



# Railways and Transport Safety Act 2003

## 2003 CHAPTER 20

### PART 3

#### BRITISH TRANSPORT POLICE

##### *Regulation of Police Force*

#### **36 Police regulations: general**

- (1) The Authority may make regulations about the government, administration and conditions [<sup>F1</sup>of service ] of constables or other persons employed in the service of the Police Force which—
- (a) apply with or without modification regulations under section 50 of the Police Act 1996 (c. 16) (police force regulations);
  - (b) deal with matters that could be dealt with by those regulations.

[<sup>F2</sup>(1A) To the extent that subsection (1) concerns regulations made in pursuance of section 50(3A) of the Police Act 1996, or matters that could be dealt with by such regulations, the reference in subsection (1) to constables or other persons employed in the service of the Police Force includes former constables and other persons formerly employed in the service of the Police Force.]

- [<sup>F3</sup>(2) The Authority shall also make regulations similar to the provision made by and under—
- (a) sections 84 and 85 of the Police Act 1996 (representation etc. at disciplinary and other proceedings, and appeal), and
  - (b) Schedule 6 to that Act (appeals to police appeals tribunals).]

- (3) Regulations under this section which deal with a matter addressed by regulations under section 50 of that Act may differ from the regulations under that section only so far as necessary to reflect the structure and circumstances of the Police Force.

*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Regulation of Police Force. (See end of Document for details)*

- (4) The Authority may make provision about the terms and conditions of employment of constables or other persons employed in the service of the Police Force otherwise than by regulations under this section—
- (a) whether or not equivalent provision is made by regulations under section 50 of the Police Act 1996 (c. 16), but
  - (b) subject to any regulations made under this section.
- (5) This section does not apply in relation to special constables or cadets.

#### Textual Amendments

- F1** Words in s. 36(1) inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 18\(2\)](#); S.I. 2008/2993, art. 2(1)(h)(ii)
- F2** S. 36(1A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 7 para. 7](#); S.I. 2020/5, reg. 2(o)
- F3** S. 36(2) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 18\(3\)](#); S.I. 2008/2993, art. 2(1)(h)(ii)

#### Commencement Information

- I1** S. 36 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(s\)](#)

### 37 Police regulations: special constables

- (1) The Authority may make regulations about the government, administration and conditions of service of special constables of the Police Force which—
- (a) apply with or without modification regulations under section 51 of the Police Act 1996 (police force regulations);
  - (b) deal with matters that could be dealt with by those regulations.
- [<sup>F4</sup>(1ZA) To the extent that subsection (1) concerns regulations made in pursuance of section 51(2B) of the Police Act 1996, or matters that could be dealt with by such regulations, the reference in subsection (1) to special constables of the Police Force includes former special constables of the Police Force.]
- [<sup>F5</sup>(1A) The Authority shall also make regulations similar to the provision made by and under—
- (a) sections 84 and 85 of the Police Act 1996 (representation etc. at disciplinary and other proceedings, and appeal), and
  - (b) Schedule 6 to that Act (appeals to police appeals tribunals).]

(2) Regulations under this section which deal with a matter addressed by regulations under section 51 of that Act may differ from the regulations under that section only so far as necessary to reflect the structure and circumstances of the Police Force.

#### Textual Amendments

- F4** S. 37(1ZA) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 7 para. 8](#); S.I. 2020/5, reg. 2(o)
- F5** S. 37(1A) inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 19](#); S.I. 2008/2993, art. 2(1)(h)(ii)

*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Regulation of Police Force. (See end of Document for details)*

**Commencement Information**

**I2** S. 37 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(t\)](#)

**38 Police regulations: cadets**

- (1) The Authority may make regulations about the government, administration and conditions of service of cadets of the Police Force which—
  - (a) apply with or without modification regulations under section 52 of the Police Act 1996 (police force regulations);
  - (b) deal with matters that could be dealt with by those regulations.
- (2) Regulations under this section which deal with a matter addressed by regulations under section 52 of that Act may differ from the regulations under that section only so far as necessary to reflect the structure and circumstances of the Police Force.

**Commencement Information**

**I3** S. 38 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(u\)](#)

**39 British Transport Police Federation**

- (1) The Authority may make regulations about a body to be known as the British Transport Police Federation and having the function of representing persons employed in the service of the Police Force in matters affecting their welfare and efficiency except for questions about—
  - (a) the promotion of specified persons, or
  - (b) the discipline of specified persons (but this paragraph is subject to subsection (3)).
- (2) Regulations under this section must make provision similar to that made by regulations under section 60 of the Police Act 1996 (police federations) subject to such modifications as may be necessary to reflect the structure and circumstances of the Police Force.
- (3) Regulations under this Part may permit an official of the British Transport Police Federation to act for a person employed in the service of the Police Force in proceedings arising under the regulations.
- (4) The British Transport Police Federation—
  - (a) may not become or remain connected with any other body without the approval of the Secretary of State (which may be given conditionally or unconditionally, and may be varied or withdrawn), but
  - (b) may employ in an administrative or advisory capacity a person who is not employed in the service of the Police Force.

