



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Appointment and attestation of police officers etc.*

## 82 Nationality requirements applicable to police officers etc.

- (1) Irrespective of his place of birth, a person of any nationality may be—
- (a) a member of a police force maintained for any police area in England and Wales<sup>F1</sup>...;
  - [<sup>F2</sup>(aa) a constable of the Police Service of Scotland;]
  - (b) a member of the Police Service of Northern Ireland or of the Police Service of Northern Ireland Reserve;
  - (c)<sup>F3</sup> .....
  - (d) a member of the British Transport Police Force;
  - [<sup>F4</sup>(e) a member of the Civil Nuclear Constabulary; [<sup>F5</sup>or]]
  - (f)<sup>F6</sup> .....
  - (g) a special constable;

and, accordingly, irrespective of his place of birth such a person may be attested or appointed, and hold office, as a constable.

- (2) Subsection (1) is subject to any provision falling within subsection which relates to qualification for appointment as a constable or as a special constable or for membership of, or for particular ranks, offices or positions with—
- (a) any force or constabulary; <sup>F7</sup>...
  - [<sup>F8</sup>(aa) the Police Service of Scotland; or]
  - (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve; <sup>F9</sup>...
  - (c)<sup>F9</sup> .....

*Changes to legislation: Police Reform Act 2002, Part 6 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) Provision falls within this subsection if it is—
- (a) provision made by regulations made under section 50 or 51 of the 1996 Act (regulations for police constables and for special constables);
  - (b) provision made by regulations made under [<sup>F10</sup>section 48 of the Police and Fire Reform (Scotland) Act 2012 (governance and administration of police)];
  - (c) provision made under section 25 or 26 of the Police (Northern Ireland) Act 1998 (c. 32) (regulations for police constables and for the constables in the Police Service of Northern Ireland Reserve); [<sup>F11</sup>and]
  - (d) <sup>F12</sup> .....
  - (e) provision given effect to by any arrangements made for the purpose of regulating appointment to membership of the British Transport Police Force, [<sup>F13</sup>or the Civil Nuclear Constabulary], or to particular ranks or positions with that Force or Constabulary.
- (4) Without prejudice to the generality of any power conferred apart from this section, the provision falling within subsection (3) that may be made by any such regulations, terms and conditions or arrangements as are mentioned in that subsection may include provision imposing any of the following requirements—
- (a) requirements with respect to the competence in written and spoken English of candidates for appointment;
  - (b) requirements with respect to the immigration status of such candidates;
  - (c) requirements with respect to nationality in the case of particular ranks, offices or positions;
- and, in a case where the power to make provision with respect to qualification for appointment as a constable or as a special constable, or for membership of a force [<sup>F14</sup>or Service] , is exercisable by any such regulations as are mentioned in that subsection, the regulations made must impose requirements with respect to all the matters mentioned in paragraphs (a) and (b).
- (5) <sup>F15</sup> .....

#### Textual Amendments

- F1** Words in s. 82(1)(a) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(2)(a)(i)**
- F2** S. 82(1)(aa) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(2)(a)(ii)**
- F3** S. 82(1)(c) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 174, 178, **Sch. 4 para. 185(2)**, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, **Sch. paras. 10, 12, 13(oo)** (subject to art. 4(2)-(7))
- F4** S. 82(1)(e) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), ss. 69, 198(2), **Sch. 14 para. 11(a)**; S.I. 2005/877, **art. 2(1)**, **Sch. 1**
- F5** Word in s. 82(1)(e) inserted (8.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 161, 178, **Sch. 13 para. 12(2)(a)**; S.I. 2006/1085, **art. 2(c)**
- F6** S. 82(1)(f) repealed (8.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 161, 174, 178, **Sch. 13 para. 12(2)(b)**, **Sch. 17 Pt. 2**; S.I. 2006/1085, **art. 2(c)(d)**
- F7** Word in s. 82(2)(a) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(2)(b)**

**Changes to legislation:** Police Reform Act 2002, Part 6 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F8** S. 82(2)(aa) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(b)**
- F9** S. 82(2)(c) and preceding word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(3)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F10** Words in s. 82(3)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(c)**
- F11** Word in s. 82(3)(c) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(4)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F12** S. 82(3)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(4)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F13** Words in s. 82(3)(e) substituted (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 12(3)**; S.I. 2006/1085, **art. 2(c)**
- F14** Words in s. 82(4) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F15** S. 82(5) repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 12(4), **Sch. 17 Pt. 2**; S.I. 2006/1085, **art. 2(c)(d)**

**Modifications etc. (not altering text)**

- C1** S. 82 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

**Commencement Information**

- I1** S. 82 wholly in force; s. 82 not in force at Royal Assent, see s. 108(2); s. 82(4) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(i)**; s. 82 in force to the extent not already in force at 3.2.2003 by S.I. 2002/2750, **art. 5**

**83 Attestation of constables**

For Schedule 4 to the 1996 Act there shall be substituted—

“SCHEDULE 4

FORM OF DECLARATION

“I.....of.....do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.”

