



# Police Act 1964

## 1964 CHAPTER 48

### PART II **E+W**

#### CENTRAL SUPERVISION, DIRECTION AND FACILITIES

##### *Functions of Secretary of State*

#### **28** General duty of Secretary of State. **E+W**

The Secretary of State shall exercise his powers under this Act in such manner and to such extent as appears to him to be best calculated to promote the efficiency of the police.

#### **[<sup>F1</sup>28A** Setting of objectives for police authorities. **E+W**

- (1) The Secretary of State may by order determine objectives for the policing of the areas of all police authorities established under section 3 of this Act.
- (2) Before making an order under this section the Secretary of State shall consult—
  - (a) persons whom he considers to represent the interests of police authorities established under section 3 of this Act, and
  - (b) persons whom he considers to represent the interests of chief constables of forces maintained by those authorities.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.]

#### **Textual Amendments**

**F1** S. 28A inserted (1.10.1994) by of 1994 c. 29, s. 15; S.I. 1994/2025, art. 6

*Status: Point in time view as at 01/10/1994. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Police Act 1964, Cross Heading: Functions of Secretary of State. (See end of Document for details)*

**[<sup>F2</sup>28B Setting of performance targets. E+W**

- (1) Where an objective has been determined under section 28A of this Act, the Secretary of State may direct police authorities to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.
- (2) A direction under this section may be given to all police authorities established under section 3 of this Act or to one or more particular authorities.
- (3) A direction given under this section may impose conditions with which the performance targets must conform, and different conditions may be imposed for different authorities.
- (4) The Secretary of State shall arrange for any direction given under this section to be published in such manner as he thinks fit.]

**Textual Amendments**

**F2** Ss. 28B inserted (1.10.1994) by virtue of 1994 c. 29, s. 15; S.I. 1994/2025, art. 6

**[<sup>F3</sup>28C Codes of practice. E+W**

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 of this Act of any of their functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.]

**Textual Amendments**

**F3** Ss. 28C inserted (1.10.1994) by virtue of 1994 c. 29, s. 15; S.I. 1994/2025, art. 6

VALID FROM 01/04/1995

**[28D <sup>F4</sup> Power to give directions to police authorities after adverse reports. E+W**

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 38 of this Act of any police force maintained under section 2 of this Act.
- (2) Where a report made to the Secretary of State under section 38 of this Act on an inspection carried out for the purposes of this section states—
  - (a) that, in the opinion of the person making the report, the force inspected is not efficient or not effective, or
  - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient or will cease to be effective,
 the Secretary of State may direct the police authority responsible for maintaining the force to take such measures as may be specified in the direction.]

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#### Textual Amendments

**F4** S. 28D inserted (1.4.1995) by 1994 c. 29, s. 15; S.I. 1994/3262, art. 4, Sch.

#### Modifications etc. (not altering text)

**C1** S. 28D amended by (1.4.1995) by 1994 c. 29, s. 29(1)-(3); S.I. 1994/3262, art. 4, Sch.

## 29 Removal of chief constables &c. **E+W**

- (1) The Secretary of State may require a police authority to exercise their power under Part I of this Act to call upon the chief constable to retire in the interests of efficiency.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power exercisable with respect to [<sup>F5</sup>a deputy or assistant chief constable], the Secretary of State shall give the chief constable or deputy or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the exercise of the power mentioned in subsection (1) of this section shall, appoint one or more persons (one at least of whom shall be a person who is not an officer of police or of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- (4) The costs incurred by a chief constable or deputy or assistant chief constable in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the police fund.

#### Textual Amendments

**F5** Words substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(1), Sch. 6 para. 15

## [<sup>F6F6</sup>29A Reports from police authorities. **E+W**

- (1) A police authority shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the authority's functions, or otherwise with the policing of its area, as may be specified in the requirement.
- (2) A requirement under subsection (1) of this section may specify the form in which a report is to be given.
- (3) The Secretary of State may arrange, or require the police authority to arrange, for a report under this section to be published in such manner as he thinks fit.]

#### Textual Amendments

**F6** S. 29A inserted (1.10.1994 for certain purposes and 1.4.1995 for all other purposes) by 1994 c. 29, s. 16; S.I. 1994/2025, art. 6; S.I. 1994/3262, art. 4, Sch.