**Commencement Information**

**I4** S. 39 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(v\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Regulation of Police Force. (See end of Document for details)*

#### 40 Regulations: approval in draft

- (1) This section applies to regulations under section 36, 37, 38 or 39.
- (2) The Authority may not make regulations unless a draft has been approved by—
  - (a) the Chief Constable,
  - (b) the staff associations, and
  - (c) the Secretary of State.
- (3) The Secretary of State may on the application of the Authority dispense with a requirement for approval under subsection (2)(a) or (b) in respect of specified draft regulations.
- (4) Before dispensing under subsection (3) with a requirement for a person’s approval the Secretary of State shall consult the person.
- (5) In subsection (2)(b) “the staff associations” means such associations representing persons employed in the service of the Police Force as may be prescribed by order of the Secretary of State.

##### Commencement Information

**I5** S. 40 in force at 1.7.2004 by S.I. 2004/1572, art. 3(w)

#### 41 Police regulations: direction to Authority

The Secretary of State may direct the Authority to—

- (a) prepare draft regulations under section 36, 37, 38 or 39 for a specified purpose,
- (b) submit them for approval under section 40(2) (whether or not as modified in accordance with section 40(3)), and
- (c) make them if approved.

##### Commencement Information

**I6** S. 41 in force at 1.7.2004 by S.I. 2004/1572, art. 3(x)

#### 42 Police regulations by Secretary of State

- (1) The Secretary of State may by regulations make provision in relation to the Police Force in respect of any matter about which he could make regulations under section 50, 51, 52 or 60 of the Police Act 1996 (c. 16) (general regulations, special constables, cadets and police federations).
- (2) Regulations under section 36, 37, 38 or 39 above shall have no effect in so far as they are inconsistent with regulations under this section.
- <sup>F6</sup>(3) If regulations under this section make provision for a matter specified in section 50(3) <sup>F7</sup>[or (3A)] or section 51(2A) <sup>F8</sup>[or (2B)] of the Police Act 1996 (disciplinary proceedings), they must also make provision similar to that made by and under—
  - (a) sections 84 and 85 of that Act (representation etc. at disciplinary and other proceedings, and appeal), and
  - (b) Schedule 6 to that Act (appeals to police appeals tribunals).]

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- (4) Before making regulations under this section the Secretary of State shall consult—
- (a) the Authority,
  - (b) the Chief Constable, and
  - (c) the staff associations (within the meaning of section 40).

#### Textual Amendments

- F6** S. 42(3) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 20](#); [S.I. 2008/2993](#), art. 2(1)(h)(ii)
- F7** Words in s. 42(3) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 7 para. 9\(a\)](#); [S.I. 2020/5](#), reg. 2(o)
- F8** Words in s. 42(3) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 7 para. 9\(b\)](#); [S.I. 2020/5](#), reg. 2(o)

#### Commencement Information

- I7** S. 42 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(y\)](#)

### <sup>F9</sup>43 Regulations: further appeal

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#### Textual Amendments

- F9** S. 43 repealed (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 21](#), [28 Pt. 8](#); [S.I. 2008/2993](#), art. 2(1)(h)(ii)

#### Commencement Information

- I8** S. 43 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(z\)](#)

### 44 Equipment regulations

- (1) The Secretary of State may make regulations under section 53 of the Police Act 1996 (c. 16) (standard of equipment) which have effect (whether wholly or partly and whether with modifications or not) in relation to the Police Force (including in relation to Scotland).
- (2) Before making regulations by virtue of this section the Secretary of State shall consult (in addition to any consultation required by section 53)—
- (a) the Authority, and
  - (b) the Chief Constable.

#### Commencement Information

- I9** S. 44 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(aa\)](#)

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## 45 Regulation of procedure and practice

- (1) The Secretary of State may make regulations under section 53A of the Police Act 1996 (regulation of procedure and practice for purpose of facilitating inter-force co-operation) which have effect (whether wholly or partly and whether with modifications or not) in relation to the Police Force (including in relation to Scotland).
- (2) For the purpose of regulations made by virtue of this section, section 53A shall have effect as if—
  - <sup>F10</sup>(a) .....
  - (b) a reference to chief officers of police included a reference to the Chief Constable, and
  - (c) a reference to a police force included a reference to the Police Force.

