



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:—

PART I

ORGANISATION OF POLICE FORCES

Police areas

1 Police areas

- (1) England and Wales shall be divided into police areas.
- (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 Local Government Act 1972, or section 17 of the Local Government Act 1992),
 - (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, but excluding any part of it within the metropolitan police district.

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) Schedules 2 and 3 shall have effect in relation to police authorities established under section 3 and the appointment of their members.

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,
 - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 2, and
 - (c) any selection panel, constituted under regulations made in accordance with section 21(1A) of the Justices of the Peace Act 1979, which is responsible, or is represented on a joint committee which is responsible, for the appointment of members of the authority.
- (3) An order to which this section applies may include provision as to the termination of the appointment of the existing members of the authority and the making of new appointments or re-appointments.

6 General functions of police authorities

- (1) Every police authority established under section 3 shall secure the maintenance of an efficient and effective police force for its area.

- (2) In discharging its functions, every police authority established under section 3 shall have regard to—
 - (a) any objectives determined by the Secretary of State under section 37,
 - (b) any objectives determined by the authority under section 7,
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise, and
 - (d) any local policing plan issued by the authority under section 8.
- (3) In discharging any function to which a code of practice issued under section 39 relates, a police authority established under section 3 shall have regard to the code.
- (4) A police authority shall comply with any direction given to it by the Secretary of State under section 38 or 40.

7 Local policing objectives

- (1) Every police authority established under section 3 shall, before the beginning of each financial year, determine objectives for the policing of the authority's area during that year.
- (2) Objectives determined under this section may relate to matters to which objectives determined under section 37 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (3) Before determining objectives under this section, a police authority shall—
 - (a) consult the chief constable for the area, and
 - (b) consider any views obtained by the authority in accordance with arrangements made under section 96.

8 Local policing plans

- (1) Every police authority established under section 3 shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the policing of the authority's area during the year (the local policing plan).
- (2) The local policing plan shall include a statement of the authority's priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
 - (a) any objectives determined by the Secretary of State under section 37,
 - (b) any objectives determined by the authority under section 7, and
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise.
- (3) A draft of the local policing plan shall be prepared by the chief constable for the area and submitted by him to the police authority for it to consider.
- (4) Before issuing a local policing plan which differs from the draft submitted by the chief constable under subsection (3), a police authority shall consult the chief constable.
- (5) A police authority shall arrange for every local policing plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to the Secretary of State.

9 Annual reports by police authorities

- (1) As soon as possible after the end of each financial year every police authority established under section 3 shall issue a report relating to the policing of the authority's area for the year.
- (2) A report issued by a police authority under this section for any year shall include an assessment of the extent to which the local policing plan for that year issued under section 8 has been carried out.
- (3) A police authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to the Secretary of State.

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.
- (2) In discharging his functions, every chief constable shall have regard to the local policing plan issued by the police authority for his area under section 8.

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 Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (3) Before seeking the approval of the Secretary of State under subsection (2), the police authority shall give the chief constable an opportunity to make representations and shall consider any representations that he makes.
- (4) A chief constable who is called upon to retire under subsection (2) shall retire on such date as the police authority may specify or on such earlier date as may be agreed upon between him and the authority.

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), (3) and (4) of section 11 shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall, after consulting his police authority, designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—

- (a) during any absence, incapacity or suspension from duty of the chief constable, or
 - (b) during any vacancy in the office of chief constable.
- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- (6) The provisions of subsection (4) shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.

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 and assistant chief constable, the ranks of superintendent, chief inspector, inspector, sergeant and constable.
- (2) The ranks prescribed by regulations under section 50 for the purposes of subsection (1) above shall not include that of deputy chief constable.
- (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.

14 Police fund

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

15 Civilian employees

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

16 Appointment of clerk

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

17 Appointment of persons not employed by police authorities

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

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

then, notwithstanding any provision of that Act to the contrary, the authority may appoint or designate either a person employed by the authority under section 15, or a person not holding any office or employment under the authority.

18 Supply of goods and services

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

19 Approval of decisions about precepts

- (1) A police authority established under section 3 shall not—
 - (a) issue a precept under section 40 of the Local Government Finance Act 1992, or
 - (b) 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—
 - (a) constitute at least half of the total membership at the time of the decision, and
 - (b) include more than half of the members (at that time) appointed under paragraph 2 of Schedule 2.

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 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.

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 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.

General provisions

22 Reports by chief constables to police authorities

- (1) Every chief constable 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 chief constable 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 chief constable 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 chief constable 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 chief constable to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the authority to be appropriate.
- (7) This section shall apply in relation to the City of London police force as if for references to a chief constable there were substituted references to the Commissioner.

23 Collaboration agreements

- (1) If it appears to the chief officers of police of two or more police forces that any police functions can more efficiently or effectively be discharged by members of those forces acting jointly, they may, with the approval of the police authorities which maintain those forces, make an agreement for that purpose.
- (2) If it appears to any two or more police authorities that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained by those authorities, they may make an agreement for that purpose.
- (3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in the absence of agreement, be determined by the Secretary of State.
- (4) An agreement under subsection (1) or (2) may be varied or determined by a subsequent agreement.
- (5) If it appears to the Secretary of State that an agreement should be made under subsection (1), (2) or (4), he may, after considering any representations made by the parties concerned, direct those parties to enter into such an agreement under those provisions as may be specified in the direction.
- (6) The reference in subsection (1) to members of a police force includes a reference to special constables appointed for the area for which that force is maintained.
- (7) The provisions of this section shall not prejudice the power of a police authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of the authority's functions.

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 section 10(1), be under the direction and control of the chief officer of police of that other force.
- (4) The police authority maintaining a police force for which assistance is provided under this section shall pay to the police authority maintaining the force from which that assistance is provided such contribution as may be agreed upon between those authorities or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.

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 police authority of charges on such scales as may be determined by that authority.
- (2) In the application of this section to the metropolitan police force, for the reference in subsection (1) to the police authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

26 Provision of advice and assistance to international organisations etc

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
 - (a) to an international organisation or institution, or
 - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief officer of police for its area.
- (2) The power conferred on a police authority by subsection (1) includes a power to make arrangements under which a member of the police force maintained by the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) 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 police authority 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 police authority may make charges for advice or assistance provided by it under this section.
- (7) In its application in relation to the metropolitan police force this section shall apply—
 - (a) as if the power conferred by subsection (1) were conferred on the Commissioner of Police of the Metropolis (and accordingly as if the references in subsections (1)(b) and (2) to a police authority were omitted), and
 - (b) as if in subsection (6) the reference to a police authority were a reference to the Receiver for the Metropolitan Police District.
- (8) The provisions of this section are without prejudice to the Police (Overseas Service) Act 1945 and section 10 of the Overseas Development and Co-operation Act 1980.

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 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.

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) Without prejudice to subsection (2), 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, the police authority that maintains a police force shall be treated as the employer of any police cadets undergoing training with the force.
- (4) In the application of this section to the metropolitan police force, for the reference in subsection (3) to the police authority there shall be substituted a reference to the Receiver for the Metropolitan Police District.

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—

- (a) in the case of a member of the metropolitan police force or a special constable appointed for the metropolitan police district, before the Commissioner or an Assistant Commissioner of Police of the Metropolis, and
- (b) in any other case, before a justice of the peace having jurisdiction within the police area.

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.
- (2) A special constable shall have all the powers and privileges of a constable in the police area for which he is appointed and, where the boundary of that area includes the coast, in the adjacent United Kingdom waters.
- (3) Without prejudice to subsection (2), a special constable appointed for a police area shall have all the powers and privileges of a constable—
 - (a) in the case of a special constable appointed for a police area other than the City of London police area, in any other police area which is contiguous to his own police area; and

- (b) in the case of a special constable appointed for the City of London police area, in the metropolitan police district and in any police area which is contiguous to that district.
- (4) A special constable who is for the time being required by virtue of section 23 or 24 to serve with another police force shall have all the powers and privileges of a constable in any area in which special constables appointed for the area for which that force is maintained have those powers and privileges under this section.
- (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;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.

31 Rewards for diligence

A police authority may, on the recommendation of the chief officer of police, grant out of the police fund to members of the police force maintained by that authority rewards for exceptional diligence or other specially meritorious conduct.

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 police authority for each of the areas (other than the metropolitan police district) 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 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.

