



# Ministry of Defence Police Act 1987

## 1987 CHAPTER 4

An Act to make fresh provision for the Ministry of Defence Police. [5th March 1987]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Commencement Information

**II** Act not in force at Royal Assent see [s. 8\(2\)](#); Act wholly in force at 5.5.1987

## **1 The Ministry of Defence Police.**

- (1) There shall be a police force to be known as the Ministry of Defence Police and consisting—
  - (a) of persons nominated by the Secretary of State; and
  - (b) of persons who at the coming into force of this Act are special constables by virtue of appointment under section 3 of the Special Constables Act <sup>M1</sup> 1923 on the nomination of the Defence Council.
- (2) A person nominated under subsection (1) above shall—
  - (a) in England and Wales be attested as a constable by making the declaration required of a member of a police force maintained under [<sup>F1</sup>the Police Act 1996] before a justice of the peace;
  - (b) in Scotland make the declaration required of a person on appointment to the office of constable of a police force maintained under the Police (Scotland) Act <sup>M2</sup> 1967 before a person before whom such a declaration may be made by a person appointed to that office; and
  - (c) in Northern Ireland be attested as a constable by [<sup>F2</sup>making the declaration] required of a member of the Royal Ulster Constabulary before a justice of the peace.

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- (3) The Secretary of State shall appoint a chief constable for the Ministry of Defence Police, and they shall operate under the chief constable's direction and control.
- (4) The Secretary of State shall have power—
- (a) to suspend a member of the Ministry of Defence Police from duty; and
  - (b) to terminate a person's membership.
- [<sup>F3</sup>(5) The Secretary of State shall appoint a committee, to be known as the Ministry of Defence Police Committee—
- (a) to advise him with respect to such matters concerning the Ministry of Defence Police as he may from time to time require; and
  - (b) to exercise such other functions as may be conferred on it by or under this Act; and the Secretary of State may make regulations concerning the membership and the procedure of the Committee.]

(6) The power to make regulations conferred by subsection (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** Words in s. 1(2)(a) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 41**
- F2** Words in s. 1(2)(c) substituted (9.2.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 16**; S.R. 1999/48, **art. 3** (with **art. 4**)
- F3** S. 1(5) substituted (9.3.2004) by **Police Reform Act 2002 (c. 30)**, **ss. 79(3)**, 108(2); S.I. 2004/636, **art. 2**

#### Marginal Citations

- M1** 1923 c. 11.
- M2** 1967 c. 77.

## <sup>F4</sup>2 **Jurisdiction.**

- (1) In any place in the United Kingdom to which subsection (2) below for the time being applies, members of the Ministry of Defence Police shall have the powers and privileges of constables.
- (2) The places to which this subsection applies are—
- (a) land, vehicles, vessels, aircraft and hovercraft in the possession, under the control or used for the purposes of—
    - (i) the Secretary of State for Defence;
    - (ii) the Defence Council;
    - (iii) a headquarters or defence organisation; or
    - (iv) the service authorities of a visiting force;
  - (b) land, vehicles, vessels, aircraft and hovercraft which are—
    - (i) in the possession, under the control or used for the purposes of an ordnance company; and
    - (ii) used for the purpose of, or for purposes which include, the making or development of ordnance or otherwise for naval, military or air force purposes;