**84** .....

**F16** .....

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**Textual Amendments**

**F16** S. 84 repealed (19.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 8 Pt. 1**; S.I. 2010/999, **art. 2(d)**

**85 Director General of NCIS**

**F17** .....

**Textual Amendments**

**F17** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

**86 Police members of NCIS**

**F18** .....

**Textual Amendments**

**F18** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

**87 Police members of NCS**

**F19** .....

**Textual Amendments**

**F19** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

**88 Regulations for NCIS**

**F20** .....

**Textual Amendments**

**F20** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

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## 89 Regulations for NCS

F21 .....

### Textual Amendments

**F21** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

## 90 Supplementary provisions about police membership of NCIS

F22 .....

### Textual Amendments

**F22** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

## 91 Supplementary provisions about police membership of NCS

F23 .....

### Textual Amendments

**F23** Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

### *Bodies with functions in relation to the police*

## 92 Police authorities to produce three-year strategy plans

(1) After section 6 of the 1996 Act there shall be inserted—

### **“6A Three-year strategy plans**

- (1) Every police authority maintaining a police force for a police area in England and Wales shall, before the beginning of every relevant three-year period, issue a plan (“a three-year strategy plan”) which sets out the authority’s medium and long term strategies for the policing of that area during that period.
- (2) Before a three-year strategy plan for any period is issued by a police authority, a draft of a plan setting out medium and long term strategies for the policing of the authority’s area during that period must have been—
  - (a) prepared by the chief officer of police of the police force maintained by that authority; and

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- (b) submitted by him to the police authority for its consideration.
- (3) In preparing the draft plan, the chief officer of police of a police force shall have regard to the views, obtained in accordance with arrangements under section 96, of people in the police area in question.
- (4) A police authority which has issued a three-year strategy plan for any period may modify that plan at any time during that period.
- (5) It shall be the duty, in issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, of every police authority or chief officer of police to have regard to the National Policing Plan in force at that time.
- (6) The Secretary of State —
- (a) shall issue guidance to police authorities and chief officers of police as to the matters to be contained in any three-year strategy plan, and as to the form to be taken by any such plan; and
  - (b) may from time to time revise and modify that guidance;
- and it shall be the duty of every police authority and chief officer of police to take account of any guidance under this subsection when issuing, preparing or modifying any such plan or any draft plan prepared for the purposes of subsection (2).
- (7) Before issuing or revising any guidance under subsection (6) the Secretary of State shall consult with—
- (a) persons whom he considers to represent the interests of police authorities;
  - (b) persons whom he considers to represent the interests of chief officers of police; and
  - (c) such other persons as he thinks fit.
- (8) A police authority which is proposing to issue or modify any plan under this section shall submit that plan, or the modifications, to the Secretary of State.
- (9) Where a police authority issues a three-year strategy plan or modifies such a plan, it shall—
- (a) send a copy of the plan or the modified plan to the Secretary of State; and
  - (b) cause the plan or modified plan to be published;
- and the copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.
- (10) If the Secretary of State considers that there are grounds for thinking that—
- (a) a police authority's three-year strategy plan, or
  - (b) any proposals by a police authority for such a plan, or for the modification of such a plan,
- may not be consistent with any National Policing Plan applicable to a financial year wholly or partly comprised in the period to which the strategy plan applies, he shall, before informing the police authority of his conclusions on whether or not it is in fact so inconsistent, consult with the persons mentioned in subsection (11).

