



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART I

POLICE

CHAPTER II

OTHER PROVISIONS ABOUT THE POLICE

Financial provisions

27 Precepts.

- (1) In section 39 of the ^{M1}Local Government Finance Act 1992, in subsection (1) (list of major precepting authorities) for paragraphs (b) and (c) there shall be substituted—
- “(b) a police authority established under section 3 of the ^{M2}Police Act 1964;”.
- (2) In section 54 of that Act (designation of authorities whose budget requirements are to be limited), in subsection (3) (classes of authorities to be treated on same principles) for paragraph (f) there shall be substituted—
- “(f) police authorities established under section 3 of the ^{M3}Police Act 1964;”.

Commencement Information

- II** S. 27 wholly in force at 1.11.1994; s. 27 not in force at Royal Assent, see s. 94(1); s. 27 in force (1.11.1994, for the purposes of any financial year beginning on or after 1.4.1995) by S.I. 1994/2025, art. 7(1)(2)(b)

Marginal Citations

- M1** 1992 c. 14.

Status: Point in time view as at 01/11/1994. 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 and Magistrates' Courts Act 1994, Cross Heading: Financial provisions. (See end of Document for details)

M2 1964 c. 48.

M3 1964 c. 48.

28 Approval of decisions about precepts.

- (1) A police authority established under section 3 of the 1964 Act shall not—
- (a) issue a precept under section 40 of the ^{M4}Local Government Finance Act 1992, or
 - (b) make the calculations required by section 43 of that Act,
- except by a decision of the authority which complies with subsection (2) below.
- (2) A decision complies with this subsection only if the members approving it—
- (a) constitute at least half of the total membership at the time of the decision, and
 - (b) include more than half of the members (at that time) appointed under paragraph 2 of Schedule 1B to the 1964 Act (local authority appointees).

Modifications etc. (not altering text)

- C1** S. 28(2)(b) applied (with modifications) (31.1.1995) by S.I. 1995/187, **art. 5(4)(a)**
 S. 28(2)(b) applied (with modifications) (1.3.1995) by S.I. 1995/493, **art. 12(4)(a)** (with transitional provisions in **arts. 18-21**)
 S. 28(2)(b) applied (with modifications) (8.3.1995) by S.I. 1995/610, **art. 11(4)(a)** (with transitional provisions in **arts. 15-18**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1769, **art. 4(4)(a)** (with transitional provisions in **arts. 9-12**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1770, **art. 6(4)(a)** (with transitional provisions in **arts. 15-19**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1771, **art. 4(4)(a)** (with transitional provisions in **arts. 9-11**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1772, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1773, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1774, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1775, **art. 4(4)(a)** (with transitional provisions in **arts. 9-11**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1776, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)
 S. 28(2)(b) applied (with modifications) (12.7.1995) by S.I. 1995/1779, **art. 6(4)(a)** (with transitional provisions in **arts. 10, 11**)
 S. 28(2)(b) applied (with modifications) (11.12.1995) by S.I. 1995/2864, **art. 4(4)(a)**
 S. 28(2)(b) applied (with modifications) (1.3.1996) by S.I. 1996/507, **art. 4(4)(a)** (with transitional provisions in **arts. 9, 10**)

Commencement Information

- I2** S. 28 wholly in force at 1.11.1994; s. 28 not in force at Royal Assent, see s. 94(1); s. 28 in force (1.11.1994, for the purposes of any financial year beginning on or after 1.4.1995) by S.I. 1994/2025, **art. 7(1)(2)(c)**

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Marginal Citations

M4 1992 c. 14.

VALID FROM 01/04/1995

29 Directions as to minimum budget.

- (1) The power of the Secretary of State to give directions under section 28D of the 1964 Act to a police authority established under section 3 of that Act shall include power to direct the authority that the amount of its budget requirement for any financial year (under section 43 of the ^{M5}Local Government Finance Act 1992) shall not be less than an amount specified in the direction.
- (2) The power exercisable by virtue of subsection (1) above, and any direction given under that power, are subject to any limitation imposed under Chapter V of Part I of the ^{M6}Local Government Finance Act 1992.
- (3) A direction shall not be given by virtue of subsection (1) above in relation to a financial year at any time after the end of the preceding December.
- (4) Where the Secretary of State gives a direction to a police authority under subsection (1) above any precept issued or calculation made by the authority under Part I of the ^{M7}Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

Marginal Citations

M5 1992 c. 14.

M6 1992 c. 14.

M7 1992 c. 14.

VALID FROM 15/03/1995

30 Revenue accounts and capital finance.

In section 39 of the ^{M8}Local Government and Housing Act 1989, in subsection (1) (authorities to which provisions about revenue accounts and capital finance apply) for paragraph (j) there shall be substituted—

“(j) a police authority established under section 3 of the ^{M9}Police Act 1964;”.

Commencement Information

I3 S. 30 wholly in force at 1.4.1995; s. 30 not in force at Royal Assent, see s. 94(1); s. 30 in force at 15.3.1995 for certain purposes and otherwise 1.4.1995 by S.I. 1994/3262, art. 4(1)(6), Sch. (with transitional provisions in art. 4(6)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

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Marginal Citations

- M8** 1989 c. 42.
M9 1964 c. 48.

31 Financial administration.

In section 111 of the ^{M10}Local Government Finance Act 1988, in subsection (2) (definition of “relevant authority” for the purposes of provisions regulating financial administration) for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the ^{M11}Police Act 1964,”.

Commencement Information

- I4** S. 31 wholly in force at 1.4.1995; s. 31 not in force at Royal Assent see s. 94(1); s. 31 in force for certain purposes at 1.10.1994 by S.I. 1994/2025, art. 6(1)(2)(d)(3)-(6); s. 31 in force at 1.4.1995 insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

Marginal Citations

- M10** 1988 c. 41.
M11 1964 c. 48.

32 Initial financing of new police authorities.

- (1) The Secretary of State may make grants to any police authority established under section 3 of the 1964 Act in respect of expenditure incurred (or to be incurred) by it at any time before the beginning of its first precepting year.
- (2) Without prejudice to any other powers to borrow, a police authority established under section 3 of the 1964 Act may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of meeting its expenditure before the beginning of its first precepting year.
- (3) The sums borrowed by an authority under this section shall not exceed such amount as the Secretary of State may determine, and shall be repaid before the end of its first precepting year.
- (4) In this section the “first precepting year” of a police authority is the financial year in which revenue is first received by it as a result of a precept issued by it under Part I of the ^{M12}Local Government Finance Act 1992.

Commencement Information

- I5** S. 32 partly in force; s. 32 not in force at Royal Assent, see s. 94(1); s. 32 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(d)(3)

Marginal Citations

- M12** 1992 c. 14.

Status: Point in time view as at 01/11/1994. This version of this cross heading contains provisions that are not valid for this point in time.

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33 Validation of past grants.

- (1) Any deductions made from grants under section 31 of the 1964 Act for any period ended after 31st March 1980 and before the passing of this Act on account of common services expenditure shall be deemed to have been made in accordance with that section and any order made under it.
- (2) In subsection (1) above “common services expenditure” means expenditure incurred by the Secretary of State under—
 - (a) section 41 (common services) of the 1964 Act, or
 - (b) section 44 (Police Federations) of that Act, or
 - (c) section 4 of the ^{M13}Police Act 1969 (Police Council for the United Kingdom) or section 1 of the ^{M14}Police Negotiating Board Act 1980.

Marginal Citations

M13 1969 c. 63.

M14 1980 c. 10.

Status:

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