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- (c) land, vehicles, vessels, aircraft and hovercraft which are—
    - (i) in the possession, under the control or used for the purposes of a dockyard contractor; and
    - (ii) used for the purpose of, or for purposes which include, providing designated services or otherwise for naval, military or air force purposes;
  - <sup>F5</sup>(d) .....
  - (e) land where the Secretary of State has agreed to provide the services of the Ministry of Defence Police under an agreement notice of which has been published in the appropriate Gazette.
- (3) Members of the Ministry of Defence Police shall also have the powers and privileges of constables in any place in the United Kingdom to which subsection (2) above does not for the time being apply <sup>F6</sup>. . .—
- (a) in relation to Crown property, international defence property, ordnance property and dockyard property;
  - (b) in relation to persons—
    - (i) subject to the control of the Defence Council;
    - (ii) employed under or for the purposes of the Ministry of Defence or the Defence Council; or
    - (iii) in respect of whom the service courts and service authorities of any country may exercise powers by virtue of section 2 of the Visiting Forces Act <sup>M3</sup> 1952;
  - <sup>F7</sup>(ba) in connection with offences against persons within paragraph (b) above, with the incitement of such persons to commit offences and with offences under the Prevention of Corruption Acts 1889 to 1916 in relation to such persons;]
  - (c) in relation to matters connected with anything done under a contract entered into by the Secretary of State for Defence for the purposes of his Department or the Defence Council; and
  - (d) for the purpose of securing the unimpeded passage of any such property as is mentioned in paragraph (a) above.
- <sup>F8</sup>(3A) Where a member of the Ministry of Defence Police has been requested by a constable of—
- (a) the police force for any police area;
  - (b) the Police Service of Northern Ireland;
  - (c) the British Transport Police Force; or
  - <sup>F9</sup>(d) the Civil Nuclear Constabulary,
- to assist him in the execution of his duties in relation to a particular incident, investigation or operation, members of the Ministry of Defence Police shall have the powers and privileges of constables for the purposes of that incident, investigation or operation but subject to subsection (3B) below.
- (3B) Members of the Ministry of Defence Police have the powers and privileges of constables for the purposes of an incident, investigation or operation by virtue of subsection (3A) above—
- (a) if the request was made under paragraph (a) of that subsection by a constable of the police force for a police area, only in that police area;
  - (b) if it was made under paragraph (b) of that subsection, only in Northern Ireland;

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- (c) if it was made under paragraph (c) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the British Transport Police Force by virtue of subsection (1A) or, in Scotland, subsection (4) of section 53 of the British Transport Commission Act 1949 (c. xxix); or
  - (d) if it was made under paragraph (d) of that subsection, only to the extent that those powers and privileges would in the circumstances be exercisable for those purposes by a constable of the [<sup>F10</sup>Civil Nuclear Constabulary].
- (3C) Members of the Ministry of Defence Police shall have in any police area the same powers and privileges as constables of the police force for that police area, and in Northern Ireland the same powers and privileges as constables of the Police Service of Northern Ireland,—
- (a) in relation to persons whom they suspect on reasonable grounds of having committed, being in the course of committing or being about to commit an offence; or
  - (b) if they believe on reasonable grounds that they need those powers and privileges in order to save life or to prevent or minimise personal injury.
- (3D) But members of the Ministry of Defence Police have powers and privileges by virtue of subsection (3C) above only if—
- (a) they are in uniform or have with them documentary evidence that they are members of the Ministry of Defence Police; and
  - (b) they believe on reasonable grounds that a power of a constable which they would not have apart from that subsection ought to be exercised and that, if it cannot be exercised until they secure the attendance of or a request under subsection (3A) above by a constable who has it, the purpose for which they believe it ought to be exercised will be frustrated or seriously prejudiced.]
- (4) Subsections (1) [<sup>F11</sup>to (3D)] above shall have effect in the territorial waters adjacent to the United Kingdom <sup>F12</sup>. . . , but as if the references in [<sup>F13</sup>those subsections] to the powers and privileges of constables were references to the powers and privileges of constables in the nearest part of the United Kingdom.
- (5) In this section—
- “appropriate Gazette” means—
    - (i) in relation to land in England or Wales, the London Gazette;
    - (ii) in relation to land in Scotland, the Edinburgh Gazette, and
    - (iii) in relation to land in Northern Ireland, the Belfast Gazette;
  - [<sup>F14</sup>[<sup>F15</sup> “ British Transport Police Force ” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix); ]]
  - “Crown property” includes property in the possession or under the control of the Crown and property which has been unlawfully removed from its possession or control;
  - “designated services” means services designated under subsection (1) of section 1 of the Dockyard Services Act <sup>M4</sup> 1986;
  - “dockyard contractor” means a company which is a dockyard contractor as defined by subsection (13) of that section;
  - “dockyard property” means property which—
    - (a) belongs to a dockyard contractor, is in its possession or under its control or has been unlawfully removed from its possession or control; and

