



Police Reform Act 2002

2002 CHAPTER 30

PART 5

THE MINISTRY OF DEFENCE POLICE

78 Ministry of Defence police serving with other forces

After section 2A of the Ministry of Defence Police Act 1987 (c. 4) (provision of assistance to other forces) there shall be inserted—

“2B Constables serving with other forces

- (1) This section applies where a member of the Ministry of Defence Police serves with a relevant force under arrangements made between the chief officer of that force and the chief constable of the Ministry of Defence Police.
- (2) The member of the Ministry of Defence Police—
 - (a) shall be under the direction and control of the chief officer of the relevant force; and
 - (b) shall have the same powers and privileges as a member of that force.
- (3) In this section—
 - “British Transport Police Force” has the same meaning as in section 2 above;
 - “chief officer” means—
 - (a) any chief officer of police of a police force for a police area in Great Britain;
 - (b) the chief constable of the Police Service of Northern Ireland;
 - (c) the Director General of the National Criminal Intelligence Service;
 - (d) the Director General of the National Crime Squad;
 - (e) the chief constable of the British Transport Police Force; or

Status: This is the original version (as it was originally enacted).

(f) the chief constable of the United Kingdom Atomic Energy Authority Constabulary;

“relevant force” means—

(a) any police force for a police area in Great Britain;

(b) the Police Service of Northern Ireland;

(c) the National Criminal Intelligence Service;

(d) the National Crime Squad;

(e) the British Transport Police Force; or

(f) the United Kingdom Atomic Energy Authority Constabulary;

“United Kingdom Atomic Energy Authority Constabulary” has the same meaning as in section 2 above.”

79 **Disciplinary matters**

(1) After section 3 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

“3A Regulations relating to disciplinary matters

(1) The Secretary of State shall by regulations made by statutory instrument establish, or make provision for the establishment of, procedures for cases in which a member of the Ministry of Defence Police may be dealt with by suspension, dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.

(2) The regulations may provide—

(a) for decisions which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead—

(i) by a person or persons appointed in accordance with the regulations; or

(ii) by the Ministry of Defence Police Committee;

and

(b) for decisions taken by or on behalf of the Secretary of State or the chief constable of the Ministry of Defence Police to be reviewed by a person or persons appointed by or in accordance with the regulations.

(3) 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, the Ministry of Defence Police Committee, the chief constable of the Ministry of Defence 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) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(2) After section 4 of that Act there shall be inserted—

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

“4A Appeals against dismissal etc.

- (1) Subject to subsection (2) below, a member of the Ministry of Defence Police who is dismissed, required to resign or reduced in rank by a decision taken—
 - (a) in proceedings under regulations made in accordance with section 3A above, or
 - (b) in proceedings for the purposes of any procedures established in accordance with an agreement or order under section 60 of the Police (Northern Ireland) Act 1998 (c. 32),may appeal to an appeals tribunal.
 - (2) Subsection (1) above does not apply in the case of a person who has a right to apply to some other person for a review of the decision; and in that case that person may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
 - (3) The Secretary of State may by regulations made by statutory instrument—
 - (a) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made in relation to police appeals tribunals by any provision of Schedule 6 to the Police Act 1996 (c. 16) or Schedule 3 to the Police (Scotland) Act 1967 (c. 77);
 - (b) make provision as to procedure on appeals to appeals tribunals under this section; and
 - (c) make provision enabling an appeals tribunal to require any person to attend a hearing and to give evidence or produce documents.
 - (4) Regulations made by virtue of subsection (3)(c) above may, in particular, apply subsections (2) and (3) of section 250 of the Local Government Act 1972 (c. 70) or subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) with such modifications as may be set out in the regulations.
 - (5) Where an appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way which—
 - (a) appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
 - (b) is a way in which he could have been dealt with by the person who made the decision.
 - (6) Any statutory instrument containing regulations under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (7) In this section “an appeals tribunal” means a tribunal constituted in accordance with regulations under subsection (3) above.”
- (3) In section 1 of that Act (establishment of Ministry of Defence Police), for subsection (5) there shall be substituted—
- “(5) The Secretary of State shall appoint a committee, to be known as the Ministry of Defence Police Committee—

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

- (a) to advise him with respect to such matters concerning the Ministry of Defence Police as he may from time to time require; and
- (b) to exercise such other functions as may be conferred on it by or under this Act;

and the Secretary of State may make regulations concerning the membership and the procedure of the Committee.”

(4) After section 6 of that Act there shall be inserted—

“6A Powers to make regulations

Any power of the Secretary of State under this Act to make regulations shall include power to make different provision for different purposes.”

80 Functions of inspectors of constabulary

Before section 5 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

“4B Functions of inspectors of constabulary

- (1) The inspectors of constabulary shall inspect, and report to the Secretary of State on, the efficiency and effectiveness of the Ministry of Defence Police.
- (2) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of the Ministry of Defence Police and to report to him on that inspection.
- (3) A requirement under subsection (2) may include a requirement for the inspection to be confined to a particular part of the Ministry of Defence Police, to particular matters or to particular activities of the Ministry of Defence Police.
- (4) The inspectors of constabulary shall carry out such other duties for the purposes of furthering the efficiency and effectiveness of the Ministry of Defence Police as the Secretary of State may from time to time direct.
- (5) Before carrying out any inspection by virtue of subsection (1) in Scotland, the inspectors of constabulary shall consult the Scottish inspectors with respect to the scope and conduct of the proposed inspection.
- (6) In this section—

“the inspectors of constabulary” means Her Majesty’s Inspectors of Constabulary appointed under section 54 of the Police Act 1996 (c. 16);

“the Scottish inspectors” means the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 (c. 77).

4C Publication of reports

- (1) Subject to subsection (2) below, the Secretary of State shall arrange for any report received by him under section 4B above to be published in such manner as appears to him to be appropriate.
- (2) The Secretary of State may exclude from publication under subsection (1) above any part of a report if, in his opinion, the publication of that part—

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

- (a) would be against the interests of national security; or
 - (b) might jeopardise the safety of any person.
- (3) The Secretary of State shall—
- (a) send a copy of the published report to the chief constable of the Ministry of Defence Police; and
 - (b) invite the chief constable to submit comments on the published report to the Secretary of State before such date as the Secretary of State may specify.
- (4) The Secretary of State shall arrange for—
- (a) any comments submitted by the chief constable in accordance with subsection (3) above, and
 - (b) any response that the Secretary of State may prepare to the published report or to any comments submitted by the chief constable,
- to be published in such manner as he considers appropriate.”

81 Exemptions from firearms legislation

- (1) After section 16A of the Firearms (Amendment) Act 1988 (c. 45) there shall be inserted—

“16B Possession of firearms on Ministry of Defence Police premises

- (1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.
 - (2) In this section “relevant premises” means premises used for any purpose of the Ministry of Defence Police.”
- (2) After Article 12A of the Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2)) there is inserted—

“12B Possession of firearms on Ministry of Defence Police premises

- (1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 6, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.
- (2) In this Article “relevant premises” means premises used for any purpose of the Ministry of Defence Police.”