



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART X

#### POLICE—GENERAL

<sup>F1</sup>106 .....

#### Textual Amendments

<sup>F1</sup> S. 106 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt.1

#### 107 Police officers performing duties of higher rank.

- (1) For the purpose of any provision of this Act or any other Act under which a power in respect of the investigation of offences or the treatment of persons in police custody is exercisable only by or with the authority of a police officer of at least the rank of superintendent, an officer of the rank of chief inspector shall be treated as holding the rank of superintendent if
  - <sup>F2</sup>(a) he has been authorised by an officer holding a rank above the rank of superintendent to exercise the power or, as the case may be, to give his authority for its exercise, or
  - (b) he is acting during the absence of an officer holding the rank of superintendent who has authorised him, for the duration of that absence, to exercise the power or, as the case may be, to give his authority for its exercise.]
- (2) For the purpose of any provision of this Act or any other Act under which such a power is exercisable only by or with the authority of an officer of at least the rank of inspector, an officer of the rank of sergeant shall be treated as holding the rank of inspector if he has been authorised by an officer of at least the rank of [<sup>F3</sup>superintendent] to exercise the power or, as the case may be, to give his authority for its exercise.

*Status: Point in time view as at 19/02/2001.*

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**Textual Amendments**

- F2 Words in s. 107(1) substituted (1.4.1995) by 1994 c. 29, s. 44, **Sch. 5 Pt. II para. 35(2)**; S.I. 1994/3262, **art. 4**, Sch.
- F3 Word in s. 107(2) substituted (1.4.1995) by 1994 c. 29, s. 44, **Sch. 5 Pt. II para. 35(3)**; S.I. 1994/3262, **art. 4**, Sch.

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

- C1 S. 107 applied with modifications by S.I. 1985/1800, arts. 3–11, **Schs. 1, 2** (as amended by S.I. 1987/439, **art. 3**)

**108 Deputy chief constables.**

- (1) The office of deputy chief constable is hereby abolished.
- <sup>F4</sup>(2) .....
- <sup>F4</sup>(3) .....
- (4) In section 5 of the <sup>M1</sup>Police (Scotland) Act 1967—
  - (a) in subsection (1), after the word “a” there shall be inserted the words “person holding the rank of”;
  - (b) subsection (3) shall be omitted; and
  - (c) in subsection (5), for the words from the beginning to “of”, in the second place where it occurs, there shall be substituted the words “Appointments or promotions to the rank of deputy chief constable or”.
- (5) The following section shall be inserted after that section—

**“5A Deputy chief constables—supplementary.**

- (1) Any police force may include more than one person holding the rank of deputy chief constable, but only if the additional person or persons holding that rank—
  - (a) was a deputy chief constable before a period—
    - (i) of central service; or
    - (ii) of overseas service, as defined in section 3 of the Police (Overseas Service) Act 1945; or
    - (iii) of service in pursuance of an appointment under section 10 of the Overseas Development and Co-operation Act 1980 as an officer to whom that section applied; or
  - (b) became a deputy chief constable by virtue of section 23(2) of this Act.
- (2) If there is more than one person in a police force who holds the rank of deputy chief constable, one of the persons who hold it shall be designated as the officer having the powers and duties conferred on a deputy chief constable by section 5(1) of this Act.
- (3) A person shall be designated under subsection (2) of this section by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.”

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(6) In <sup>F5</sup> section 23(2) of the <sup>M2</sup>Police (Scotland) Act 1967 (under <sup>F5</sup> which a chief constable affected by an amalgamation holds the rank of assistant chief constable) for the word “assistant” there shall be substituted the word “deputy”.

**Textual Amendments**

- F4 S. 108(2)(3) repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt.I; S.I. 1994/3262, art. 4, Sch.
- F5 Words in s. 108(6) repealed (1.4.1995) by 1994 c. 29, s. 93, Sch. 9 Pt.I; S.I. 1994/3262, art. 4, Sch.

**Marginal Citations**

- M1 1967 c. 77.
- M2 1967 c. 77.

<sup>F6</sup>109 .....

**Textual Amendments**

- F6 S. 109 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt.I

**110 Functions of special constables in Scotland.**

Subsection (6) of section 17 of the Police (Scotland) Act 1967 (restriction on functions of special constables) is hereby repealed.

**111 Regulations for Police Forces and Police Cadets—Scotland.**

(1) In section 26 to the <sup>M3</sup>Police (Scotland) Act 1967 (regulations as to government and administration of police forces)—

(a) after subsection (1) there shall be inserted the following subsection—

“(1A) Regulations under this section may authorise the Secretary of State, the police authority or the chief constable to make provision for any purpose specified in the regulations.”; and

(b) at the end there shall be inserted the following subsection—

“(10) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

(2) In section 27 of the said Act of 1967 (regulations for police cadets) in subsection (3) for the word “(9)” there shall be substituted the words “(1A), (9) and (10)”.

**Marginal Citations**

- M3 1967 c. 77.

<sup>F7</sup>112 .....

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#### **Textual Amendments**

**F7** S. 112 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt.I**

**Status:**

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**Changes to legislation:**

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