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- (b) is (or was immediately before its removal) used to any extent for the purpose of providing designated services or otherwise for naval, military or air force purposes;
- “headquarters”, “defence organisation” and “visiting force” mean respectively a headquarters, defence organisation or visiting force to which the Visiting Forces and International Headquarters (Application of Law) Order <sup>M5</sup> 1965, or any order replacing that Order, applies;
- “international defence property” means property which belongs to, is in the possession or under the control of or has been unlawfully removed from the possession or control of a headquarters, a defence organisation or the service authorities of a visiting force;
- “ordnance company” means a company in which there is for the time being vested any property, right or liability which has at some time been the subject of a transfer by virtue of a provision made under section 1(1) (a) of the Ordnance Factories and Military Services Act <sup>M6</sup> 1984;
- “ordnance property” means property which—
- (a) belongs to an ordnance company, is in its possession or under its control or has been unlawfully removed from its possession or control; and
- (b) is (or was immediately before its removal) used to any extent for the purpose of, or for purposes including, the making or development of ordnance or otherwise for naval, military or air force purposes;
- “service authorities” means naval, military or air force authorities;
- F16  
...
- “vessel” includes any ship or boat or any other description of vessel used in navigation.

#### Textual Amendments

- F4** S. 2 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, [art. 3\(jjj\)](#)
- F5** S. 2(2)(d) repealed (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(2\)](#), [125](#), [127\(2\)\(i\)\(iii\)](#), [Sch. 8 Pt. 6](#); S.I. 2001/4104, [art. 2\(a\)\(e\)](#)
- F6** Words in s. 2(3) repealed (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 125](#), [127\(2\)\(i\)\(iii\)](#), [Sch. 8 Pt. 6](#); S.I. 2001/4104, [art. 2\(e\)](#)
- F7** S. 2(3)(ba) inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(3\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F8** S. 2(3A)-(3D) inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(4\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F9** S. 2(3A)(d) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), [s. 198\(2\)](#), [Sch. 14 para. 5\(1\)\(a\)](#); S.I. 2005/877, [art. 2\(1\)](#), [Sch. 1](#)
- F10** Words in s. 2(3B)(d) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), [s. 198\(2\)](#), [Sch. 14 para. 5\(1\)\(b\)](#); S.I. 2005/877, [art. 2\(1\)](#), [Sch. 1](#)
- F11** Words in s. 2(4) substituted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(5\)\(a\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F12** Words in s. 2(4) repealed (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 125](#), [127\(2\)\(i\)\(iii\)](#), [Sch. 8 Pt. 6](#); S.I. 2001/4104, [art. 2\(e\)](#)
- F13** Words in s. 2(4) substituted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by [2001 c. 24](#), [ss. 98\(5\)\(b\)](#), [127\(2\)\(e\)](#); S.I. 2001/4104, [art. 2\(a\)](#)
- F14** Definition of “British Transport Police Force” in 2(5) (1.7.2004) ceases to have effect by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, [art. 3\(jjj\)](#)

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- F15** Definition of “British Transport Police Force” in s. 2(5) inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by 2001 c. 24, **ss. 98(6)(a), 127(2)(e)**; S.I. 2001/4104, **art. 2(a)**
- F16** Definition of “United Kingdom Atomic Energy Authority Constabulary” in s. 2(5) repealed (1.4.2005) by **Energy Act 2004 (c. 20), s. 198(2), Sch. 23 Pt. 1**; S.I. 2005/877, **art. 2(1), Sch. 1**

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

- C1** S. 2: s. 2(2) extended (25.9.1991) by **Atomic Weapons Establishment Act 1991 (c. 46, SIF 8), ss. 1, 4(1), 6(2)**
- C2** S. 2: s. 2(3) extended (25.9.1991) by **Atomic Weapons Establishment Act 1991 (c. 46, SIF:8), ss. 1, 4(2), 6(2)**

#### Marginal Citations

- M3** 1952 c. 67.
- M4** 1986 c. 52.
- M5** S.I. 1965/1536.
- M6** 1984 c. 59.