- (5) Subsection (4) shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it existed immediately before 1st April 1995.

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 police authority for every area (other than the metropolitan police district) 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,
 - (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.

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—
- (a) provision as to the membership of a police authority;
 - (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.

- (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 London Government Act 1963 (extent of metropolitan police district), and
 - (b) to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order.
- (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.

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.

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, section 85 and Schedule 6; and
 - (e) in Part V, section 95.

37 Setting of objectives for police authorities

- (1) The Secretary of State may by order determine objectives for the policing of the areas of all police authorities established under section 3.
- (2) Before making an order under this section the Secretary of State shall consult—
 - (a) persons whom he considers to represent the interests of police authorities established under section 3, and
 - (b) persons whom he considers to represent the interests of chief constables of forces maintained by those authorities.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

38 Setting of performance targets

- (1) Where an objective has been determined under section 37, the Secretary of State may direct police authorities to establish levels of performance (performance targets to be aimed at in seeking to achieve the objective).
- (2) A direction under this section may be given to all police authorities established under section 3 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.
- (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.

39 Codes of practice

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 of any of their functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

40 Power to give directions to police authorities after adverse reports

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 54 of any police force maintained under section 2.
- (2) Where a report made to the Secretary of State under section 54 on an inspection carried out for the purposes of this section states—
 - (a) that, in the opinion of the person making the report, the force inspected is not efficient or not effective, or
 - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient or will cease to be effective,

the Secretary of State may direct the police authority responsible for maintaining the force to take such measures as may be specified in the direction.

41 Directions as to minimum budget

- (1) The power of the Secretary of State to give directions under section 40 to a police authority established under section 3 shall include power to direct the authority that the amount of its budget requirement for any financial year (under section 43 of the Local Government Finance Act 1992) 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 V 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.

42 Removal of chief constables, etc

- (1) The Secretary of State may require a police authority to exercise its power under section 11 to call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power exercisable with respect to an assistant chief constable, the Secretary of State shall give the chief constable or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the exercise of the power mentioned in subsection (1) 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.
- (4) The costs incurred by a chief constable or assistant chief constable 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.

43 Reports from police authorities

- (1) A police authority shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the authority's functions, or otherwise with the policing of its area, as may be specified in the requirement.
- (2) A requirement under subsection (1) may specify the form in which a report is to be given.

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- (3) The Secretary of State may arrange, or require the police authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

44 Reports from chief constables

- (1) The Secretary of State may require a chief constable to submit to him a report on such matters as may be specified in the requirement, being matters connected with the policing of the chief constable's police area.
- (2) A requirement under subsection (1) may specify the form in which a report is to be given.
- (3) The Secretary of State may arrange, or require the chief constable to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) Every chief constable shall, as soon as possible after the end of each financial year, submit to the Secretary of State the like report as is required by section 22(1) to be submitted to the police authority.
- (5) This section shall apply in relation to the City of London police force as if for references to a chief constable there were substituted references to the Commissioner.

45 Criminal statistics

- (1) The chief officer of police of every police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in the chief officer's police area as the Secretary of State may require.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

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 Receiver for the Metropolitan Police District;
- and in those provisions references to police authorities shall be taken as including references to the Receiver.
- (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.
- (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.
- (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.

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 by—
 - (a) police authorities for areas other than the metropolitan police district, and
 - (b) the Receiver for the Metropolitan Police District.
- (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.

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 by—
 - (a) police authorities for areas other than the metropolitan police district, and
 - (b) the Receiver for the Metropolitan Police District,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.

49 Local inquiries

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (power to summon and examine witnesses) shall apply to an inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of an inquiry held under this section shall be defrayed—
 - (a) out of the police fund, or
 - (b) if the inquiry relates to more than one police area, out of the police funds concerned in such proportions as may be specified in the direction,and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

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.
- (3) Without prejudice to the powers conferred by this section, regulations under this section shall—
 - (a) establish, or make provision for the establishment of, procedures for cases in which a member of a police force may be dealt with by dismissal, requirement

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to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, and

- (b) make provision for securing that any case in which a senior officer may be dismissed or dealt with in any of the other ways mentioned in paragraph (a) is decided—
 - (i) where he is a member of the metropolitan police force, by the Commissioner of Police of the Metropolis, and
 - (ii) where he is a member of any other force, by the police authority which maintains the force or by a committee of that authority.

For the purposes of this subsection “senior officer” means a member of a police force holding a rank above that of superintendent.

- (4) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (3)(b),—
 - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, 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.
- (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.

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;
 - (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.
- (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

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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.

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

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.

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

53 Regulations as to standard of equipment

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.

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 to the Secretary of State on the efficiency and effectiveness of, every police force maintained for a police area.

(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.

(4) The chief inspector of constabulary shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.

(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.

55 Publication of reports

(1) Subject to subsection (2), the Secretary of State shall arrange for any report received by him under section 54(2) to be published in such manner as appears to him to be appropriate.

(2) The Secretary of State may exclude from publication under subsection (1) any part of a report if, in his opinion, the publication of that part—

- (a) would be against the interests of national security, or
- (b) might jeopardise the safety of any person.

(3) The Secretary of State shall send a copy of the published report—

- (a) (except where he is himself the police authority) to the police authority maintaining the police force to which the report relates, and
 - (b) to the chief officer of police of that police force.
- (4) The police authority shall invite the chief officer of police to submit comments on the published report to the authority before such date as it may specify.
- (5) The police authority 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 authority has to the comments submitted by the chief officer of police,to be published in such manner as appears to the authority to be appropriate.
- (6) The police authority (except where it is the Secretary of State) shall send a copy of any document published under subsection (5) to the Secretary of State.

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.

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.
- (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 all police forces in England and Wales 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.
- (4) Before making regulations under this section, the Secretary of State shall consult—
 - (a) persons whom he considers to represent the interests of police authorities, and
 - (b) persons whom he considers to represent the interests of chief officers of police.

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 Police (Scotland) Act 1967 or on an appeal from any such proceedings.
- (3) Except on an appeal to a police appeals tribunal or as provided by 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 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.

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;
 - (c) with respect to the manner in which representations may be made by committees or bodies of the Federations to 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 police authorities for police purposes; and
 - (e) for modifying any regulations under the Police Pensions Act 1976, section 50 above or section 26 of the 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.
- (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.

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 authorities who between them maintain the police forces in Great Britain and the Royal Ulster Constabulary,
 - (b) the persons who are members of those police forces or of that Constabulary or are police cadets,
 - (c) the Commissioner of Police of the Metropolis, and
 - (d) the Secretary of State,
- 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.
- (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

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organisations representing the interests of the persons referred to in paragraphs (a), (b) and (c) 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.

62 Functions of the Board with respect to regulations

(1) Before making—

- (a) regulations under section 50 or 52;
- (b) regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables); or
- (c) regulations under section 10(4) or 25 of the Police Act (Northern Ireland) 1970,

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.

- (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 subsection (1) 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 section 10(4) or 25 of the Police Act (Northern Ireland) 1970 except after consultation with the Board.

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.
- (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 of police authorities and of members of police forces and police cadets.
- (3) Before making—
 - (a) regulations under section 50 or 52, other than regulations with respect to any of the matters mentioned in section 61(1), or
 - (b) regulations under Chapter I of Part IV,
 the Secretary of State shall supply the Police Advisory Board for England and Wales with a draft of the regulations, and take into consideration any representations made by that Board.

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 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.
- (3) If any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the chief registrar of friendly societies.
- (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.
- (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.

PART IV

COMPLAINTS, DISCIPLINARY PROCEEDINGS ETC.

CHAPTER I

COMPLAINTS

Interpretation

65 Interpretation of Chapter I

In this Chapter—

“the appropriate authority” means—

- (a) in relation to a member of the metropolitan police force, the Commissioner of Police of the Metropolis, and
- (b) in relation to a member of any other police force—
- (c) if he is a senior officer, the police authority for the force’s area, and
- (ii) if he is not a senior officer, the chief officer of police of the force;

“the Authority” means the Police Complaints Authority;

“complaint” means a complaint about the conduct of a member of a police force which is submitted—

- (a) by a member of the public, or
- (b) on behalf of a member of the public and with his written consent;

“disciplinary proceedings” means proceedings identified as such by regulations under section 50;

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“investigating officer” means a member of a police force appointed under section 68(3) or, as the case may be, section 69(5) or (6) to investigate a complaint;

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

“serious injury” means a fracture, damage to an internal organ, impairment of bodily function, a deep cut or a deep laceration.

