspector to be appropriate for facilitating the carrying out by that Commission of its functions.]



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(3) The inspectors of constabulary shall carry out such other duties for the purpose of furthering police efficiency and effectiveness as the Secretary of State may from time to time direct.

<sup>F257</sup>(3A) . . . . .

(4) The chief inspector of constabulary shall in each year submit to the Secretary of State a report [<sup>F258</sup>on the carrying out of inspections under this section], and the [<sup>F259</sup>chief inspector] shall lay a copy of that report before Parliament.

[<sup>F260</sup>(4A) A report under subsection (4) must include the chief inspector's assessment of the efficiency and effectiveness of policing in England and Wales for the year in respect of which the report is prepared.]

(5) The inspectors of constabulary shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

[<sup>F261</sup>(6) Schedule 4A (which makes further provision about the inspectors of constabulary) has effect.]

#### Textual Amendments

**F247** Words in s. 54(2) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 83(2)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F248** Word in s. 54(2) repealed (1.4.2002) by 2001 c. 16, ss. 137, 138(2), Sch. 7 Pt. 3; S.I. 2002/533, **art. 2(e)**

**F249** Words in s. 54(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 71(2), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)

**F250** Words in s. 54(2) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 8**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(7)(a)

**F251** S. 54(2A) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 129**, 153(7); S.I. 2008/2712, art. 2, Sch. para. 11

**F252** Words in s. 54(2A) inserted (15.3.2010) by Policing and Crime Act 2009 (c. 26), **ss. 1(2)**, 116(1); S.I. 2010/125, art. 4

**F253** S. 54(2B) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 71(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10

**F254** S. 54(2BA)(2BB) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 83(4)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F255** S. 54(2C) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 83(5)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F256** S. 54(2D) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 7 para. 15**; S.I. 2004/913, art. 2(e)

**F257** S. 54(3A) repealed (19.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 2(2), 116(1), **Sch. 8 Pt. 1**; S.I. 2010/999, arts. 2(d), 4 (as amended by S.I. 2010/1986, art. 3)

**F258** Words in s. 54(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 83(6)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F259** Words in s. 54(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 83(6)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F260** S. 54(4A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 83(7)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F261** S. 54(6) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 29(1)**, 53(1); S.I. 2007/709, art. 3(m) (with art. 6)



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

- C10** S. 54 applied (1.4.2002) by 2001 c. 16, ss. 93(1), 138(2); S.I. 2002/533, art. 2(a)
- C11** Ss. 54-56: power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 27(2)(a)(i), 53(1); S.I. 2005/1126, art. 2(1)
- C12** Ss. 54-56: power to apply conferred (21.7.2009) by Borders, Citizenship and Immigration Act 2009 (c. 11), ss. 29(2)(a), 58(1) (with s. 36(4))

**55 Publication of reports.**

- [<sup>F262</sup>(1) The inspectors of constabulary must arrange for any report prepared under section 54 to be published in such manner as appears to the inspectors to be appropriate.]
- [<sup>F263</sup>(2) But the inspectors of constabulary must exclude from publication under subsection (1) anything that the inspectors consider—
- (a) would be against the interests of national security, or
  - (b) might jeopardise the safety of any person.]
- [<sup>F263</sup>(2A) The inspectors must disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).]
- [<sup>F264</sup>(3) The inspectors of constabulary must send a copy of the published report to—
- (a) the Secretary of State,
  - (b) the local policing body maintaining the police force to which the report relates,
  - (c) the chief officer of police of that police force, and
  - (d) any police and crime panel established under section 28 of the Police Reform and Social Responsibility Act 2011 for the police area of that police force.]
- (4) The [<sup>F265</sup>local policing body] shall invite the chief officer of police to submit comments on the published report to the [<sup>F266</sup>body] before such date as it may specify.
- (5) The [<sup>F267</sup>local policing body] shall prepare comments on the published report and shall arrange for—
- (a) its comments,
  - (b) any comments submitted by the chief officer of police in accordance with subsection (4), and
  - (c) any response which the [<sup>F268</sup>body] has to the comments submitted by the chief officer of police,
- to be published in such manner as appears to the [<sup>F268</sup>body] to be appropriate.
- (6) The [<sup>F269</sup>local policing body]<sup>F270</sup> ... shall send a copy of any document published under subsection (5) to the Secretary of State.

<sup>F271</sup>(7) .....

<sup>F272</sup>(8) .....

**Textual Amendments**

- F262** S. 55(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 84(2), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F263** S. 55(2)(2A) substituted for s. 55(2) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 84(3), 157(1); S.I. 2011/3019, art. 3, Sch. 1

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- F264** S. 55(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(4)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F265** Words in s. 55(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(5)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F266** Word in s. 55(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(5)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F267** Words in s. 55(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(6)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F268** Words in s. 55(5)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(6)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F269** Words in s. 55(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(7)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F270** Words in s. 55(6) repealed (3.7.2000) by virtue of 1999 c. 29, **ss. 325, 423, Sch. 27 para. 96, Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)) which provides that the words “(except where he is himself the police authority)” shall be repealed; S.I. 2000/1648, art. 2, **Sch.**
- F271** S. 55(7) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 72, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F272** S. 55(8) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 84(8)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

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

- C11** Ss. 54-56: power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 27(2)(a)(i)**, 53(1); S.I. 2005/1126, art. 2(1)
- C12** Ss. 54-56: power to apply conferred (21.7.2009) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 29(2)(a)**, 58(1) (with s. 36(4))
- C13** S. 55 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **s. 63(6)**; S.I. 2004/1572, art. 3(tt)

**56 Assistant inspectors and staff officers.**

- (1) The Secretary of State may appoint assistant inspectors of constabulary.
- (2) Members of a police force may be appointed by the Secretary of State to be assistant inspectors of constabulary or to be staff officers to the inspectors of constabulary.
- (3) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

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

- C11** Ss. 54-56: power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 27(2)(a)(i)**, 53(1); S.I. 2005/1126, art. 2(1)
- C12** Ss. 54-56: power to apply conferred (21.7.2009) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 29(2)(a)**, 58(1) (with s. 36(4))
- C14** S. 56 modified (29.4.2005) by The Revenue and Customs (Inspections) Regulations 2005 (S.I. 2005/1133), **regs. 1, 10(1)**

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### Central services

#### 57 Common services.

- (1) The Secretary of State may provide and maintain, or may contribute to the provision or maintenance of, such organisations, facilities and services as he considers necessary or expedient for promoting the efficiency or effectiveness of the police.
- <sup>[F273]</sup>(1A) The power conferred by subsection (1) includes power to give financial assistance to any person in connection with the provision or maintenance of such organisations, facilities and services as are mentioned in that subsection.
- (1B) Financial assistance under subsection (1)—
  - (a) may, in particular, be given in the form of a grant, loan or guarantee or investment in a body corporate; and
  - (b) may be given subject to terms and conditions determined by the Secretary of State;
 but any financial assistance under that subsection other than a grant requires the consent of the Treasury.
- (1C) Terms and conditions imposed under subsection (1B)(b) may include terms and conditions as to repayment with or without interest.
- (1D) Any sums received by the Secretary of State by virtue of terms and conditions imposed under that subsection are to be paid into the Consolidated Fund.]
  - (2) Charges may be made for the use of facilities and services provided by the Secretary of State (or by organisations provided or maintained by him) under subsection (1).
  - (3) The Secretary of State may by regulations make provision for requiring <sup>[F274]</sup>one or more police forces] to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under subsection (1)) if he considers that it would be in the interests of the efficiency or effectiveness of the police for them to do so.
  - <sup>[F275]</sup>(3A) Regulations under this section relating to all police forces may also require the <sup>[F276]</sup>Serious Organised Crime Agency] to use the specified facilities or services, or the facilities or services of a specified description, if the Secretary of State considers that it would be in the interests of the efficiency or effectiveness of the <sup>[F277]</sup>Agency for the Agency ] to do so.]
    - (4) Before making regulations under this section, the Secretary of State shall consult—
      - <sup>[F278]</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
        - (aa) the Mayor's Office for Policing and Crime,
        - (ab) the Common Council,]
        - (b) the Association of Chief Police Officers; and
        - <sup>[F279]</sup>(c) if the regulations relate to the Serious Organised Crime Agency, that Agency.]
    - <sup>[F280]</sup>(5) The Secretary of State shall consult the <sup>[F281]</sup>National Policing Improvement Agency] before making regulations under this section relating to information technology.
    - (6) In subsection (5) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.]

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### Textual Amendments

- F273** S. 57(1A)-(1D) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 128\(1\)](#), [153\(1\)\(c\)](#) (with [s. 128\(2\)](#))
- F274** Words in s. 57(3) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 13](#), [116\(1\)](#); S.I. [2010/125](#), [art. 2\(d\)](#)
- F275** S. 57(3A) inserted (1.4.1998) by [1997 c. 50](#), [s. 134\(1\)](#), [Sch. 9 para. 78\(2\)](#); S.I. [1998/354](#), [art. 2\(2\)\(ay\)](#)
- F276** Words in s. 57(3A) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [s. 178\(8\)](#), [Sch. 4 para. 73\(2\)\(a\)](#); S.I. [2006/378](#), [art. 4\(1\)](#), [Sch. para. 10](#)
- F277** Words in s. 57(3A) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [s. 178\(8\)](#), [Sch. 4 para. 73\(2\)\(b\)](#); S.I. [2006/378](#), [art. 4\(1\)](#), [Sch. para. 10](#)
- F278** S. 57(4)(a)-(ab) substituted for s. 57(4)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 157\(1\)](#), [Sch. 16 para. 36\(2\)](#); S.I. [2011/3019](#), [art. 3](#), [Sch. 1](#) (with [Sch. 2 para. 15](#))
- F279** S. 57(4)(c) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [s. 178\(8\)](#), [Sch. 4 para. 73\(3\)](#); S.I. [2006/378](#), [art. 4\(1\)](#), [Sch. para. 10](#)
- F280** S. 57(5)(6) added (1.4.1998) by [1997 c. 50](#), [s. 134\(1\)](#), [Sch. 9 para. 78\(4\)](#); S.I. [1998/354](#), [art. 2\(2\)\(ay\)](#)
- F281** Words in s. 57(5) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [s. 53\(1\)](#), [Sch. 1 para. 64](#); S.I. [2007/709](#), [art. 3\(a\)](#) (with [art. 6](#))

## 58 Research.

The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency or effectiveness of the police.

## PART III

### POLICE REPRESENTATIVE INSTITUTIONS

## 59 Police Federations.

- (1) There shall continue to be a Police Federation for England and Wales and a Police Federation for Scotland for the purpose of representing members of the police forces in those countries respectively in all matters affecting their welfare and efficiency, except for—
  - (a) questions of promotion affecting individuals, and
  - (b) (subject to subsection (2)) questions of discipline affecting individuals.
- (2) A Police Federation may represent a member of a police force at any proceedings brought under regulations made in accordance with section 50(3) above or section 26(2A) of the <sup>M7</sup>Police (Scotland) Act 1967 or on an appeal from any such proceedings.
- (3) Except on an appeal to a police appeals tribunal or as [<sup>F282</sup>provided in regulations made in accordance with] section 84, a member of a police force may only be represented under subsection (2) by another member of a police force.
- (4) The Police Federations shall act through local and central representative bodies.
- (5) The Police Federations and every branch of a Federation shall be entirely independent of, and subject to subsection (6) unassociated with, any body or person outside the

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police service, but may employ persons outside the police service in an administrative or advisory capacity.

(6) The Secretary of State—

(a) may authorise a Police Federation or a branch of a Federation to be associated with a person or body outside the police service in such cases and manner, and subject to such conditions and restrictions, as he may specify, and

(b) may vary or withdraw an authorisation previously given;

and anything for the time being so authorised shall not be precluded by subsection (5).

(7) This section applies to police cadets as it applies to members of police forces, and references to the police service shall be construed accordingly.

[<sup>F283</sup>(7A) For the purposes of subsection (1), a member of the staff of the National Policing Improvement Agency who is—

(a) a constable, and

(b) an employee of the Agency,

shall be treated as a member of a police force in England and Wales, and references in this section to police service shall be construed accordingly.]

<sup>F284</sup>(8) . . . . .

#### Textual Amendments

**F282** Words in s. 59(3) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 5](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

**F283** S. 59(7A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 65](#); S.I. 2007/709, art. 3(a) (with art. 6)

**F284** S. 59(8) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 74](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)

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

**C15** S. 59 modified (S.) (temp. from 22.8.1996 to 22.8.1996) and (E.W.) (temp. from 22.8.1996) by virtue of 1996 c. 16, s. 103, [Sch. 8 Pt. III para. 11](#); S.I. 1996/2146, [art. 2](#)

#### Marginal Citations

**M7** 1967 c. 77.

## 60 Regulations for Police Federations.

(1) The Secretary of State may by regulations—

(a) prescribe the constitution and proceedings of the Police Federations, or

(b) authorise the Federations to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—

(a) with respect to the membership of the Federations;

(b) with respect to the raising of funds by the Federations by voluntary subscription and the use and management of funds derived from such subscriptions;

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- (c) with respect to the manner in which representations may be made by committees or bodies of the Federations to [<sup>F285</sup>local policing bodies,] police authorities, chief officers of police and the Secretary of State;
- (d) for the payment by the Secretary of State of expenses incurred in connection with the Federations and for the use by the Federations of premises provided by [<sup>F286</sup>local policing bodies or] police authorities for police purposes; and
- (e) for modifying any regulations under the <sup>M8</sup>Police Pensions Act 1976, section 50 above or section 26 of the <sup>M9</sup>Police (Scotland) Act 1967 in relation to any member of a police force who is the secretary or an officer of a Police Federation and for requiring the appropriate Federation to make contributions in respect of the pay, pension or allowances payable to or in respect of any such person.

<sup>F287</sup>(2A) .....

- (3) Regulations under this section may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federations.
- (4) Before making any regulations under this section the Secretary of State shall consult the three Central Committees of the Police Federation to which the regulations will relate, sitting together as a Joint Committee.
- (5) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section applies to police cadets as it applies to members of police forces.

**Textual Amendments**

**F285** Words in s. 60(2)(c) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 37\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F286** Words in s. 60(2)(d) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 37\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F287** S. 60(2A) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 75, [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10., 13(y)

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

**C16** S. 60: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1, 2, [Sch. 1](#); S.I. 1998/3178, [art. 3](#)

**Marginal Citations**

**M8** 1976 c. 35.

**M9** 1967 c. 77.

**[<sup>F288</sup>60A Sections 59 and 60: special provision for the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency**

- (1) For the purposes of sections 59 and 60, persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to the 2006 Act shall be treated as members of a police force in Scotland, and references in section 59 to police service shall be construed accordingly.

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- (2) The reference in section 59(2) to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 shall—
- (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations made in accordance with either of—
    - (i) <sup>F289</sup> section 23(2)(g) of the 2006 Act, and
    - (ii) section 26(2A) of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
  - (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967 (temporary service with the Scottish Police Services Authority), be construed as a reference to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.
- (3) The reference in <sup>F290</sup> section 60(2)(e) to regulations under section 26 of the Police (Scotland) Act 1967 shall—
- (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations under either of—
    - (i) section 23 of the 2006 Act, and
    - (ii) section 26 of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
  - (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967, be construed as a reference to regulations made under section 26 of the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.
- (4) For the purposes of paragraphs (c) and (d) of subsection (2) of section 60—
- (a) the Scottish Police Services Authority shall be treated as a police authority, and
  - (b) the Director General of the Scottish Crime and Drug Enforcement Agency shall be treated as a chief officer of police, and the reference in paragraph (d) of that subsection to police purposes shall be construed accordingly.
- (5) In this section, “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006.]

#### Textual Amendments

**F288** S. 60A inserted (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), s. 104(1), [sch. 6 para. 5\(2\)](#); S.S.I. 2007/84, art. 3(3)

**F289** Words in s. 60A(2)(a)(i) substituted by 2006 asp 10, sch. 6 para. 5(2) (as amended) (S.) (31.3.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Modification of Agencies Powers and Incidental Provision\) Order 2007 \(S.S.I. 2007/260\)](#), arts. 1, [2\(3\)\(a\)](#)

**F290** Words in s. 60A(3) substituted by 2006 asp 10, sch. 6 para. 5(2) (as amended) (S.) (31.3.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Modification of Agencies Powers and Incidental Provision\) Order 2007 \(S.S.I. 2007/260\)](#), arts. 1, [2\(3\)\(b\)](#)



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## 61 The Police Negotiating Board for the United Kingdom.

- (1) There shall continue to be a Police Negotiating Board for the United Kingdom for the consideration by persons representing the interests of—
- (a) the [<sup>F291</sup>persons and bodies] who between them maintain the police forces in Great Britain and the [<sup>F292</sup>Police Service of Northern Ireland],
  - <sup>F293</sup>(aa) .....
  - (b) the persons who are members of those police forces or of [<sup>F294</sup>the Police Service] or are police cadets,
  - <sup>F295</sup>(ba) .....
  - <sup>F296</sup>(bb) the members of the staff of the National Policing Improvement Agency who are constables,]
  - (c) the Commissioner of Police of the Metropolis, <sup>F297</sup> . . .
  - <sup>F298</sup>(ca) the Scottish Police Services Authority,
  - (cb) constables seconded to that Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
  - (cc) persons seconded to that Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (cb),
  - (cd) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,]
  - (d) the Secretary of State, <sup>F299</sup>[<sup>F300</sup> ...
  - (e) the Scottish Ministers,][<sup>F301</sup>and
  - (f) the Department of Justice in Northern Ireland,]
- of questions relating to hours of duty, leave, pay and allowances, pensions or the issue, use and return of police clothing, personal equipment and accoutrements.
- (2) The Chairman and any deputy chairman or chairmen of the Board shall be appointed by the Prime Minister [<sup>F302</sup>after consultation with the Scottish Ministers][<sup>F303</sup>and the Department of Justice in Northern Ireland]
- (3) Subject to subsection (2), the Board shall continue to be constituted in accordance with such arrangements, made after consultations between the Secretary of State and organisations representing the interests of the persons referred to in paragraphs [<sup>F304</sup>(a), (b), (c) [<sup>F305</sup>, (e) and (f)]] of subsection (1), as appear to the Secretary of State to be satisfactory.
- (4) The Secretary of State may—
- (a) pay to the Chairman and to any deputy chairman or chairmen of the Board such fees as the Secretary of State may, with the approval of the Treasury, determine, and
  - (b) defray any expenses incurred by the Board.
- <sup>F306</sup>(5) The Scottish Ministers may make payments towards the expenses incurred by the Board in relation to the exercise by it of its function in or as regards Scotland.
- (6) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under subsection (5) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.]

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[<sup>F307</sup>(7) The Department of Justice in Northern Ireland may make payments towards the expenses incurred by the Board in relation to the exercise by it of its function in or as regards Northern Ireland.]

