



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 11

#### POLICING ETC

##### *College of Policing*

#### **123 Regulations to be prepared or approved by the College**

- (1) In section 50 of the Police Act 1996 (regulations for police forces), after subsection (2ZA) there is inserted—

“(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to any of the matters mentioned in subsection (2)(a), (b), (c) or (g), the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(2ZC) The Secretary of State may not make regulations with respect to any of the matters mentioned in subsection (2)(a), (b), (c) or (g) unless the text of the regulations has been prepared or approved by the College of Policing.”

- (2) In section 51 of that Act (regulations for special constables), after subsection (2ZA) there is inserted—

“(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to—

- (a) the ranks to be held by special constables,
- (b) the qualifications for appointment and promotion of special constables,

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*Status: Point in time view as at 31/03/2017.*

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- (c) periods of service on probation, or
  - (d) maintenance of personal records of special constables,
- the Secretary of State shall make regulations in terms of the draft.

(2ZC) The duty in subsection (2ZB) does not apply if the Secretary of State considers that—

- (a) making regulations in terms of the draft would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to make regulations in those terms, or
- (c) it would for some other reason be wrong to make regulations in those terms.

(2ZD) The Secretary of State may not make regulations with respect to the matters mentioned in subsection (2ZB) unless the text of the regulations has been prepared or approved by the College of Policing.”

(3) In section 53A of that Act (regulation of procedures and practices)—

(a) after subsection (1) there is inserted—

“(1A) If the College of Policing, having consulted the National Crime Agency, submits to the Secretary of State a draft of regulations under this section, the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(1B) The Secretary of State may not make regulations under this section unless the text of the regulations has been prepared or approved by the College of Policing.”;

(b) subsections (2), (3), (4), (6), (7) and (10) are repealed;

(c) in subsection (9), for “the first regulations to be made” there is substituted “regulations”.

(4) In section 63 of that Act (Police Advisory Board for England and Wales, etc), in subsection (3)(a), before “with respect to” there is inserted “to which section 50(2ZC) applies or regulations”.

(5) In section 97 of the Criminal Justice and Police Act 2001 (regulations about police training etc)—

(a) after subsection (1) there is inserted—

“(1A) If the College of Policing submits to the Secretary of State a draft of regulations under this section, the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

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- (1B) The Secretary of State may not make regulations under this section unless the text of the regulations has been prepared or approved by the College of Policing.”;
- (b) subsection (4) is repealed.

#### Commencement Information

**II** S. 123 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 124 Codes of practice issued by the College

- (1) Section 39A of the Police Act 1996 (codes of practice for chief officers) is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) The College of Policing may, with the approval of the Secretary of State, issue codes of practice relating to the discharge of their functions by chief officers of police if the College considers that—
- (a) it is necessary to do so in order to promote the efficiency and effectiveness of police forces generally,
- (b) it is necessary to do so in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations, or
- (c) it is for any other reason in the national interest to do so.”
- (3) In subsection (2), for “The Secretary of State may” there is substituted “ The College of Policing may, with the approval of the Secretary of State, ”.
- (4) For subsection (4) there is substituted—
- “(4) The College of Policing shall consult with the National Crime Agency before issuing or revising a code of practice under this section.”
- (5) In subsection (5), for “him” there is substituted “ the College of Policing ”.

#### Commencement Information

**I2** S. 124 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 125 Guidance by the College about employment of civilian staff

After section 53D of the Police Act 1996 there is inserted—

*“Civilian staff*

#### **53E Guidance about civilian staff employed by local policing bodies and chief officers**

- (1) In this section “relevant civilian staff” means individuals, other than constables, who—

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- (a) are employed by a local policing body or a chief officer of police, or
  - (b) provide services to a local policing body or a chief officer of police, in pursuance of contractual arrangements but without being employed by the body or officer, and can be expected to have frequent contact with members of the public in the course of doing so.
- (2) The College of Policing may issue guidance to local policing bodies and chief officers of police with regard to—
    - (a) the experience or qualifications to be expected of relevant civilian staff;
    - (b) the training to be undertaken by such staff.
  - (3) The College may from time to time revise the whole or any part of any guidance issued under this section.
  - (4) The College shall publish any guidance issued under this section and any revision of it.
  - (5) In discharging any function to which guidance under this section relates, a local policing body or chief officer of police shall have regard to the guidance.”

#### Commencement Information

**I3** S. 125 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 126 Power to give directions to the College

After section 40B of the Police Act 1996 there is inserted—

#### “40C Power to give directions to College of Policing

- (1) The Secretary of State may give a direction to the College of Policing requiring it to exercise any particular function that is conferred on the College by this Act or any other enactment.
- (2) The College of Policing shall carry out such other duties for the purpose of furthering the efficiency, effectiveness or integrity of the police as the Secretary of State may from time to time direct.”

#### Commencement Information

**I4** S. 126 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 127 Charging of fees by the College

After section 95 of the Police Act 1996 there is inserted—

#### “95A Charging of fees by College of Policing

- (1) The College of Policing may charge fees for providing services of a public nature only if—

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- (a) the services are of a specified description and are provided with a view to promoting the efficiency, effectiveness or professionalism of the police, and
  - (b) the fees are of a specified amount or are determined in a specified manner.
- (2) In this section “specified” means specified in an order made by the Secretary of State.
- (3) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### Commencement Information

**I5** S. 127 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 128 Appointment of senior police officers as staff of the College

After section 100 of the Police Act 1996 there is inserted—

#### “100A Appointment of senior police officers as staff of College of Policing

- (1) This section applies where a person who—
  - (a) holds the office of constable with a rank above that of chief superintendent, or
  - (b) hold that office and is eligible to be appointed to a rank above that of chief superintendent,is appointed as a member of the staff of the College of Policing.
- (2) The person continues to hold the office of constable while a member of the staff of the College.
- (3) On appointment—
  - (a) a person within subsection (1)(a) holds that office with the same rank that the person held immediately before appointment, or with whatever higher rank the College decides;
  - (b) a person within subsection (1)(b) holds that office with whatever rank, above that of chief superintendent, the College decides.”

#### Commencement Information

**I6** S. 128 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 129 Disclosure of information to the College

After section 100A of the Police Act 1996 (inserted by section 128 above) there is inserted—

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### “100B Disclosure of information to College of Policing

A person who, apart from this section, would not have power to disclose information to the College of Policing has power to do so where the disclosure is made for the purposes of the exercise by the College of any of its functions.”

#### Commencement Information

**I7** S. 129 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

### 130 The College and the IPCC

In Part 2 of the Police Reform Act 2002 (complaints and misconduct), before section 26C (inserted by section 11 of the Crime and Courts Act 2013) there is inserted—

#### “26BA College of Policing

- (1) The Commission and the College of Policing must enter into an agreement for the establishment, in relation to members of the College's staff, of procedures corresponding or similar to those provided for by or under this Part.
- (2) An agreement under this section—
  - (a) must not be made or varied except with the approval of the Secretary of State; and
  - (b) must not be terminated unless—
    - (i) it is replaced by another such agreement, and
    - (ii) the Secretary of State approves.
- (3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary hearings in relation to members of the College's staff.
- (4) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the College's staff.”

#### Commencement Information

**I8** S. 130 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 10

**Status:**

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