The Police Complaints Authority

66 The Police Complaints Authority

- (1) The authority known as the Police Complaints Authority shall continue in existence as a body corporate.
- (2) Schedule 5 shall have effect in relation to the Authority.

Handling of Complaints etc.

67 Preliminary

- (1) Where a complaint is submitted to the chief officer of police for a police area, he shall take any steps that appear to him to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of.
- (2) After complying with subsection (1), the chief officer shall determine whether he is the appropriate authority in relation to the member of a police force whose conduct is the subject of the complaint.
- (3) If the chief officer determines that he is not the appropriate authority, he shall—
 - (a) send the complaint or, if it was submitted orally, particulars of it, to the appropriate authority, and
 - (b) give notice that he has done so to the person by whom or on whose behalf the complaint was submitted.
- (4) Nothing in this Chapter shall have effect in relation to a complaint in so far as it relates to the direction or control of a police force by the chief officer of police or the person performing the functions of the chief officer of police.
- (5) If any conduct to which a complaint wholly or partly relates is or has been the subject of criminal or disciplinary proceedings, none of the provisions of this Chapter which relate to the recording and investigation of complaints shall have effect in relation to the complaint in so far as it relates to that conduct.

68 Investigation of complaints: senior officers

- (1) Where a complaint about the conduct of a senior officer—
 - (a) is submitted to the appropriate authority, or
 - (b) is sent to the appropriate authority under section 67(3),the appropriate authority shall record and, subject to subsection (2), investigate it.

- (2) If satisfied that the conduct complained of, even if proved, would not justify criminal or disciplinary proceedings, the appropriate authority may deal with the complaint according to the appropriate authority's discretion.
- (3) In any other case, the appropriate authority shall appoint a member of the appropriate authority's force or of some other force to investigate the complaint.
- (4) If the appropriate authority requests the chief officer of police of a police force to provide a member of his force for appointment under subsection (3), the chief officer shall comply with the request.
- (5) No member of a police force of a rank lower than that of the member whose conduct is the subject of the complaint may be appointed under subsection (3).
- (6) Unless an investigation under this section is supervised by the Authority under section 72, the investigating officer shall submit his report on it to the appropriate authority.

69 Investigation of complaints: standard procedure

- (1) If a chief officer of police determines that he is the appropriate authority in relation to a member of a police force—
 - (a) whose conduct is the subject of a complaint, and
 - (b) who is not a senior officer,he shall record the complaint.
- (2) After recording a complaint under subsection (1), the chief officer of police shall consider whether the complaint is suitable for informal resolution and may appoint a member of his force to assist him.
- (3) A complaint is not suitable for informal resolution unless—
 - (a) the member of the public concerned gives his consent, and
 - (b) the chief officer of police is satisfied that the conduct complained of, even if proved, would not justify criminal or disciplinary proceedings.
- (4) If it appears to the chief officer of police that the complaint is suitable for informal resolution, he shall seek to resolve it informally and may appoint a member of his force to do so on his behalf.
- (5) If it appears to the chief officer of police that the complaint is not suitable for informal resolution, he shall appoint a member of his own or some other force to investigate it formally.
- (6) If, after attempts have been made to resolve a complaint informally, it appears to the chief officer of police—
 - (a) that informal resolution of the complaint is impossible, or
 - (b) that the complaint is for any other reason not suitable for informal resolution,he shall appoint a member of his own or some other force to investigate it formally.
- (7) A member of a police force may not be appointed to investigate a complaint formally if he has previously been appointed to act in relation to it under subsection (4).

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- (8) If a chief officer of police requests the chief officer of police of some other force to provide a member of that other force for appointment under subsection (5) or (6), that chief officer shall comply with the request.
- (9) Unless the investigation is supervised by the Authority under section 72, the investigating officer shall submit his report on it to the chief officer of police who appointed him.

70 References of complaints to Authority

- (1) The appropriate authority—
 - (a) shall refer to the Authority—
 - (i) any complaint alleging that the conduct complained of resulted in the death of, or serious injury to, some other person, and
 - (ii) any complaint of a description specified for the purposes of this section in regulations made by the Secretary of State, and
 - (b) may refer to the Authority any complaint which is not required to be referred to them.
- (2) The Authority may require the submission to them for consideration of any complaint not referred to them by the appropriate authority; and the appropriate authority shall comply with any such requirement not later than the end of the period specified for the purposes of this subsection in regulations made by the Secretary of State.
- (3) Where a complaint falls to be referred to the Authority under subsection (1)(a), the appropriate authority shall refer it to them not later than the end of the period specified for the purposes of sub-paragraph (i) or, as the case may be, (ii) of that subsection in regulations made by the Secretary of State.

71 References of other matters to Authority

- (1) The appropriate authority may refer to the Authority any matter to which this section applies, if it appears to the appropriate authority that the matter ought to be referred by reason—
 - (a) of its gravity, or
 - (b) of exceptional circumstances.
- (2) This section applies to any matter which—
 - (a) appears to the appropriate authority to indicate that a member of a police force may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings, and
 - (b) is not the subject of a complaint.

72 Supervision of investigations by Authority

- (1) The Authority shall supervise the investigation of—
 - (a) any complaint alleging that the conduct of a member of a police force resulted in the death of, or serious injury to, some other person,
 - (b) any other description of complaint specified for the purposes of this section in regulations made by the Secretary of State, and

- (c) any complaint which is not within paragraph (a) or (b), and any matter referred to the Authority under section 71, if the Authority determine that it is desirable in the public interest that they should do so.
- (2) Where the Authority have made a determination under subsection (1)(c), they shall notify it to the appropriate authority.
- (3) Where an investigation is to be supervised by the Authority, they may require—
 - (a) that no appointment is made under section 68(3) or 69(5) unless they have given notice to the appropriate authority that they approve the person whom that authority propose to appoint, or
 - (b) if such an appointment has already been made and the Authority are not satisfied with the person appointed, that—
 - (i) the appropriate authority, as soon as is reasonably practicable, select another member of a police force and notify the Authority that it proposes to appoint him, and
 - (ii) the appointment is not made unless the Authority give notice to the appropriate authority that they approve that person.
- (4) The Secretary of State shall by regulations authorise the Authority, subject to any restrictions or conditions specified in the regulations, to impose requirements as to a particular investigation additional to any requirements imposed by virtue of subsection (3).
- (5) A member of a police force shall comply with any requirement imposed on him by virtue of regulations under subsection (4).

73 Reports on investigations etc

- (1) At the end of an investigation which the Authority have supervised, the investigating officer shall—
 - (a) submit a report on the investigation to the Authority, and
 - (b) send a copy of the report to the appropriate authority.
- (2) After considering a report submitted to them under subsection (1), the Authority shall submit an appropriate statement to the appropriate authority.
- (3) If it is practicable to do so, the Authority, when submitting the appropriate statement under subsection (2), shall send a copy of it to the member of a police force whose conduct has been investigated.
- (4) If—
 - (a) the investigation related to a complaint, and
 - (b) it is practicable to do so,the Authority shall also send a copy of the appropriate statement to the person by or on behalf of whom the complaint was submitted.
- (5) The power to issue an appropriate statement includes power to issue separate statements in respect of the disciplinary and criminal aspects of an investigation.
- (6) No disciplinary proceedings shall be brought before the appropriate statement is submitted to the appropriate authority.

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

- (7) Subject to subsection (8), neither the appropriate authority nor the Director of Public Prosecutions shall bring criminal proceedings before the appropriate statement is submitted to the appropriate authority.
- (8) The restriction imposed by subsection (7) does not apply if it appears to the Director that there are exceptional circumstances which make it undesirable to wait for the submission of the appropriate statement.
- (9) In this section “appropriate statement” means a statement—
 - (a) as to whether the investigation was or was not conducted to the Authority’s satisfaction,
 - (b) specifying any respect in which it was not so conducted, and
 - (c) dealing with any such other matters as the Secretary of State may by regulations provide.

74 Steps to be taken after investigation: senior officers

On receiving—

- (a) a report concerning the conduct of a senior officer which is submitted to it under section 68(6), or
- (b) a copy of a report concerning the conduct of a senior officer which is sent to it under section 73(1),

the appropriate authority shall send a copy of the report to the Director of Public Prosecutions unless the report satisfies the appropriate authority that no criminal offence has been committed.