#### Textual Amendments

- F291** Words in s. 61(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 38](#); S.I. 2011/3019, art. 3, Sch. 1
- F292** Words in s. 61(1)(a) substituted (4.11.2001) by 2000 c. 32, s. 78, [Sch. 6 para. 12\(2\)](#); S.R. 2001/396, art. 2, [Sch.](#)
- F293** S. 61(1)(aa) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 76, Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F294** Words in s. 61(1)(b) substituted (4.11.2001) by 2000 c. 32, s. 78, [Sch. 6 para. 12\(2\)](#); S.R. 2001/396, art. 2, [Sch.](#)
- F295** S. 61(1)(ba) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 76, Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F296** S. 61(1)(bb) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 1 para. 66](#); S.I. 2007/709, art. 3(a) (with art. 6)
- F297** Word in 61(1)(c) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, [Sch. 21 Pt. II para. 2\(a\)\(i\)](#); S.I. 1998/3178, [art. 3](#)
- F298** S. 61(1)(ca)-(cd) inserted (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), s. 104\(1\), sch. 6 para. 5\(3\)](#); S.S.I. 2007/84, art. 3(3)
- F299** Word in s. 61(1)(d) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 6\(2\)\(a\)](#) (with arts. 28-31)
- F300** It is provided that s. 61(1)(e) and word “and” immediately preceding it shall be inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, [Sch. 21 Pt. II para. 2\(a\)\(ii\)](#); S.I. 1998/3178, [art. 3](#)
- F301** S. 61(1)(f) and word inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 6\(2\)\(b\)](#) (with arts. 28-31)
- F302** Words in s. 61(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, [Sch. 21 Pt. II para. 2\(b\)](#); S.I. 1998/3178, [art. 3](#)
- F303** Words in s. 61(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 6\(3\)](#) (with arts. 28-31)
- F304** Words in s. 61(3) substituted (1.7.1999) by 1999/1747, arts. 1, 3, Sch. 21 Pt. II para. 2(c); S.I. 1998/3178, [art. 3](#)
- F305** Words in s. 61(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 6\(4\)](#) (with arts. 28-31)
- F306** S. 61(5)(6) inserted (1.7.1999) by 1999/1747, arts. 1, 3, Sch. 21 Pt. II para. 2(d); S.I. 1998/3178, [art. 3](#)
- F307** S. 61(7) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 6\(5\)](#) (with arts. 28-31)

#### 62 (1) Before making—

- (a) regulations under section 50 or 52;
- <sup>F308</sup>(aa) .....
- <sup>F309</sup>(ab) .....
- <sup>F310</sup>(b) .....
- <sup>F311</sup>(c) .....
- [<sup>F312</sup>(d) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency),]

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with respect to any of the matters mentioned in section 61(1) (other than pensions), the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.

[<sup>F313</sup>(1ZA) Before making regulations under section 25 of the Police (Northern Ireland) Act 1998 with respect to any of the matters mentioned in section 61(1) (other than pensions), the Department of Justice in Northern Ireland shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.]

[<sup>F314</sup>(1A) Before making  
[<sup>F315</sup>(a) regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables)  
<sup>F316</sup>(b) regulations under section 23 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 or an order under paragraph 10(10) of schedule 1 to, or paragraph 9(1) of schedule 2 to, that Act,]

with respect to any of the matters mentioned in section 61(1) (other than pensions), the Scottish Ministers shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations [<sup>F317</sup>or order].]

<sup>F318</sup>(1A) .....

[<sup>F319</sup>(1AA) Before determining the terms and conditions on which an appointment mentioned in subsection (1AB) below is made, the Scottish Police Services Authority shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendation made by the Board.

(1AB) Those appointments are—

- (a) the appointment of a constable seconded as a member of the staff of the Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006,
- (b) the appointment of a person seconded as member of staff of the Authority under paragraph 10(3) of schedule 1 to that Act, and
- (c) the appointment of a person as a police member of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.

(1AC) Before determining the terms and conditions on which the Director General or the Deputy Director General of the Scottish Crime and Drug Enforcement Agency is to be appointed, the Scottish Ministers shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendation made by the Board.]

<sup>F320</sup>(1B) .....

<sup>F321</sup>(1C) .....

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- [<sup>F322</sup>(1D) Before issuing a document under paragraph 18 of Schedule 1 to the Police and Justice Act 2006 (rules and principles for contents of contracts of employment of constables employed as members of the staff of the National Policing Improvement Agency), the Secretary of State shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any provision in the document which relates to any of the matters mentioned in section 61(1) (other than pensions), and
  - (b) take into consideration any recommendation made by the Board.
- (1E) Before determining the terms and conditions on which a constable is to be appointed to the staff of the National Policing Improvement Agency as an employee of the Agency, the Secretary of State (where the constable is to be appointed as the chief executive of the Agency) or the Agency (in any other case) shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
  - (b) take into consideration any recommendation made by the Board.]

(2) The arrangements referred to in section 61(3) shall regulate the procedure for reaching agreement on a recommendation to be made by the Board for the purposes of [<sup>F323</sup>subsection (1), (1A), (1D) or (1E)] above [<sup>F324</sup>, or for the purposes of subsection (1AA) or (1AC) above,] and shall include provision for arriving at such a recommendation by arbitration in such circumstances as may be determined by or under the arrangements.

[<sup>F325</sup>(2A) The arrangements referred to in section 61(3) shall regulate the procedure for reaching agreement on a recommendation to be made by the Board for the purposes of subsection (1ZA) above and shall include provision for arriving at such a recommendation by arbitration in such circumstances as may be determined by or under the arrangements.]

(3) No regulations relating to pensions shall be made under section 52 above, section 27 of the Police (Scotland) Act 1967 or [<sup>F326</sup>section 25 of the Police (Northern Ireland) Act 1998] except after consultation with the Board.

#### Textual Amendments

- F308** S. 62(1)(aa) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 77\(2\)](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F309** S. 62(1)(ab) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 77\(2\)](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F310** S. 62(1)(b) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, [Sch. 2 para. 124\(a\)](#); S.I. 1998/3178, [art. 3](#)
- F311** S. 62(1)(c) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 7\(2\)](#) (with arts. 28-31)
- F312** S. 62(1)(d) and word inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 67\(2\)](#); S.I. 2007/709, art. 3(a) (with art. 6)
- F313** S. 62(1ZA) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 7\(3\)](#) (with arts. 28-31)
- F314** S. 62(1A) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, [Sch. 2 para. 124\(b\)](#); S.I. 1998/3178, [art. 3](#)
- F315** Words in s. 62(1A) renumbered as s. 62(1A)(a) (1.1.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), s. 104(1), sch. 6 para. 5(4)(a)(i); S.S.I. 2006/607, art. 3, [Sch.](#)

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- F316** S. 62(1A)(b) inserted (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(a)(ii)**; S.S.I. 2006/607, art. 3, **Sch.**
- F317** Words in s. 62(1A) inserted (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(a)(iii)**; S.S.I. 2006/607, art. 3, **Sch.**
- F318** S. 62(1A) (as inserted by Police Act 1997 (c. 50), Sch. 9 para. 82(2)) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(3), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F319** S. 62(1AA)-(1AC) inserted (S.) (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(b)**; S.S.I. 2006/607, art. 3, sch.
- F320** S. 62(1B) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(4), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F321** S. 62(1C) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(4), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F322** S. 62(1D)(1E) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 67(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F323** Words in s. 62(2) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 67(4)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F324** Words in s. 62(2) inserted (S.) (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(c)**; S.S.I. 2006/607, art. 3, sch.
- F325** S. 62(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 7(4)** (with arts. 28-31)
- F326** Words in s. 62(3) substituted (9.2.1999) by 1998 c. 32, s. 34(2); S.R. 1999/48, **art. 3** (with art. 4)

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

- C17** S. 62(2) applied (1.9.2000 with effect from 1.9.1996) by S.I. 1995/215, **reg. 39(1A)** as substituted for s. 39(1) (1.9.2000 with effect from 1.9.1996) by S.I. 2000/2013, **regs. 1(2)(b), 3(1)**
- C18** S. 62(2) applied (S.) (25.6.2004) by The Police (Scotland) Regulations 2004 (S.S.I. 2004/257), **regs. 1(2), 46(1)** (with reg. 4(2))
- C19** S. 62(3) excluded (N.I.) (23.11.2000) by 2000 c. 32, **ss. 49(4), 79(2)** (with Sch. 7 para. 2)

**63 Police Advisory Boards for England and Wales and for Scotland.**

(1) There shall continue to be a Police Advisory Board for England and Wales and a Police Advisory Board for Scotland for the purpose of advising the Secretary of State on general questions affecting the police in those countries respectively.

[<sup>F327</sup>(1ZA) The Police Advisory Board for Scotland shall also advise the Scottish Ministers on general questions affecting—

- (a) constables seconded to the Scottish Police Services Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
- (b) persons seconded to the Scottish Police Services Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (a); or
- (c) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.]

<sup>F328</sup>(1A) .....

<sup>F329</sup>(1B) .....

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[<sup>F330</sup>(1C) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting members of the staff of the National Policing Improvement Agency who are constables.]

(2) The constitution and proceedings of each of the Police Advisory Boards shall be such as the Secretary of State may determine after consulting organisations representing the interests [<sup>F331</sup>of local policing bodies,] of police authorities and of members of police forces and police cadets.

[<sup>F332</sup>(3) Before making—

- (a) [<sup>F333</sup>regulations or rules under section 50, 52, 84 or 85], other than regulations with respect to any of the matters mentioned in section 61(1), or
- (b) regulations under Part 2 of the Police Reform Act 2002, [<sup>F334</sup>or
- (c) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency), other than regulations with respect to any of the matters mentioned in section 61(1),][<sup>F335</sup>or
- (d) an order under section 97A, or
- (e) an order under section 11A of the Police Pensions Act 1976 (power to amend kinds of service),]

the Secretary of State shall supply the Police Advisory Board for England and Wales with a [<sup>F336</sup>draft of the regulations, rules or order], and take into consideration any representations made by that Board.]

#### Textual Amendments

- F327** S. 63(1ZA) inserted (S.) (1.1.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) (asp 10), s. 104(1), [sch. 6 para. 5\(5\)](#); S.S.I. 2006/607, art. 3, sch.
- F328** S. 63(1A) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), [Sch. 4 para. 78\(2\)](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F329** S. 63(1B) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), [Sch. 4 para. 78\(2\)](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F330** S. 63(1C) inserted (1.4.2007) by [Police and Justice Act 2006](#) (c. 48), s. 53(1), [Sch. 1 para. 68\(2\)](#); S.I. 2007/709, art. 3(a) (with art. 6)
- F331** Words in s. 63(2) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 39](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F332** S. 63(3) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), [Sch. 4 para. 78\(3\)](#); S.I. 2006/378, art. 4(1), [Sch. para. 10](#)
- F333** Words in s. 63(3)(a) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 22 para. 6\(2\)](#); S.I. 2008/1586, art. 2(1), [Sch. 1 para. 47](#)
- F334** S. 63(3)(c) and word inserted (1.4.2007) by [Police and Justice Act 2006](#) (c. 48), s. 53(1), [Sch. 1 para. 68\(3\)](#); S.I. 2007/709, art. 3(a) (with art. 6)
- F335** S. 63(3)(d)(e) and word inserted (29.1.2010) by [Policing and Crime Act 2009](#) (c. 26), [ss. 10\(3\)\(a\)](#), 116(1); S.I. 2010/125, art. 2(a)
- F336** Words in s. 63(3) substituted (29.1.2010) by [Policing and Crime Act 2009](#) (c. 26), [ss. 10\(3\)\(b\)](#), 116(1); S.I. 2010/125, art. 2(a)

#### 64 Membership of trade unions.

(1) Subject to the following provisions of this section, a member of a police force shall not be a member of any trade union, or of any association having for its objects, or



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one of its objects, to control or influence the pay, pensions or conditions of service of any police force.

- (2) Where a person was a member of a trade union before becoming a member of a police force, he may, with the consent of the chief officer of police, continue to be a member of that union during the time of his service in the police force.

<sup>F337</sup>(3) . . . . .

- (4) This section applies to police cadets as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.

<sup>F338</sup>(4A) . . . . .

<sup>F338</sup>(4B) . . . . .

<sup>F339</sup>(4C) This section applies to a member of the staff of the National Policing Improvement Agency who is—

- (a) a constable, and
- (b) an employee of the Agency,

as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.

- (4D) In its application by virtue of subsection (4C), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the chief executive of the National Policing Improvement Agency.]

<sup>F340</sup>(4E) This section applies to—

- (a) the Director General of the Scottish Crime and Drug Enforcement Agency,
- (b) the Deputy Director General of that Agency, and
- (c) a police member of that Agency appointed by virtue of paragraph 7 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#),

as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.

- (4F) In its application by virtue of subsection (4E), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the Scottish Crime and Drug Enforcement Agency.]

- (5) Nothing in this section applies to membership of the Police Federations, or of any body recognised by the Secretary of State for the purposes of this section as representing members of police forces who are not members of those Federations.

#### Textual Amendments

**F337** S. 64(3) repealed (1.12.2001) by [S.I. 2001/3649](#), [arts. 1, 349](#)

**F338** S. 64(4A)(4B) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 79](#), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), [Sch. paras. 10, 13\(y\)](#)

**F339** S. 64(4C)(4D) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 69](#); [S.I. 2007/709](#), art. 3(a) (with art. 6)



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**F340** S. 64(4E)(4F) inserted (1.4.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), art. 1(3), **Sch. para. 3(2)**

## PART IV

### COMPLAINTS, DISCIPLINARY PROCEEDINGS ETC.

F341 ...

#### Textual Amendments

**F341** Pt. 4 Ch. 1 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), **Sch. 8** (with s. 26(9)(10)(28)); S.I. 2004/913, art. 2(f)(iv) (with savings in S.I. 2004/671, arts. 1(1), 2(3)(4))

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

**C20** Pt. 4 Ch. 1 restricted by S.I. 1985/520, reg. 11(1) (as amended (15.11.2003) by [The Police \(Complaints\) \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/2602\)](#), regs. 1(1), **8(2)**)

**C21** Pt. IV Ch. I continued (1.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), arts. 1(1), **2(3)(4)**

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

**C22** S. 65 applied (1.4.1999) by [S.I. 1999/731](#), **reg. 11(5)**

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#### Extent Information

**E2** This section extends E.W. but also extends S. so far as it relates to Sch. 5, para.8

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..... <b>Modifications etc. (not altering text)</b> C23 S. 81 modified (1.6.1999) by S.I. 1999/1273, reg. 28
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## CHAPTER II

### DISCIPLINARY AND OTHER PROCEEDINGS

#### **[<sup>F342</sup>84 Representation etc. at disciplinary and other proceedings**

- (1) The Secretary of State shall by regulations make provision for or in connection with—
  - (a) enabling the officer concerned or a relevant authority to be represented in proceedings conducted under regulations made in pursuance of section 50(3) or section 51(2A);
  - (b) enabling the panel conducting such proceedings to receive advice from a relevant lawyer or another person falling within any prescribed description of persons.
- (2) Regulations under this section may in particular make provision—
  - (a) specifying the circumstances in which the officer concerned or a relevant authority is entitled to be legally represented (by a relevant lawyer);
  - (b) specifying the circumstances in which the officer concerned or a relevant authority is entitled to be represented by a person (other than a relevant lawyer) who falls within any prescribed description of persons;
  - (c) for securing that—
    - (i) a relevant authority may be legally represented, and
    - (ii) the panel conducting the proceedings may receive advice from a relevant lawyer,
 whether or not the officer concerned is legally represented.
- (3) Without prejudice to the powers conferred by this section, regulations under this section shall, in relation to cases where the officer concerned is entitled to legal or other representation, make provision—
  - (a) for securing that the officer is notified of his right to such representation;
  - (b) specifying when the officer is to be so notified;
  - (c) for securing that proceedings at which the officer may be dismissed are not to take place unless the officer has been notified of his right to such representation.
- (4) In this section—
 

“the officer concerned”, in relation to proceedings within subsection (1) (a), means the member of a police force or special constable to whom the proceedings relate;

“the panel”, in relation to proceedings within subsection (1)(a), means the panel of persons, or the person, prescribed for the purpose of conducting the proceedings;

“prescribed” means prescribed by regulations under this section;

“relevant authority” means—

  - (a) where the officer concerned is a member of a police force (other than [<sup>F343</sup>the chief officer of police] ), or a special constable, the chief officer of police of the police force of which the officer is a member, or for which the officer is appointed as a special constable;
  - (b) where the officer concerned is [<sup>F344</sup>the chief officer of police, the local policing body] for the police force of which the officer is a member;

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“relevant lawyer” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);

“senior officer” means a member of a police force holding a rank above that of chief superintendent.

- (5) But in prescribed circumstances “relevant authority” also includes the Independent Police Complaints Commission.
- (6) Regulations under this section may make different provision for different cases and circumstances.
- (7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Subsection (7) does not apply to a statutory instrument containing (whether alone or with other provision) any regulations under this section coming into force at a time that is the earliest time at which any regulations under this section are to come into force since the commencement of paragraph 7 of Schedule 22 to the Criminal Justice and Immigration Act 2008.
- (9) A statutory instrument within subsection (8) may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.]

#### Textual Amendments

- F342** S. 84 substituted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 22 para. 7** (with [Sch. 27 para. 35](#)); [S.I. 2008/2712](#), art. 2, [Sch. para. 16\(b\)](#) (with art. 4); [S.I. 2008/2993](#), art. 2(1)(h)(i) (with art. 3)
- F343** Words in s. 84(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 40(a)**; [S.I. 2011/3019](#), art. 3, [Sch. 1](#) (with art. 8(1)(3)) (as amended (14.11.2012) by [S.I. 2012/2892](#), art. 8(3))
- F344** Words in s. 84(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 40(b)**; [S.I. 2011/3019](#), art. 3, [Sch. 1](#) (with art. 8(1)(3)) (as amended (14.11.2012) by [S.I. 2012/2892](#), art. 8(3))

## 85 Appeals against dismissal etc.

- [<sup>F345</sup>(1) The Secretary of State shall by rules make provision specifying the cases in which a member of a police force or a special constable may appeal to a police appeals tribunal.
- (2) A police appeals tribunal may, on the determination of an appeal under this section, make an order dealing with the appellant in any way in which he could have been dealt with by the person who made the decision appealed against.]
- (3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.
- [<sup>F346</sup>(4) Rules made under this section may, in particular, make provision—
- (a) for enabling a police appeals tribunal, in such circumstances as are specified in the rules, to determine a case without a hearing;
  - (b) for the appellant or the respondent to be entitled, in a case where there is a hearing, to be represented—
    - (i) by a relevant lawyer within the meaning of section 84, or

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- (ii) by a person who falls within any description of persons prescribed by the rules;
- (c) for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents,
- and rules made in pursuance of paragraph (c) may apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the rules.]
- [<sup>F346</sup>(4A) Rules under this section may make different provision for different cases and circumstances.]
- [<sup>F347</sup>(5) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- [<sup>F347</sup>(5A) Subsection (5) does not apply to a statutory instrument containing (whether alone or with other provision) the first rules made under this section after the commencement of paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008: such an instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.]
- (6) Schedule 6 shall have effect in relation to appeals under this section.

