



Police Act 1996

1996 CHAPTER 16

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.
- (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.

Status: This is the original version (as it was originally enacted).

- (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.

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- (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 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 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.

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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.