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### 30 Reports from chief constables. **E+W**

- (1) The Secretary of State may require any chief constable to submit to him a report on such matters as may be specified in the requirement, being matters connected with the policing of his area.
- (2) Every chief constable shall, as soon as possible after the end of each calendar year, submit to the Secretary of State the like report as is required by subsection (1) of section 12 of this Act to be submitted to the police authority.
- (3) This section shall apply to the City of London police force as if for references to a chief constable there were substituted references to the Commissioner.

VALID FROM 01/11/1994

#### [<sup>F7</sup>31] Police grant. **E+W**

- (1) Subject to the following provisions of this section, the Secretary of State shall for each financial year make grants for police purposes to—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District;
 and in those provisions references to police authorities shall be taken as including references to the Receiver.
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
  - (a) the aggregate amount of grants to be made under this section, and
  - (b) the amount of the grant to be made to each authority;
 and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2) of this section, and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among police authorities of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2) of this section, and the formulae and other rules referred to in subsection (4), may be different for different authorities or different classes of authority.
- (6) A copy of every report prepared under subsection (3) of this section shall be laid before the House of Commons, and no payment of grant shall be made unless the report setting out the determination of its amount has been approved by resolution of that House.
- (7) A grant to a police authority under this section shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may with the approval of the Treasury determine; and any such time may fall within or after the financial year concerned.

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- (8) Where in consequence of a further determination under subsection (2) of this section the amount of an authority's grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall be paid by the authority to the Secretary of State on such day as he may specify; but no sum shall be payable by an authority under this subsection unless the report setting out the further determination has been approved by resolution of the House of Commons.]

#### Textual Amendments

- F7 Ss. 31-31B substituted for s. 31 (1.11.1994 for certain purposes) by 1994 c. 29, s. 17; S.I. 1994/2025, art. 7

#### Modifications etc. (not altering text)

- C2 S. 31 modified (1.10.1994) by 1994 c. 29, s. 33; S.I. 1994/2025, art. 5

VALID FROM 01/11/1994

#### <sup>F8</sup>31A Grants for capital expenditure. **E+W**

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) for police purposes by—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

#### Textual Amendments

- F8 Ss. 31-31B substituted (1.11.1994 for certain purposes) by 1994 c. 29, s. 17; S.I. 1994/2025, art. 7

VALID FROM 01/11/1994

#### <sup>F9</sup>31B Grants for expenditure on safeguarding national security. **E+W**

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes by—
  - (a) police authorities for areas other than the metropolitan police district, and
  - (b) the Receiver for the Metropolitan Police District,in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.

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(3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

#### Textual Amendments

**F9** Ss. 31-31B substituted s. 31 (1.11.1994 for certain purposes) by 1994 c. 29, s. 17; S.I. 1994/2025, art. 7

### 32 Local inquiries. **E+W**

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) [<sup>F10</sup>Subsections (2) and (3) of section 250 of the <sup>M1</sup>Local Government Act 1972] (power to summon and examine witnesses) shall apply to any inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of any inquiry held under this section shall be defrayed out of the police fund or, if the inquiry relates to more than one police area, out of the police funds concerned in such proportions as may be specified in the direction; and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

#### Textual Amendments

**F10** Words substituted by virtue of Local Government Act 1972 (c. 70), s. 272(2)

#### Marginal Citations

**M1** 1972 c. 70.

### 33 Regulations for police forces. **E+W**

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision with respect to the following matters, that is to say:—
  - (a) the ranks to be held by members of police forces;
  - (b) the qualifications for appointment and promotion of members of police forces;
  - (c) periods of service on probation;
  - (d) voluntary retirement of members of police forces;

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- [<sup>F11</sup>(e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;]
  - (f) the suspension of members of a police force from membership of that force and from their office as constable;
  - (g) the maintenance of personal records of members of police forces;
  - (h) the duties which are or are not to be performed by members of police forces;
  - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 47 of this Act;
  - (j) the hours of duty, leave, pay and allowances of members of police forces; and
  - (k) the issue, use and return of police clothing, personal equipment and accoutrements.
- (3) . . . . . <sup>F12</sup>[<sup>F13</sup> (3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective.]
- (4) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- [<sup>F14</sup>(4A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.]
- (5) Regulations under this section may make different provision for different cases and circumstances, <sup>F15</sup> . . .
- (6) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

