



Policing and Crime Act 2009

2009 CHAPTER 26

PART 1

POLICE REFORM

Police co-operation

5 Police collaboration

For section 23 of the Police Act 1996 substitute—

“23 Police force collaboration agreements

- (1) The chief officers of two or more police forces may make an agreement about the discharge of functions by members of any of their forces.
- (2) An agreement may, in particular, provide—
 - (a) for the joint discharge of functions by members of police forces;
 - (b) for members of a police force to discharge functions in another force's area;
 - (c) for members of a police force to be provided to another force.
- (3) An agreement may include provision about the discharge of functions by a police authority employee (a “civilian employee”) who is under the direction and control of a chief officer who is a party to the agreement.
- (4) An agreement may provide for a member of a police force, or a civilian employee, to be under the direction and control of a chief officer specified in or determined in accordance with the agreement.
- (5) A chief officer may make an agreement only if the chief officer thinks that the agreement is in the interests of the efficiency or effectiveness of one or more police forces.

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- (6) A chief officer may make an agreement only with the approval of the police authority responsible for maintaining the chief officer's force.
- (7) In this section a reference to the members of a police force includes a reference to the special constables appointed for the area for which the force is maintained.
- (8) An agreement under this section is referred to in this Part as a police force collaboration agreement.

23A Police authority collaboration agreements

- (1) Two or more police authorities may make an agreement about the provision of support—
 - (a) for any of those police authorities;
 - (b) for any of the police forces maintained by them.
- (2) An agreement may, in particular, provide—
 - (a) for support to be provided jointly by two or more authorities;
 - (b) for support to be provided for two or more authorities or forces jointly;
 - (c) for an authority to provide support to another authority or to a force maintained by another authority.
- (3) In this section references to the provision of support include, in particular, the provision of—
 - (a) premises;
 - (b) equipment;
 - (c) staff;
 - (d) services;
 - (e) facilities.
- (4) A police authority may make an agreement which includes provision about the discharge of functions by employees who are under the direction and control of a chief officer only with the approval of that chief officer.
- (5) A police authority may make an agreement only if it thinks that the agreement is in the interests of the efficiency or effectiveness of one or more police authorities or police forces.
- (6) Before making an agreement a police authority must consult the chief officer of the police force maintained by the authority.
- (7) An agreement under this section is referred to in this Part as a police authority collaboration agreement.

23B Collaboration agreements: payments

- (1) A collaboration agreement may provide for payments between relevant police authorities.
- (2) Provision under subsection (1) may, in particular—
 - (a) specify the authorities by which and to which a payment is to be made or the manner in which those authorities are to be determined;

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- (b) specify the amount of any payment or the manner in which it is to be determined.
- (3) A relevant police authority must make any payments required by provision made under subsection (1).
- (4) “Relevant police authority”—
 - (a) in relation to a police force collaboration agreement, means a police authority maintaining a police force whose chief officer is a party to the agreement, and
 - (b) in relation to a police authority collaboration agreement, means a police authority which is a party to the agreement.
- (5) In this Part “collaboration agreement” means—
 - (a) a police force collaboration agreement, or
 - (b) a police authority collaboration agreement.

23C Collaboration agreements: consultation and supplemental

- (1) A person must consult the Secretary of State before making a collaboration agreement to which there are 6 or more other parties.
- (2) A collaboration agreement must be in writing.
- (3) A collaboration agreement may make different provision for different cases or circumstances.
- (4) A collaboration agreement may be varied by a subsequent collaboration agreement.
- (5) A collaboration agreement may be brought to an end by agreement between the parties to it; and section 23(6) or, as the case may be, section 23A(6) applies to an agreement under this subsection.

23D Collaboration agreements: accountability

- (1) Where a chief officer makes a police force collaboration agreement, the police authority responsible for maintaining the force shall hold the chief officer to account for the discharge of functions by anyone who—
 - (a) is acting under the terms of the agreement, and
 - (b) while so acting, is under the direction and control of the chief officer.
- (2) Before approving an agreement as mentioned in section 23(6), a police authority must notify the chief officer of the arrangements that it proposes to make for the discharge of its functions under this section in connection with the agreement.
- (3) When deciding what arrangements to make, the police authority shall, in particular, consider making arrangements for those functions to be discharged jointly with another police authority responsible for maintaining a force whose chief officer is a party to the agreement.
- (4) The functions conferred on a police authority under this section do not affect any other function of holding a chief officer to account.

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23E Collaboration agreements: publication

- (1) A person who makes a collaboration agreement must—
 - (a) publish the agreement, or
 - (b) publish the fact that the agreement has been made and such other details about it as the person thinks appropriate.
- (2) In the case of a police force collaboration agreement, information notified to a chief officer under section 23D(2) must be published by the chief officer with the information under subsection (1).

23F Collaboration agreements: guidance

- (1) The Secretary of State may give chief officers or police authorities guidance about collaboration agreements or related matters.
- (2) In discharging their functions, chief officers and police authorities must have regard to the guidance.

23G Collaboration agreements: directions

- (1) The Secretary of State may give chief officers or police authorities directions about collaboration agreements or related matters.
- (2) A direction may be given to—
 - (a) one or more chief officers;
 - (b) one or more police authorities.
- (3) A person to whom a direction is given must comply with it.
- (4) A direction may, in particular—
 - (a) require two or more persons to make, or prohibit them from making, a collaboration agreement;
 - (b) require two or more persons to vary, or prohibit them from varying, a collaboration agreement;
 - (c) require two or more persons to consider making a collaboration agreement of a specified description;
 - (d) specify terms to be included, or not to be included, in collaboration agreements.
- (5) A direction may relate to—
 - (a) a particular agreement,
 - (b) agreements of a particular description, or
 - (c) agreements in general.
- (6) Before giving a direction under this section the Secretary of State must consult the person or persons to whom it is to be given.

23H Collaboration agreements: termination by Secretary of State

- (1) The Secretary of State may terminate a collaboration agreement by notice to the parties to the agreement.

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- (2) A notice under this section may provide for the termination of the agreement with immediate effect or at the end of a specified period.
- (3) Before giving a notice under this section the Secretary of State must consult the parties to the agreement.

23I Collaboration agreements: definitions

- (1) This section has effect for the purposes of sections 23 to 23H.
- (2) “Police force” includes—
 - (a) the British Transport Police Force, and
 - (b) the Civil Nuclear Constabulary.
- (3) “Chief officer” means—
 - (a) in relation to the British Transport Police Force, the Chief Constable of the force,
 - (b) in relation to the Civil Nuclear Constabulary, the chief constable of the Constabulary, and
 - (c) in relation to any other police force, the chief officer of police of that force.
- (4) “Police authority” includes—
 - (a) the British Transport Police Authority, and
 - (b) the Civil Nuclear Police Authority.”

Commencement Information

II S. 5 in force at 12.3.2010 by S.I. 2010/507, art. 4(a)

Changes to legislation:

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