#### Textual Amendments

- F345** S. 85(1)(2) substituted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), **Sch. 22 para. 8(2)**; S.I. 2008/2712, art. 2, Sch. para. 16(c) (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)
- F346** S. 85(4)(4A) substituted for s. 85(4) (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), **Sch. 22 para. 8(3)** (with Sch. 27 para. 35); S.I. 2008/2712, art. 2, Sch. para. 16(c) (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)
- F347** S. 85(5)(5A) substituted for s. 85(5) (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), **Sch. 22 para. 8(4)**; S.I. 2008/2712, art. 2, Sch. para. 16(c) (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)

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

- C24** S. 85 excluded (31.3.1999) by [S.I. 1999/533, art. 3\(2\)](#)  
 S. 85 applied (1.4.1999) by [S.I. 1999/731, reg. 15\(6\)](#)
- C25** S. 85(2)-(5) applied (31.10.1997) by [1997 c. 50, s. 82\(2\)](#); S.I. 1997/2390, **art. 2(2)(r)**

#### <sup>F348</sup>86 Admissibility of statements in subsequent proceedings.

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#### Textual Amendments

- F348** S. 86 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\), s. 108\(2\)](#), **Sch. 8**; S.I. 2004/913, art. 2(f)(iv)

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## **[<sup>F349</sup>87 Guidance concerning disciplinary proceedings etc.**

(1) The Secretary of State may issue relevant guidance to—

- [<sup>F350</sup>(a) local policing bodies,]
- (b) chief officers of police,
- (c) other members of police forces,
- (d) special constables, and
- [<sup>F351</sup>(e) members of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011).]

[<sup>F349</sup>(1ZA) “Relevant guidance” is guidance as to the discharge of functions under regulations under section 50 or 51 in relation to the matters mentioned in section 50(2)(e) or 51(2)(ba).]

[<sup>F352</sup>(1A) The Secretary of State may also issue guidance to the Independent Police Complaints Commission concerning the discharge of its functions under any regulations under section 50 [<sup>F353</sup>or 51] in relation to disciplinary proceedings.

(2) Nothing in this section shall authorise the issuing of any guidance about a particular case.

(3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in discharging the functions to which the guidance relates.

(4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.

(5) In this section “disciplinary proceedings” means any proceedings under any regulations under section 50 [<sup>F354</sup>or 51] that are identified as disciplinary proceedings by those regulations.]]

### **Textual Amendments**

**F349** S. 87(1)(1ZA) substituted for s. 87(1) (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 9\(2\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

**F350** S. 87(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 41\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F351** S. 87(1)(e) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 41\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F352** S. 87(1A)-(5) substituted for s. 87(2) (1.4.2004) by [Police Reform Act 2002 \(c. 30\), s. 108\(2\), Sch. 7 para. 18](#); S.I. 2004/913, art. 2(e)

**F353** Words in s. 87(1A) inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 9\(3\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

**F354** Words in s. 87(5) inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 9\(4\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

## **88 Liability for wrongful acts of constables.**

(1) The chief officer of police for a police area shall be liable in respect of [<sup>F355</sup>any unlawful conduct of] constables under his direction and control in the performance or purported

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performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall <sup>F356</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.

- (2) There shall be paid out of the police fund—
- (a) any damages or costs awarded against the chief officer of police in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required in connection with the settlement of any claim made against the chief officer of police by virtue of this section, if the settlement is approved by the <sup>F357</sup>local policing body ].
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police; and references in subsections (1) and (2) to the chief officer of police shall be construed accordingly.
- (4) A <sup>F358</sup>local policing body] may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for <sup>F359</sup>any unlawful conduct of] that person,
  - (b) any costs incurred and not recovered by such a person in such proceedings, and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
- (a) a member of the police force maintained by the <sup>F360</sup>local policing body],
  - (b) a constable for the time being required to serve with that force by virtue of section 24 or 98 <sup>F361</sup>of this Act <sup>F362</sup>..., or
  - (c) a special constable appointed for the <sup>F363</sup>local policing body's] police area.
- <sup>F364</sup>(5A) This section shall have effect where, by virtue of section 23 or 24 of the Serious Organised Crime and Police Act 2005, a member of the staff of the Serious Organised Crime Agency who is neither a constable nor an employee of the <sup>F365</sup>local policing body] is provided to a police force as if—
- (a) any unlawful conduct of his in the performance or purported performance of his functions were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and
  - (b) subsection (4) applied to him in the case of the <sup>F365</sup>local policing body] maintaining that force.]
- <sup>F366</sup>(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the <sup>F367</sup>local policing body] were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and



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- (b) subsection (4) applied, in the case of the [<sup>F367</sup>local policing body] maintaining that force, to every member of that team to whom it would not apply apart from this subsection.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under [<sup>F368</sup>Article 34 of the Treaty on European Union (as it had effect before 1 December 2009) or under Article 87 of the Treaty on the Functioning of the European Union];
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F355** Words in s. 88(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(a)(2)(a), 105(2)-(5); S.I. 2002/2306, art. 2(f)(xi)**
- F356** Words in s. 88(1) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(b)(2)(a), 105(2)-(5); S.I. 2002/2306, art. 2(f)(xi)**
- F357** Words in s. 88(2)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 42(2); S.I. 2011/3019, art. 3, Sch. 1**
- F358** Words in s. 88(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 42(2); S.I. 2011/3019, art. 3, Sch. 1**
- F359** Words in s. 88(4)(a) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(4)(5)(a), 105(2)-(5); S.I. 2002/2306, art. 2(f)(xi)**
- F360** Words in s. 88(5)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 42(3)(a); S.I. 2011/3019, art. 3, Sch. 1**
- F361** Words in s. 88(5)(b) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 85; S.I. 1998/354, art. 2(2)(ay)**
- F362** Words in s. 88(5)(b) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 80(2), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)**
- F363** Words in s. 88(5)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 42(3)(b); S.I. 2011/3019, art. 3, Sch. 1**
- F364** S. 88(5A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 80(3); S.I. 2006/378, art. 4(1), Sch. para. 10**
- F365** Words in s. 88(5A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 42(4); S.I. 2011/3019, art. 3, Sch. 1**
- F366** S. 88(6)-(8) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 103(1), 105(2)-(5); S.I. 2002/2306, art. 2(f)(xii)**
- F367** Words in s. 88(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 42(5); S.I. 2011/3019, art. 3, Sch. 1**
- F368** Words in s. 88(7)(a) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 1 (with art. 2(2))**

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

- C26** S. 88 applied (with modifications) (1.1.2000) by S.I. 1999/3272, **art. 3**
- C27** S. 88(1)-(5) modified (1.7.2004) by **Railways and Transport Safety Act 2003 (c. 20), s. 25(5)**; S.I. 2004/1572, **art. 3(h)**
- C28** S. 88(1) excluded by 1974 c. 37, s. 51A(2D)(2E)(b) (as inserted (7.4.2005) by **Serious Organised Crime and Police Act 2005 (c. 15), ss. 158(1), 178(1)(a)** (with s. 158(5)-(7)))

**PART V**

MISCELLANEOUS AND GENERAL

*Offences*

**89 Assaults on constables.**

- (1) Any person who assaults a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) Any person who resists or wilfully obstructs a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.
- (3) This section also applies to a constable who is a member of a police force maintained in Scotland or Northern Ireland when he is executing a warrant, or otherwise acting in England or Wales, by virtue of any enactment conferring powers on him in England and Wales.
- [<sup>F369</sup>(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—
  - (a) is a member of an international joint investigation team that is led by a member of a police force <sup>F370</sup>...; and
  - (b) is carrying out his functions as a member of that team.
- (5) In this section “international joint investigation team” means any investigation team formed in accordance with—
  - (a) any framework decision on joint investigation teams adopted under [<sup>F371</sup>Article 34 of the Treaty on European Union (as it had effect before 1 December 2009) or under Article 87 of the Treaty on the Functioning of the European Union];
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

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- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F369** S. 89(4)-(6) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 104(1)**, 108(2)-(5); S.I. 2002/2306, **art. 2(f)(xiii)**
- F370** Words in s. 89(4)(a) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 81, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F371** Words in s. 89(5) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 1** (with art. 2(2))

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

- C29** S. 89 modified (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 84(1)**, 94(1); S.I. 2004/786, art. 3(1)(2)
- C30** S. 89(1)(2) applied (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **s. 68(1)(3)**; S.I. 2004/1572, art. 3(yy)
- C31** S. 89(1)(2) modified (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 68(1)**, 198(2); S.I. 2005/877, art. 2(1), Sch. 1

## 90 Impersonation, etc.

- (1) Any person who with intent to deceive impersonates a member of a police force or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of a police force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Any person who, not being a member of a police force or special constable, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) In this section—
- (a) “article of police uniform” means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of police forces or special constables, or anything having the appearance of such an article, badge, mark or document,
- <sup>[F372]</sup>(ab) “member of a police force” includes a member of the staff of the National Policing Improvement Agency who is a constable, and]
- (b) “special constable” means a special constable appointed for a police area.

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### Textual Amendments

**F372** S. 90(4)(ab) substituted for s. 90(4)(aa) (1.4.2007) by virtue of [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 70](#); S.I. 2007/709, art. 3(a) (with art. 6)

### Modifications etc. (not altering text)

**C32** S. 90 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), s. 68(2)(3); S.I. 2004/1572, art. 3(yy)

**C33** S. 90 modified (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), ss. 68(2), 198(2); S.I. 2005/877, art. 2(1), Sch. 1

## 91 Causing disaffection.

(1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of any police force, or induces or attempts to induce, or does any act calculated to induce, any member of a police force to withhold his services, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

[<sup>F373</sup>(2) This section applies in the case of—

- (a) special constables appointed for a police area,
  - [<sup>F374</sup>(aa) members of the staff of the National Policing Improvement Agency who are constables,]
  - (b) members of the Civil Nuclear Constabulary, and
  - (c) members of the British Transport Police Force,
- as it applies in the case of members of a police force.]

[<sup>F375</sup>(3) Liability under subsection (1) for any behaviour is in addition to any civil liability for that behaviour.]

### Textual Amendments

**F373** S. 91(2) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), ss. 68(3), 198(2); S.I. 2005/877, art. 2(1), Sch. 1

**F374** S. 91(2)(aa) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 71](#); S.I. 2007/709, art. 3(a) (with art. 6)

**F375** S. 91(3) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 14 para. 30](#); S.I. 2007/709, art. 3(p) (with art. 6)

### Modifications etc. (not altering text)

**C34** S. 91 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)

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### Miscellaneous financial provisions

#### 92 Grants by local authorities.

- (1) The council of a county, district, county borough [<sup>F376</sup>London borough, parish or community] may make grants to any police authority established under section 3 whose police area falls wholly or partly within the [<sup>F376</sup>council's area].
- (2) The council of a London borough, county, [<sup>F377</sup>district or parish] which falls wholly or partly within the metropolitan police district may make grants for police purposes to the [<sup>F378</sup>Mayor's Office for Policing and Crime] .
- (3) Grants under this section may be made unconditionally or, with the agreement of the chief officer of police for the police area concerned, subject to conditions.
- (4) This section applies to the Council of the Isles of Scilly as it applies to a county council.

#### Textual Amendments

- F376** Words in s. 92(1) substituted (19.5.1997) by 1997 c. 29, s. 31(2); S.I. 1997/1097, art. 3(a)  
**F377** Words in s. 92(2) substituted (19.5.1997) by 1997 c. 29, s. 31(2); S.I. 1997/1097, art. 3(a)  
**F378** Words in s. 92(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 25(4)(b), 157(1); S.I. 2011/3019, art. 3, Sch. 1

#### 93 Acceptance of gifts and loans.

- (1) A [<sup>F379</sup>local policing body] may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to [<sup>F380</sup>the body] to be appropriate.
- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the [<sup>F381</sup>local policing body] or of the police force maintained by it.

<sup>F382</sup>(3) .....

#### Textual Amendments

- F379** Words in s. 93(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 25(5)(a), 157(1); S.I. 2011/3019, art. 3, Sch. 1  
**F380** Words in s. 93(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 43; S.I. 2011/3019, art. 3, Sch. 1  
**F381** Words in s. 93(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. 25(5)(b), 157(1); S.I. 2011/3019, art. 3, Sch. 1  
**F382** S. 93(3) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 101, Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

#### 94 Financing of new police authorities.

- (1) The Secretary of State may make grants to any police authority established under section 3 in respect of expenditure incurred (or to be incurred) by it at any time before the beginning of its first precepting year.

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- (2) Without prejudice to any other powers to borrow, a police authority established under section 3 may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of meeting its expenditure before the beginning of its first precepting year.
- (3) The sums borrowed by an authority under this section shall not exceed such amount as the Secretary of State may determine, and shall be repaid before the end of its first precepting year.
- (4) For the purposes of this section the “first precepting year” of a police authority is the financial year in which revenue is first received by it as a result of a precept issued by it under Part I of the <sup>M10</sup>Local Government Finance Act 1992.

#### Marginal Citations

M10 1992 c. 14.

#### 95 [<sup>F383</sup>The City of London police Fund.]

There shall be paid out of <sup>F384</sup> . . . the City of London police fund <sup>F385</sup> . . . any expenditure incurred under this Act in respect of—

- (a) any special constables appointed for <sup>F384</sup> . . . the City of London police area; and
- (b) any police cadets appointed in relation to <sup>F384</sup> . . . the City of London police force.

#### Textual Amendments

**F383** Sidenote to s. 95 substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 102(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

**F384** Words in s. 95(a)(b) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 102(2)(a)(c)(d), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

**F385** Words in s. 95 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 102(2)(b), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

#### *Miscellaneous*

#### 96 Arrangements for obtaining the views of the community on policing.

- (1) Arrangements shall be made for each police area for obtaining—
  - (a) the views of people in that area about matters concerning the policing of the area, and
  - (b) their co-operation with the police in preventing crime [<sup>F386</sup>and anti-social behaviour] in that area. [<sup>F387</sup>;

and for obtaining the views of victims of crime in that area about matters concerning the policing of the area.]

[<sup>F388</sup>(1A) Those arrangements must include, in the case of—

- (a) a police area listed in Schedule 1, or
- (b) the metropolitan police district,

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arrangements for obtaining, before a police and crime plan is issued under section 5 or 6 of the Police Reform and Social Responsibility Act 2011, the views of the people in that police area, and the views of the victims of crime in that area, on that plan.

(1B) Those arrangements must include, in the case of a police area listed in Schedule 1, arrangements for obtaining, before the first precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992, the views of—

- (a) the people in that police area, and
- (b) the relevant ratepayers' representatives,

on the proposals of the police and crime commissioner for expenditure (including capital expenditure) in that financial year.

(1C) Those arrangements must include, in the case of the metropolitan police district, arrangements for obtaining, before the first calculations in relation to the Mayor's Office for Policing and Crime are made for a financial year under section 85 of the Greater London Authority Act 1999, the views of—

- (a) the people in the metropolitan police district, and
- (b) the relevant ratepayers' representatives,

on the proposals of the Mayor's Office for Policing and Crime for expenditure (including capital expenditure) in that financial year.]

[<sup>F389</sup>(2) Arrangements under this section are to be made by the local policing body for the police area, after consulting the chief officer of police for that area.]

<sup>F390</sup>(3) .....

<sup>F390</sup>(4) .....

<sup>F390</sup>(5) .....

[<sup>F391</sup>(5A) In subsections (1B) and (1C) “relevant ratepayers' representatives”, in relation to a police area listed in Schedule 1, or the metropolitan police district, means the persons or bodies who appear to the elected local policing body for that area or district to be representative of persons subject to non-domestic rates under sections 43 and 45 of the Local Government Finance Act 1988 as regards hereditaments situated in that area or district.

(5B) In determining which persons or bodies are relevant ratepayers' representatives, an elected local policing body must have regard to any guidance given by the Secretary of State.]

<sup>F392</sup>(6) .....

<sup>F392</sup>(7) .....

<sup>F392</sup>(8) .....

<sup>F392</sup>(9) .....

<sup>F392</sup>(10) .....



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### Textual Amendments

- F386** Words in s. 96(1)(b) inserted (15.3.2010) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 30\(2\)](#); S.I. 2010/414, art. 2(b)
- F387** Words in s. 96(1) inserted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 14\(2\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(a)
- F388** S. 96(1A)-(1C) inserted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 14\(3\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(a)
- F389** S. 96(2) substituted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 14\(4\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(a)
- F390** S. 96(3)-(5) repealed (3.7.2000) by 1999 c. 26, [ss. 325, 423](#), [Sch. 27 para. 103\(3\)](#), [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, art. 2, [Sch.](#)
- F391** S. 96(5A)(5B) inserted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 14\(5\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(a)
- F392** S. 96(6)-(10) omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 14\(6\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(a)

### [<sup>F393</sup>96A National and international functions of the metropolitan police [<sup>F394</sup> force and other police forces].

- [<sup>F395</sup>(1) The Secretary of State and the Mayor's Office for Policing and Crime may enter into agreements with respect to the level of performance to be achieved by the metropolitan police force in respect of any of its national or international functions.
- (1A) The Secretary of State and the police and crime commissioner that maintains a police force may enter into agreements with respect to the level of performance to be achieved by the police force in respect of any of its national or international functions.
- (1B) The Secretary of State and the Common Council may enter into agreements with respect to the level of performance to be achieved by the City of London police force in respect of any of its national or international functions.]
- (2) If the Secretary of State is of the opinion that [<sup>F396</sup>a police force] is not performing any or all of its national or international functions—
- (a) to the standard specified in any agreement in force under subsection (1), or
  - (b) if no agreement is in force under that subsection in relation to the function or functions in question, to a standard which the Secretary of State considers to be satisfactory,
- he may direct the [<sup>F397</sup>local policing body] to take such measures as may be specified in the direction.
- (3) [<sup>F398</sup>A local policing body] shall comply with any directions given under subsection (2).

<sup>F399</sup>(4) . . . . .]

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**Textual Amendments**

- F393** Ss. 96A, 96B inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 104** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F394** Words in s. 96A title inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(2)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F395** Ss. 96A(1)-(1B) substituted for s. 96A(1) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(3)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 5)
- F396** Words in s. 96A(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(4)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F397** Words in s. 96A(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(4)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F398** Words in s. 96A(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(5)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F399** S. 96A(4) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(6)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

**<sup>F400</sup>96B National and international functions: application of requirements relating to reports etc.**

.....

**Textual Amendments**

- F400** S. 96B omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 94(7)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1

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

- (1) For the purposes of this section “relevant service” means—
  - (a) temporary service on which a person is engaged in accordance with arrangements made under section 26;
  - <sup>F401</sup>(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);]
  - (b) temporary service under section 56 on which a person is engaged with the consent of the appropriate authority;
  - (c) temporary service under the Crown in connection with the provision by the Secretary of State of—
    - (i) such organisations and services as are described in section 57, or
    - (ii) research or other services connected with the police,on which a person is engaged with the consent of the appropriate authority;

- <sup>F402</sup>(ca) .....
- <sup>F403</sup>(cb) .....
- <sup>F404</sup>(cc) .....
- <sup>F404</sup>(cd) .....
- <sup>F405</sup>[<sup>F406</sup>(ce)] .....