**F11** S. 33(2)(e) substituted (8.8.1994) by 1994 c. 29, s. 18(1)(2); S.I. 1994/2025, art. 3

**F12** S. 33(3) repealed by Police Act 1976 (c. 46), s. 10(6)

**F13** S. 33(3A) inserted (8.8.1994) by 1994 c. 29, s. 18(1)(3); S.I. 1994/2025, art. 3

**F14** S. 33(4A) inserted (8.8.1994) by 1994 c. 29, s. 18(1)(4); S.I. 1994/2025, art. 3

**F15** Words in s. 33(5) repealed (8.8.1994) by 1994 c. 29, s. 18(1)(5), S.I. 1994/2025, art. 3

**Modifications etc. (not altering text)**

**C3** S. 33 amended by Sex Discrimination Act 1975 (c. 65), s. 17(2) and Police Act 1976 (c. 46), s. 10

**C4** S. 33 amended by Police Negotiating Board Act 1980 (c. 10, SIF 95), s. 2(1)(a)(2)

**C5** S. 33 amended (*prosp.*) by 1984 c. 60 s. 102 (as substituted (*prosp.*) by 1994 c. 29, s. 44, Sch. 5 Pt. II para. 33)

**34 Regulations for special constables. E+W**

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of special constables.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision with respect to the following matters, that is to say:—

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- (a) the qualifications for appointment of special constables;
  - (b) the retirement of special constables;
  - (c) the suspension of special constables from their office as constable;
  - (d) the allowances payable to special constables; and
  - (e) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces.
- (3) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.
- (4) Subsections (5) and (6) of section 33 of this Act shall apply to regulations under this section.

**Modifications etc. (not altering text)**

- C6 S. 34 amended by [Superannuation Act 1972 \(c. 11\)](#), [s. 15\(5\)\(b\)](#) and [Sex Discrimination Act 1975 \(c. 65\)](#), [s. 17\(2\)](#)

**35 Regulations for police cadets. E+W**

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.
- (2) Subsections (4), (5) and (6) of section 33 of this Act shall apply to regulations under this section.

**Modifications etc. (not altering text)**

- C7 S. 35 amended by [Superannuation \(Miscellaneous Provisions\) Act 1967 \(c. 28\)](#), [s. 13](#), [Superannuation Act 1972 \(c. 11\)](#), [s. 15\(5\)\(b\)](#), and [Sex Discrimination Act 1975 \(c. 65\)](#), [s. 17\(2\)](#)
- C8 S. 35 amended by [Police Negotiating Board Act 1980 \(c. 10, SIF 95\)](#), [s. 2\(1\)\(a\)\(2\)\(3\)](#)

**36 Regulations as to standard of equipment. E+W**

The Secretary of State may make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations.

**[<sup>F1637</sup> Disciplinary appeals to Secretary of State. E+W**

- (1) A member of a police force who is dealt with for an offence against discipline may appeal to the Secretary of State—
  - (a) against the decision on the disciplinary charge which was preferred against him;



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- (b) against any punishment awarded, except where he has a right of appeal to some other person; and in that case he may appeal to the Secretary of State from any decision of that other person.
- (2) On an appeal the Secretary of State may make an order allowing or dismissing the appeal.
- (3) Subject to subsection (4) below, in any case where it appears to him that it is appropriate to do so, he may substitute some other punishment.
- (4) The Secretary of State may not substitute another punishment unless it appears to him—
  - (a) that the person or tribunal who heard the disciplinary charge could have awarded it; and
  - (b) that it is less severe than the punishment awarded by that person or tribunal.
- (5) The Secretary of State may direct an appellant to pay the whole or any part of his own costs; but, subject to any such direction, all the costs and expenses of an appeal under this section, including the costs of the parties, shall be defrayed out of the police fund.
- (6) Schedule 5 to this Act shall have effect in relation to any appeal under this section.]

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**Textual Amendments**

**F16** S. 37 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 103(1)

**Status:**

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**Changes to legislation:**

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