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- (11) Those persons are—
- (a) the police authority in question;
  - (b) the chief officer of police of the police force maintained by that authority;
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities; and
  - (d) persons whom the Secretary of State considers to represent the interests of chief officers of police.
- (12) Before a police authority—
- (a) issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the chief officer of police of the force maintained by that authority, or
  - (b) modifies its three-year strategy plan,
- it shall consult with that chief officer.
- (13) Any best value performance plan prepared by a police authority under section 6 of the Local Government Act 1999 (c. 27) for any financial year must be consistent with any three-year strategy plan which sets out the authority's current strategies for policing its area during any period which includes the whole or any part of that financial year.
- (14) The Secretary of State may by regulations make provision for—
- (a) the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section; and
  - (b) the periods which are to constitute relevant three-year periods for the purposes of this section;
- and those regulations may provide for a period of less than three years to be the first period treated as a relevant three-year period for the purposes of this section.
- (15) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 8 of that Act (local policing plans), after subsection (2) there shall be inserted—
- “(2A) The local policing plan for any financial year must be consistent with any three-year strategy plan under section 6A which sets out the authority's current strategies for the policing of its area during any period which includes the whole or any part of that financial year.”
- (3) In section 9(2) of that Act (annual report by police authorities to include assessment of extent to which local policing plan carried out), for the words from “the local policing plan” onwards there shall be substituted “, during that year proposals have been implemented, and things have been done, in accordance with the following plans
- 
- (a) the three-year strategy plan issued under section 6A for the period that includes that year; and
  - (b) the local policing plan issued for that year under section 8.”

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#### Commencement Information

- I2** S. 92 wholly in force at 1.11.2002; s. 92 not in force at Royal Assent, see s. 108(2); s. 92(1) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(v)** and s. 92 in force to the extent not already in force at 1.11.2002 by S.I. 2002/2306, **art. 5(b)**

### 93 Quorum for the Service Authorities under the 1997 Act

**F24** .....

#### Textual Amendments

- F24** S. 93 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 187, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

### 94 Expenses of members of police authorities etc.

**F25** .....

#### Textual Amendments

- F25** S. 94 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(s)(iv)** (subject to arts. 6, 7)

### 95 Duties under the Health and Safety at Work etc. Act 1974

**F26** .....

#### Textual Amendments

- F26** S. 95 repealed (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 158(4)(a), 174(2), 178(1), **Sch. 17 Pt. 1**

### <sup>F27</sup>96 President of ACPO

.....

#### Textual Amendments

- F27** S. 96 omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 14 para. 2(2)**; S.I. 2017/399, reg. 2, Sch. para. 41

### 97 Crime and disorder reduction partnerships

- (1) The Crime and Disorder Act 1998 (c. 37) shall be amended as follows.



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(2) In section 5 (authorities responsible for strategies), in subsection (1), after paragraph (b) there shall be inserted—

- “(c) every police authority any part of whose police area so lies;
- (d) every fire authority any part of whose area so lies;
- (e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and
- (f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies.”

(3) After subsection (1) of that section there shall be inserted—

“(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—

- (a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area; and
- (b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.

(1B) The Secretary of State shall not make an order under subsection (1A) above unless—

- (a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and
- (b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs, to make the order.”

(4) In subsection (2) of that section (consultation)—

- (a) for paragraphs (a) and (b) there shall be substituted—
  - “(b) every local probation board any part of whose area lies within the area;”
- (b) at the end of paragraph (c) there shall be inserted “; and
  - (d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;”.

(5) In subsection (3) of that section, at the end there shall be inserted “and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales.”

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

“(5) In this section—

“fire authority” means—

- (a) any fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41);
- (b) any metropolitan county fire and civil defence authority; or

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- (c) the London Fire and Emergency Planning Authority; and  
 “police authority” means—  
 (a) any police authority established under section 3 of the Police Act 1996 (c. 16); or  
 (b) the Metropolitan Police Authority.”

(7) <sup>F28</sup> .....

(8) <sup>F28</sup> .....

(9) <sup>F28</sup> .....

(10) <sup>F28</sup> .....

(11) <sup>F28</sup> .....

(12) <sup>F28</sup> .....

(13) In section 114—

- (a) in subsection (1) (powers of Ministers exercisable by statutory instrument), after “Minister of the Crown” there shall be inserted “ or of the National Assembly for Wales ”; and  
 (b) in subsection (2) (orders subject to negative resolution procedure), for “5(2) or (3) or 10(6) above, or” there shall be substituted “ 5(1A), (2) or (3), 6A(1) or 10(6) above (other than one made by the National Assembly for Wales), or containing ”.

(14) In section 115(2) (authorities to which information may be disclosed for purposes connected with that Act), in paragraph (d)—

- (a) in sub-paragraph (i), after “London borough council” there shall be inserted “ , a parish council ”; and  
 (b) in sub-paragraph (ii), for “or a county borough council” there shall be substituted “ , a county borough council or a community council ”.

(15) Section 5(1) (as amended by subsection (2)) shall have effect in relation to a local government area in England at any time when that area or a part of it comprises or contains an area that is not included in the area of a Primary Care Trust, as if the reference to a Primary Care Trust the whole or part of whose area lies within the local government area included a reference to any health authority or strategic health authority whose area comprises or includes the area for which there is no Primary Care Trust.