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- [<sup>F407</sup>(cf) temporary service as a member of the staff of the Serious Organised Crime Agency on which a person is engaged with the consent of the appropriate authority;]
- [<sup>F408</sup>(cg) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;]
- [<sup>F409</sup>(ch) temporary service with the [<sup>F410</sup>Independent Safeguarding Authority] on which a person is engaged with the consent of the appropriate authority;]
- [<sup>F411</sup>(ch) temporary service with the Scottish Police Services Authority on which a person is engaged with the consent of the appropriate authority;
- (ci) temporary service with the Scottish Police Services Authority on which a person is engaged with the consent of the appropriate authority;]
- (d) temporary service as an adviser to the Secretary of State on which a person is engaged with the consent of the appropriate authority;
- (e) service the expenses of which are payable under section 1(1) of the <sup>M11</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority;
- [<sup>F412</sup>(ea) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;]
- (f) service in the [<sup>F413</sup>Police Service of Northern Ireland], on which a person is engaged with the consent of the Secretary of State and the appropriate authority; <sup>F414</sup> . . .
- (g) service pursuant to an appointment under section 10 of the <sup>M12</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority. [<sup>F415</sup>, or
- (h) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2001 on which a person is engaged with the consent of the appropriate authority.]
- (2) In subsection (1) “appropriate authority”, in relation to a member of a police force, means the chief officer of police acting with the consent of the [<sup>F416</sup>local policing body], except that in relation to the chief officer of police it means the [<sup>F416</sup>local policing body].
- (3) Subject to subsections (4) to (8), a member of a police force engaged on relevant service shall be treated as if he were not a member of that force during that service; but, except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the <sup>M13</sup>Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
- (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 50 above fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(e) refers, the reference in subsection (3) to regulations made under the Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M14</sup>Police (Overseas Service) Act 1945.

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- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
  - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A member of a police force who—
- (a) has completed a period of relevant service within [<sup>F417</sup>paragraph (a), (aa), (b), (c), <sup>F418</sup> ... <sup>F419</sup> ... (cf) [<sup>F420</sup>, (cg) ] [<sup>F421</sup>, (ch) ] [<sup>F422</sup>, (ch), (ci)] , (d), (g) or (h) of subsection (1)], or
  - (b) while engaged on relevant service within paragraph (e) of that subsection, is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
  - (c) while engaged on relevant service within paragraph [<sup>F423</sup>(ea) or] (f) of that subsection, is dismissed from that service or is required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with section 50(3) for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 85 shall apply accordingly.
- (7) For the purposes of subsection (6) a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
  - (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of [<sup>F424</sup>the Police Ombudsman for Northern Ireland or (as the case may be)] the chief constable of the [<sup>F425</sup>Police Service of Northern Ireland], or such other person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.
- (8) A member of a police force engaged on relevant service within [<sup>F426</sup>paragraph (aa), (b), (c), <sup>F427</sup> ... <sup>F428</sup> ... (cf) [<sup>F429</sup>, (cg) ] [<sup>F430</sup>, (ch) ] [<sup>F431</sup>, (ch), (ci)] or (d) of subsection (1) —
- (a) shall continue to be a constable, and
  - (b) shall be treated for the purposes of sections 30, 59, 60, 64 and 90 as if he were a member of his police force.
- (9) The Secretary of State shall be liable in respect of [<sup>F432</sup>any unlawful conduct of] a member of a police force engaged on relevant service within paragraph (b), (c) or (d) of subsection (1) in the performance or purported performance of his functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in [<sup>F433</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.

#### Textual Amendments

**F401** S. 97(1)(aa) inserted (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), [Sch. 7 para. 19\(1\)](#); [S.I. 2004/913](#), art. 2(e)

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- F402** S. 97(1)(ca) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 82(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F403** S. 97(1)(cb) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 82(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F404** S. 97(1)(cc)(cd) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6); S.I. 2007/709, art. 3(q) (with art. 6)
- F405** S. 97(1)(ce) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 155(2), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F406** S. 97(1)(ce): s. 97(1)(cd) renumbered as s. 97(1)(ce) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(2)(b)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F407** S. 97(1)(cf) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(2)(c)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F408** S. 97(1)(cg) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 72(2)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F409** S. 97(1)(ch) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 13(2)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F410** Words in s. 97 substituted (12.11.2009) by Policing and Crime Act 2009 (c. 26), **ss.**, 81(3)(g), 116(5) (a) 81(2)
- F411** S. 97(1)(ch)(ci) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(a)**
- F412** S. 97(1)(ea) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(3)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F413** Words in s. 97(1)(f) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(3)**; S.R. 2001/396, art. 2, **Sch.**
- F414** Word in s. 97(1) repealed (17.6.2002) by International Development Act 2002 (c. 1), ss. 19, 20(2), **Sch. 4** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F415** S. 97(1)(h) and word inserted (17.6.2002) by International Development Act 2002 (c. 1), ss. 19, 20(2), **Sch. 3 para. 11(2)** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F416** Words in s. 97(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 44**; S.I. 2011/3019, art. 3, Sch. 1
- F417** Words in s. 97(6)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F418** Words in s. 97(6)(a) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)
- F419** Word in s. 97(6)(a) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 155(3), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F420** Word in s. 97(6)(a) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 72(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F421** Words in s. 97(6)(a) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 13(3)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F422** Words in s. 97(6)(a) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(b)**
- F423** Words in s. 97(6)(c) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(4)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F424** Words in s. 97(7)(b) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(5)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F425** Words in s. 97(7)(b) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(3)**; S.R. 2001/396, art. 2, **Sch.**
- F426** Words in s. 97(8) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(4)**; S.I. 2006/378, art. 4(1), Sch. para. 10

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- F427** Words in s. 97(8) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)
- F428** Word in s. 97(8) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 155(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F429** Word in s. 97(8) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 72(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F430** Words in s. 97(8) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 13(3)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F431** Words in s. 97(8) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(b)**
- F432** Words in s. 97(9) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(a)(2)(b), 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(xi)**
- F433** Words in s. 97(9) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(b)(2)(b), 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(xi)**

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

- C35** S. 97(9) excluded by 1974 c. 37, s. 51A(2D)(2E)(c) (as inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 158(1), 178(1)(a)** (with s. 158(5)-(7)))

#### Marginal Citations

- M11** 9 & 10 Geo. 6 c. 17.  
**M12** 1980 c. 63.  
**M13** 1976 c. 35.  
**M14** 9 & 10 Geo. 6 c. 17.

### [<sup>F434</sup>97A Power to amend section 97

- (1) The Secretary of State may by order amend the definition of “relevant service” in section 97(1).
- (2) An order under this section may make transitional, consequential, incidental and supplemental provision or savings.
- (3) The provision that may be made under subsection (2) includes provision amending any enactment.
- (4) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F434** S. 97A inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 10(1), 116(1)**; S.I. 2010/125, **art. 2(a)**

### 98 Cross-border aid of one police force by another.

- (1) The chief officer of police of a police force in England or Wales may, on the application of the chief officer of a police force in Scotland or the chief constable of the [<sup>F435</sup>Police Service of Northern Ireland], provide constables or other assistance for the purpose of enabling the Scottish force or the [<sup>F435</sup>Police Service of Northern Ireland] to meet any special demand on its resources.

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- (2) The chief officer of a police force in Scotland may, on the application of the chief officer of police of a police force in England or Wales<sup>F436</sup>... the chief constable of the [<sup>F435</sup>Police Service of Northern Ireland]<sup>F437</sup> ..., provide constables or other assistance for the purpose of enabling the English or Welsh force or the [<sup>F435</sup>Police Service of Northern Ireland]<sup>F437</sup>... to meet any special demand on its resources.
- (3) The chief constable of the [<sup>F435</sup>Police Service of Northern Ireland] may, on the application of the chief officer of police of a police force in England or Wales or the chief officer of a police force in Scotland<sup>F438</sup> ..., provide constables or other assistance for the purpose of enabling the English or Welsh force or the Scottish force<sup>F438</sup> ... to meet any special demand on its resources.

<sup>F439</sup>(3A) .....

- (4) If it appears to the Secretary of State—
  - (a) to be expedient in the interests of public safety or order that a police force<sup>F440</sup> ...should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and
  - (b) that satisfactory arrangements under subsection (1), [<sup>F441</sup>(2) or (3)] cannot be made, or cannot be made in time,

he may direct the chief officer of police of any police force in England or Wales, the chief officer of any police force in Scotland or the chief constable of the [<sup>F435</sup>Police Service of Northern Ireland]<sup>F440</sup> ..., as the case may be, to provide such constables or other assistance for that purpose as may be specified in the direction.

- (5) While a constable is provided under this section for the assistance of another police force<sup>F442</sup> ... he shall, notwithstanding any enactment,—
  - (a) be under the direction and control of the chief officer of police of that other force (or, where that other force is a police force in Scotland or the [<sup>F435</sup>Police Service of Northern Ireland]<sup>F442</sup> ..., of its chief officer or the chief constable of the [Police Service of Northern Ireland]<sup>F443</sup> ... respectively); and
  - (b) have in any place the like powers and privileges as a member of that other force has in that place as a constable.
- (6) The [<sup>F444</sup>local policing body] maintaining a police force for which assistance is provided under this section shall pay to the [<sup>F444</sup>local policing body] maintaining the force from which that assistance is provided such contribution as may be agreed upon between [<sup>F445</sup>those bodies] or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all [<sup>F446</sup>local policing bodies] generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.

<sup>F447</sup>(6A) .....

<sup>F448</sup>(6B) In this section “local policing body” includes—

- (a) a police authority in Scotland, and
- (b) the Northern Ireland Policing Board.]

(7) In the application of this section to Scotland, any expression used in this section and in the <sup>M15</sup>Police (Scotland) Act 1967 shall have the same meaning in this section as in that Act.

[<sup>F449</sup>(8) “Constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000.]



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### Textual Amendments

- F435** Words in s. 98(1)-(5) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(4)**; S.R. 2001/396, art. 2, **Sch.**
- F436** Word in s. 98(2) repealed (1.4.1998) by 1997 c. 50, s. 134(2), **Sch. 10**; S.I. 1998/354, art. 2(2)(ay)
- F437** Words in s. 98(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(2)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F438** Words in s. 98(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(2)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F439** S. 98(3A) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(3)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F440** Words in s. 98(4) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(4)(a)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F441** Words in s. 98(4) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(4)(b)**; S.I. 2006/378, art. 4(1), **Sch. para. 10**
- F442** Words in s. 98(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(5)(a)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F443** Words in s. 98(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(5)(b)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F444** Words in s. 98(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 45(2)(a)**; S.I. 2011/3019, art. 3, **Sch. 1**
- F445** Words in s. 98(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 45(2)(b)**; S.I. 2011/3019, art. 3, **Sch. 1**
- F446** Words in s. 98(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 45(2)(c)**; S.I. 2011/3019, art. 3, **Sch. 1**
- F447** S. 98(6A) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(6)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**
- F448** S. 98(6B) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 45(3)**; S.I. 2011/3019, art. 3, **Sch. 1**
- F449** S. 98(8) substituted (4.11.2001) for s. 98(8)(9) by 2000 c. 32, s. 74, **Sch. 6 para. 12(5)**; S.R. 2001/396, art. 2, **Sch.**

### Marginal Citations

- M15** 1967 c. 77.

## 99 Jurisdiction of metropolitan police officers.

- (1) A member of the metropolitan police force who is assigned to the protection of any person or property in Scotland shall, in the discharge of that duty, have the powers and privileges of a constable of a police force maintained under the Police (Scotland) Act 1967.
- (2) A member of the metropolitan police force who is assigned to the protection of any person or property in Northern Ireland shall, in the discharge of that duty, have the powers and privileges of a constable of the Royal Ulster Constabulary.

### Extent Information

- E3** S. 99(1) extends to S. only and s. 99(2) extends to N.I. only

*Status: Point in time view as at 18/09/2012.*

*Changes to legislation: Police Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. 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)*

## 100 Chief constables affected by police area alterations or local government reorganisations.

- (1) If the chief constable of a police force which ceases to exist in consequence of an order under section 32 above [<sup>F450</sup>or section 58 of the Local Government Act 1972] is not appointed chief constable or other member of the successor force as from the date of transfer, he shall on that date become a member of that force (or, if there is more than one successor force, of such of them as may be provided by or under the order) by virtue of this section.
- (2) While a person is a member of a police force by virtue only of this section he shall hold the rank of assistant chief constable but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist, subject however to section 10(1).
- (3) A chief constable who becomes a member of a police force by virtue of this section shall, subject to regulations under section 50, cease to be a member of that force at the end of three months unless he has then accepted and taken up an appointment in that force.
- (4) If a chief constable was appointed for a term which expires within three months of his becoming a member of a police force by virtue of this section, subsection (3) shall have effect as if the reference to three months were a reference to that term.
- (5) Where—
  - (a) the chief constable of a police force is engaged for a period of relevant service within paragraph (b), (c), (d) or (e) of section 97(1), and
  - (b) before the end of that period that force ceases to exist as mentioned in subsection (1) above,
 subsection (1) shall apply to the chief constable as if he were still the chief constable of that force, but with the substitution for references to the date of transfer of references to the end of the said period.
- (6) In this section—
  - (a) “successor force”, in relation to a police force which ceases to exist in consequence of an order, means a force to which members of that police force are transferred by virtue of the order; and
  - (b) “date of transfer” means the date as from which those members are so transferred.

### Textual Amendments

**F450** Words in s. 100(1) substituted (1.11.2007 for E.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 1 para. 19\(3\); S.I. 2007/3136, art. 2\(b\)](#)

## *Supplemental*

## 101 Interpretation.

- (1) Except where the context otherwise requires, in this Act—
 

[<sup>F451</sup>“the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland;]

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[<sup>F452</sup>[<sup>F453</sup>“British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]]

“chief officer of police” means—

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

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

[<sup>F454</sup>“Common Council” means the Common Council of the City of London in its capacity as police authority for the City of London police area;

“elected local policing body” means—

- (a) a police and crime commissioner;
- (b) the Mayor's Office for Policing and Crime;

“local policing body” means—

- (a) a police and crime commissioner (in relation to a police area listed in Schedule 1);
- (b) the Mayor's Office for Policing and Crime (in relation to the metropolitan police district);
- (c) the Common Council (in relation to the City of London police area);

“Mayor's Office for Policing and Crime” means the body established under section 3 of the Police Reform and Social Responsibility Act 2011;]

“metropolitan police district” means that district as defined in section 76 of the <sup>M16</sup>London Government Act 1963;

[<sup>F455</sup>“national or international functions” means functions relating to—

- (a) the protection of prominent persons or their residences,
- (b) national security,
- (c) counter-terrorism, or
- (d) the provision of services for any other national or international purpose;

“police and crime commissioner” means a body established under section 1 of the Police Reform and Social Responsibility Act 2011;]

“police area” means a police area provided for by section 1;

<sup>F456</sup>  
...

“police force” means a force maintained by a [<sup>F457</sup>local policing body];

“police fund” means—

- (a) [<sup>F458</sup>in relation to a police area for which there is an elected local policing body, the fund kept by that body under section 21 of the Police Reform and Social Responsibility Act 2011;]

(b) <sup>F459</sup> .....

- (c) in relation to the City of London police force, the fund out of which the expenses of that force are paid.

(2) In this Act “police purposes”, in relation to a police area, includes the purposes of—

- (a) special constables appointed for that area,
- (b) police cadets undergoing training with a view to becoming members of the police force maintained for that area, and

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- (c) civilians employed for the purposes of that force or of any such special constables or cadets.

[<sup>F460</sup>(3) References in this Act to the staff of a police and crime commissioner, or to the staff of the Mayor's Office for Policing and Crime, have the same meaning as in the Police Reform and Social Responsibility Act 2011.]

#### Extent Information

**E4** S. 101 extends E.W. except s. 101(2) which extends G.B.

#### Textual Amendments

- F451** Words in s. 101(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 4 para. 8**; [S.I. 2007/709](#), art. 3(d) (with art. 6)
- F452** Definition in s. 101 ceases to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; [S.I. 2004/1572](#), art. 3(jjj)
- F453** S. 101(1): definition of "British Transport Police Force" inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), **Sch. 7 para. 27**
- F454** Words in s. 101(1) inserted (16.1.2012 for specified purposes) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 96(2)(a)**, 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with art. 10(1)(2))
- F455** Words in s. 101(1) inserted (16.1.2012 for specified purposes) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 96(2)(b)**, 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with art. 10(1)(2))
- F456** Words in s. 101(1) omitted (16.1.2012 for specified purposes) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 96(2)(c)**, 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with art. 10(1)(2))
- F457** Words in s. 101(1) substituted (16.1.2012 for specified purposes) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 96(2)(d)**, 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with art. 10(1)(2))
- F458** Words in s. 101(1) substituted (16.1.2012 for specified purposes) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 96(2)(e)**, 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with art. 10(1)(2))
- F459** Words in s. 101(1) repealed (3.7.2000) by [1999 c. 29](#), ss. 312(3)(b), 423, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); [S.I. 2000/1648](#), art. 2, **Sch.**
- F460** S. 101(3) inserted (16.1.2012 for specified purposes) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 96(3)**, 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with art. 10(1)(2))

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

**C36** S. 101 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; [S.I. 2004/1572](#), **art. 3(jjj)**

#### Marginal Citations

**M16** [1963 c. 33](#).

## 102 Orders, rules and regulations.

Any power of the Secretary of State to make orders, rules or regulations under this Act shall be exercisable by statutory instrument.

## 103 Consequential amendments, transitional provisions, repeals, etc.

- (1) The enactments mentioned in Schedule 7 shall be amended as provided in that Schedule.
- (2) Schedule 8 (which contains transitional and transitory provisions, savings etc.) shall have effect.

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- (3) The enactments mentioned in Parts I and II of Schedule 9 are repealed, and the instruments mentioned in Part III of that Schedule are revoked, to the extent specified in the third column of the Schedule.

#### Extent Information

- E5** S. 103 extends E.W. and insofar as it relates to Sch. 8 paras. 1-5, 7 and 11(1),(2) and(4) also to S. and insofar as it relates to Sch. 8 paras. 1-4 also to N.I.

### 104 Commencement.

- (1) Except as provided by subsection (2), this Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (2) The following provisions of this Act—  
section 50(3),  
Part IV (including Schedules 5 and 6) other than section 88,  
paragraphs 43, 45 and 46 of Schedule 7,  
paragraph 12 of Schedule 8, and  
Part II of Schedule 9,  
shall come into force on such day as the Secretary of State may by order appoint.
- (3) An order under this section may appoint different days for different purposes or different areas.
- (4) The power to make orders under this section includes power to make such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.
- (5) Where an order under this section contains provisions made by virtue of subsection (4), the statutory instrument containing that order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Subordinate Legislation Made

- P1** S. 104 power partly exercised (3.3.1999): 1.4.1999 appointed for specified provisions by S.I. 1999/533, art. 2 (with art. 3)

### 105 Extent.

- (1) Except as provided by subsections (2) to (5), this Act extends to England and Wales only.
- (2) The following provisions of this Act extend to Scotland (and in the case of section 99(1) to Scotland only)—  
section 21;  
[<sup>F461</sup>section 25(1A);]  
Part III;  
<sup>F462</sup>...

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**Status:** Point in time view as at 18/09/2012.

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sections 98, 99(1), 101(2), 102 and 104 to 106 and paragraphs 1 to 5, 7 and 11(1), (2) and (4) of Schedule 8 (and section 103 so far as it relates to those paragraphs).

(3) The following provisions of this Act extend to Northern Ireland (and in the case of section 99(2) to Northern Ireland only)—

sections 61 and 62;

sections 98, 99(2), 102 and 104 to 106 and paragraphs 1 to 4 of Schedule 8 (and section 103 so far as it relates to those paragraphs).