75 Steps to be taken after investigation: standard procedure

- (1) Nothing in this section or section 76 has effect in relation to senior officers.
- (2) On receiving—
 - (a) a report concerning the conduct of a member of a police force who is not a senior officer which is submitted to him under section 69(9), or
 - (b) a copy of a report concerning the conduct of such a member which is sent to him under section 73(1),
 a chief officer of police shall determine whether the report indicates that a criminal offence may have been committed by a member of the police force for his area.
- (3) If the chief officer determines that the report indicates that a criminal offence may have been committed by a member of the police force for his area, he shall send a copy of the report to the Director of Public Prosecutions.
- (4) After the Director has dealt with the question of criminal proceedings, the chief officer shall, in such cases as may be prescribed by regulations made by the Secretary of State, send the Authority a memorandum which—
 - (a) is signed by the chief officer,
 - (b) states whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation, and
 - (c) if he has not brought (or does not propose to bring) such proceedings, gives his reasons.

- (5) If the chief officer considers that the report does not indicate that a criminal offence may have been committed by a member of the police force for his area, he shall, in such cases as may be prescribed by regulations made by the Secretary of State, send the Authority a memorandum to that effect which—
- (a) is signed by the chief officer,
 - (b) states whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation, and
 - (c) if he has not brought (or does not propose to bring) such proceedings, gives his reasons.
- (6) Where the investigation—
- (a) related to conduct which was the subject of a complaint, and
 - (b) was not supervised by the Authority,
- the chief officer shall, if he is required by virtue of regulations under subsection (4) or (5) to send the Authority a memorandum, at the same time send them a copy of the complaint, or of the record of the complaint, and a copy of the report of the investigation.
- (7) Where a chief officer has sent the Authority a memorandum under subsection (4) or (5), he shall—
- (a) if the memorandum states that he proposes to bring disciplinary proceedings, bring and proceed with them, and
 - (b) if the memorandum states that he has brought such proceedings, proceed with them.

76 Powers of Authority as to disciplinary proceedings

- (1) Where a memorandum under section 75 states that a chief officer of police has not brought disciplinary proceedings or does not propose to bring such proceedings, the Authority may recommend him to bring such proceedings.
- (2) Where a chief officer has brought disciplinary proceedings in accordance with a recommendation under subsection (1), he shall proceed with them.
- (3) If after the Authority have made a recommendation under this section and consulted the chief officer he is still unwilling to bring disciplinary proceedings, they may direct him to do so.
- (4) Where the Authority give a chief officer a direction under this section, they shall supply him with a written statement of their reasons for doing so.
- (5) Subject to subsection (6), it shall be the duty of a chief officer to comply with such a direction.
- (6) The Authority may withdraw a direction given under this section.
- (7) A chief officer shall—
- (a) advise the Authority of what action he has taken in response to a recommendation or direction under this section, and
 - (b) supply the Authority with such other information as they may reasonably require for the purposes of discharging their functions under this section.

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77 Information as to the manner of dealing with complaints etc

Every police authority in carrying out its duty with respect to the maintenance of an efficient and effective police force, and inspectors of constabulary in carrying out their duties with respect to the efficiency and effectiveness of any police force, shall keep themselves informed as to the working of sections 67 to 76 in relation to the force.

78 Constabularies maintained by authorities other than police authorities

- (1) An agreement for the establishment in relation to any body of constables maintained by an authority, other than a police authority, of procedures corresponding or similar to any of those established by or by virtue of this Chapter may, with the approval of the Secretary of State, be made between the Authority and the authority maintaining the body of constables.
- (2) Where no such procedures are in force in relation to a body of constables, the Secretary of State may by order establish such procedures.
- (3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.
- (4) Before making an order under this section the Secretary of State shall consult—
 - (a) the Authority, and
 - (b) the authority maintaining the body of constables to whom the order would relate.
- (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.
- (6) Nothing in any other enactment passed or made before 31st October 1984 shall prevent an authority who maintain a body of constables from carrying into effect procedures established by virtue of this section.
- (7) No such procedures shall have effect in relation to anything done by a constable outside England and Wales.

79 Reports

- (1) The Authority shall, at the request of the Secretary of State, report to him on such matters relating generally to their functions as the Secretary of State may specify, and the Authority may for that purpose carry out research into any such matters.
- (2) The Authority may make a report to the Secretary of State on any matters coming to their notice under this Chapter to which they consider that his attention should be drawn by reason of their gravity or of other exceptional circumstances.
- (3) The Authority shall send a copy of any report under subsection (2)—
 - (a) to the police authority and the chief officer of police of any police force which appears to the Authority to be concerned, or
 - (b) if the report concerns a body of constables such as is mentioned in section 78, to the authority maintaining it and the officer having the direction and the control of it.
- (4) As soon as practicable after the end of each calendar year the Authority shall make to the Secretary of State a report on the discharge of their functions during that year.

- (5) The Secretary of State shall lay before Parliament a copy of every report received by him under this section and shall cause every such report to be published.
- (6) The Authority shall send to each police authority—
 - (a) a copy of every report made under subsection (4), and
 - (b) any statistical or other general information—
 - (i) which relates to the year dealt with by the report and to the area of that police authority, and
 - (ii) which the Authority consider should be brought to the police authority's attention in connection with its functions under section 77.

80 Restriction on disclosure of information

- (1) No information received by the Authority in connection with any of their functions under sections 67 to 79 or regulations made by virtue of section 81 shall be disclosed by any person who is or has been a member, officer or servant of the Authority except—
 - (a) to the Secretary of State or to a member, officer or servant of the Authority or, so far as may be necessary for the proper discharge of the functions of the Authority, to other persons,
 - (b) for the purposes of any criminal, civil or disciplinary proceedings, or
 - (c) in the form of a summary or other general statement made by the Authority which does not identify the person from whom the information was received or any person to whom it relates.
- (2) Any person who discloses information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

81 Regulations

- (1) The Secretary of State may make regulations as to the procedure to be followed under this Chapter.
- (2) The Secretary of State shall by regulations provide—
 - (a) that, subject to such exceptions, and in accordance with such procedures, as may be specified in the regulations, the chief officer of police of a police force shall supply a copy of, or of the record of, any complaint concerning the conduct of a member of his force—
 - (i) to that member, and
 - (ii) to the person by or on behalf of whom the complaint was submitted;
 - (b) procedures for the informal resolution of complaints of such descriptions as may be specified in the regulations, and for giving the person by or on behalf of whom the complaint was submitted a record of the outcome of any such procedure if he applies for one within such period as the regulations may provide;
 - (c) procedures for giving a member of a police force, whose conduct is the subject of a complaint which falls to be resolved informally, an opportunity to comment orally or in writing on the complaint;
 - (d) for cases in which any provision of this Chapter is not to apply where—

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- (i) a complaint, other than a complaint which falls to be resolved informally, is withdrawn, or
 - (ii) the complainant indicates that he does not wish any further steps to be taken;
 - (e) for enabling the Authority to dispense with any requirement of this Chapter;
 - (f) for enabling the Authority to relinquish the supervision of the investigation of any complaint or other matter;
 - (g) procedures for the reference or submission of complaints or other matters to the Authority;
 - (h) for the time within which the Authority are to give a notification under section 72(2);
 - (i) that the Authority shall be supplied with such information or documents of such description as may be specified in the regulations at such time or in such circumstances as may be so specified;
 - (j) that any action or decision of the Authority which they take in consequence of their receipt of a memorandum under section 75 shall, if it is an action or decision of a description specified in the regulations, be notified to the person concerned and that, in connection with such a notification, the Authority shall have power to supply that person with any relevant information;
 - (k) that chief officers of police shall have power to delegate any functions conferred on them by or by virtue of this Chapter.
- (3) In this section “document” means anything in which information of any description is recorded.

82 Regulations – supplementary

- (1) Regulations under this Chapter may make different provision for different circumstances and may authorise the Secretary of State to make provision for any purposes specified in the regulations.
- (2) Subject to subsection (3), a statutory instrument containing regulations under this Chapter shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations to which this subsection applies shall not be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- (4) Subsection (3) applies to regulations made by virtue of section 70(1)(a)(ii), 72(1)(b) or (4), 75(4) or (5) or 81(2)(b), (e) or (f).