### <sup>F18</sup><sub>F17</sub> **Provision of assistance to other forces**

#### **2A**

- (1) The Chief Constable of the Ministry of Defence Police may, on the application of the chief officer of any relevant force, provide constables or other assistance for the purpose of enabling that force to meet any special demand on its resources.
- (2) Where a member of the Ministry of Defence Police is provided for the assistance of a relevant force under this section—
  - (a) he shall be under the direction and control of the chief officer of that force; and
  - (b) he shall have the same powers and privileges as a member of that force.
- (3) Constables are not to be regarded as provided for the assistance of a relevant force under this section in a case where assistance is provided under section 2 above.
- (4) In this section—
 

[<sup>F19</sup> “British Transport Police Force” has the same meaning as in section 2 above; ]

“chief officer” means—

  - (a) the chief officer of the police force for any police area;
  - (b) the Chief Constable of the Police Service of Northern Ireland;
  - (c) the Chief Constable of the British Transport Police Force; or
  - (d) the Chief Constable of the [<sup>F20</sup>Civil Nuclear Constabulary];

“relevant force” means—

  - (a) the police force for any police area;
  - (b) the Police Service of Northern Ireland;
  - (c) the British Transport Police Force; or
  - (d) [<sup>F21</sup>the Civil Nuclear Constabulary.]<sup>F22</sup>...

<sup>F22</sup> ... <sup>F22</sup> ... <sup>F22</sup> ... ]

#### Textual Amendments

- F17** S. 2A inserted (14.12.2001 for E.W.N.I. and 7.1.2002 for S.) by 2001 c. 24, **ss. 99, 127(2)(e)**; S.I. 2001/4104, **art. 2(b)**

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- F18** S. 2A amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)
- F19** Definition of “British Transport Police Force” in 2A(4) (1.7.2004) ceases to have effect by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)
- F20** Words in s. 2A(4) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 14 para. 5\(2\)\(a\)](#); S.I. 2005/877, art. 2(1), Sch. 1
- F21** Words in s. 2A(4) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 14 para. 5\(2\)\(b\)](#); S.I. 2005/877, art. 2(1), Sch. 1
- F22** Words in s. 2A(4) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 23 Pt. 1](#); S.I. 2005/877, art. 2(1), Sch. 1

<sup>F24</sup><sub>F23</sub>  
**2B**

### **Constables serving with other forces**

- (1) This section applies where a member of the Ministry of Defence Police serves with a relevant force under arrangements made between the chief officer of that force and the chief constable of the Ministry of Defence Police.
- (2) The member of the Ministry of Defence Police—
- (a) shall be under the direction and control of the chief officer of the relevant force; and
  - (b) shall have the same powers and privileges as a member of that force.
- (3) In this section—
- [<sup>F25</sup> “ British Transport Police Force ” has the same meaning as in section 2 above; ]
  - “ chief officer ” means—
- (a) any chief officer of police of a police force for a police area in Great Britain;
  - (b) the chief constable of the Police Service of Northern Ireland;
  - (c) [<sup>F26</sup>the Director General of the National Criminal Intelligence Service;]
  - (d) [<sup>F26</sup>the Director General of the National Crime Squad;]
  - (e) the chief constable of the British Transport Police Force; or
  - (f) the chief constable of the [<sup>F27</sup>Civil Nuclear Constabulary];
- “ relevant force ” means—
- (a) any police force for a police area in Great Britain;
  - (b) the Police Service of Northern Ireland;
  - (c) [<sup>F26</sup>the National Criminal Intelligence Service;]
  - (d) [<sup>F26</sup>the National Crime Squad;]
  - (e) the British Transport Police Force; or
  - (f) [<sup>F28</sup>the Civil Nuclear Constabulary.]
- <sup>F29</sup> ... <sup>F29</sup> ... <sup>F29</sup> ... ]

#### **Textual Amendments**

- F23** S. 2B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. {78}; S.I. 2002/2306, [art. 2\(e\)](#)
- F24** S. 2B amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)
- F25** Definition of “British Transport Police Force” in 2B(3) (1.7.2004) ceases to have effect by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, [art. 3\(jjj\)](#)

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- F26** Words in s. 2B(3) repealed (E.W.) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), Sch. 4 para. 49, **17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(s)
- F27** Words in s. 2B(3) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 14 para. 5(3)(a)**; S.I. 2005/877, art. 2(1), Sch. 1
- F28** Words in s. 2B(3) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 14 para. 5(3)(b)**; S.I. 2005/877, art. 2(1), Sch. 1
- F29** Definition of “United Kingdom Atomic Energy Authority Constabulary in s. 2B(3) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 23 Pt. 1**; S.I. 2005/877, art. 2(1), Sch. 1