(4) Subject to subsection (5), the amendments in Schedule 7 and the repeals and revocations in Schedule 9 have the same extent as the enactments to which they refer and section 103 extends accordingly.

(5) Paragraphs 2 to 6 of Schedule 7 extend to England, Wales and Scotland only.

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**Textual Amendments**

**F461** Words in s. 105(2) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), **Sch. 7 para. 28**

**F462** Words in s. 105(2) repealed (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 8**; S.I. 2004/913, art. 2(f)(iv)

**106 Short title.**

This Act may be cited as the Police Act 1996.

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### POLICE AREAS

*England (except London)*

<i>Name of police area</i>	<i>Extent</i>
Avon and Somerset	The county of Somerset and the non-metropolitan districts of Bath and North East Somerset, Bristol, North West Somerset and South Gloucestershire
Bedfordshire	[ <sup>F463</sup> The non-metropolitan districts of Bedford, Central Bedfordshire and Luton]
Cambridgeshire	The county of Cambridgeshire [ <sup>F464</sup> and the non-metropolitan district of Peterborough]
Cheshire	[ <sup>F465</sup> The non-metropolitan districts of Cheshire East, Cheshire West and Chester, Halton and Warrington]
Cleveland	The non-metropolitan districts of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees
Cumbria	The county of Cumbria
Derbyshire	The county of Derbyshire and the non-metropolitan district of Derby
Devon and Cornwall	The counties of Devon and Cornwall [ <sup>F466</sup> , the non-metropolitan districts of Plymouth and Torbay]and the Isles of Scilly
Dorset	The county of Dorset and the non-metropolitan districts of Bournemouth and Poole
Durham	The county of Durham and the non-metropolitan district of Darlington
Essex	The county of Essex [ <sup>F467</sup> and the non-metropolitan districts of Southend-on-Sea and Thurrock]
Gloucestershire	The county of Gloucestershire



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Greater Manchester	The metropolitan districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan
Hampshire	The counties of Hampshire and Isle of Wight and the non-metropolitan districts of Portsmouth and Southampton
Hertfordshire	The county of Hertfordshire
Humberside	The non-metropolitan districts of the East Riding of Yorkshire, Kingston upon Hull, North East Lincolnshire and North Lincolnshire
Kent	The county of Kent [ <sup>F468</sup> and the non-metropolitan district of Medway Towns]
Lancashire	The county of Lancashire [ <sup>F469</sup> and the non-metropolitan districts of Blackburn with Darwen and Blackpool]
Leicestershire	The county of Leicestershire and the non-metropolitan districts of Leicester and Rutland
Lincolnshire	The county of Lincolnshire
Merseyside	The metropolitan districts of Knowsley, Liverpool, St. Helens, Sefton and Wirral
Norfolk	The county of Norfolk
Northamptonshire	The county of Northamptonshire
Northumbria	The county of Northumberland and the metropolitan districts of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland
North Yorkshire	The county of North Yorkshire and the non-metropolitan district of York
Nottinghamshire	The county of Nottinghamshire [ <sup>F470</sup> and the non-metropolitan district of Nottingham]
South Yorkshire	The metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield
Staffordshire	The county of Staffordshire and the non-metropolitan district of Stoke-on-Trent
Suffolk	The county of Suffolk
Surrey	The county of Surrey
Sussex	The counties of East Sussex and West Sussex and the non-metropolitan district of Brighton and Hove

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Thames Valley	The counties of Berkshire, Buckinghamshire and Oxfordshire and the non-metropolitan district of Milton Keynes
Warwickshire	The county of Warwickshire
West Mercia	The counties of F471 ... Shropshire [F472] and Worcestershire and the non-metropolitan districts of Herefordshire and The Wrekin]
West Midlands	The metropolitan districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton
West Yorkshire	The metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield
Wiltshire	The county of Wiltshire and the non-metropolitan district of Thamesdown

#### Textual Amendments

- F463** Words in Sch. 1 substituted (1.4.2009) by [The Local Government \(Structural Changes\) \(Areas and Membership of Public Bodies in Bedfordshire and Cheshire\) Order 2009 \(S.I. 2009/119\)](#), arts. 1(1), **3**
- F464** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1846](#), **art. 3**
- F465** Words in Sch. 1 substituted (1.4.2009) by [The Local Government \(Structural Changes\) \(Areas and Membership of Public Bodies in Bedfordshire and Cheshire\) Order 2009 \(S.I. 2009/119\)](#), arts. 1(1), **6**
- F466** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1849](#), **art. 3**
- F467** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1847](#), **art. 3**
- F468** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1857](#), **art. 3**
- F469** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1855](#), **art. 3**
- F470** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1850](#), **art. 3**
- F471** Words in entry in Sch. 1 omitted (1.4.1998) by [S.I. 1997/1844](#), **art. 3(a)**
- F472** Words in entry in Sch. 1 inserted (1.4.1998) by [S.I. 1997/1844](#), **art. 3(b)**

#### Wales

<i>Name of police area</i>	<i>Extent</i>
Dyfed Powys	The counties of [F473]Ceredigion], Carmarthenshire, Pembrokeshire and Powys
Gwent	The county of Monmouthshire and the county boroughs of Blaenau Gwent, Caerphilly, Newport and Torfaen
North Wales	[F474]The counties of the Isle of Anglesey, Gwynedd, Denbighshire and Flintshire and the county boroughs of Conwy and Wrexham.]

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South Wales

The counties of Cardiff and Swansea and the county boroughs of Bridgend, Merthyr Tydfil, [<sup>F475</sup>Neath Port Talbot], Rhondda, Cynon, Taff and the Vale of Glamorgan

**Textual Amendments**

- F473** Word in entry in Sch. 1 substituted (25.6.1997) by 1997 c. 50, s. 129(b); S.I. 1997/1377, art. 2(2)(i)  
**F474** Entry in Sch. 1 substituted (25.6.1997) by 1997 c. 50, s. 129(c); S.I. 1997/1377, art. 2(2)(i)  
**F475** Words in entry in Sch. 1 substituted (25.6.1997) by 1997 c. 50, s. 129(d); S.I. 1997/1377, art. 2(2)(i)

<sup>F476</sup>SCHEDULE 2

Section 4

**Textual Amendments**

- F476** Sch. 2 omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 46; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 16)

<sup>F477</sup>SCHEDULE 2A

Section 5C

**Textual Amendments**

- F477** Sch. 2A omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 46; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 16)

<sup>F478</sup>SCHEDULE 3

Section 4.

**Textual Amendments**

- F478** Sch. 3 repealed (15.1.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 2 para. 6, Sch. 15 Pt. 1(B); S.I. 2006/3364, art. 2(b)(l) (with art. 3)

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F479 SCHEDULE 3A

**Textual Amendments**

F479 Sch. 3A repealed (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 6, [Sch. 15 Pt. 1\(B\)](#); S.I. 2006/3364, art. 2(b)(l) (with art. 3)

[F480 SCHEDULE 4

FORM OF DECLARATION

**Textual Amendments**

F480 Sch. 4 substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), ss. 83, 108(2)-(5); S.I. 2002/2306, art. 2(f)(ii)

‘I.....of.....do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.’]

[F481 SCHEDULE 4A

Section 54

FURTHER PROVISION ABOUT HER MAJESTY'S INSPECTORS OF CONSTABULARY

**Textual Amendments**

F481 Sch. 4A inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 29(2), 53(1); S.I. 2007/709, art. 3(m) (with art. 6)

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

C37 Sch. 4A modified (temp.) (1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), arts. 1(1), 3(4)

*Delegation of functions*

- 1 (1) An inspector of constabulary may delegate any of his functions (to such extent as he may determine) to another public authority.
- (2) If an inspector of constabulary delegates the carrying out of an inspection under subparagraph (1) it is nevertheless to be regarded for the purposes of section 54 and this Schedule as carried out by the inspector.

*Status: Point in time view as at 18/09/2012.*

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(3) In this Schedule “public authority” includes any person certain of whose functions are functions of a public nature.

*Inspection programmes and inspection frameworks*

- 2 (1) The chief inspector of constabulary shall from time to time <sup>F482</sup> ... prepare—
  - (a) a document setting out what inspections he proposes to carry out (an “inspection programme”);
  - (b) a document setting out the manner in which he proposes to carry out his functions of inspecting and reporting (an “inspection framework”).

(2) Before preparing an inspection programme or an inspection framework the chief inspector of constabulary shall consult the Secretary of State and (subject to sub-paragraph (3))—

- (a) Her Majesty's Chief Inspector of Prisons,
- (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
- (c) [<sup>F483</sup>Her Majesty’s Chief Inspector of Probation for England and Wales],
- <sup>F484</sup>(d) .....
- (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
- <sup>F485</sup>(f) .....
- <sup>F486</sup>(g) the Care Quality Commission,]
- (h) the Audit Commission for Local Government and the National Health Service in England <sup>F487</sup> ...,
- (i) the Auditor General for Wales, and
- (j) any other person or body specified by an order made by the Secretary of State,

and he shall send to [<sup>F488</sup>the Secretary of State] a copy of each programme or framework once it is prepared.

[ The chief inspector of constabulary must—

- <sup>F489</sup>(2A) (a) lay before Parliament a copy of each inspection programme or inspection framework prepared under this paragraph,
- (b) arrange for each such programme or framework to be published in such manner as the chief inspector thinks appropriate, and
- (c) send a copy of each such programme or framework to each of the persons or bodies listed in sub-paragraph (2)(a) to (j).

(2B) But the chief inspector of constabulary must obtain the approval of the Secretary of State to the inspection programme or framework in question before acting under sub-paragraph (2A).]

(3) The requirement in sub-paragraph (2) to consult, and [<sup>F490</sup>under sub-paragraph (2A) (c)] to send copies to, a person or body listed in paragraphs (a) to (j) of [<sup>F491</sup>sub-paragraph (2)] is subject to any agreement made between the chief inspector and that person or body to waive the requirement in such cases or circumstances as may be specified in the agreement.

<sup>F492</sup>(4) .....

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[ The Secretary of State may by order specify matters to which the chief inspector<sup>F493</sup>(4A) of constabulary must have regard in preparing an inspection programme or an inspection framework.

(4B) Those matters may (in particular) include the need to secure, so far as possible, the following objectives—

- (a) that any requirements placed on police forces as a result of inspections carried out under section 54 are not unduly burdensome; and
- (b) that inspections under that section can be carried out promptly in response to matters that raise issues of national importance in relation to the police.

(4C) For the purposes of sub-paragraph (4B)(b), the Secretary of State may issue guidance as to the matters that raise issues of national importance in relation to the police; and the chief inspector of constabulary must have regard to any such guidance in preparing an inspection programme or an inspection framework.]

(5) Nothing in any inspection programme or inspection framework is to be read as preventing the inspectors of constabulary from making visits without notice.

#### Textual Amendments

**F482** Words in Sch. 4A para. 2(1) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(2\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F483** Words in Sch. 4A para. 2(2)(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, [Sch. 1 para. 27\(2\)\(b\)](#)

**F484** Sch. 4A para. 2(2)(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 5\(a\)](#) (with art. 2)

**F485** Sch. 4A para. 2(2)(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 63(2)(a), [Sch. 15 Pt. 1](#); S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(x), 36

**F486** Sch. 4A para. 2(2)(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 5 para. 63\(2\)\(b\)](#); S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)

**F487** Words in Sch. 4A para. 2(2)(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(j), [Sch. 18 Pt. 9](#); S.I. 2008/172, art. 4(a)(n)(i)

**F488** Words in Sch. 4A para. 2(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(3\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F489** Sch. 4A para. 2(2A)(2B) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(4\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F490** Words in Sch. 4A para. 2(3) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(5\)\(a\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F491** Words in Sch. 4A para. 2(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(5\)\(b\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F492** Sch. 4A para. 2(4) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(6\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

**F493** Sch. 4A para. 2(4A)-(4C) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 85\(7\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

#### *Inspections by other inspectors of organisations within remit of inspectors of constabulary*

3 (1) If—

- (a) a person or body within sub-paragraph (2) is proposing to carry out an inspection that would involve inspecting a specified organisation, and

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- (b) the chief inspector of constabulary considers that the proposed inspection would impose an unreasonable burden on that organisation, or would do so if carried out in a particular manner,
- the chief inspector of constabulary shall, subject to sub-paragraph (7), give a notice to that person or body not to carry out the proposed inspection, or not to carry it out in that manner.
- (2) The persons or bodies within this sub-paragraph are—
- (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service;
  - (c) [<sup>F494</sup>Her Majesty's Inspectorate of Probation for England and Wales] ;
  - [<sup>F495</sup>(d) the Care Quality Commission;]
  - (e) the Audit Commission for Local Government and the National Health Service in England <sup>F496</sup> ....
- (3) The Secretary of State may by order amend sub-paragraph (2).
- (4) In sub-paragraph (1)(a) “specified organisation” means a person or body specified by an order made by the Secretary of State.
- (5) A person or body may be specified under sub-paragraph (4) only if it exercises functions in relation to any matter falling within the scope of the duties of the inspectors of constabulary under section 54 of this Act or any other enactment.
- (6) A person or body may be specified under sub-paragraph (4) in relation to particular functions that it has.
- In the case of a person or body so specified, sub-paragraph (1)(a) is to be read as referring to an inspection that would involve inspecting the discharge of any of its functions in relation to which it is specified.
- (7) The Secretary of State may by order specify cases or circumstances in which a notice need not, or may not, be given under this paragraph.
- (8) Where a notice is given under this paragraph, the proposed inspection is not to be carried out, or (as the case may be) is not to be carried out in the manner mentioned in the notice.
- This is subject to sub-paragraph (9).
- (9) The Secretary of State, if satisfied that the proposed inspection—
- (a) would not impose an unreasonable burden on the organisation in question, or
  - (b) would not do so if carried out in a particular manner,
- may give consent to the inspection being carried out, or being carried out in that manner.
- (10) The Secretary of State may by order make provision supplementing that made by this paragraph, including in particular—
- (a) provision about the form of notices;
  - (b) provision prescribing the period within which notices are to be given;
  - (c) provision prescribing circumstances in which notices are, or are not, to be made public;
  - (d) provision for revising or withdrawing notices;



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- (e) provision for setting aside notices not validly given.

#### Textual Amendments

- F494** Words in Sch. 4A para. 3(2)(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 26(2)(b)**
- F495** Sch. 4A para. 3(2)(d) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 63(3)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F496** Words in Sch. 4A para. 3(2)(e) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(j), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

#### Co-operation

- 4 The inspectors of constabulary shall co-operate with—
- (a) Her Majesty's Chief Inspector of Prisons,
  - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service,
  - [<sup>F497</sup>(c) Her Majesty's Inspectorate of Probation for England and Wales],
  - <sup>F498</sup>(d) .....
  - (e) Her Majesty's Chief Inspector of Education, Children's Services and Skills,
  - <sup>F499</sup>(f) .....
  - [<sup>F500</sup>(g) the Care Quality Commission,]
  - (h) the Audit Commission for Local Government and the National Health Service in England <sup>F501</sup> ...,
  - (i) the Auditor General for Wales, and
  - (j) any other public authority specified by an order made by the Secretary of State,

where it is appropriate to do so for the efficient and effective discharge of the functions of the inspectors of constabulary.

#### Textual Amendments

- F497** Words in Sch. 4A para. 4(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 26(2)(b)**
- F498** Sch. 4A para. 4(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty's Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 5(b)** (with art. 2)
- F499** Sch. 4A para. 4(f) repealed (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), Sch. 5 para. 63(4)(a), **Sch. 15 Pt. 1**; S.I. 2009/462, art. 2(1), Sch. 1 paras. 35(x), 36
- F500** Sch. 4A para. 4(g) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), **Sch. 5 para. 63(4)(b)**; S.I. 2009/462, art. 2(1), Sch. 1 para. 35(x)
- F501** Words in Sch. 4A para. 4(h) repealed (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), Sch. 9 para. 1(2)(j), **Sch. 18 Pt. 9**; S.I. 2008/172, art. 4(a)(n)(i)

#### Joint action

- 5 (1) The inspectors of constabulary may act jointly with another public authority where it is appropriate to do so for the efficient and effective discharge of their functions.

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- (2) The chief inspector of constabulary, acting jointly with the chief inspectors within sub-paragraph (3), shall prepare a document (a “joint inspection programme”) setting out—
  - (a) what inspections the inspectors of constabulary propose to carry out in the exercise of the power conferred by sub-paragraph (1), and
  - (b) what inspections the chief inspectors within paragraph (3) (or their inspectorates) propose to carry out in the exercise of any corresponding powers conferred on them.
- (3) The chief inspectors within this sub-paragraph are—
  - (a) Her Majesty's Chief Inspector of Prisons;
  - (b) Her Majesty's Chief Inspector of the Crown Prosecution Service;
  - <sup>F502</sup>(c) Her Majesty’s Chief Inspector of Probation for England and Wales];
  - <sup>F503</sup>(d) .....
- (4) A joint inspection programme must be prepared from time to time or at such times as the Secretary of State, the Lord Chancellor and the Attorney General may jointly direct.
- (5) Sub-paragraphs (2), (3) and (5) of paragraph 2 apply to a joint inspection programme as they apply to a document prepared under that paragraph.
- (6) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction specify the form that a joint inspection programme is to take.

**Textual Amendments**

**F502** Words in Sch. 4A para. 5(3)(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 27(2)(b)**

**F503** Sch. 4A para. 5(3)(d) repealed (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), **Sch. 1 para. 5(c)** (with art. 2)

*Assistance for other public authorities*

- 6 (1) The chief inspector of constabulary may if he thinks it appropriate to do so provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) Assistance under this paragraph may be provided on such terms (including terms as to payment) as the chief inspector of constabulary thinks fit.

<sup>F504</sup>*Powers of inspectors regarding information etc*

**Textual Amendments**

**F504** Sch. 4A paras. 6A, 6B and cross-headings inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 86, 157(1)**; S.I. 2011/3019, art. 3, Sch. 1

- 6A (1) The chief officer of police of a police force must—

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- (a) provide to an inspector such information and documents specified or described in a notification given by the inspector to that chief officer, and
- (b) produce or deliver up to the inspector all such evidence and other things so specified or described,

as appear to the inspector to be required for the purposes of an inspection under section 54.

- (2) A notification under sub-paragraph (1) requiring any information or documents to be provided may authorise or require that they be provided electronically.
- (3) Anything that a chief officer is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—
  - (a) in the notification imposing the requirement, or
  - (b) in any subsequent notification given by the inspector to the chief officer.
- (4) Nothing in this paragraph requires a chief officer—
  - (a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or
  - (b) to comply at all with any such obligation if it never becomes practicable to do so.
- (5) In this paragraph—
  - “document” means anything in which information of any description is recorded, and
  - “inspector” means—
    - (a) an inspector of constabulary, or
    - (b) a person appointed under section 56 as an assistant inspector of constabulary or staff officer to the inspectors of constabulary.

*Powers of inspectors regarding access to police premises*

- 6B (1) Sub-paragraph (2) applies if—
- (a) an inspector requires the chief officer of police of a police force to allow the inspector to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and
  - (b) the requirement is imposed for the purposes of an inspection under section 54.
- (2) The chief officer must secure that the required access is allowed to the inspector.
- (3) Where there are reasonable grounds for not allowing the inspector to have the required access at the time at which the inspector seeks to have it, the obligation under sub-paragraph (2) has effect as an obligation to secure that the required access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be any such grounds.
- (4) In this paragraph “document” and “inspector” have the same meanings as in paragraph 6A.]