83 Guidance concerning complaints etc

- (1) The Secretary of State may issue guidance to police authorities, chief officers of police and other members of police forces concerning the discharge of their functions under this Chapter and they shall have regard to any such guidance in the discharge of their functions.
- (2) Guidance may not be issued under subsection (1) in relation to the handling of a particular case.
- (3) A failure on the part of a person to whom guidance is issued under subsection (1) to have regard to such guidance shall be admissible in evidence on any appeal

from a decision taken in proceedings under regulations made in accordance with section 50(3).

- (4) In discharging their functions under section 76 the Authority shall have regard to any guidance given to them by the Secretary of State with respect to such matters as are for the time being the subject of guidance under subsection (1), and they shall have regard in particular, but without prejudice to the generality of this subsection, to any such guidance as to the principles to be applied in cases that involve any question of criminal proceedings.
- (5) The report of the Authority under section 79(4) shall contain a statement of any guidance given to the Authority under subsection (4) above during the year to which the report relates.

CHAPTER II

DISCIPLINARY AND OTHER PROCEEDINGS

84 Representation at disciplinary and other proceedings

- (1) A member of a police force of the rank of superintendent or below may not be dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 50(3)(a) unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.
- (2) Where a member of a police force makes an election to which subsection (1) refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.
- (3) Except in a case where a member of a police force of the rank of superintendent or below has been given an opportunity to elect to be legally represented and has so elected, he may be represented at the hearing only by another member of a police force.
- (4) Regulations under section 50 shall specify—
 - (a) a procedure for notifying a member of a police force of the effect of subsections (1) to (3) above,
 - (b) when he is to be notified of the effect of those subsections, and
 - (c) when he is to give notice whether he wishes to be legally represented at the hearing.
- (5) If a member of a police force—
 - (a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented, or
 - (b) gives notice in accordance with the regulations that he does not wish to be legally represented,he may be dismissed, required to resign or reduced in rank without his being legally represented.
- (6) If a member of a police force has given notice in accordance with the regulations that he wishes to be legally represented, the case against him may be presented by counsel or a solicitor whether or not he is actually so represented.

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85 Appeals against dismissal etc

- (1) A member of a police force who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 50(3) may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to a police appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
 - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against, and
 - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents, and may, in particular, apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the rules.
- (5) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.
- (6) Schedule 6 shall have effect in relation to appeals under this section.

86 Admissibility of statements in subsequent proceedings

- (1) Subject to subsection (2), no statement made by a person for the purpose of the informal resolution of a complaint shall be admissible in any subsequent criminal, civil or disciplinary proceedings.
- (2) A statement is not rendered inadmissible by subsection (1) if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.
- (3) In this section “complaint” and “disciplinary proceedings” have the meanings given in section 65.

87 Guidance concerning disciplinary proceedings etc

- (1) The Secretary of State may issue guidance to police authorities, chief officers of police and other members of police forces concerning the discharge of their functions under regulations made under section 50 in relation to the matters mentioned in subsection (2)(e) of that section, and they shall have regard to any such guidance in the discharge of their functions.
- (2) Subsections (2) to (5) of section 83 shall apply in relation to guidance issued under subsection (1) above as they apply in relation to guidance issued under subsection (1) of that section.

88 Liability for wrongful acts of constables

- (1) The chief officer of police for a police area shall be liable in respect of torts committed by constables under his direction and control in the performance or purported 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 in respect of any such 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 police authority.
- (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 police authority 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 a tort committed by 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 police authority,
 - (b) a constable for the time being required to serve with that force by virtue of section 24 or 98, or
 - (c) a special constable appointed for the authority's police area.

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.

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- (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.

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, and
 - (b) “special constable” means a special constable appointed for a police area.

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.
- (2) This section applies to special constables appointed for a police area as it applies to members of a police force.

Miscellaneous financial provisions

92 Grants by local authorities

- (1) The council of a county, district, county borough or London borough may make grants to any police authority established under section 3 whose police area falls wholly or partly within the county, district, county borough or borough.
- (2) The council of a London borough, county, or district which falls wholly or partly within the metropolitan police district may make grants for police purposes to the Receiver for the Metropolitan Police District.
- (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.

93 Acceptance of gifts and loans

- (1) A police authority 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 the authority 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 police authority or of the police force maintained by it.
- (3) In the application of this section in relation to the metropolitan police force, for the references to the police authority there shall be substituted references to the Receiver for the Metropolitan Police District.

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.
- (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 Local Government Finance Act 1992.

95 Metropolitan and City of London police funds

There shall be paid out of the metropolitan police fund and the City of London police fund respectively (subject, in the case of the metropolitan police fund, to the approval of the Secretary of State) any expenditure incurred under this Act in respect of—

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- (a) any special constables appointed for the metropolitan police district or the City of London police area; and
- (b) any police cadets appointed in relation to the metropolitan police force or the City of London police force.

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 in that area.
- (2) Except as provided by subsections (3) to (6), arrangements for each police area shall be made by the police authority after consulting the chief constable as to the arrangements that would be appropriate.
- (3) The Secretary of State shall issue guidance to the Commissioner of Police of the Metropolis concerning arrangements for the metropolitan police district; and the Commissioner shall make arrangements under this section after taking account of that guidance.
- (4) The Commissioner shall make separate arrangements—
 - (a) for each London borough;
 - (b) for each district which falls wholly within the metropolitan police district; and
 - (c) in the case of districts which fall partly within the metropolitan police district, for each part of such a district which falls within that police district.
- (5) The Commissioner shall—
 - (a) consult the council of each London borough as to the arrangements that would be appropriate for the borough,
 - (b) consult the council of each district mentioned in subsection (4)(b) as to the arrangements that would be appropriate for the district, and
 - (c) consult the council of each district mentioned in subsection (4)(c) as to the arrangements that would be appropriate for the part of the district which falls within the metropolitan police district.
- (6) The Common Council of the City of London shall issue guidance to the Commissioner of Police for the City of London concerning arrangements for the City of London police area; and the Commissioner shall make arrangements under this section after taking account of that guidance.
- (7) A body or person whose duty it is to make arrangements under this section shall review the arrangements so made from time to time.
- (8) If it appears to the Secretary of State that arrangements for a police area are not adequate for the purposes set out in subsection (1), he may require the body or person whose duty it is to make arrangements for that area to submit a report to him concerning the arrangements.

- (9) After considering a report submitted under subsection (8), the Secretary of State may require the body or person who submitted it to review the arrangements and submit a further report to him concerning them.
- (10) A body or person whose duty it is to make arrangements shall be under the same duties to consult when reviewing arrangements as when making them.

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;
 - (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;
 - (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 Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority;
 - (f) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority; or
 - (g) service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980, 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 police authority, except that in relation to the chief officer of police it means the police authority.
- (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 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 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 paragraph (a), (b), (c), (d) or (g) 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 (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 the chief constable of the Royal Ulster Constabulary, 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 paragraph (b), (c) 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 torts committed by 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 respect of any such tort be treated for all purposes as a joint tortfeasor.

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 Royal Ulster Constabulary, provide constables or other assistance for the purpose of enabling the Scottish force or the Royal Ulster Constabulary to meet any special demand on its resources.

- (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 or the chief constable of the Royal Ulster Constabulary, provide constables or other assistance for the purpose of enabling the English or Welsh force or the Royal Ulster Constabulary to meet any special demand on its resources.
- (3) The chief constable of the Royal Ulster Constabulary 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, provide constables or other assistance for the purpose of enabling the English or Welsh force or the Scottish force to meet any special demand on its resources.
- (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 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), (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 Royal Ulster Constabulary, 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 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 Royal Ulster Constabulary, of its chief officer or the chief constable of the Royal Ulster Constabulary 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 police authority maintaining a police force for which assistance is provided under this section shall pay to the police authority maintaining the force from which that assistance is provided such contribution as may be agreed upon between those authorities or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.
- (7) In the application of this section to Scotland, any expression used in this section and in the Police (Scotland) Act 1967 shall have the same meaning in this section as in that Act.
- (8) In the application of this section to Northern Ireland, any expression used in this section and in the Police Act (Northern Ireland) 1970 shall have the same meaning in this section as in that Act.
- (9) For the purposes of this section “constable”, in relation to Northern Ireland, means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.

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.

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, section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992 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.

