



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 3

BRITISH TRANSPORT POLICE

Police Services Agreements

33 Police services agreement

- (1) The Authority may enter into an agreement under this section (to be known as a police services agreement) with any person (“the customer”) which provides—
 - (a) for the Police Force to police a railway or railway property in connection with which the customer provides railways services, in accordance with the objectives, plans, targets and directions set under sections 50 to 55,
 - (b) for the Police Force to provide such additional policing services as may be specified in the agreement, and
 - (c) for such incidental or ancillary matters as the parties think appropriate.
- (2) The Authority may not enter into a police services agreement unless a draft is approved in writing by the Secretary of State.
- (3) A police services agreement shall include provision requiring the customer to make payments to the Authority, which may be payments of—
 - (a) specified sums, or
 - (b) sums assessed in a specified manner (which may include reference to amounts paid, or expected to be paid, by the Authority).
- (4) In determining the terms in a police services agreement of provision about payment the Authority shall aim to ensure that—
 - (a) in each financial year the expenses of the Authority, including those incurred in defraying the expenses of the Police Force, are as nearly as possible equivalent to the income of the Authority, and

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- (b) the amount of the contribution to the expenses of the Authority made by each customer in a financial year approximately reflects the nature and extent of the functions likely to be undertaken in that year in accordance with the customer's police service agreement.
- (5) But subsection (4) does not prevent the Authority from setting a customer's contribution at a level which—
- (a) reflects a surplus of income over expenses in a previous financial year (whether or not relating wholly or partly to functions carried out in respect of the customer);
 - (b) reflects a deficit in a previous financial year (whether or not relating wholly or partly to functions carried out in respect of the customer);
 - (c) reflects the need to reserve funds for contingencies.

Commencement Information

II S. 33 in force at 1.7.2004 by S.I. 2004/1572, art. 3(p)

34 Compulsory police services agreement

- (1) The Secretary of State may by order—
- (a) require a person who provides railway services to enter into a police services agreement;
 - (b) require each member of a class of persons providing railway services to enter into a police services agreement.
- (2) A person commits an offence if—
- (a) he is subject to a requirement under subsection (1), and
 - (b) he provides railway services without having entered into a police services agreement in respect of the railway or railway property in connection with which he provides the services.
- (3) A person who is guilty of an offence under subsection (2) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
- (4) The Authority shall take reasonable steps to facilitate compliance by a person with a requirement imposed under subsection (1).
- (5) Before imposing a requirement on a person or class under subsection (1) the Secretary of State shall consult the person or each member of the class.

Commencement Information

I2 S. 34(1) in force at 19.6.2004 by S.I. 2004/1572, art. 2(a)

I3 S. 34(2)(3)(4) in force at 1.7.2004 by S.I. 2004/1572, art. 3(q)

I4 S. 34(5) in force at 31.10.2004 by S.I. 2004/2759, art. 2(1)(b)

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35 Arbitration by Secretary of State

- (1) This section applies to a dispute between the Authority and a person who has entered into a police services agreement, where the dispute is about the terms, construction or operation of the agreement.
- (2) Either party to the dispute may refer it to the Secretary of State.
- (3) The Secretary of State may—
 - (a) determine the dispute, or
 - (b) nominate a person to determine the dispute.
- (4) The Secretary of State shall determine the procedure to be followed in determining a dispute under this section.
- (5) In particular, the Secretary of State or nominated person shall give each party to the dispute an opportunity to make representations.
- (6) In determining a dispute the Secretary of State or a nominated person may—
 - (a) give a declaration about how a provision of a police services agreement is to be construed or operated;
 - (b) vary the terms of a police services agreement;
 - (c) determine that one party is obliged in accordance with a police services agreement to pay a specified sum, or a sum to be assessed in a specified manner, to the other party;
 - (d) make an order about costs.
- (7) Where a dispute is determined under this section—
 - (a) a party may appeal to the High Court on a point of law;
 - (b) the determination may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).
- (8) Where it is agreed by the parties that Scots law applies to the police services agreement, a reference in subsection (7) to the High Court shall be treated as a reference to the Court of Session.

Commencement Information

I5 [S. 35](#) in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(r\)](#)

Changes to legislation:

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

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 14](#)