



Police Act 1996

1996 CHAPTER 16

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

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) [^{F1}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.

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[^{F2}(2ZA) Regulations under this section may not make any provision which may be made under [^{F3}section 50A (regulations as to police ranks) or under] section 1 of the Public Service Pensions Act 2013 in relation to members of police forces.]

[^{F4}(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to any of the matters mentioned in [^{F5}subsection (2)(a), (b), (c) or (g)] [^{F5}subsection (2)(b), (c) or (g)], the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(2ZC) The Secretary of State may not make regulations with respect to any of the matters mentioned in [^{F6}subsection (2)(a), (b), (c) or (g)] [^{F6}subsection (2)(b), (c) or (g)] unless the text of the regulations has been prepared or approved by the College of Policing.]

[^{F7}(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor's Office for Policing and Crime, in exercising—

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

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

(2B) In subsection (2A)—

“power of removal” means—

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

“power of suspension” means—

- (a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;

and for this purpose “2011 Act” means the Police Reform and Social Responsibility Act 2011.]

[^{F8}(3) Without prejudice to the powers conferred by this section, regulations under this section shall—

- (a) establish, or
- (b) make provision for the establishment of,

procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of members of police forces, including procedures for cases in which such persons may be dealt with by dismissal.]

[^{F9}(3A) Regulations under this section may provide for the procedures that are established by or under regulations made by virtue of subsection (3) to apply (with or without

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modifications) in respect of the conduct, efficiency or effectiveness of any person where—

- (a) an allegation relating to the conduct, efficiency or effectiveness of the person comes to the attention of a chief officer of police, a local policing body or the [F¹⁰Director General of the Independent Office for Police Conduct],
 - (b) at the time of the alleged misconduct, inefficiency or ineffectiveness the person was a member of a police force, and
 - (c) condition A, B or C is satisfied in relation to the person.
- (3B) Condition A is that the person ceases to be a member of a police force after the allegation first comes to the attention of a person mentioned in subsection (3A)(a).
- (3C) Condition B is that the person had ceased to be a member of a police force before the allegation first came to the attention of a person mentioned in subsection (3A)(a) but the period between the person having ceased to be a member of a police force and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) does not exceed the period specified in regulations under this section.
- (3D) Condition C is that—
- (a) the person had ceased to be a member of a police force before the allegation first came to the attention of a person mentioned in subsection (3A)(a),
 - (b) the period between the person having ceased to be a member of a police force and the allegation first coming to the attention of a person mentioned in subsection (3A)(a) exceeds the period specified for the purposes of condition B, and
 - (c) the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, the person could have been dealt with by dismissal if the person had still been a member of a police force.
- (3E) Regulations made by virtue of subsection (3A) as they apply in a case where condition C is satisfied in relation to a person must provide that disciplinary proceedings may be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness only if the [F¹¹Director General of the Independent Office for Police Conduct] determines that taking such proceedings would be reasonable and proportionate having regard to—
- (a) the seriousness of the alleged misconduct, inefficiency or ineffectiveness,
 - (b) the impact of the allegation on public confidence in the police, and
 - (c) the public interest.
- (3F) Regulations made by virtue of subsection (3A) may make provision about matters to be taken into account by the [F¹²Director General of the Independent Office for Police Conduct] for the purposes of subsection (3E)(a) to (c).
- (3G) Regulations made by virtue of subsection (3A) must provide that disciplinary proceedings which are not the first disciplinary proceedings to be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness may be taken only if they result from a re-investigation of the allegation (whether carried out under regulations under this section or under the Police Reform Act 2002) that begins within the period specified in the regulations.

The period specified must begin with the date when the person ceased to be a member of a police force.]

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- (4) In relation to any matter as to which provision may be made by regulations under this section, the regulations may^{F13}... —
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [^{F14}local policing bodies], chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (5) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- [^{F15}(6A) Without prejudice to the powers conferred by this section, regulations under this section may make provision with respect to—
- (a) steps to be taken in connection with the appointment of senior officers;
 - (b) payments to senior officers who cease to hold office before the end of a fixed term appointment.
- (6B) In subsection (6A) “senior officer” means—
- (a) a member of a police force holding a rank above that of chief superintendent;
 - (b) the Commissioner of Police for the City of London.]

(7) Regulations under this section may make different provision for different cases and circumstances.

(8) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 50(2)(a) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 48\(4\)](#), [183\(1\)\(5\)\(e\)](#)
- F2** S. 50(2ZA) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 8 para. 23](#) (with [Sch. 11 para. 8](#)); S.I. 2014/839, art. 4(2)(j)
- F3** Words in s. 50(2ZA) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 48\(5\)](#), [183\(1\)\(5\)\(e\)](#)
- F4** S. 50(2ZB)(2ZC) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 123\(1\)](#), [185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, [Sch. para. 10](#)
- F5** Words in s. 50(2ZB) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 48\(6\)](#), [183\(1\)\(5\)\(e\)](#)
- F6** Words in s. 50(2ZC) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 48\(6\)](#), [183\(1\)\(5\)\(e\)](#)
- F7** S. 50(2A)(2B) inserted (15.12.2011) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 82\(12\)](#), [157\(1\)](#); S.I. 2011/3019, art. 2(c)
- F8** S. 50(3) substituted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 3\(2\)](#); S.I. 2008/2712, art. 2, [Sch. para. 16\(b\)](#) (with art. 4); S.I. 2008/2993, [art. 2\(1\)\(h\)\(i\)](#) (with [art. 3](#))

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- F9** S. 50(3A)-(3G) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 29(2)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(a) (as amended by S.I. 2017/1162, reg. 2)
- F10** Words in s. 50(3A)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 65(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F11** Words in s. 50(3E) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 65(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F12** Words in s. 50(3F) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 65(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F13** Words in s. 50(4) repealed (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 3(3), **Sch. 28 Pt. 8**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, **art. 2(1)(h)(i)** (with **art. 3**)
- F14** Words in s. 50(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 32**; S.I. 2011/3019, art. 3, Sch. 1
- F15** S. 50(6A)(6B) inserted (19.4.2010) by Policing and Crime Act 2009 (c. 26), **ss. 3**, 116(1); S.I. 2010/999, art. 2(a)

Commencement Information

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

Changes to legislation:

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