### [<sup>F30</sup>2C **Constables serving with Serious Organised Crime Agency**

- (1) A member of the Ministry of Defence Police serving with the Serious Organised Crime Agency under arrangements to which subsection (2) applies shall—
- (a) be under the direction and control of the Serious Organised Crime Agency, and
  - (b) continue to be a constable.
- (2) This subsection applies to arrangements made between—
- (a) the Serious Organised Crime Agency, and
  - (b) the chief constable of the Ministry of Defence Police.]

#### Textual Amendments

- F30** S. 2C inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 50**; S.I. 2006/378, art. 4(1), Sch. para. 10

### 3 **Defence Police Federation.**

- (1) There shall continue to be a Defence Police Federation.
- (2) The Federation shall represent members of the Ministry of Defence Police in all matters affecting their welfare and efficiency, other than questions of discipline affecting individuals, except as provided by subsection (3) below, and questions of promotion affecting individuals.
- (3) The Federation may represent a member of the Ministry of Defence Police at any disciplinary proceedings or on an appeal from any such proceedings.
- (4) Except on an appeal to the Secretary of State or as provided by section 4 below, a member of the Ministry of Defence Police may only be represented under subsection (3) above by another member of that force.
- (5) The Federation shall act through branches and regional and national committees; and the Federation and every branch and committee thereof shall be entirely independent of and unassociated with, any body or person outside the police service, but may employ persons outside the police service in an administrative or advisory capacity.
- (6) The Secretary of State may, after consultation with the management committee of the Federation, by regulations prescribe the constitution and proceedings of the Federation or authorise the Federation to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations and, without



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prejudice to the generality of that power, regulations under this subsection may make provision—

- (a) with respect to the membership of the Federation;
  - (b) with respect to the raising of funds by the Federation by subscription and the use and management of funds derived from subscription; and
  - (c) with respect to the manner in which representations may be made by the Federation to the Ministry of Defence Police Committee and the Secretary of State.
- (7) The power to make regulations conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### [<sup>F31</sup>3A Regulations relating to disciplinary matters

- (1) The Secretary of State shall by regulations made by statutory instrument establish, or make provision for the establishment of, procedures for cases in which a member of the Ministry of Defence Police may be dealt with by suspension, dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.
- (2) The regulations may provide—
  - (a) for decisions which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead—
    - (i) by a person or persons appointed in accordance with the regulations;
    - or
    - (ii) by the Ministry of Defence Police Committee;and
  - (b) for decisions taken by or on behalf of the Secretary of State or the chief constable of the Ministry of Defence Police to be reviewed by a person or persons appointed by or in accordance with the regulations.
- (3) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
  - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Ministry of Defence Police Committee, the chief constable of the Ministry of Defence Police or other persons; or
  - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F31** S. 3A inserted (9.3.2004) by [Police Reform Act 2002 \(c. 30\)](#), ss. **79(1)**, 108(2); S.I. 2004/636, art. 2

## 4 Representation at disciplinary proceedings.

- (1) On the hearing of a disciplinary charge against a member of the Ministry of Defence Police of the rank of chief superintendent or below the punishment of dismissal,

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requirement to resign or reduction in rank may not be awarded unless he has been given an opportunity to elect to be legally represented at the hearing.

- (2) Where a member of the Ministry of Defence Police so elects, he may be represented at the hearing, at his option, either by counsel or by a solicitor.
- (3) Except in a case where a member has been given an opportunity to elect to be legally represented and has so elected, he may only be represented at the hearing of a disciplinary charge by another member of the force.
- (4) The Secretary of State shall by regulations specify—
  - (a) a procedure for notifying a member of the Ministry of Defence Police of the effect of subsections (1) to (3) above;
  - (b) when he is to be so notified and when he is to give notice whether or not he wishes to be legally represented at the hearing.
- (5) Regulations under subsection (4) above shall be made by statutory instrument and a statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) If a member of the Ministry of Defence Police—
  - (a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented; or
  - (b) gives notice in accordance with the regulations that he does not wish to be legally represented,
 any such punishment as is mentioned in subsection (1) above may be awarded without his being legally represented.
- (7) If a member of the Ministry of Defence Police has given notice in accordance with the regulations that he wishes to be legally represented, the case against him may be presented by counsel or a solicitor whether or not he is actually so represented.

