



# 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:—

### **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 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 the Police Act 1964 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 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 taking and subscribing the oath required of a member of the Royal Ulster Constabulary before a justice of the peace.
- (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.
- (5) The Secretary of State shall appoint a committee, to be known as the Ministry of Defence Police Committee, to advise him with respect to such matters concerning the Ministry of Defence Police as he may from time to time require and may make regulations concerning 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.

## 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 ;
  - (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;
  - (d) land which is in the vicinity of land mentioned in any of paragraphs (a) to (c) above and on which a constable of the police force for the police area in which the first-mentioned land is situated, or, in Northern Ireland, of the Royal Ulster Constabulary, has asked the Ministry of Defence Police to assist him in the execution of his duties ; and
  - (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, but only—
  - (a) in relation to Crown property, international defence property, ordnance property and dockyard property;
  - (b) in relation to persons—

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*Status: This is the original version (as it was originally enacted).*

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- (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 1952 ;
  - (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.
- (4) Subsections (1) to (3) above shall have effect in the territorial waters adjacent to the United Kingdom as they have effect in the United Kingdom, but as if the references in subsections (1) and (3) 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;
  - " 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 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
    - (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 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 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

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- (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; and
  - " vessel" includes any ship or boat or any other description of vessel used in navigation.

### **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 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.

### **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, 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.

## **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.
- (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.

## 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 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)—
  - (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 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 ".

(3) In Schedule 3 to the Atomic Energy Authority Act 1954 in the paragraph dealing with section 3 of the Special Constables Act 1923, for the words " so " to the end there shall be substituted the words " and, in relation to those premises, the Authority may make nominations under that section. " .

(4) In paragraph 4 of Schedule 1 to the Nuclear Installations Act 1965—

- (a) the following sub-paragraph shall be substituted for sub-paragraph (1)—

- “(1) Section 3 of the Special Constables Act 1923 shall have effect as if all premises in the occupation or under the control of the specified body corporate were under the control of the Authority.”; and
- (b) sub-paragraph (2) shall cease to have effect.
- (5) Section 11 of the Ordnance Factories and Military Services Act 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 1986, paragraph (a) (application of section 3 of the Special Constables Act 1923 to land in a designated dockyard) shall cease to have effect.

## **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.