Supplemental

101 Interpretation

- (1) Except where the context otherwise requires, in this Act—
- “chief officer of police” means—
 - (a) in relation to a police force maintained under section 2, 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;
 - “metropolitan police district” means that district as defined in section 76 of the London Government Act 1963;
 - “police area” means a police area provided for by section 1;
 - “police authority” means—
 - (a) in relation to a police area listed in Schedule 1, the authority established under section 3,
 - (b) in relation to the metropolitan police district, the Secretary of State, and
 - (c) in relation to the City of London police area, the Common Council;
 - “police force” means a force maintained by a police authority;
 - “police fund” means—
 - (a) in relation to a force maintained under section 2, the fund kept by that force’s police authority under section 14,
 - (b) in relation to the metropolitan police force, the metropolitan police fund, and
 - (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
 - (c) civilians employed for the purposes of that force or of any such special constables or cadets.

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.

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.

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;
 Part III;
 paragraph 8 of Schedule 5 (and section 66 so far as it relates to that paragraph);
 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.

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

106 Short title

This Act may be cited as the Police Act 1996.

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

SCHEDULES

SCHEDULE 1 Section 1.
POLICE AREAS

<i>Name of police area</i>	<i>Extent</i>
England (except London)	
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	The county of Bedfordshire and the non-metropolitan district of Luton
Cambridgeshire	The county of Cambridgeshire
Cheshire	The county of Cheshire
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 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
Gloucestershire	The county of Gloucestershire
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

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<i>Name of police area</i>	<i>Extent</i>
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
Lancashire	The county of Lancashire
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
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
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 Hereford and Worcester and Shropshire
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

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

<i>Name of police area</i>	<i>Extent</i>
Wiltshire	The county of Wiltshire and the non-metropolitan district of Thamesdown
Wales	
Dyfed Powys	The counties of Cardiganshire, Carmarthenshire, Pembrokeshire and Powys
Gwent	The county of Monmouthshire and the county boroughs of Blaenau Gwent, Caerphilly, Newport and Torfaen
North Wales	The counties of Anglesey, Caernarfonshire and Merionethshire, Denbighshire and Flintshire and the county boroughs of Aberconwy and Colwyn and Wrexham
South Wales	The counties of Cardiff and Swansea and the county boroughs of Bridgend, Merthyr Tydfil, Neath and Port Talbot, Rhondda, Cynon, Taff and the Vale of Glamorgan

SCHEDULE 2

Section 4.

POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

Membership of police authorities

- 1 (1) Where, by virtue of section 4, a police authority is to consist of seventeen members—
 - (a) nine of those members shall be members of a relevant council appointed under paragraph 2,
 - (b) five shall be persons appointed under paragraph 5, and
 - (c) three shall be magistrates appointed under paragraph 8.
- (2) Where, by virtue of an order under subsection (2) of that section, a police authority is to consist of more than seventeen members—
 - (a) a number which is greater by one than the number of members provided for in paragraphs (b) and (c) below shall be members of a relevant council appointed under paragraph 2,
 - (b) such number as may be prescribed by the order, not exceeding one third of the total membership, shall be persons appointed under paragraph 5, and
 - (c) the remainder shall be magistrates appointed under paragraph 8.

Appointment of members by relevant councils

- 2 (1) In the case of a police authority in relation to which there is only one relevant council, the members of the police authority referred to in paragraph 1(1)(a) or (2)(a) shall be appointed by that council.
- (2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

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- 3 The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.
- 4 (1) A council or joint committee shall exercise its power to appoint members of a police authority under paragraph 2 so as to ensure that, so far as practicable, the members for whose appointment it is responsible reflect—
- (a) in the case of appointments by a council, the balance of parties for the time being prevailing among the members of the council, and
 - (b) in the case of appointments by a joint committee, the balance of parties for the time being prevailing among the members of the relevant councils taken as a whole.
- (2) The members referred to in sub-paragraph (1)(a) and (b) do not include any member of a relevant council who is disqualified for being appointed as or being a member of the police authority under paragraph 12.

Appointment of independent members

- 5 The members of a police authority referred to in paragraph 1(1)(b) or (2)(b) shall be appointed—
- (a) by the members of the police authority appointed under paragraph 2 or 8,
 - (b) from among persons on a short-list prepared by the Secretary of State in accordance with Schedule 3.
- 6 (1) Every police authority shall arrange for a notice stating—
- (a) the name of each of its members appointed under paragraph 5, and
 - (b) such other information relating to him as the authority considers appropriate, to be published in such manner as appears to it to be appropriate.
- (2) A police authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under sub-paragraph (1).

Appointment of magistrates

- 7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c)—
- (a) must be magistrates for an area all or part of which constitutes or forms part of the authority's area, and
 - (b) shall be appointed in accordance with paragraph 8;
- and in that paragraph references to a panel are references to a selection panel constituted under regulations made in accordance with section 21(1A) of the Justices of the Peace Act 1979.
- 8 (1) Where there is a panel for an area which constitutes or includes the police authority's area, that panel shall make the appointment.
- (2) Where the area of more than one panel falls wholly or partly within the police authority's area, the appointment shall be made by a joint committee consisting of representatives from the panels concerned.
- (3) The number of members of a joint committee, and the number of those members to be appointed by each panel, shall be such as the panels may agree or, in the absence of agreement, as may be determined by the Lord Chancellor.

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Chairman

- 9 (1) A police authority shall at each annual meeting appoint a chairman from among its members.
- (2) The appointment under sub-paragraph (1) shall be the first business transacted at the meeting.
- (3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—
- (a) at the next meeting of the authority (other than an extraordinary meeting), or
 - (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

Disqualification

- 10 A person shall be disqualified for being appointed as a member of a police authority if he has attained the age of seventy years.
- 11 (1) Subject to sub-paragraphs (3) and (4), a person shall be disqualified for being appointed as or being a member of a police authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority is represented, or by any person holding any such office or employment;
 - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (c) he is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
 - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and
 - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.

- (4) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- 12 Without prejudice to paragraphs 10 and 11, a member of a relevant council shall be disqualified for being appointed as or being a member of a police authority under paragraph 2 if he was elected for an electoral division or ward wholly within the metropolitan police district.
- 13 (1) Without prejudice to paragraphs 10 and 11, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 if—
- (a) he has not yet attained the age of twenty-one years, or
 - (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraphs 10 and 11, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.
- 14 (1) Without prejudice to paragraphs 10 and 11, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
 - (b) a magistrate eligible for appointment to the police authority under paragraph 8;
 - (c) a member of the selection panel for the police authority's area established under Schedule 3;
 - (d) a member of a police force;
 - (e) an officer or employee of a police authority; or
 - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
 - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

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Tenure of office

- 15 Subject to the following paragraphs (and to the provisions of any order under section 4(2)) a person shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment.
- 16 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
 - (b) such shorter term as the body appointing him may determine in any particular case.
- (2) A person shall not, by virtue of sub-paragraph (1)(b), be appointed under paragraph 5 for a term shorter than four years without the approval of the Secretary of State.
- 17 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the police authority.
- (2) Where a member appointed under paragraph 5 resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.
- 18 (1) A member of a relevant council appointed to be a member of a police authority under paragraph 2 shall cease to be a member of the authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).
- (2) A magistrate appointed to be a member of a police authority under paragraph 8 shall cease to be a member of the authority if he ceases to be a magistrate for an area all or part of which constitutes or forms part of the authority's area.
- 19 (1) A police authority may remove a member from office by notice in writing if—
- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,
 - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 11),
 - (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
 - (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where a police authority removes a member under sub-paragraph (1), it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 8, to the body which appointed him, and
 - (b) in the case of a member appointed under paragraph 5, to the Secretary of State.
- 20 A council or joint committee may remove from office a member of a police authority appointed by it under paragraph 2 with a view to appointing another in his place if it considers that to do so would further the object provided for by paragraph 4.
- 21 If a chairman of a police authority ceases to be a member, he shall also cease to be chairman.

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Eligibility for re-appointment

- 22 A person who ceases to be a member, otherwise than by virtue of paragraph 19, or ceases to be chairman, may (if otherwise eligible) be re-appointed.

Validity of acts

- 23 The acts and proceedings of any person appointed to be a member or chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 24 The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

Allowances

- 25 (1) A police authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may, with the approval of the Treasury, determine.
- (2) Payments made under sub-paragraph (1) may differ according to whether the recipient is a chairman or other member or was appointed under paragraph 2, 5 or 8.