#### <sup>F32</sup>4A Appeals against dismissal etc.

- (1) Subject to subsection (2) below, a member of the Ministry of Defence Police who is dismissed, required to resign or reduced in rank by a decision taken—
  - (a) in proceedings under regulations made in accordance with section 3A above, or
  - (b) in proceedings for the purposes of any procedures established in accordance with an agreement or order under section 60 of the Police (Northern Ireland) Act 1998 (c. 32),
 may appeal to an appeals tribunal.
- (2) Subsection (1) above does not apply in the case of a person who has a right to apply to some other person for a review of the decision; and in that case that person may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (3) The Secretary of State may by regulations made by statutory instrument—
  - (a) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made in relation to police appeals tribunals by any provision of Schedule 6 to the Police Act 1996 (c. 16) or Schedule 3 to the Police (Scotland) Act 1967 (c. 77);

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- (b) make provision as to procedure on appeals to appeals tribunals under this section; and
  - (c) make provision enabling an appeals tribunal to require any person to attend a hearing and to give evidence or produce documents.
- (4) Regulations made by virtue of subsection (3)(c) above may, in particular, apply subsections (2) and (3) of section 250 of the Local Government Act 1972 (c. 70) or subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) with such modifications as may be set out in the regulations.
- (5) Where an appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way which—
  - (a) appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
  - (b) is a way in which he could have been dealt with by the person who made the decision.
- (6) Any statutory instrument containing regulations under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “ an appeals tribunal ” means a tribunal constituted in accordance with regulations under subsection (3) above. ]

#### **Textual Amendments**

**F32** S. 4A inserted (9.3.2004) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 79\(2\), 108\(2\)](#); [S.I. 2004/636](#), [art. 2](#)

#### **[<sup>F33</sup>4B Functions of inspectors of constabulary**

- (1) The inspectors of constabulary shall inspect, and report to the Secretary of State on, the efficiency and effectiveness of the Ministry of Defence Police.
- (2) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of the Ministry of Defence Police and to report to him on that inspection.
- (3) A requirement under subsection (2) may include a requirement for the inspection to be confined to a particular part of the Ministry of Defence Police, to particular matters or to particular activities of the Ministry of Defence Police.
- (4) The inspectors of constabulary shall carry out such other duties for the purposes of furthering the efficiency and effectiveness of the Ministry of Defence Police as the Secretary of State may from time to time direct.
- (5) Before carrying out any inspection by virtue of subsection (1) in Scotland, the inspectors of constabulary shall consult the Scottish inspectors with respect to the scope and conduct of the proposed inspection.
- (6) In this section—
  - “ the inspectors of constabulary ” means Her Majesty’s Inspectors of Constabulary appointed under section 54 of the Police Act 1996 (c. 16);
  - “ the Scottish inspectors ” means the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 (c. 77). ]

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#### Textual Amendments

**F33** S. 4B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. {80}; [S.I. 2002/2306](#), [art. 2\(e\)](#)

### [<sup>F34</sup>4C Publication of reports

- (1) Subject to subsection (2) below, the Secretary of State shall arrange for any report received by him under section 4B above to be published in such manner as appears to him to be appropriate.
- (2) The Secretary of State may exclude from publication under subsection (1) above any part of a report if, in his opinion, the publication of that part—
  - (a) would be against the interests of national security; or
  - (b) might jeopardise the safety of any person.
- (3) The Secretary of State shall—
  - (a) send a copy of the published report to the chief constable of the Ministry of Defence Police; and
  - (b) invite the chief constable to submit comments on the published report to the Secretary of State before such date as the Secretary of State may specify.
- (4) The Secretary of State shall arrange for—
  - (a) any comments submitted by the chief constable in accordance with subsection (3) above, and
  - (b) any response that the Secretary of State may prepare to the published report or to any comments submitted by the chief constable,
 to be published in such manner as he considers appropriate.]