### Textual Amendments

**F10** S. 45(2)(a) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 325](#); S.I. 2011/3019, art. 3, Sch. 1

### Commencement Information

**I10** S. 45 in force at 1.7.2004 by [S.I. 2004/1572](#), [art. 3\(bb\)](#)

## 46 Conditions of service: Transport Police Conference

- (1) This section applies to action of any of the following kinds—
  - (a) the making by the Authority of regulations under section 36, 37 or 38 about the conditions of service of constables, special constables or cadets,
  - (b) the making by the Secretary of State of regulations under section 42 about the conditions of service of constables, special constables or cadets,
  - (c) the issuing by the Secretary of State of a document under section 29,
  - (d) the taking by the Authority of a decision about the conditions of service of constables, special constables or cadets, and
  - (e) the taking by the Secretary of State of a decision about the conditions of service of constables, special constables or cadets.
- (2) Before taking action to which this section applies the Authority or the Secretary of State shall invite the British Transport Police Federation to nominate a number of individuals, not fewer than two nor more than five, to meet with an equal number of individuals nominated by the Authority to discuss the action proposed.
- (3) Where a group is nominated under subsection (2) the person proposing to act shall, before acting—
  - (a) give the group an opportunity to make recommendations about the proposed action, and
  - (b) have regard to any recommendation made.
- (4) Where the person proposing to act thinks that a group nominated under subsection (2) is unable to agree recommendations about the proposed action he shall, before acting—
  - (a) give the group an opportunity to nominate an individual who is not part of the group to make recommendations about the proposed action,

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- (b) give any person nominated by the group an opportunity to make recommendations about the proposed action, and
  - (c) have regard to any recommendation made.
- (5) Where the person proposing to act thinks that a group nominated under subsection (2) is unable to agree a nomination under subsection (4)(a)—
- (a) the Secretary of State may nominate a person to make recommendations about the proposed action, and
  - (b) the person proposing to act shall, before acting—
    - (i) give any person nominated under paragraph (a) an opportunity to make recommendations about the proposed action, and
    - (ii) have regard to any recommendation made.
- (6) In subsections (4) and (5) a reference to agreement of a group nominated under subsection (2) is a reference to the agreement of—
- (a) a majority of the individuals nominated by the British Transport Police Federation, and
  - (b) a majority of the individuals nominated by the Authority.
- (7) In this section a reference to conditions of service includes a reference to any terms and conditions of employment (including pay and hours of duty).

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**Commencement Information**

**I11** S. 46 in force at 1.7.2004 by S.I. 2004/1572, art. 3(cc)

**47 Code of practice: Authority**

- (1) The Secretary of State may issue a code of practice relating to the performance by the Authority of any of its functions.
- (2) The Secretary of State may revise a code issued under subsection (1).
- (3) A code of practice issued under section 39 of the Police Act 1996 (c. 16) shall have effect in relation to the Authority—
  - (a) with any necessary modifications, and
  - (b) subject to the provisions of a code issued under this section.
- (4) Where the Secretary of State issues or revises a code under this section he shall lay before Parliament the code or revision.

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**Commencement Information**

**I12** S. 47 in force at 1.7.2004 by S.I. 2004/1572, art. 3(dd)

**48 Code of practice: Chief Constable**

- (1) The Secretary of State may issue a code of practice relating to the performance by the Chief Constable of any of his functions.
- (2) The Secretary of State may revise a code issued under subsection (1).

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- (3) A code of practice issued under section 39A of the Police Act 1996 (c. 16) shall have effect in relation to the Chief Constable—
  - (a) with any necessary modifications, and
  - (b) subject to the provisions of a code issued under this section.
- (4) Where the Secretary of State issues or revises a code under this section he shall lay before Parliament the code or revision.
- (5) But subsection (4) shall not oblige the Secretary of State to lay before Parliament anything if he thinks that its publication—
  - (a) would be against the interests of national security,
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (c) could jeopardise a person's safety.

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**Commencement Information**

**I13** S. 48 in force at 1.7.2004 by S.I. 2004/1572, art. 3(ee)

**49 Service outside Police Force**

- (1) The Secretary of State may make regulations about the treatment by the Authority of a person who—
  - (a) is or was a constable of the Police Force, and
  - (b) is or was engaged in service outside the Police Force of a specified kind.
- (2) The regulations shall, in particular, make provision similar to that of section 97 of the Police Act 1996 (service by police officer outside his force) subject to any modification necessary to reflect the structure and circumstances of the Police Force.

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**Commencement Information**

**I14** S. 49 in force at 1.7.2004 by S.I. 2004/1572, art. 3(ff)



**Changes to legislation:**

There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: Regulation of Police Force.