Interpretation

- 26 (1) For the purposes of this Schedule, a council is a “relevant council” in relation to a police authority if—
- (a) it is the council for a county, district, county borough or London borough which constitutes, or is wholly within, the authority’s police area, and
 - (b) in the case of a district council, the district is not in a county having a county council within paragraph (a).
- (2) In determining for the purposes of sub-paragraph (1) whether a county or district is wholly within a police area, any part of the county or district which is within the metropolitan police district shall be disregarded.
- 27 In this Schedule “magistrate” has the same meaning as in the Justices of the Peace Act 1979.

SCHEDULE 3

Section 4.

POLICE AUTHORITIES: SELECTION OF INDEPENDENT MEMBERS

Selection panels

- 1 (1) There shall be a selection panel for each police area for the time being listed in Schedule 1.
- (2) Each selection panel shall consist of three members, one of whom shall be appointed by each of the following—
- (a) the designated members of the police authority for the area;
 - (b) the Secretary of State;

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- (c) the two members of the panel appointed by virtue of paragraphs (a) and (b).
- (3) A designated member may be appointed as a member of a selection panel by virtue of paragraph (a) (but not paragraph (b) or (c)) of sub-paragraph (2).
- (4) In this Schedule “designated member” means a member appointed under paragraph 2 or 8 of Schedule 2.
- 2 A person shall be disqualified for being appointed as or being a member of a selection panel if, by virtue of paragraph 10, 11, 13 or 14(1)(d) to (f) of Schedule 2, he is disqualified—
 - (a) for being appointed under paragraph 5 of that Schedule as a member of the police authority for the panel’s area, or
 - (b) for being a member so appointed.
- 3 (1) A person shall be appointed to hold office as a member of a selection panel for a term of two years, or for a term expiring on his attaining seventy years of age, whichever is the shorter.
- (2) A person may at any time resign his office as a member by notice in writing to the persons who under paragraph 1 would be required to appoint his successor.
- (3) A person shall not cease to be a member by reason only that any of the persons appointing him cease to hold the positions by virtue of which they appointed him.
- 4 A member of a selection panel may be removed from office by notice in writing by the persons who, under paragraph 1, would be required to appoint his successor (“the appointer”) if—
 - (a) the member has been absent from two consecutive meetings of the selection panel without the consent of the panel,
 - (b) the member has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 2),
 - (c) the appointer is satisfied that the member is incapacitated by physical or mental illness, or
 - (d) the appointer is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- 5 A person who ceases to be a member of a selection panel, otherwise than by virtue of paragraph 4, may (if otherwise eligible) be re-appointed.
- 6 (1) The acts and proceedings of any person appointed to be a member of a selection panel and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- (2) Subject to the provisions of any regulations made under paragraph 11, the proceedings of a selection panel shall not be invalidated by—
 - (a) a vacancy in the membership of the panel, or
 - (b) a defect in the appointment of a person as a member.
- 7 (1) A police authority shall make to members of the selection panel for the authority’s area such payments by way of reimbursement of expenses and allowances as it may determine.
- (2) A police authority shall—

- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonably require, and
- (b) meet any expenses incurred by the panel in the exercise of their functions.

Functions of selection panel

- 8 (1) Where appointments to a police authority are to be made under paragraph 5 of Schedule 2, the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.
- (2) Unless the selection panel are able to identify only a smaller number, the number of persons to be nominated by a selection panel under this paragraph on any occasion shall be a number four times greater than the number of appointments to be made under paragraph 5 of Schedule 2.
- (3) A selection panel shall notify the Secretary of State of—
- (a) the name of each person nominated by it under this paragraph, and
 - (b) such other information regarding those persons as it considers appropriate.
- 9 A person shall not be nominated under paragraph 8 in relation to an authority if, by virtue of paragraph 10, 11, 13 or 14 of Schedule 2, he is disqualified for being appointed as a member of the authority under paragraph 5 of that Schedule.
- 10 In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under paragraph 8—
- (a) represent the interests of a wide range of people within the community in the police area, and
 - (b) include persons with skills, knowledge or experience in such fields as may be specified for the purposes of this paragraph in regulations made under paragraph 11.
- 11 (1) The Secretary of State may make regulations as to—
- (a) the procedures to be followed in relation to the selection of persons for nomination under paragraph 8, and
 - (b) the conduct of the proceedings of selection panels.
- (2) Without prejudice to the generality of sub-paragraph (1), regulations under this paragraph may—
- (a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications or suggestions for nomination under paragraph 8, and for dealing with applications and suggestions received;
 - (b) make provision specifying the fields referred to in paragraph 10;
 - (c) prescribe matters, in addition to those mentioned in paragraph 10, to which a selection panel is to have regard in carrying out any of its functions;
 - (d) provide for decisions of a selection panel to be taken by a majority of the members.
- (3) Regulations under this paragraph may make different provision for different cases and circumstances.

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

- (4) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Secretary of State's short-list

- 12 (1) Where the Secretary of State receives a notice under paragraph 8(3), he shall as soon as practicable prepare a short-list of candidates and send it to the police authority concerned.
- (2) Subject to paragraph 13, the candidates on the short-list prepared by the Secretary of State shall be persons nominated by the selection panel, and their number shall be one half of the number of those persons.
- (3) Where the number of persons nominated by the panel is an odd number, the number to be short-listed by the Secretary of State shall be one half of the number nominated reduced by one.
- 13 (1) This paragraph has effect where the number of persons nominated by the selection panel is less than twice the number of vacancies to be filled by appointments under paragraph 5 of Schedule 2.
- (2) The Secretary of State may himself nominate such number of candidates as, when added to the number nominated by the selection panel, equals twice the number of vacancies; and if he does so, paragraph 12 shall have effect as if the selection panel had nominated the Secretary of State's nominees as well as their own.
- 14 The Secretary of State shall give to the designated members any information regarding the persons on his short-list which they request and which he has received under paragraph 8.

SCHEDULE 4

Section 29.

FORM OF DECLARATION

I, of do solemnly and sincerely declare and affirm that I will well and truly serve Our Sovereign Lady the Queen in the office of constable, without favour or affection, malice or ill will; and that I will to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of Her Majesty's subjects; 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.

SCHEDULE 5

Section 66.

THE POLICE COMPLAINTS AUTHORITY

Constitution of Authority

- 1 (1) The Police Complaints Authority shall consist of a chairman and not less than eight other members.
- (2) The chairman shall be appointed by Her Majesty.

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

- (3) The other members shall be appointed by the Secretary of State.
- (4) The members of the Authority shall not include any person who is or has been a constable in any part of the United Kingdom.
- (5) Persons may be appointed as whole-time or part-time members of the Authority.
- (6) The Secretary of State may appoint not more than two of the members of the Authority to be deputy chairmen.

Status of Authority

- 2 The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Authority's property shall not be regarded as property of or property held on behalf of the Crown.

Members

- 3 (1) Subject to the following provisions of this Schedule, a person shall hold an office to which he is appointed under paragraph 1(2), (3) or (6) in accordance with the terms of his appointment.
- (2) A person shall not be appointed to such an office for more than three years at a time.
- (3) A person may at any time resign such an office.
- (4) The Secretary of State may at any time remove a person from such an office if satisfied that—
 - (a) he has without reasonable excuse failed to carry out his duties for a continuous period of three months beginning not earlier than six months before that time;
 - (b) he has been convicted of a criminal offence;
 - (c) he has become bankrupt or made an arrangement with his creditors;
 - (d) he is incapacitated by physical or mental illness;
 - (e) he has acted improperly in relation to his duties; or
 - (f) he is otherwise unable or unfit to perform his duties.

- 4 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of persons appointed to office under paragraph 1(2), (3) or (6) or any of them as he may, with the consent of the Treasury, determine.

- 5 Where a person ceases to hold such an office otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the consent of the Treasury, direct the Authority to make to the person a payment of such amount as the Secretary of State may, with the consent of the Treasury, determine.

Staff

- 6 The Authority may, after consultation with the Secretary of State, appoint such officers and servants as appear to the Authority to be appropriate, subject to the

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

approval of the Treasury as to numbers and as to remuneration and other terms and conditions of service.