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### *Orders under this Schedule*

- 7 A statutory instrument containing an order under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### *[<sup>F505</sup>Joint inspection of courts*

#### **Textual Amendments**

**F505** Sch. 4A para. 8 inserted (18.9.2012) by [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art. 1(2)(3), [Sch. 1 para. 5\(d\)](#) (with art. 2)

- 8 (1) The inspectors of constabulary may inspect any aspect of the Crown Court or magistrates’ courts in relation to their criminal jurisdiction which could have been inspected by Her Majesty’s Inspectorate of Court Administration immediately before its abolition.
- (2) Sub-paragraph (1) applies only if the inspection includes matters other than any aspect of the Crown Court or magistrates’ courts.
- (3) The power of the inspectors of constabulary under this paragraph is in addition to the power under paragraph 5 to act jointly with another public authority.]]

### <sup>F506</sup>SCHEDULE 5

Section 66.

#### **Textual Amendments**

**F506** Sch. 5 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), [Sch. 8](#); S.I. 2004/913, art. 2(f)(iv)

### SCHEDULE 6

Section 85.

#### APPEALS TO POLICE APPEALS TRIBUNALS

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

**C38** Sch. 6 applied (1.4.1998) by [1997 c. 50, s. 82\(2\)](#); S.I. 1998/354, [art. 2\(2\)\(ap\)](#)

### *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 [<sup>F507</sup>satisfy the judicial-appointment eligibility condition on a 5-year basis] and have been nominated by the Lord Chancellor for the purposes of this Schedule,

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- <sup>F508</sup>(b) one shall be Her Majesty's Chief Inspector of Constabulary appointed under section 54(1) or one of Her Majesty's Inspectors of Constabulary nominated by the Chief Inspector, and
- (c) one shall be the permanent secretary to the Home Office or a Home Office director nominated by the permanent secretary.]

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

**Textual Amendments**

**F507** Words in Sch. 6 para. 1(1)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 27](#); S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

**F508** Sch. 6 para. 1(1)(b)(c) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 11\(2\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

2 <sup>F509</sup>(1) In the case of an appeal by a member of a police force (other than a senior officer) or a special constable, the police appeals tribunal shall consist of <sup>F510</sup>three members appointed by the <sup>F511</sup>relevant local policing body], of whom—

- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),
- (b) one shall be a senior officer, <sup>F512</sup>and]

<sup>F513</sup>(c) .....

- (d) one shall be a retired member of a police force who, at the time of his retirement, was a member of an appropriate staff association.]

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

**Textual Amendments**

**F509** Sch. 6 para. 2(1) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 11\(3\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

**F510** Words in Sch. 6 para. 2(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 47\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F511** Words in Sch. 6 para. 2(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 47\(2\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F512** Word in Sch. 6 para. 2(1)(b) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 47\(2\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F513** Sch. 6 para. 2(1)(c) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 47\(2\)\(d\)](#); S.I. 2011/3019, art. 3, Sch. 1

*Notice of appeal*

3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 85.

*Respondent*

4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 85.

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### *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*

F514<sup>6</sup> .....

#### **Textual Amendments**

**F514** Sch. 6 para. 6 repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 11(4), Sch. 28 Pt. 8; S.I. 2008/2993, art. 2(1)(h)(ii)(k)(i) (with art. 3)

### *Effect of orders*

- 7 [F515(1) Where on the determination of an appeal the tribunal makes such an order as is mentioned in section 85(2), the order shall take effect—
- (a) by way of substitution for the decision appealed against, and
  - (b) as from the date of that decision.]
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

#### **Textual Amendments**

**F515** Sch. 6 para. 7(1) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 11(5); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

### *Remuneration and expenses*

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

### *Costs*

- 9 (1) An appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the [F516 relevant local policing body].

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- (2) Subject to sub-paragraph (1), all the costs and expenses of an appeal under section 85, including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8, shall be defrayed out of the police fund of the [<sup>F516</sup> relevant local policing body ] .

#### Textual Amendments

**F516** Words in Sch. 6 para. 9 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 47\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

#### Interpretation

- 10 In this Schedule—
- (a) “senior officer” means a member of a police force holding a rank above that of [<sup>F517</sup>chief] superintendent,
- [<sup>F518</sup>(b) [<sup>F519</sup>“relevant local policing body” means the local policing body] which maintains—
- (i) the police force of which the appellant is a member, or
- (ii) the police force for the area for which the appellant is appointed as a special constable,
- as the case may be.]
- [<sup>F520</sup>(c) “appropriate staff association” means—
- (i) where the appellant was, immediately before the proceedings from which the appeal is brought, of the rank of chief superintendent or superintendent, the Police Superintendents' Association of England and Wales; and
- (ii) in any other case, the Police Federation of England and Wales.]

#### Textual Amendments

**F517** Word in Sch. 6 para. 10(a) inserted (1.1.2002) by [2001 c. 16, s. 125\(5\)\(a\)\(6\)](#); S.I. 2001/3736, [art. 3\(a\)](#)

**F518** Sch. 6 para. 10(b) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 11\(6\)\(a\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

**F519** Words in Sch. 6 para. 10(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 47\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F520** Sch. 6 para. 10(c) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 11\(6\)\(b\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)



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## SCHEDULE 7

Section 103.

## CONSEQUENTIAL AMENDMENTS

## PART I

## REFERENCES TO POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3 OF POLICE ACT 1964

- 1 (1) In the provisions referred to in sub-paragraph (2), for “section 3 of the Police Act 1964”, in each place where it occurs, there shall be substituted “ section 3 of the Police Act 1996 ”.
- (2) The provisions referred to in sub-paragraph (1) are—
- (a) section 11(4)(a) of, and paragraph 9(d) of Part II of Schedule 1 to, the <sup>M17</sup>Trustee Investments Act 1961;
  - (b) sections 2(6) and 8(1) of the <sup>M18</sup>Local Government (Records) Act 1962;
  - (c) section 11(2) of the <sup>M19</sup>Local Government Act 1966;
  - (d) section 28(5)(a) of the <sup>M20</sup>Leasehold Reform Act 1967;
  - (e) section 1(3) of the <sup>M21</sup>Local Government Grants (Social Need) Act 1969;
  - <sup>F521</sup>(f) . . . . .
  - (g) the definition of “public body” in section 1(4) of the <sup>M22</sup>Local Authorities (Goods and Services) Act 1970;
  - (h) sections 98(1A), 99, 100J(1)(e) and (4)(a), 146A(1) and (1A), 223(2), 228(7A), 229(8), 231(4), 232(1A), 233(11) and 234(4) of, and paragraphs 6A(1), 6B(b) and 46 of Schedule 12 to, the <sup>M23</sup>Local Government Act 1972;
  - (i) section 13(7)(f) of the <sup>M24</sup>Employment Agencies Act 1973;
  - (j) section 25(1)(ca) of the <sup>M25</sup>Local Government Act 1974;
  - (k) paragraph (a) of the definition of “local authority” in section 44(1) of the <sup>M26</sup>Local Government (Miscellaneous Provisions) Act 1976;
  - <sup>F522</sup>(l) . . . . .
  - (m) section 5(3)(baa) of the <sup>M27</sup>Rent (Agriculture) Act 1976;
  - (n) section 14(caa) of the <sup>M28</sup>Rent Act 1977;
  - <sup>F523</sup>(o) . . . . .
  - (p) paragraphs (a)(i) and (aa) of the definition of “local authority” in section 20(1) of the <sup>M29</sup>Local Government, Planning and Land Act 1980 and section 99(4)(dc) of, and paragraph 5C of Schedule 16 to, that Act;
  - (q) paragraphs (a) and (b) of the definition of “local authority” in section 17(4) of the <sup>M30</sup>Acquisition of Land Act 1981;
  - (r) section 33(9)(a) of, and paragraph (ca) of the definition of “local authority” in section 41(13) of, the <sup>M31</sup>Local Government (Miscellaneous Provisions) Act 1982;
  - <sup>F524</sup>(s) . . . . .
  - (t) paragraph 7(1)(ba) of Schedule 1 to the <sup>M32</sup>Stock Transfer Act 1982;
  - (u) the definition of “local authority” in section 60(3) of the <sup>M33</sup>County Courts Act 1984;
  - (v) section 4(e) of the <sup>M34</sup>Housing Act 1985;

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- (w) the definition of “local authority” in section 106(1) of the <sup>M35</sup>Housing Associations Act 1985;
- (x) the definition of “local authority” in section 38 of the <sup>M36</sup>Landlord and Tenant Act 1985;
- (y) sections 6(2)(a) and 9(1)(a) of the <sup>M37</sup>Local Government Act 1986;
- (z) section 58(1)(a) of the <sup>M38</sup>Landlord and Tenant Act 1987;
- (za) section 1(1)(e) of, and Schedule 2 to, the <sup>M39</sup>Local Government Act 1988;
- (zb) sections 111(2)(e) and 112(2)(a) of the <sup>M40</sup>Local Government Finance Act 1988;
- (zc) paragraph 12(2)(g) of Schedule 1 to the <sup>M41</sup>Housing Act 1988;
- (zd) sections 5(1), 21(1)(g), <sup>F525</sup>... 67(3)(i), 101(3)(ea), 155(4)(ea) and 157(6)(g) of the <sup>M42</sup>Local Government and Housing Act 1989;
- (ze) the definition of “local authority” in section 252(12) of the <sup>M43</sup>Town and Country Planning Act 1990;
- (zf) sections 19(3)(c), 39(1)(b) <sup>F526</sup>... of the <sup>M44</sup>Local Government Finance Act 1992.

#### Textual Amendments

- F521** Sch. 7 Pt. I para. 1(2)(f) repealed (26.3.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2001/1148, art. 2, **Sch. Table**
- F522** Sch. 7 Pt. I para. 1(2)(l) repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**
- F523** Sch. 7 para. 1(2)(o) repealed (19.6.1997) by 1997 c. 25, s. 73(3), **Sch. 6 Pt. I**
- F524** Sch. 7 para. 1(2)(s) repealed (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), **Sch. 5**
- F525** Words in Sch. 7 para. 1(2)(zd) repealed (27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, 1.4.2004 for E.) by **Local Government Act 2003 (c. 26), s. 128(6), Sch. 8 Pt. 1**; S.I. 2003/3034, art. 2, **Sch. 1 Pt. 1**; S.I. 2003/2938, art. 7(e)(vii) (with art. 8, Sch.)
- F526** Words in Sch. 7(Zf) repealed (27.7.1999) by 1999 c. 27, s. 34, **Sch. 2(2)**

#### Marginal Citations

- M17** 1961 c. 62.
- M18** 1962 c. 56.
- M19** 1966 c. 42.
- M20** 1967 c. 88.
- M21** 1969 c. 2.
- M22** 1970 c. 39.
- M23** 1972 c. 70.
- M24** 1973 c. 35.
- M25** 1974 c. 7.
- M26** 1976 c. 57.
- M27** 1976 c. 80.
- M28** 1977 c. 42.
- M29** 1980 c. 65.
- M30** 1981 c. 67.
- M31** 1982 c. 30.
- M32** 1982 c. 41.
- M33** 1984 c. 28.
- M34** 1985 c. 51.

*Status: Point in time view as at 18/09/2012.*

**Changes to legislation:** *Police Act 1996 is up to date with all changes known to be in force on or before 27 April 2024. 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)*

- M35** 1985 c. 69.
- M36** 1985 c. 70.
- M37** 1986 c. 10.
- M38** 1987 c. 31.
- M39** 1988 c. 9.
- M40** 1988 c. 41.
- M41** 1988 c. 50.
- M42** 1989 c. 42.
- M43** 1990 c. 8.
- M44** 1992 c. 14.

## PART II

### OTHER CONSEQUENTIAL AMENDMENTS

#### *Pedlars Act 1871 (c. 96)*

- 2 In section 5 of the Pedlars Act 1871, in paragraph 1 for “of the police district” there shall be substituted “ for the police area ”.
- 3 In section 8 of that Act—
- (a) for “police district” there shall be substituted “ police area ”, and
  - (b) for “such district” there shall be substituted “ the area ”.
- 4 In section 9 of that Act for “police district”, in both places where it occurs, there shall be substituted “ police area ”.
- 5 In section 21 of that Act for “district” there shall be substituted “ police area ”.
- 6 In Schedule 2 to that Act for “police district” in each place where it occurs in Form A and Form B there shall be substituted “ police area ”.

#### *Parks Regulation Act 1872 (c. 15)*

- 7 In section 7 of the Parks Regulation Act 1872 for “police district” there shall be substituted “ police area ”.
- 8 In section 8 of that Act for “of the district” there shall be substituted “ for the police area ”.

#### *Riot (Damages) Act 1886 (c. 38)*

- 9 In section 2(1) of the Riot (Damages) Act 1886—
- (a) for “any police district” there shall be substituted “ a police area ”, and
  - (b) for “such district” there shall be substituted “ the area ”.
- 10 In section 3 of that Act—
- (a) in subsection (1) for “district” there shall be substituted “ police area ”, and
  - (b) in subsection (3) for “police district” there shall be substituted “ police area ”.
- 11 In section 9 of that Act—
- (a) for “police district” there shall be substituted “ police area ”,

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- (b) for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”, and
- (c) for “any other district” there shall be substituted “ any other police area ”.

*Local Government Act 1958 (c. 55)*

- 12 In section 60(2) of the Local Government Act 1958 after “Part I of the Police Act 1964” there shall be inserted “ or section 32 of the Police Act 1996 ”.

*Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)*

- 13 (1) Section 13 of the Superannuation (Miscellaneous Provisions) Act 1967 shall be amended as follows.
- (2) In subsection (1)—
- (a) for “section 35 of the Police Act 1964” there shall be substituted “ section 52 of the Police Act 1996 ”, and
  - (b) in paragraph (a) for “section 17 of that Act” there shall be substituted “ section 28 of that Act ”.
- (3) In subsection (3) for “sections 35 and 17 of the Police Act 1964” there shall be substituted “ sections 52 and 28 of the Police Act 1996 ”.

*Police (Scotland) Act 1967 (c. 77)*

- 14 (1) Section 26 of the Police (Scotland) Act 1967 shall be amended as follows.
- (2) In subsection (2)(i) for “section 47 of the Police Act 1964” there shall be substituted “ section 64 of the Police Act 1996 ”.
- (3) In subsection (9) for the words from “other than” to “1980” there shall be substituted “ other than regulations with respect to any of the matters mentioned in section 61(1) of the Police Act 1996 ”.
- 15 In section 39(4) of that Act, for “or section 141 of the Criminal Justice and Public Order Act 1994” there shall be substituted “ or section 98 of the Police Act 1996 ”.

*Firearms Act 1968 (c. 27)*

- 16 In Schedule 1 to the Firearms Act 1968, in paragraph 5 for “section 51(1) of the Police Act 1964” there shall be substituted “ section 89(1) of the Police Act 1996 ”.

*Police Act (Northern Ireland) 1970 (c. 9 (N.I.))*

F527 17 .....

**Textual Amendments**

**F527** Sch. 7 para. 17 repealed (1.4.1999) by 1998 c. 32, s. 74(2)(3), Schs. 5, 6; S.R. 1999/176, art. 3 (with art. 4)

*Pensions (Increase) Act 1971 (c. 56)*

- 18 (1) Schedule 2 to the Pensions (Increase) Act 1971 shall be amended as follows.

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- (2) In paragraph 15—
- (a) in sub-paragraph (b) for “section 53C of the Police Act 1964” there shall be substituted “ section 97 of the Police Act 1996 ”,
  - (b) in sub-paragraph (ba) for “section 15A(2) of the Police Act 1964” there shall be substituted “ section 26(2) of the Police Act 1996 ”,
  - (c) in sub-paragraph (c) for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”, and
  - (d) for sub-paragraph (d) there shall be substituted—
    - “(d) was engaged—
      - (i) on relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996, or
      - (ii) on central service pursuant to section 38 of the Police (Scotland) Act 1967.”
- (3) In paragraph 43, for sub-paragraph (b) there shall be substituted—
- “(b) section 51 or 52 of the Police Act 1996;”.
- (4) In paragraph 51(a) for “section 10 of the Police Act 1964” there shall be substituted “ section 15 of the Police Act 1996 ”.

*Superannuation Act 1972 (c. 11)*

- 19 In section 15(5)(b) of the Superannuation Act 1972 for “section 34 or 35 of the Police Act 1964” there shall be substituted “ section 51 or 52 of the Police Act 1996 ”.
- 20 Schedule 1 to that Act shall continue to have effect with the following entry (originally inserted by paragraph 7(1) of Schedule 4 to the <sup>M45</sup>Police and Criminal Evidence Act 1984) in the list of “Other Bodies”— “ Police Complaints Authority ”.

**Marginal Citations**

**M45** 1984 c. 60.

*Local Government Act 1972 (c. 70)*

- 21 In section 94(5)(b) of the Local Government Act 1972 for “or paragraph 26 of Schedule 1B to the Police Act 1964” there shall be substituted “ or paragraph 25 of Schedule 2 to the Police Act 1996 ”.

*Overseas Pensions Act 1973 (c. 21)*

- 22 In section 2(2)(d)(i) of the Overseas Pensions Act 1973 for the words from “section 53C(1)(a), (c) or (e)” to “1980)” there shall be substituted “ section 97(1) (a), (e) or (g) of the Police Act 1996 (service under section 26 of the Police Act 1996, under section 1(1) of the Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980) ”.

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*Juries Act 1974 (c. 23)*

F528 23 .....

**Textual Amendments**

**F528** Sch. 7 para. 23 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 10](#); [S.I. 2004/829](#), art. 2(1)(2)(l)(iv)

*House of Commons Disqualification Act 1975 (c. 24)*

24 In section 1(3) of the House of Commons Disqualification Act 1975, in the definition of “police authority”, for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”.

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

25 In section 1(2) of the Northern Ireland Assembly Disqualification Act 1975, in the definition of “police authority”, for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”.

*Salmon and Freshwater Fisheries Act 1975 (c. 51)*

26 In Schedule 3 to the Salmon and Freshwater Fisheries Act 1975, in Part III, in paragraph 39(1)(c) for “section 15 of the Police Act 1964” there shall be substituted “ section 25 of the Police Act 1996 ”.

*Sex Discrimination Act 1975 (c. 65)*

27 (1) Section 17 of the Sex Discrimination Act 1975 shall be amended as follows.

(2) In subsection (2) for “section 33, 34 or 35 of the Police Act 1964” there shall be substituted “ section 50, 51 or 52 of the Police Act 1996 ”.

(3) In subsection (7) for “the Police Act 1964”, in each place where it occurs, there shall be substituted “ the Police Act 1996 ”.

(4) In subsection (8)—

(a) for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”, and

(b) for “sections 33, 34 and 35” there shall be substituted “ sections 50, 51 and 52 ”.

*Police Pensions Act 1976 (c.35)*

28 Section 1(1) of the <sup>M46</sup>Police Pensions Act 1976 shall continue to have effect with a reference to the Police Negotiating Board for the United Kingdom substituted for the reference to the Police Council for the United Kingdom (the substitution originally made by section 2(3) of the <sup>M47</sup>Police Negotiating Board Act 1980).

