
STATUTORY INSTRUMENTS

2004 No. 1573

The British Transport Police (Transitional and Consequential Provisions) Order 2004

Consequential amendments

12.—(1) For the words “Strategic Rail Authority” substitute the words “British Transport Police Authority” in the following provisions of the following enactments—

- (a) sections 11(5) and 11(7) of the Police (Scotland) Act 1967⁽¹⁾;
- (b) section 54(3B)(b) of the Firearms Act 1968⁽²⁾;
- (c) section 25(1A) of the Police Act 1996⁽³⁾;
- (d) sections 14(2) and 14(5) of the Channel Tunnel Act 1987⁽⁴⁾; and
- (e) section 6(1) of the Police and Criminal Evidence Act 1984⁽⁵⁾.

(2) In the Police (Scotland) Act 1967—

- (a) for section 12(6)(c) substitute—

“(c) The British Transport Police Authority shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1), (2) and (3) of this section .”; and

- (b) for section 12(6)(d) substitute—

“(d) “police area” in relation to the British Transport Police Force and the British Transport Police Authority means the area described in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.”.

(3) In the Criminal Justice and Public Order Act 1994⁽⁶⁾—

- (a) for section 60(9A) substitute—

“(9A) The preceding provisions of this section, so far as they relate to an authorisation by a member of the British Transport Police Force (including one who for the time being has the same powers and privileges as a member of a police force for a police area), shall have effect as if the references to a locality in his police area were references to a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.”; and

- (b) the definition of “policed premises” in section 60(11) shall be repealed.

(4) In the Police Act 1996—

- (a) for section 23(7A)(d) substitute—

“(d) the British Transport Police Authority shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1), (2), (3), and (7).”; and

(1) 1967 c. 77.
(2) 1968 c. 27.
(3) 1996 c. 16.
(4) 1987 c. 53.
(5) 1984 c. 60.
(6) 1994 c. 33.

- (b) for section 24(4A) substitute—
- “(4A) This section shall apply in relation to the British Transport Police Authority, the British Transport Police Force and the Chief Constable of that Force as it applies to a police authority, a police force and a chief officer of police respectively; and for that purpose the reference in subsection (3) to section 10(1) shall be construed as including a reference to section 24(2) of the Railways and Transport Safety Act 2003.”.
- (5) In the Crime and Disorder Act 1998(7)—
- (a) for section 1(1B)(c)(i) substitute—
- “(i) “persons who are within or likely to be within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in a local government area; or”;
- (b) for section 1(1B)(c) (ii) substitute—
- “(ii) persons who are within or likely to be within such a place.”;
- (c) for section 16(3A) substitute—
- “(3A) Subsection (2) shall have effect in relation to The British Transport Police Force; and for that purpose the reference to any area falling within the police area shall be treated as a reference to any area in a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003.”; and
- (d) the definition of “policed premises” in sections 1(12) and 16(5) shall be repealed.
- (6) In the Terrorism Act 2000 (8)—
- (a) for section 34(1A) substitute—
- “(1A) A designation under section 33 may be made in relation to an area (outside Northern Ireland) which is in a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act, by a member of the British Transport Police Force who is of at least the rank of superintendent.”;
- (b) for section 34(1B)(c) substitute—
- “(c) if a request has been made under paragraph (c) of that subsection in relation to a terrorist investigation and it is a place described in subsection 1A of this section.”;
- (c) for section 44(4A) substitute—
- “(4A) In a case (within subsection (4)(a), (b) or (c) in which the specified area or place is in a place described in section 34(1A), an authorisation may also be given by a member of the British Transport Police Force who is of at least the rank of assistant chief constable.”; and
- (d) the definition of “policed premises” in section 121 shall be repealed.
- (7) In the Police Reform Act 2002(9)—
- (a) for section 43(2) substitute—
- “(2) A railway safety accreditation scheme is a scheme for the exercise, within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, by persons accredited by the chief constable of the British Transport Police Force under the scheme, of the powers conferred on those persons by their accreditation under that scheme.”;

(7) 1998 c. 37.

(8) 2000 c. 11.

(9) 2002 c. 30.

- (b) in section 43(9)(d), for the words “British Transport Police Committee” substitute the words “British Transport Police Authority”; and
- (c) the definition of “policed premises” in section 43(10) shall be repealed.
- (8) The British Transport Police Force Scheme 1963 (Approval) Order 1964⁽¹⁰⁾ shall be revoked.
- (9) For article 3(b) of the Independent Police Complaints Commission (Forces Maintained Otherwise than by Police Authorities) Order 2004⁽¹¹⁾ substitute—
 - “(b) any employee of the British Transport Police Authority; and”.
- (10) In the Railway Safety Accreditation Scheme Regulations 2004⁽¹²⁾—
 - (a) in regulation 2, for the definition of “Police Force” substitute—
 - ““Police Force” means the British Transport Police Force;”;
 - (b) the definition of “the British Transport Police Committee” shall be revoked;
 - (c) the definition of “the British Transport Police Force Scheme” shall be revoked;
 - (d) in regulation 2, after the definition of the 1949 Act, add the following definition—
 - ““the jurisdiction of a constable of the Police Force” means the jurisdiction of a constable in a place described in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003⁽¹³⁾;”;
 - (e) in regulation 4(a) for the words “British Transport Police Committee” substitute “British Transport Police Authority”;
 - (f) in regulations 5 and 6(1)(b) and in paragraph 10(1) of the Schedule for the words “policed premises” substitute “premises falling within the jurisdiction of a constable of the Police Force”;
 - (g) for the words “in, on or in the vicinity of policed premises” in paragraphs 1(1), 1(4), 2(1), 3, 4, 5, 6(1), 7, 8, 9 and 11 of the Schedule substitute “on premises falling within the jurisdiction of a constable of the Police Force”; and
 - (h) paragraph 2(4) of the Schedule is revoked.

⁽¹⁰⁾ S.I.1964/1456, as amended by S.I. 1992/364 and S.I. 1994/609.

⁽¹¹⁾ S.I. 2004/672

⁽¹²⁾ S.I. 2004/915

⁽¹³⁾ 2003 c .20.