



Police Act 1996

1996 CHAPTER 16

PART V

MISCELLANEOUS AND GENERAL

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

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- (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.
- (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

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(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,

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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.