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**Marginal Citations**

- M46** 1980 c. 10.
- M47** 1980 c.10.

- 29 (1) Section 7(2) of that Act shall be amended as follows.
- (2) In paragraph (ba) for “section 15A(2) of the Police Act 1964” there shall be substituted “ section 26(2) of the Police Act 1996 ”.
- (3) In paragraph (bb) for “section 53C of the Police Act 1964” there shall be substituted “ section 97 of the Police Act 1996 ”.
- 30 (1) Section 11 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (aa) for “section 15A(2) of the Police Act 1964” there shall be substituted “ section 26(2) of the Police Act 1996 ”,
  - (b) in paragraph (ab) for “section 53C of the Police Act 1964” there shall be substituted “ section 97 of the Police Act 1996 ”, and
  - (c) for paragraph (c) there shall be substituted—
    - “(c) central service in respect of which the provisions of section 97 of the Police Act 1996 or (as the case may be) section 38A of the Police (Scotland) Act 1967 have effect.”.
- (3) In subsection (2) for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”.
- (4) In subsection (3) for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”.
- (5) In subsection (5) for the definition of “central service” there shall be substituted—
- ““central service”—
  - (a) means relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996, or
  - (b) has the meaning given in section 38(5) of the Police (Scotland) Act 1967,
- (as the case may require).”

*Race Relations Act 1976 (c. 74)*

F529 31 .....

**Textual Amendments**

- F529** Sch. 7 para. 31 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

*Interpretation Act 1978 (c. 30)*

- 32 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), in the definition of “police area” etc., for “section 62 of the Police Act 1964” there shall be substituted “ section 101(1) of the Police Act 1996 ”.



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*Finance Act 1981 (c. 35)*

- 33 In section 107(3)(k) of the Finance Act 1981 for “section 62 of the Police Act 1964” there shall be substituted “ section 101(1) of the Police Act 1996 ”.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 34 In section 5(1) of the Police and Criminal Evidence Act 1984 for paragraph (a) there shall be substituted—  
“ (a) under section 22 of the Police Act 1996; or”.
- 35 In section 50(2) of that Act for paragraph (a) there shall be substituted—  
“ (a) under section 22 of the Police Act 1996; or”.
- 36 In section 55(14) of that Act for paragraph (a) there shall be substituted—  
“ (a) under section 22 of the Police Act 1996; or”.
- 37 In section 64(6B) of that Act—  
(a) the definition of “chief officer of police” shall be omitted, and  
(b) in the definition of “the responsible chief officer of police” after “whose” there shall be inserted “ police ”.
- 38 In section 77(3) of that Act, in the definition of “police purposes”, for “section 64 of the Police Act 1964” there shall be substituted “ section 101(2) of the Police Act 1996” ”.

*Prosecution of Offences Act 1985 (c. 23)*

- 39 In section 3(3) of the Prosecution of Offences Act 1985, in the definition of “police force”, for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”.

*Housing Act 1985 (c. 68)*

- 40 In Schedule 1 to the Housing Act 1985, in paragraph 2(2), for “section 33 of the Police Act 1964” there shall be substituted “ section 50 of the Police Act 1996 ”.

*Ministry of Defence Police Act 1987 (c. 4)*

- 41 In section 1(2)(a) of the Ministry of Defence Police Act 1987 for “the Police Act 1964” there shall be substituted “ the Police Act 1996 ”.

*Football Spectators Act 1989 (c. 37)*

- 42 <sup>F530</sup> .....

**Textual Amendments**

**F530** Sch. 7 para. 42 repealed (28.8.2000) by 2000 c. 25, s. 1(3), Sch. 3; S.I. 2000/2125, art. 2

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*Aviation and Maritime Security Act 1990 (c. 31)*

- 43 In section 22(4)(b)(i) of the Aviation and Maritime Security Act 1990 for “section 96(1) of the Police and Criminal Evidence Act 1984” there shall be substituted “ section 78(1) of the Police Act 1996 ”.

*Local Government Act 1992 (c. 19)*

- 44 In section 17(6) of the Local Government Act 1992 for “at the commencement of section 1 of the Police and Magistrates’ Courts Act 1994” there shall be substituted “ on 1st April 1995 ”.

*Tribunals and Inquiries Act 1992 (c. 53)*

- 45 In section 7 of the Tribunals and Inquiries Act 1992, in subsection (2), after “36(a),” there shall be inserted “ 36A, ”.

- 46 In Schedule 1 to that Act, in Part I, after paragraph 36 there shall be inserted—

“Police	36A. An appeals tribunal constituted in accordance with Schedule 6 to the Police Act 1996 (c.00).”
---------	--

*Criminal Appeal Act 1995 (c.35)*

- 47 In section 22(2)(c) of the Criminal Appeal Act 1995 for “section 2 of the Police Act 1964” there shall be substituted “ section 2 of the Police Act 1996 ”.

SCHEDULE 8

Section 103.

TRANSITIONAL PROVISIONS, SAVINGS ETC.

**PART I**

GENERAL PROVISIONS

*Continuity of the law*

- 1 (1) The repeal (or revocation) and re-enactment of provisions in this Act does not affect the continuity of the law.
- (2) Any subordinate legislation made or other thing done, or having effect as if done, under or for the purposes of any provision repealed and re-enacted by this Act shall, if in force or effective immediately before the commencement of the corresponding provision of this Act, have effect thereafter as if made or done under or for the purposes of that corresponding provision.
- (3) Any reference (express or implied) in this Act or any other enactment or in any instrument or document—
- (a) to any provision of this Act, or

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- (b) to things done or falling to be done under or for the purposes of any provision of this Act,  
shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision repealed by this Act had effect, a reference—  
(i) to that corresponding provision, or  
(ii) to things done or falling to be done under or for the purposes of that corresponding provision,  
as the case may be.
- (4) Any reference (express or implied) in any enactment or in any instrument or document—  
(a) to any provision repealed and re-enacted by this Act, or  
(b) to things done or falling to be done under or for the purposes of any such provision,  
shall (so far as the context permits) be construed as including, in relation to times, circumstances or purposes in relation to which the corresponding provision of this Act has effect, a reference—  
(i) to that corresponding provision, or  
(ii) to things done or falling to be done under or for the purposes of that corresponding provision,  
as the case may be.
- (5) Without prejudice to the generality of sub-paragraph (4), where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in Acts passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- (6) Sub-paragraphs (1) to (5) have effect instead of section 17(2) of the <sup>M48</sup>Interpretation Act 1978 (but are without prejudice to any other provision of that Act).
- (7) This paragraph is to be read subject to the provisions of any order made under section 104 or under paragraph 11 below.

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

**C39** Sch. 8 para. 1 excluded (31.3.1999) by S.I. 1999/533, art. 3(2)

**Marginal Citations**

**M48** 1978 c. 30.

*General saving for old transitional provisions and savings*

- 2 The repeal by this Act of any provision of Part II of Schedule 4 to the <sup>M49</sup>Police and Criminal Evidence Act 1984, or any other transitional provision or saving relating to the coming into force of a provision reproduced in this Act, does not affect the operation of the transitional provision or saving in so far as it is not specifically reproduced in this Act but remains capable of having effect in relation to the corresponding provision of this Act or otherwise.

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#### Marginal Citations

**M49** 1984 c. 60.

- 3 The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

*Use of existing forms, etc.*

- 4 Any reference to an enactment repealed by this Act which is contained in a document made, served or issued on or after the commencement of that repeal shall be construed, except so far as a contrary intention appears, as a reference or, as the context may require, as including a reference to the corresponding provision of this Act.

## PART II

### PROVISIONS RELATING TO PARTICULAR ENACTMENTS

#### *Pedlars Act 1871*

- 5 Any reference to a police district contained in—
- (a) an application for a pedlar’s certificate under the <sup>M50</sup>Pedlars Act 1871 made before the commencement of paragraphs 2 to 6 of Schedule 7 to this Act, or
  - (b) a pedlar’s certificate granted under that Act before that commencement,
- shall on and after that commencement be read as if it were a reference to the equivalent police area.

#### Marginal Citations

**M50** 34 & 35 Vict. c. 96.

#### *Savings relating to the Police Act 1964*

- 6 Notwithstanding the repeal by this Act of subsection (4) of section 58 of the <sup>M51</sup>Police Act 1964 (provision made by regulations for chief constables affected by amalgamations or reorganisations not to be less favourable than that under the <sup>M52</sup>Police Pensions Act 1976), that subsection shall continue to have effect in relation to any person who was the chief constable of a police force on 1st July 1964 and became a member of another police force by virtue of that section.

#### Marginal Citations

**M51** 1964 c. 48.

**M52** 1976 c. 35.

- 7 Notwithstanding the repeal by this Act of subsection (4) of section 64 of that Act (power to make consequential amendments to local Acts by order), any local enactment which immediately before the coming into force of that repeal had effect

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with modifications by virtue of an order made under that subsection shall continue to have effect with those modifications.

*Saving for transitional provisions under the Police and Magistrates' Courts Act 1994*

- 8 Without prejudice to the generality of paragraph 1(4) above, any transitional provision which—
- (a) is contained in an order made under section 94(1) of the <sup>M53</sup>Police and Magistrates' Courts Act 1994, and
  - (b) relates to the coming into force of a provision of that Act reproduced in this Act,
- shall, in so far as it remains capable of having effect, continue to operate in relation to the corresponding provision of this Act.

**Marginal Citations**

**M53** 1994 c. 29.

*Police areas*

- 9 For the period beginning with the commencement of Schedule 1 to this Act and ending on 31st March 1997, that Schedule shall have effect as if—
- (a) for the entry in the second column opposite the name of the Bedfordshire police area there were substituted—  
\_\_\_\_\_  
“The county of Bedfordshire”,  
\_\_\_\_\_
  - (b) for the entry in that column opposite the name of the Derbyshire police area there were substituted—  
\_\_\_\_\_  
“The county of Derbyshire”,  
\_\_\_\_\_
  - (c) for the entry in that column opposite the name of the Dorset police area there were substituted—  
\_\_\_\_\_  
“The county of Dorset”,  
\_\_\_\_\_
  - (d) for the entry in that column opposite the name of the Durham police area there were substituted—  
\_\_\_\_\_  
“The county of Durham”,  
\_\_\_\_\_
  - (e) for the entry in that column opposite the name of the Hampshire police area there were substituted—  
\_\_\_\_\_  
“The counties of Hampshire and Isle of Wight”,  
\_\_\_\_\_
  - (f) for the entry in that column opposite the name of the Leicestershire police area there were substituted—  
\_\_\_\_\_  
“The county of Leicestershire”,  
\_\_\_\_\_

*Status: Point in time view as at 18/09/2012.*

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- (g) for the entry in that column opposite the name of the Staffordshire police area there were substituted—

“The county of Staffordshire”,

- (h) for the entry in that column opposite the name of the Sussex police area there were substituted—

“The counties of East Sussex and West Sussex”,

- (i) for the entry in that column opposite the name of the Thames Valley police area there were substituted—

“The counties of Berkshire, Buckinghamshire and Oxfordshire”,

- (j) for the entry in that column opposite the name of the Wiltshire police area there were substituted—

“The county of Wiltshire”.

- 10 Notwithstanding the repeal by this Act of sections 21A and 21C of the <sup>M54</sup>Police Act 1964 (power to amend Welsh police areas in relation to the Welsh local government reorganisation), any order made under section 21A of that Act shall continue to have effect.

#### Marginal Citations

M54 1964 c. 48.

### PART III

#### PROVISIONS RELATING TO COMPLAINTS AND DISCIPLINE

##### *Modification of enactments pending commencement of new discipline procedures*

- 11 (1) Until such day as the Secretary of State may by order appoint, the provisions of this Act mentioned in sub-paragraphs (2) and (3) shall have effect subject to the modifications set out in those sub-paragraphs.
- (2) Section 59 shall have effect as if—
- (a) in subsection (2) for “proceedings brought under regulations made in accordance with section 50(3) above or section 26(2A) of the Police (Scotland) Act 1967” there were substituted “disciplinary proceedings”, and
- (b) in subsection (3) for “a police appeals tribunal” there were substituted “the Secretary of State”.
- (3) Section 91(1) shall have effect as if after “services” there were inserted “or to commit breaches of discipline”.

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- (4) Subsections (3) to (5) of section 104 shall have effect in relation to an order under this paragraph as they have effect in relation to an order under that section.

**Subordinate Legislation Made**

- P2** Sch. 8 para. 11 power partly exercised (3.3.1999): 1.4.1999 appointed for specified provisions by [S.I. 1999/533](#), [art. 2](#)

**Extent Information**

- E6** Sch. 8 para. 11 extends G.B. except para. 11(3) which extends E.W. only

*Modification of section 81*

- 12 Until such day as the Lord Chancellor may appoint under section 16(2) of the <sup>M55</sup>Civil Evidence Act 1995 (commencement orders) for the commencement of paragraph 9(3) of Schedule 1 to that Act, section 81 of this Act shall have effect as if for subsection (3) there were substituted—

“(3) In this section “document” has the same meaning as in Part I of the Civil Evidence Act 1968.”

**Marginal Citations**

- M55** 1995 c. 38.

*Saving for complaints procedures established for other bodies of constables*

- 13 The coming into force of any provision of Part IV of this Act which re-enacts a provision of Part IX of the <sup>M56</sup>Police and Criminal Evidence Act 1984 (police complaints), as amended by the <sup>M57</sup>Police and Magistrates’ Courts Act 1994, shall not affect any procedures established by virtue of section 96 of the 1984 Act (constabularies maintained by authorities other than police authorities) before that provision comes into force.

**Marginal Citations**

- M56** 1984 c. 60.  
**M57** 1994 c. 29.

SCHEDULE 9

Section 103.

REPEALS AND REVOCATIONS

**Extent Information**

- E7** The repeals and revocations in Sch. 9 have the same extent as the enactments to which they refer, see s. 105(4)



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## PART I

### REPEALS: GENERAL

Chapter	Short title	Extent of repeal
23 Geo. 5 c. 12.	Children and Young Persons Act 1933.	In section 107(1), in the definition of “Chief officer of police” the words “as regards England has the same meaning as in the Police Act 1964,”.
1964 c. 48.	The Police Act 1964.	The whole Act (except sections 37 and 60 to 65, Schedule 5 and the provisions of Schedule 9 other than the entry relating to the Children and Young Persons Act 1933).
1967 c. 77.	The Police (Scotland) Act 1967.	In Schedule 4, the paragraphs under the heading “The Police Act 1964”.
1971 c. 56.	Pensions (Increase) Act 1971.	In Schedule 2, in paragraph 51 the words “other than a local authority”.
1972 c. 39.	The Police Act 1972.	The whole Act.
1972 c. 70.	The Local Government Act 1972.	Section 196.
1976 c. 35.	The Police Pensions Act 1976.	In Schedule 2, paragraph 5.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, paragraph 18. In Schedule 6, the entry headed “Police Act 1964”.
1980 c. 10.	The Police Negotiating Board Act 1980.	The whole Act.
1982 c. 48.	The Criminal Justice Act 1982.	In Schedule 3, the entry headed “the Police Act 1964”.
1984 c. 60.	The Police and Criminal Evidence Act 1984.	In section 64(6B), the definition of “chief officer of police” and the word “and” immediately after it. Sections 106, 109 and 112.
1988 c. 41.	The Local Government Finance Act 1988.	Sections 64(7)(e) and (f) and 144(4).
1989 c. 11.	The Police Officers (Central Service) Act 1989.	Sections 1 and 3. The Schedule.

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1994 c. 29.	The Police and Magistrates Courts Act 1994.	Sections 1 to 26, 28, 29, 32, 34 to 38, 45 and 95. Schedules 1 to 3. In Schedule 4, paragraph 6. In Schedule 5, paragraphs 1 to 16, 21, 22, 24(b), 25 to 28, 31 to 34, 39(a) and 40(2). In Schedule 9, in Part I, the entries relating to sections 53(1), 60(1) and 60(2) of the Police Act 1964. In Schedule 9, in Part I, the entries relating to the Police and Criminal Evidence Act 1984 (except for the entries relating to section 108 of, and Schedules 4 and 6 to, that Act). In Schedule 9, in Part I, the entry relating to the Courts and Legal Services Act 1990.
1994 c. 33.	The Criminal Justice and Public Order Act 1994.	Section 141. Section 160(1). In Schedule 10, paragraphs 13, 14, 17 and 27.

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## PART II

### REPEALS CONSEQUENTIAL ON NEW DISCIPLINE AND COMPLAINTS PROCEDURES

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1964 c. 48.	The Police Act 1964.	Section 37. Sections 60 to 62. Section 64 (except subsection (2)). Section 65(2) to (4). Schedule 5.
1984 c. 60.	The Police and Criminal Evidence Act 1984.	Section 67(8). Sections 83 to 105. Schedule 4.
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 10, paragraph 22.
1994 c. 29.	The Police and Magistrates' Courts Act 1994.	In Schedule 5, in paragraph 24 the opening words and sub-paragraph (a). In Schedule 5, paragraphs 29, 30 and 36.

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**PART III**

## REVOCATIONS

<b>Number</b>	<b>Title</b>	<b>Extent of revocation</b>
S.I. 1995/493	The Avon (Structural Change) Order 1995.	Article 13.
S.I. 1995/600	The Humberside (Structural Change) Order 1995.	Article 11.
S.I. 1995/610	The North Yorkshire (District of York) (Structural and Boundary Changes) Order 1995.	Article 12.
S.I. 1995/1747	The Cleveland (Further Provision) Order 1995.	Article 4.
S.I. 1995/1769	The Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1770	The East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995.	Article 7.
S.I. 1995/1771	The Dorset (Boroughs of Poole and Bournemouth) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1772	The Durham (Borough of Darlington) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1773	The Derbyshire (City of Derby) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1774	The Wiltshire (Borough of Thamesdown) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1775	The Hampshire (Cities of Portsmouth and Southampton) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1776	The Bedfordshire (Borough of Luton) (Structural Change) Order 1995.	Article 5.
S.I. 1995/1779	The Staffordshire (City of Stoke-on-Trent) (Structural	Article 7.

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	and Boundary Changes) Order 1995.	
S.I. 1996/507	The Leicestershire (City of Leicester and District of Rutland) (Structural Change) Order 1996.	Article 5.

## TABLE OF DERIVATIONS

### Notes:

- 1 This Table shows the derivation of the provisions of the Act.
- 2 The following abbreviations are used in the Table:—

1964	= Police Act 1964 (c.48)
1972	= Police Act 1972 (c.39)
1980	= Police Negotiating Board Act 1980 (c.10)
1984	= Police and Criminal Evidence Act 1984 (c.60)
1989	= Police Officers (Central Service) Act 1989 (c.11)
1994	= Police and Magistrates' Courts Act 1994 (c.29)
1994 (c.33)	= Criminal Justice and Public Order Act 1994 (c.33)

Provision	Derivation
1(1)	1964 s.1(1); 1994 s.1(1) (part).
(2)	1964 s.1(2) (part); 1994 s.1(1) (part).
(3)	1964 s.1(3); 1994 s.1(1) (part)
2	1964 s.2; 1994 s.2 (part).
3	1964 s.3; 1994 s.2 (part).
4	1964 s.3A; 1994 s.3(1) (part).
5(1)	1964 s.3B(1); 1994 s.3(1) (part).
(2)	1964 s.3B(2) (part); 1994 s.3(1) (part).
(3)	1964 s.3B(3); 1994 s.3(1) (part).
6	1964 s.4; 1994 s.4 (part).

