



Police Act 1996

1996 CHAPTER 16

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.

Status: This is the original version (as it was originally enacted).

- (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.

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- (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.

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- (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.

Status: This is the original version (as it was originally enacted).

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—

Status: This is the original version (as it was originally enacted).

- (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.