



Police Act 1996

1996 CHAPTER 16

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

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;
 - ^{F1}(ba) the conduct [^{F2}, efficiency and effectiveness] of special constables and the maintenance of discipline;
 - (c) the suspension of special constables from their office as constable; [^{F3}and]
 - ^{F4}(ca) 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;
 - (d) the allowances payable to special constables; and
 - ^{F5}(e)

^{F6}(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to special constables.]

^{F7}(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to—

- (a) the ranks to be held by special constables,
- (b) the qualifications for appointment and promotion of special constables,
- (c) periods of service on probation, or

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- (d) maintenance of personal records of special constables,
 the Secretary of State shall make regulations in terms of the draft.
- (2ZC) The duty in subsection (2ZB) does not apply if the Secretary of State considers that—
- (a) making regulations in terms of the draft would impair the efficiency or effectiveness of the police, or
 - (b) it would be unlawful to make regulations in those terms, or
 - (c) it would for some other reason be wrong to make regulations in those terms.
- (2ZD) The Secretary of State may not make regulations with respect to the matters mentioned in subsection (2ZB) unless the text of the regulations has been prepared or approved by the College of Policing.]
- [^{F8}(2A) 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 special constables, including procedures for cases in which such persons may be dealt with by dismissal.]
- [^{F9}(2B) Regulations under this section may provide for the procedures that are established by or under regulations made by virtue of subsection (2A) to apply (with or without 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 [^{F10}Director General of the Independent Office for Police Conduct],
 - (b) at the time of the alleged misconduct, inefficiency or ineffectiveness the person was a special constable, and
 - (c) condition A, B or C is satisfied in relation to the person.
- (2C) Condition A is that the person ceases to be a special constable after the allegation first comes to the attention of a person mentioned in subsection (2B)(a).
- (2D) Condition B is that the person had ceased to be a special constable before the allegation first came to the attention of a person mentioned in subsection (2B)(a) but the period between the person having ceased to be a special constable and the allegation first coming to the attention of a person mentioned in subsection (2B)(a) does not exceed the period specified in regulations under this section.
- (2E) Condition C is that—
- (a) the person had ceased to be a special constable before the allegation first came to the attention of a person mentioned in subsection (2B)(a),
 - (b) the period between the person having ceased to be a special constable and the allegation first coming to the attention of a person mentioned in subsection (2B)(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 special constable.

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- (2F) Regulations made by virtue of subsection (2B) 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 [^{F11}Director 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.
- (2G) Regulations made by virtue of subsection (2B) may make provision about matters to be taken into account by the [^{F12}Director General of the Independent Office for Police Conduct] for the purposes of subsection (2F)(a) to (c).
- (2H) Regulations made by virtue of subsection (2B) 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 special constable.]

^{F13}(3)

- [^{F14}(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [^{F15}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.]
- (4) Subsections (7) and (8) of section 50 shall apply to regulations under this section.

Textual Amendments

- F1** S. 51(2)(ba) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 35**, 108(2)-(5); S.I. 2002/2306, **art. 2(c)(ii)**
- F2** Words in s. 51(2)(ba) inserted (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. 4(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**)
- F3** Word in s. 51(2)(c) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 24(2)(a)** (with **Sch. 11 para. 8**); S.I. 2014/839, **art. 4(2)(j)**
- F4** S. 51(2)(ca) inserted (28.4.2022 for specified purposes, 28.6.2022 in so far as not already in force) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 4(2)**, 208(4)(a); S.I. 2022/520, **reg. 5(b)**
- F5** S. 51(2)(e) repealed (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 24(2)(b)** (with **Sch. 11 para. 8**); S.I. 2014/839, **art. 4(2)(j)**
- F6** S. 51(2ZA) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 24(3)** (with **Sch. 11 para. 8**); S.I. 2014/839, **art. 4(2)(j)**
- F7** S. 51(2ZB)-(2ZD) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 123(2)**, 185(1) (with **ss. 21**, 33, 42, 58, 75, 93); S.I. 2014/949, **art. 3**, **Sch. para. 10**

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- F8** S. 51(2A) inserted (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. 4(3)**; 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)
- F9** S. 51(2B)-(2H) 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(3)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(a) (as amended by S.I. 2017/1162, reg. 2)
- F10** Words in s. 51(2B)(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)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F11** Words in s. 51(2F) 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)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F12** Words in s. 51(2G) 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)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F13** S. 51(3) repealed (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 24(4)** (with Sch. 11 para. 8); S.I. 2014/839, art. 4(2)(j)
- F14** S. 51(3A) inserted (25.6.1997) by 1997 c. 50, s. **128(1)**; S.I. 1997/1377, art. **2(2)(h)**
- F15** Words in s. 51(3A)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 33**; S.I. 2011/3019, art. 3, Sch. 1

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