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7	1964 s.4A; 1994 s.4 (part).
8	1964 s.4B; 1994 s.4 (part).
9	1964 s.4C; 1994 s.4 (part).
10	1964 s.5; 1994 s.5 (part).
11	1964 s.5A; 1994 s.5 (part).
12(1)	1964 s.6(1) (part); 1994 s.6 (part).
(2) to (6)	1964 s.6(2) to (6); 1994 s.6 (part).
13(1)	1964 s.7(1); 1994 s.7.
(2)	1964 s.6(1) (part); 1994 s.6 (part).
(3)	1964 s.7(2).
14	1964 s.8; 1994 s.8.
15	1964 s.10; 1994 s.10.
16	1964 s.10A; 1994 s.11 (part).
17	1964 s.10B; 1994 s.11 (part).
18	1964 s.8A; 1994 s.9.
19	1994 s.28.
20	1964 s.11; 1994 s.12.
21	1994 s.45; drafting.
22(1)	1964 s.12(1); 1994 Sch.5 para.1(1), (2).
(2)	1964 s.12(1A); 1994 Sch.5 para.1(1), (3).
(3)	1964 s.12(2).
(4)	1964 s.12(2A); 1994 Sch.5 para.1(1), (5).
(5)	1964 s.12(3).
(6)	1964 s.12(3A); 1994 Sch.5 para.1(1), (6).
(7)	1964 s.12(4).
23(1)	1964 s.13(1); 1994 Sch.5 para.2(1), (2).
(2) to (6)	1964 s.13(2) to (6).
(7)	1964 s.13(7); 1994 Sch.5 para.2(1), (3).
24	1964 s.14.
25	1964 s.15.
26	1964 s.15A; 1994 s.13.
27(1)	1964 s.16(1).
(2)	1964 s.16(2) (part).

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28(1)	1964 s.17(1).
(2)	1964 s.17(2) (part).
(3), (4)	1964 s.17(3), (4).
29	1964 s.18.
30(1)	1964 s.19(1); 1994 (c.33) s.160(1) (part).
(2)	1964 s.19(2); 1994 (c.33) s.160(1) (part).
(3)	1964 s.19(3); Local Government Act 1972 (c.70) s.196(1), (5); 1994 Sch.5 para.4.
(4)	1964 s.19(4).
(5)	1964 s.19(5A); 1994 (c.33) s.160(1) (part).
(6)	1964 s.19(6) (part); drafting.
31	1964 s.20.
32	1964 s.21; 1994 s.14 (part).
33	1964 s.21B; 1994 s.14 (part).
34(1)	1964 s.21C(1) (part); 1994 s.14 (part).
(2)	1964 s.21C(2) (part); 1994 s.14 (part).
(3), (4)	1964 s.21C(3), (4); 1994 s.14 (part).
(5)	1964 s.21C(5) (part); 1994 s.14 (part).
35	1964 s.26(1).
36	1964 s.28; 1994 Sch.5 para.6.
37	1964 s.28A; 1994 s.15 (part).
38	1964 s.28B; 1994 s.15 (part).
39	1964 s.28C; 1994 s.15 (part).
40	1964 s.28D; 1994 s.15 (part).
41	1994 s.29.
42(1)	1964 s.29(1); 1994 Sch.5 para.7(1), (2).
(2)	1964 s.29(2); 1994 Sch.5 para.7(1), (3).
(3)	1964 s.29(3).
(4)	1964 s.29(4).
43	1964 s.29A; 1994 s.16.
44(1)	1964 s.30(1).
(2), (3)	1964 s.30(1A), (1B); 1994 Sch.5 para.8(1), (2).

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(4)	1964 s.30(2); 1994 Sch.5 para.8(1), (3).
(5)	1964 s.30(3).
45	1964 s.54.
46	1964 s.31; 1994 s.17 (part).
47	1964 s.31A; 1994 s.17 (part).
48	1964 s.31B; 1994 s.17 (part).
49(1), (2)	1964 s.32(1), (2).
(3)	1964 s.32(3); Interpretation Act 1978 (c.30) s.17(2)(a) (converts reference to Local Government Act 1933 s.290(2), (3)).
(4), (5)	1964 s.32(4), (5).
50(1)	1964 s.33(1).
(2)	1964 s.33(2); 1994 s.18(1), (2).
(3)	1964 s.33(3); 1994 s.18(1), (3) (part).
(4)	1964 s.33(3A); 1994 s.18(1), (3) (part).
(5)	1964 s.33(4).
(6)	1964 s.33(4A); 1994 s.18(1), (4).
(7)	1964 s.33(5).
(8)	1964 s.33(6).
51	1964 s.34.
52	1964 s.35.
53	1964 s.36.
54(1)	1964 s.38(1).
(2)	1964 s.38(2); 1994 s.20(1), (2).
(3)	1964 s.38(3); 1994 s.20(1), (3).
(4), (5)	1964 s.38(4), (5).
55	1964 s.38A; 1994 s.21.
56(1)	1964 s.39(1); 1994 s.22 (part).
(2)	1964 s.39(1A); 1994 s.22 (part).
(3)	1964 s.39(2).
57	1964 s.41; 1994 s.23.
58	1964 s.42; 1994 Sch.5 para.9.
59(1)	1964 s.44(1); 1984 s.109(a).
(2)	1964 s.44(1A); 1984 s.109(b) (part); 1994 Sch.5 para.11(1), (2).



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(3)	1964 s.44(1B); 1984 s.109(b) (part); 1994 Sch.5 para.11(1), (3).
(4)	1964 s.44(2) (part).
(5)	1964 s.44(2) (part); 1972 s.1(1), (2).
(6)	1964 s.44(2A); 1972 s.1(1), (3) (part).
(7)	1964 s.44(6) (part).
60(1)	1964 s.44(3) (part); 1984 s.109(c).
(2)	1964 s.44(3) (part); Police (Scotland) Act 1967 (c.77) Sch.4 (part); Interpretation Act 1978 (c.30) s.17(2) (a) (converts reference to Police Pensions Act 1948).
(3)	1964 s.44(4).
(4), (5)	1964 s.44(5).
(6)	1964 s.44(6) (part).
61(1)	1980 s.1(1); 1994 Sch.5 para.21(1), (2).
(2)	1980 s.1(2).
(3)	1980 s.1(3); 1994 Sch.5 para.21(1), (3).
(4)	1980 s.1(4) (part); Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
62(1), (2)	1980 s.2(1), (2).
(3)	1980 s.2(3) (part).
63(1), (2)	1964 s.46(1), (2).
(3)	1964 s.46(3); 1980 s.2(4); 1984 s.100(2).
64(1), (2)	1964 s.47(1).
(3) to (5)	1964 s.47(2) to (4).
65	“the appropriate authority”: 1984 s.84(4) (“the appropriate authority”). “the Authority” 1984 s.83(1) (part). “complaint”: 1984 s.84(4) (“complaint”). “disciplinary proceedings”: 1984 s.84(4) (“disciplinary proceedings”); 1994 Sch.5 para.24 (part). “investigating officer”: drafting. “senior officer”: 1984 s.84(4) (“senior officer”); 1994 Sch.5 para.24 (part). “serious injury”: 1984 s.87(4) (“serious injury”).
66(1)	1984 s.83(1) (part), Sch.4 para.2(1).

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(2)	1984 s.83(2).
67(1) to (3)	1984 s.84(1) to (3).
(4), (5)	1984 s.84(5), (6).
68(1)	1984 s.86(1).
(2)	1984 s.86(2); 1994 Sch.5 para.26.
(3) to (6)	1984 s.86(3) to (6).
69(1), (2)	1984 s.85(1), (2).
(3)	1984 s.85(10); 1994 Sch.5 para.25(b).
(4)	1984 s.85(4).
(5)	1984 s.85(3).
(6) to (8)	1984 s.85(5) to (7).
(9)	1984 s.85(9).
70(1) to (3)	1984 s.87(1) to (3).
71(1)	1984 s.88 (part).
(2)	1984 s.88 (part); 1994 s.34.
72(1)	1984 s.89(1), (2).
(2), (3)	1984 s.89(3), (4).
(4), (5)	1984 s.89(5).
73(1) to (4)	1984 s.89(6) to (9).
(5)	1984 s.89(11).
(6)	1984 s.89(12); 1994 Sch.5 para.27.
(7), (8)	1984 s.89(13), (14).
(9)	1984 s.89(10).
74	1984 s.90(1).
75(1) to (3)	1984 s.90(2) to (4).
(4)	1984 s.90(5); 1994 s.35(1), (4).
(5)	1984 s.90(7); 1994 s.35(1), (6).
(6)	1984 s.90(9); 1994 s.35(1), (8).
(7)	1984 s.90(10) (part); 1994 s.35(1), (9).
76(1)	1984 s.93(1); 1994 s.36(1), (2).
(2)	1984 s.93(2) (part); 1994 s.36(1), (3).
(3)	1984 s.93(3); 1994 s.36(1), (4).
(4)	1984 s.93(4).
(5)	1984 s.93(5); 1994 s.36(1), (5).
(6)	1984 s.93(6); 1994 s.36(1), (6).

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(7)	1984 s.93(7); 1994 s.36(1), (7).
77	1984 s.95; 1994 Sch.5 para.29.
78(1)	1984 s.96(1); 1994 Sch.5 para.30.
(2) to (4)	1984 s.96(2) to (4).
(5)	1984 s.96(5) (part).
(6), (7)	1984 s.96(6), (7).
79(1)	1984 s.97(1).
(2), (3)	1984 s.97(2).
(4)	1984 s.97(3).
(5), (6)	1984 s.97(5), (6).
80	1984 s.98.
81(1)	1984 s.99(1).
(2)	1984 s.99(2); 1994 Sch.5 para.31.
(3)	1984 s.118(1) (“document”); Civil Evidence Act 1995 (c.38) Sch.1 para.9(3).
82(1)	1984 s.100(1).
(2), (3)	1984 s.100(4), (5).
(4)	1984 s.100(6); 1994 Sch.5 para.32.
83(1)	1984 s.105(1) (part); 1994 Sch.5 para.34(1), (2).
(2)	1984 s.105(2) (part).
(3)	1984 s.105(3) (part); 1994 Sch.5 para.34(1), (3).
(4), (5)	1984 s.105(4) (part), (5) (part).
84	1984 s.102; 1994 Sch.5 para.33.
85	1964 s.37; 1994 s.19(1).
86(1), (2)	1984 s.104(3), (4).
(3)	1984 s.84(4); 1994 Sch.5 para.24.
87(1)	1984 s.105(1) (part); 1994 Sch.5 para.34(1), (2).
(2)	1984 s.105(2) to (5) (part); 1994 Sch.5 para.34(1), (3).
88(1) to (3)	1964 s.48(1) to (3).
(4)	1964 s.48(4) (part).
(5)	1964 s.48(4) (part); 1994 (c.33) Sch.10 para.13.

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89(1)	1964 s.51(1); Criminal Law Act 1977 (c.45) ss.15(1), 30(1), (2), Sch.1 para.18; Criminal Justice Act 1982 (c.48) ss.37(1), (2), 46(1).
(2)	1964 s.51(3); Criminal Law Act 1977 (c.45) s.31, Sch.6; Criminal Justice Act 1982 (c.48) ss.37(1), (2), 46(1).
(3)	1964 s.51(4); 1994 (c.33) Sch.10 para.14.
90(1)	1964 s.52(1); Criminal Justice Act 1982 (c.48) ss.37(1), (2), 39(2), 46(1), Sch.3.
(2)	1964 s.52(2); Criminal Justice Act 1982 (c.48) ss.37(1), (2), 38(1), (6), (8), 46(1).
(3)	1964 s.52(3); Criminal Justice Act 1982 (c.48) ss.37(1), (2), 38(1), (6), (8), 46(1).
(4)	1964 s.52(4).
91(1)	1964 s.53(1); Interpretation Act 1978 (c.30) Sch.1 (“statutory maximum”); Magistrates’ Courts Act 1980 (c.43) s.32(2); Criminal Justice Act 1988 (c.33) Sch.15 para.58(b).
(2)	1964 s.53(2).
92	1964 s.53A; 1994 s.24.
93	1964 s.53B; 1994 s.25.
94	1994 s.32.
95	1964 s.56; 1994 Sch.5 para.13.
96(1) to (4)	1984 s.106(1) to (4).
(5)	1984 s.106(5) to (7).
(6) to (10)	1984 s.106(8) to (12).
97(1)(a)	1964 s.53C(1)(a); 1994 s.26 (part).
(b)	1964 ss.43(5) (part), 53C(1)(b) (part); 1994 s.26 (part), Sch.5 para.10(1), (3).
(c)	1964 ss.43(5) (part), 53C(1)(b) (part); 1994 s.26 (part).
(d)	1964 s.43(3C); 1989 s.1(1) (part).
(e)	1964 s.53C(1)(c) (part); 1994 s.26 (part).
(f)	1964 s.53C(1)(d) (part); 1994 s.26 (part).

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(g)	1964 s.53C(1)(e) (part); 1994 s.26 (part).
(2)	1964 ss.43(5) (part), 53C(2); 1994 s.26 (part).
(3)	1964 ss.43(3A) (part), 53C(3); 1989 s.1(1) (part); 1994 s.26 (part), Sch.5 para.10(1), (2).
(4) to (7)	1964 s.53C(4) to (7); 1994 s.26 (part).
(8)	1964 s.43(3A) (part); 1989 s.1(1) (part).
(9)	1964 s.43(3B); 1989 s.1(1) (part).
98(1) to (6)	1994 (c.33) s.141(1) to (6).
(7), (8)	1994 (c.33) s.141(7) (part).
(9)	1994 (c.33) s.141(8).
99	1984 s.112.
100(1)	1964 s.58(1); 1994 Sch.5 para.14(1), (2).
(2)	1964 s.58(2); 1994 Sch.5 para.14(1), (3).
(3)	1964 s.58(3).
(4)	1964 s.58(3A); 1994 Sch.5 para.14(1), (4).
(5)	1964 s.58(5) (part).
(6)	1964 s.58(7).
101(1)	1964 s.62; 1994 Sch.5 para.15.
(2)	1964 s.64(1).
102	1964 s.60(1); 1984 ss.96(5) (part), 100(3); 1994 s.94(8) (part).
103	Drafting.
104(1), (2)	Drafting.
(3), (4)	1994 s.94(4), (5).
(5)	1994 s.94(8).
105	Drafting.
106	Drafting.
Sch. 1	1964 Sch.1A; 1994 s.1(2), Sch.1; Avon (Structural Change) Order 1995 (S.I. 1995/493) Art.13; Humberside (Structural Change) Order 1995 (S.I. 1995/600) Art.11; North Yorkshire (District of York) (Structural and Boundary Changes) Order 1995 (S.I.

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	1995/610) Art.12; Cleveland (Further Provision) Order 1995 (S.I. 1995/1747) Art.4; Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995 (S.I. 1995/1769) Art.5; East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995 (S.I. 1995/1770) Art.7; Dorset (Boroughs of Poole and Bournemouth) (Structural Change) Order 1995 (S.I. 1995/1771) Art.5; Durham (Borough of Darlington) (Structural Change) Order 1995 (S.I. 1995/1772) Art.5; Derbyshire (City of Derby) (Structural Change) Order 1995 (S.I. 1995/1773) Art.5; Wiltshire (Borough of Thamesdown) (Structural Change) Order 1995 (S.I. 1995/1774) Art.5; Hampshire (Cities of Portsmouth and Southampton) (Structural Change) Order 1995 (S.I. 1995/1775) Art.5; Bedfordshire (Borough of Luton) (Structural Change) Order 1995 (S.I. 1995/1776) Art.5; Staffordshire (City of Stoke-on-Trent) (Structural and Boundary Changes) Order 1995 (S.I. 1995/1779) Art.7; Police Areas (Wales) Order 1995 (S.I. 1995/2864) Art.2; Leicestershire (City of Leicester and District of Rutland) (Structural Change) Order 1996 (S.I. 1996/507) Art.5.
Sch. 2	
paras.1 to 26	1964 Sch.1B paras.1 to 6, 7 (part), 8 and 10 to 27; 1994 s.3(2), Sch.2 (part).
para.27	1964 s.27 (“magistrate”); Interpretation Act 1978 s.17(2)(a) (converts reference to Justices of the Peace Act 1949).
Sch. 3	1964 Sch.1C; 1994 s.3(2), Sch.2.
Sch. 4	1964 Sch.2.
Sch. 5	
Para.1	1984 Sch.4 para. 1; 1994 Sch.5 para.36(1), (2).
Para.2	1984 Sch.4 para. 2(2).
Para.3	1984 Sch.4 para.3; 1994 Sch.5 para.36(1), (3).
Paras. 4 to 6	1984 Sch.4 paras.4 to 6.
Para.7	1984 Sch.4 para.7(2).

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Paras.8 to 13.	1984 Sch.4 paras.8 to 13.
Sch. 6	1964 Sch.5; 1994 s.19(2), Sch.3.
Sch. 7	
Paras.1 to 13	Drafting.
Para.14	Drafting; 1980 s.2(4).
Para.15	Drafting; 1994 (c.33) Sch.10 para.17.
Para.16	Drafting.
Para.17	Drafting; 1994 (c.33) Sch.10 para.27.
Paras.18, 19	Drafting.
Para.20	1984 Sch.4 para.7(1).
Paras.21 to 27	Drafting.
Para.28	1980 s.2(3) (part).
Paras.29 to 44	Drafting.
Paras.45, 46	1994 Sch.5 paras.39(a), 40(2).
Para.47	Drafting.
Sch. 8	
Paras.1 to 8	Drafting.
Para.9	1964 Sch.1A; 1994 s.1(2), Sch.1; Buckinghamshire (Borough of Milton Keynes) (Structural Change) Order 1995 (S.I. 1995/1769) Arts.1 and 5; East Sussex (Boroughs of Brighton and Hove) (Structural Change) Order 1995 (S.I. 1995/1770) Arts.1 and 7; Dorset (Boroughs of Poole and Bournemouth) (Structural Change) Order 1995 (S.I. 1995/1771) Arts.1 and 5; Durham (Borough of Darlington) (Structural Change) Order 1995 (S.I. 1995/1772) Arts.1 and 5; Derbyshire (City of Derby) (Structural Change) Order 1995 (S.I. 1995/1773) Arts.1 and 5; Wiltshire (Borough of Thamesdown) (Structural Change) Order 1995 (S.I. 1995/1774) Arts.1 and 5; Hampshire (Cities of Portsmouth and Southampton) (Structural Change) Order 1995 (S.I. 1995/1775) Arts.1 and 5; Bedfordshire (Borough of Luton) (Structural Change) Order 1995 (S.I. 1995/1776) Arts.1 and 5; Staffordshire (City of Stoke-on-Trent) (Structural and Boundary Changes) Order 1995 (S.I. 1995/1779) Arts.1 and 7; Leicestershire (City of

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	Leicester and District of Rutland) (Structural Change) Order 1996 (S.I. 1996/507) Arts.1 and 5.
Paras.10 to 12	Drafting.
Para.13	1994 s.38.
Sch. 9	Drafting; 1994 s.37.

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