#### Textual Amendments

**F34** S. 4C inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. {80}; [S.I. 2002/2306](#), [art.2\(e\)](#)

## 5 Impersonation etc.

- (1) Any person who with intent to deceive impersonates a member of the Ministry of Defence Police, or makes any statement or does any act calculated falsely to suggest that he is such a member, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) Any person who, not being a member of the Ministry of Defence Police, wears any article of the uniform of the Ministry of Defence Police in circumstances where it gives him an appearance so nearly resembling that of a member as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Any person who, not being a member of the Ministry of Defence Police, has in his possession any article of uniform of the Ministry of Defence Police shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

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- (4) In this section “article of uniform” means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of the Ministry of Defence Police, or any thing having the appearance of such an article, badge, mark or document.

## 6 Causing disaffection.

Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of the Ministry of Defence Police, or induces or attempts to induce, or does any act calculated to induce, any member of the Ministry of Defence Police to withhold his services or to commit breaches of discipline, shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

## [<sup>F35</sup>6A Powers to make regulations

Any power of the Secretary of State under this Act to make regulations shall include power to make different provision for different purposes.]

### Textual Amendments

**F35** S. 6A inserted (9.3.2004) by [Police Reform Act 2002 \(c. 30\)](#), ss. **79(4)**, 108(2); S.I. 2004/636, art. 2

## 7 Consequential amendments and repeals.

- (1) In section 3 of the Special Constables Act 1923—
- (a) in subsection (1)—
    - (i) for the words “the Defence Council”, there shall be substituted the words “an authority who by virtue of any enactment are authorised to make nominations under this section”; and
    - (ii) the words from “both” to “Force” shall cease to have effect; and
  - (b) in subsection (2), for the word “department”, in both places where it occurs, there shall be substituted the word “authority”.
- (2) In paragraph 1 of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act <sup>M7</sup> 1947—
- (a) in sub-paragraph (1) there shall cease to have effect—
    - (i) the words “nominated by the Defence Council”;
    - (ii) the words “so nominated”;
    - (iii) the word “other”;
    - (iv) the words “the Defence Council, the Secretary of State for Defence or”; and
    - (v) the words “or are for the time being used for or in connection with naval, military or air force purposes”; and
  - (b) in sub-paragraph (2)—

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- (i) for the words “the Defence Council” there shall be substituted the words “an authority who by virtue of any enactment are authorised to make nominations under section 3 of the Special Constables Act <sup>M8</sup> 1923”; and
- (ii) there shall cease to have effect the words “the Defence Council, the Secretary of State for Defence or” and the words “or are specified by the Defence Council to be, for the time being, used for or in connection with naval, military or air force purposes”.

<sup>F36</sup>(3) .....

(4) In paragraph 4 of Schedule 1 to the Nuclear Installations Act <sup>M9</sup> 1965—

<sup>F37</sup>(a) .....

(b) sub-paragraph (2) shall cease to have effect.

(5) Section 11 of the Ordnance Factories and Military Services Act <sup>M10</sup> 1984 and Schedule 3 to that Act (both of which relate to special constables) shall cease to have effect.

(6) In subsection 3(1) of the Dockyard Services Act <sup>M11</sup> 1986, paragraph (a) (application of section 3 of the Special Constables Act 1923 to land in a designated dockyard) shall cease to have effect.

#### Textual Amendments

**F36** S. 7(3) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 23 Pt. 1](#); S.I. 2005/877, art. 2(1), [Sch. 1](#)

**F37** S. 7(4)(a) repealed (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), [Sch. 23 Pt. 1](#); S.I. 2005/877, art. 2(1), [Sch. 1](#)

#### Marginal Citations

**M7** 1947 c. 10.

**M8** 1923 c. 11.

**M9** 1965 c. 57.

**M10** 1984 c. 59.

**M11** 1986 c. 52.

## 8 Short title, commencement and extent.

- (1) This Act may be cited as the Ministry of Defence Police Act 1987.
- (2) This Act shall come into force at the end of the period of two months beginning with the date on which it is passed.
- (3) The provisions of this Act, except section 7(1)(2)(a) and (6), extend to Northern Ireland, and section 7(2)(b) only so extends.

**Status:**

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**Changes to legislation:**

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