#### Textual Amendments

**F28** S. 97(7)-(12) repealed (1.8.2007 for E. and 19.11.2007 for W. ) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 3](#); S.I. 2007/1614, [art. 3\(e\)\(ii\)](#); S.I. 2007/3073, [art. 2\(c\)\(ii\)](#)

#### Commencement Information

**I3** S. 97 partly in force; s. 97 not in force at Royal Assent, see s. 108(2); s. 97(1)(3)(4)(7)(9) in force (E.) and s. 97(10)(11)(13)(14) in force at 1.10.2002 by [S.I. 2002/2306](#), arts. {2(f)(viii)}, {3(a)}; s. 97 in force for certain purposes for W. at 1.4.2003 by [S.I. 2003/525](#), [art. 2](#); s. 97(2) in force for certain purposes and s. 97(6)(12) in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(j\)](#); s. 97(5)(8) in force for E. at 23.2.2004 by [S.I. 2004/119](#), [art. 2](#); s. 97 in force in so far as not already in force for E. at 30.4.2004 by [S.I. 2004/913](#), [art. 3\(a\)](#)

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## 98 Secretary of State's functions in relation to strategies

F29 .....

### Textual Amendments

**F29** S. 98 repealed (1.8.2007 for E. and 19.11.2007 for W.) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 3](#); S.I. 2007/1614, [art. 3\(e\)\(ii\)](#); S.I. 2007/3073, [art. 2\(c\)\(ii\)](#)

## 99 Power to modify functions and structure of PITO

F30 .....

### Textual Amendments

**F30** S. 99 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, [art. 3\(q\)](#) (subject to arts. 6, 7)

## 100 Metropolitan Police Authority housing

- (1) In section 4(e) of the Housing Act 1985 (c. 68) (which defines local authorities for the purposes of the provisions of that Act, including those relating to secure tenancies), the words “the Metropolitan Police Authority” shall be omitted.
- (2) In paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (c. 50) (local authority tenancies that cannot be assured tenancies), the words “and the Metropolitan Police Authority” shall be omitted.
- (3) Nothing in subsection (1) or in any repeal made by this Act for the purposes of that subsection shall affect—
  - (a) the operation of Part 5 of the Housing Act 1985 (c. 68) (the right to buy) in relation to any case in which a person who had acquired a right to buy under that Part before the day on which this Act is passed either—
    - (i) had served a notice under section 122 of that Act (tenant’s notice claiming right to buy) on the Metropolitan Police Authority before that day; or
    - (ii) serves such a notice on that Authority in the period of three months beginning with that day;
  - or
  - (b) the extent to which, in any other case, any period falling before the day on which this Act is passed falls at any subsequent time to be treated as a period qualifying under any of the provisions of Schedule 4 to that Act.
- (4) A tenancy which becomes an assured tenancy by virtue of this section shall be an assured shorthold tenancy unless (whenever it was entered into) it—
  - (a) falls within any of paragraphs 1 to 3 of Schedule 2A to the Housing Act 1988 (c. 50); or
  - (b) was an assured tenancy, but not an assured shorthold tenancy, immediately before it became a secure tenancy.

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**101 Provision of goods and services by police authorities**

For section 18 of the 1996 Act (supply of goods and services) there shall be substituted—

**“18 Supply of goods and services**

- (1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39) (supply of goods and services by local authorities)—
  - (a) shall apply, with the modification set out in subsection (2), to a police authority established under section 3 of this Act and to the Metropolitan Police Authority as they apply to a local authority; and
  - (b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.
- (2) The modification is that references in those subsections to a public body shall be read as references to any person.”

*Liability for unlawful acts of constables etc.*

**102 Liability for wrongful acts of constables etc.**

- (1) Each of the enactments specified in subsection (2) shall be amended as follows—
  - (a) for the words “torts committed by”, in each place where they occur, there shall be substituted “ any unlawful conduct of ”; and
  - (b) for “in respect of any such tort” there shall be substituted “ , in the case of a tort, ”.
- (2) The enactments are—
  - (a) section 88(1) of the 1996 Act (liability of chief officers);
  - (b) section 97(9) of that Act (liability of the Secretary of State);
  - (c) <sup>F31</sup> .....
  - (d) <sup>F31</sup> .....
  - (e) section 27(8) of the Police (Northern Ireland) Act 1998 (c. 32) (liability of the Secretary of State);
  - (f) section 29(1) of that Act (liability of the chief constable of the Police Service of Northern Ireland);
  - (g) paragraph 7(3) of Schedule 3 to that Act (liability of the Police Ombudsman); and
  - (h) <sup>F32</sup> .....
- (3) <sup>F32</sup> .....
- (4) In each of the enactments specified in subsection (5), for “a tort committed by” there shall be substituted “ any unlawful conduct of ”.
- (5) The enactments are—
  - (a) section 88(4)(a) of the 1996 Act (payments in respect of tort proceedings against constables and special constables);
  - (b) <sup>F33</sup> .....