- 7 Where a person who is employed by the Authority and is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 is appointed to an office under paragraph 1(2), (3) or (6), the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the Authority; and his rights under the scheme shall not be affected by paragraph 4.

- 8 The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Authority.

Power of Authority to set up regional offices

- 9 (1) If it appears to the Authority that it is necessary to do so in order to discharge their duties efficiently, the Authority may, with the consent of the Secretary of State and the Treasury, set up a regional office in any place in England and Wales.
- (2) The Authority may delegate any of their functions to a regional office.

Proceedings

- 10 (1) Subject to the provisions of Chapter I of Part IV and section 87, the arrangements for the proceedings of the Authority (including the quorum for meetings) shall be such as the Authority may determine.
- (2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general direction of the Authority, of any of the Authority's functions by a committee or by one or more of the members, officers or servants of the Authority.
- 11 The validity of any proceedings of the Authority shall not be affected by—
- (a) any defect in the appointment of the chairman or any other member, or
 - (b) any vacancy in the office of chairman or among the other members.

Finance

- 12 The Secretary of State—
- (a) shall pay to the Authority expenses incurred or to be incurred by the Authority under paragraphs 5 and 6, and
 - (b) shall, with the consent of the Treasury, pay to the Authority such sums as appear to the Secretary of State to be appropriate for enabling the Authority to meet other expenses.
- 13 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts,
 - (b) prepare in respect of each financial year of the Authority a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct, and
 - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before Parliament.
- (3) The financial year of the Authority shall be the twelve months ending on 31st March.

SCHEDULE 6

Section 85.

APPEALS TO POLICE APPEALS TRIBUNALS

Police appeals tribunals

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
 - (a) one shall be a person chosen from a list of persons who have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 and have been nominated by the Lord Chancellor for the purposes of this Schedule,
 - (b) one shall be a member of a police authority, other than the relevant police authority, and
 - (c) one shall be a person who—
 - (i) is (or has within the previous five years been) an Inspector of Constabulary, or
 - (ii) has within the previous five years been (and is no longer) the Commissioner of Police of the Metropolis.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.
- 2 (1) In the case of an appeal by a member of a police force who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
 - (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),
 - (b) one shall be a member of the authority or, where the authority is the Secretary of State, a person nominated by him,
 - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief officers of police, other than a person who is (or has at any time been) the chief officer of police of the force maintained by the relevant police authority, and
 - (d) one shall be a retired officer of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

Notice of appeal

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

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

Respondent

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

Casting vote

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

Hearing

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

Effect of orders

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force or in his rank, he shall, for the 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.

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 relevant police authority.

- (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 relevant police authority.

Interpretation

10 In this Schedule—

- (a) “senior officer” means a member of a police force holding a rank above that of superintendent,
- (b) “relevant police authority” means the police authority which maintains the police force of which the appellant is a member, and
- (c) “retired officer of appropriate rank” means—
 - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired member of a police force who at the time of his retirement was of that rank, and
 - (ii) in any other case a retired member of a police force who at the time of his retirement was of the rank of chief inspector or below.

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 Trustee Investments Act 1961;
 - (b) sections 2(6) and 8(1) of the Local Government (Records) Act 1962;
 - (c) section 11(2) of the Local Government Act 1966;
 - (d) section 28(5)(a) of the Leasehold Reform Act 1967;
 - (e) section 1(3) of the Local Government Grants (Social Need) Act 1969;
 - (f) section 7(1AA) of the Post Office Act 1969;
 - (g) the definition of “public body” in section 1(4) of the 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 Local Government Act 1972;
 - (i) section 13(7)(f) of the Employment Agencies Act 1973;
 - (j) section 25(1)(ca) of the Local Government Act 1974;

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

- (k) paragraph (a) of the definition of “local authority” in section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976;
- (l) section 71 of the Race Relations Act 1976;
- (m) section 5(3)(baa) of the Rent (Agriculture) Act 1976;
- (n) section 14(caa) of the Rent Act 1977;
- (o) section 64(6) of the Justices of the Peace Act 1979;
- (p) paragraphs (a)(i) and (aa) of the definition of “local authority” in section 20(1) of the 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 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 Local Government (Miscellaneous Provisions) Act 1982;
- (s) sections 12(2)(g), 19(7), 20(10) and 28B(1) and (2)(a) of the Local Government Finance Act 1982;
- (t) paragraph 7(1)(ba) of Schedule 1 to the Stock Transfer Act 1982;
- (u) the definition of “local authority” in section 60(3) of the County Courts Act 1984;
- (v) section 4(e) of the Housing Act 1985;
- (w) the definition of “local authority” in section 106(1) of the Housing Associations Act 1985;
- (x) the definition of “local authority” in section 38 of the Landlord and Tenant Act 1985;
- (y) sections 6(2)(a) and 9(1)(a) of the Local Government Act 1986;
- (z) section 58(1)(a) of the Landlord and Tenant Act 1987;
- (za) section 1(1)(e) of, and Schedule 2 to, the Local Government Act 1988;
- (zb) sections 111(2)(e) and 112(2)(a) of the Local Government Finance Act 1988;
- (zc) paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988;
- (zd) sections 5(1), 21(1)(g), 39(1)(j), 67(3)(i), 101(3)(ea), 155(4)(ea) and 157(6)(g) of the Local Government and Housing Act 1989;
- (ze) the definition of “local authority” in section 252(12) of the Town and Country Planning Act 1990;
- (zf) sections 19(3)(c), 39(1)(b) and 54(3)(f) and (3A)(b) of the Local Government Finance Act 1992.

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”.

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

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”,
- (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”.

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

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.))

- 17 In section 14(5) of the Police Act (Northern Ireland) 1970 for “section 141 of the Criminal Justice and Public Order Act 1994” there shall be substituted “section 98 of the Police Act 1996”.

Pensions (Increase) Act 1971 (c. 56)

- 18 (1) Schedule 2 to the Pensions (Increase) Act 1971 shall be amended as follows.
- (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”.

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

- 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 Police and Criminal Evidence Act 1984) in the list of “Other Bodies”—

“Police Complaints Authority”.

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)”.

Juries Act 1974 (c. 23)

- 23 In Schedule 1 to the Juries Act 1974, in Part I, in Group B—
- (a) for the words from “(including” to “1964)” there shall be substituted “(including a person on relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996”;
 - (b) for “the Police Act 1964”, in the second place where it occurs, there shall be substituted “the Police Act 1996”, and
 - (c) for “section 10 of the Police Act 1964” there shall be substituted “section 15 of the Police Act 1996”.

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”.

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

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 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 Police Negotiating Board Act 1980).
- 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,

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

(as the case may require). ”

Race Relations Act 1976 (c. 80)

- 31 In section 16(5) of the Race Relations Act 1976, in the definition of “the Police Act”, for “the Police Act 1964” there shall be substituted “the Police Act 1996”.

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”.

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”.

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

Football Spectators Act 1989 (c. 37)

42 In section 14(7) of the Football Spectators Act 1989 for “section 41 of the Police Act 1964” there shall be substituted “section 57 of the Police Act 1996”.

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).”
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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
 - (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 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.

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 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.
- 3 The repeal by this Act of an enactment previously repealed subject to savings does not affect the continued operation of those savings.

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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 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.

Savings relating to the Police Act 1964

- 6 Notwithstanding the repeal by this Act of subsection (4) of section 58 of the Police Act 1964 (provision made by regulations for chief constables affected by amalgamations or reorganisations not to be less favourable than that under the 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.
- 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 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 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.

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—

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- (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”,

- (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”.

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

reorganisation), any order made under section 21A of that Act shall continue to have effect.

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”.
- (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.

Modification of section 81

- 12 Until such day as the Lord Chancellor may appoint under section 16(2) of the 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. ”

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 Police and Criminal Evidence Act 1984 (police complaints), as amended by the 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.

SCHEDULE 9

Section 103.

REPEALS AND REVOCATIONS

PART I

REPEALS: GENERAL

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
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.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
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.
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.

PART II

REPEALS CONSEQUENTIAL ON NEW DISCIPLINE AND COMPLAINTS PROCEDURES

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
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.

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
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.

PART III

REVOCATIONS

<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
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.

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<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
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 and Boundary Changes) Order 1995.	Article 7.
S.I. 1996/507	The Leicestershire (City of Leicester and District of Rutland) (Structural Change) Order 1996.	Article 5.