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- (c) <sup>F33</sup> .....
  - (d) section 29(3)(a) of the Police (Northern Ireland) Act 1998 (payments in respect of tort proceedings against police officers in Northern Ireland); and
  - (e) paragraph 7(4)(a) of Schedule 3 to that Act (payment in respect of tort proceedings against police officers serving with, or assisting, the Police Ombudsman).
- (6) In section 42(6) of the 1997 Act (application to Scotland), paragraph (a) shall be omitted.
- (7) In section 39 (1) of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables)—
- (a) for “in reparation in respect of any wrongful act or omission” there shall be substituted “ for any unlawful conduct ”; and
  - (b) for “in respect of a wrongful act or omission” there shall be substituted “ for any unlawful conduct ”.
- (8) In section 39(4) of that Act, for “wrongful act or omission” there shall be substituted “ unlawful conduct ”.

#### Textual Amendments

- F31** S. 102(2)(c)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F32** S. 102(2)(h)(3) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)
- F33** S. 102(5)(b)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

#### Commencement Information

- I4** S. 102 wholly in force; s. 102 not in force at Royal Assent, see s. 108(2)(5); s. 102(1) - (6) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(xi)**; s. 102(7)(8) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

### *International joint investigation teams*

#### **103 Liability in respect of members of teams**

- (1) In section 88 of the 1996 Act (liability for wrongful acts of constables), after subsection (5) there shall be inserted—
- “(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and

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- (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.

(7) In this section “international joint investigation team” means any investigation team formed in accordance with—

- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(2) <sup>F34</sup> .....

(3) <sup>F34</sup> .....

<sup>F35</sup>(4) .....

(5) In section 29 of the Police (Northern Ireland) Act 1998 (c. 32) (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

“(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—

- (a) a constable, nor
- (b) an employee of the Board,

were unlawful conduct of a constable under the direction and control of the Chief Constable.

(7) In this section “international joint investigation team” means any investigation team formed in accordance with—

- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

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(6) Where—

- (a) any sums are paid by virtue of this section out of a police fund<sup>F36</sup> . . . or by the Chief Constable of the Police Service of Northern Ireland, and
- (b) in pursuance of any international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums paid out of that fund or by that Chief Constable,

the Secretary of State shall pay into that fund or (as the case may be) to that Chief Constable the sums received by him by way of reimbursement.

<sup>F37</sup>(7) . . . . .

**Textual Amendments**

- F34** S. 103(2)(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 189(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F35** S. 103(4) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(3)**
- F36** Words in s. 103(6) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 189(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F37** S. 103(7) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(3)**

**Commencement Information**

- I5** S. 103 wholly in force; s. 103 not in force at Royal Assent, see s. 108(2)(5); s. 103(1)-(3)(5)-(7) in force at 1.10.2002 by **S. I. 2002/2306, art. 2(f)(xii)**; s. 103(4) in force at 1.10.2002 by **S.S.I. 2002/420, art. 2**

**104 Assaults on members of teams**

(1) In section 89 of the 1996 Act (assaults on constables), after subsection (3) there shall be inserted—

“(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

- (a) is a member of an international joint investigation team that is led by a member of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and
- (b) is carrying out his functions as a member of that team.

(5) In this section “international joint investigation team” means any investigation team formed in accordance with—

- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

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- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 41 of the Police (Scotland) Act 1967 (c. 77) (assaults on constables), after subsection (3) there shall be inserted—
  - “(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—
    - (a) is a member of an international joint investigation team that is led by a constable of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and
    - (b) is carrying out his functions as a member of that team.
  - (5) In this section “international joint investigation team” means any investigation team formed in accordance with—
    - (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
    - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
    - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
  - (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaults on constables), after subsection (4) there shall be inserted—
  - “(5) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—
    - (a) is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland; and
    - (b) is carrying out his functions as a member of that team.
  - (6) In this section “international joint investigation team” means any investigation team formed in accordance with—
    - (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
    - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or



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- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Commencement Information**

**I6** S. 104 wholly in force; s. 104 not in force at Royal Assent, see s. 108(2)(5); s. 104(1)(3) in force at 1.10.2002 by S.I. 2002/2306, art. 2(f)(xiii); s. 104(2) in force at 1.10.2002 by S.S.I. 2002/420, art. 2

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)