

Status: Point in time view as at 22/08/1996.

Changes to legislation: There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 44.

POLICE: MINOR AND CONSEQUENTIAL AMENDMENTS

Extent Information

E1 The provisions of Sch. 5 have the same extent as the enactments they amend, see s. 96(1)-(3)

Commencement Information

II Sch. 5 partly in force; Sch. 5 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I paras. 5, 15 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(g)(3)-(6); Sch. 5 Pt. I para. 10(1)(3) in force (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(j); Sch. 5 paras. 1, 8 in force (31.12.1994) by S.I. 1994/3262, art. 3(1)(a) (with transitional provisions in art. 3(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); Sch. 5 Pt. I paras. 11 (only so far as extending to Scotland), 39 (the opening words and 39(b)), 40(1)(3) in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

^{F1}PART I

Textual Amendments

F1 Sch. 5 Pt. I (ss. 1-15) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

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- 1 (1) Section 12 of the Police Act 1964 (reports by chief constables to police authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “calendar year” there shall be substituted the words “financial year”, and
- (b) the words “in writing” shall be omitted.
- (3) After subsection (1) there shall be inserted—
- “(1A) A chief constable shall arrange for a report submitted by him under subsection (1) of this section to be published in such manner as he thinks fit.”
- (4) In subsection (2) the words “in writing” shall be omitted.
- (5) After subsection (2) there shall be inserted—
- “(2A) A report submitted under subsection (2) of this section shall be in such form as the police authority may specify.”
- (6) After subsection (3) there shall be inserted—

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“(3A) The police authority may arrange, or require the chief constable to arrange, for a report under subsection (2) of this section to be published in such manner as the authority thinks fit.”

.....

- 2 (1) Section 13 (collaboration agreements) shall be amended as follows.
- (2) In subsection (1) after the word “efficiently” there shall be inserted the words “ or effectively ”.
- (3) After subsection (6) there shall be added—
 - “(7) The provisions of this section shall not prejudice the power of a police authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of the authority’s functions.”

.....

- 3 In section 17(1) (appointment of police cadets) the words “and subject to the approval of the police authority as to numbers” shall be omitted.

.....

- 4 In section 19(3) (jurisdiction of special constables) after the words “City of London”, in each place where they occur, there shall be added the words “ police area ”.

.....

- 5 In section 25, subsection (5) (five representatives of Cambridge University to be members of police authority for area including Cambridge) shall be omitted.

.....

- 6 In section 28 (general duty of Secretary of State) after the word “efficiency” there shall be inserted the words “ and effectiveness ”.

.....

- 7 (1) Section 29 (removal of chief constables etc.) shall be amended as follows.
- (2) At the end of subsection (1) there shall be added the words “ or effectiveness ”.
- (3) In subsection (2) for the words “a deputy or assistant chief constable” there shall be substituted the words “ an assistant chief constable ”.

.....

- 8 (1) Section 30 (reports by chief constables to the Secretary of State) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—

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“(1A) A requirement under subsection (1) of this section may specify the form in which a report is to be given.

(1B) The Secretary of State may arrange, or require the chief constable to arrange, for a report under this section to be published in such manner as the Secretary of State thinks fit.”

(3) In subsection (2) for the words “calendar year” there shall be substituted the words “ financial year ”.

.....

9 In section 42 (research) after the word “efficiency” there shall be inserted the words “ or effectiveness ”.

.....

10 (1) Section 43 (central service on police duties) shall be amended as follows.

(2) In subsection (3A), for the words “subsection (1) above” there shall be substituted the words “ section 53C(3) of this Act ”.

(3) In subsection (5) for the words “service as a staff officer to the inspectors of constabulary” there shall be substituted the words “ temporary service under section 39 of this Act ”.

.....

11 (1) Section 44 (Police Federations) shall be amended as follows.

(2) In subsection (1A) for the words “disciplinary proceedings” there shall be substituted the words “ proceedings brought under regulations made in accordance with subsection (3) of section 33 of this Act or with subsection (2A) of section 26 of the Police (Scotland) Act 1967 ”.

(3) In subsection (1B) for the words “the Secretary of State” there shall be substituted the words “ a police appeals tribunal ”.

.....

12 In section 53 (causing disaffection) in subsection (1) the words “or to commit breaches of discipline” shall be omitted.

.....

13 In section 56 (metropolitan and City of London police funds) in paragraph (a) after the words “City of London” there shall be added the words “ police area ”.

.....

14 (1) Section 58 (chief officers affected by amalgamations or local government reorganisations) shall be amended as follows.

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- (2) In subsection (1), for the words “or Part II of the Local Government Act 1958” there shall be substituted the words “, section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992”.
- (3) In subsection (2) for the word “deputy” there shall be substituted the word “assistant”.
- (4) After subsection (3) there shall be inserted—
- “(3A) If a chief constable was appointed for a term which expires within three months of his becoming a member of a police force by virtue of this section, subsection (3) shall have effect as if the reference to three months were a reference to that term.”

.....

15 For section 62 (meaning of “police area” etc.) there shall be substituted—

“62 Meaning of “chief officer of police” etc.

Except where the context otherwise requires, in this Act—

“chief officer of police” means—

- (a) in relation to a police force maintained under section 2 of this Act, the chief constable,
- (b) in relation to the metropolitan police force, the Commissioner of Police of the Metropolis, and
- (c) in relation to the City of London police, the Commissioner of the City of London Police;

“City of London police area” means the City of London as defined for the purposes of the Acts relating to the City of London police;

“metropolitan police district” means that district as defined in section 76 of the London Government Act 1963;

“police area” (or “police district”) means a police area provided for by section 1 of this Act;

“police authority” means—

- (a) in relation to a police area listed in Schedule 1A to this Act, the authority established under section 3 of this Act,
- (b) in relation to the metropolitan police district, the Secretary of State, and
- (c) in relation to the City of London police area, the Common Council;

“police force” means a force maintained by a police authority;

“police fund” means—

- (a) in relation to a force maintained under section 2, the fund kept by that force’s police authority under section 8 of this Act,
- (b) in relation to the metropolitan police, the metropolitan police fund, and
- (c) in relation to the City of London Police, the fund out of which the expenses of the City police are paid.”

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PART II

AMENDMENT OF OTHER ENACTMENTS

Offices, Shops and Railway Premises Act 1963

F2 16

Textual Amendments

F2 Sch. 5 Pt. II para. 16 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

Pensions (Increase) Act 1971

17 In Schedule 2 to the ^{M7}Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 15, for sub-paragraph (b) there shall be substituted—

“(b) was engaged on service pursuant to an appointment under section 10 of the ^{M8}Overseas Development and Co-operation Act 1980, being service in respect of which section 53C of the Police Act 1964 or, as the case may be, section 38A of the ^{M9}Police (Scotland) Act 1967 had effect; or

(ba) was engaged on temporary service in accordance with section 15A(2) of the ^{M10}Police Act 1964 or section 12A(2) of the ^{M11}Police (Scotland) Act 1967; or”.

Commencement Information

I8 Sch. 5 Pt. II para. 17 wholly in force at 1.4.1995; Sch. 5 Pt. II para. 17 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 17 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

Marginal Citations

M7 1971 c. 56.

M8 1980 c. 63

M9 1967 c. 77.

M10 1964 c. 48.

M11 1967 c. 77.

Overseas Pensions Act 1973

18 In section 2 of the ^{M12}Overseas Pensions Act 1973 (which makes provisions for superannuation schemes as respects certain overseas service), in subsection (2), for paragraph (d) there shall be substituted—

“(d) a person who is—

(i) a member of a police force engaged on relevant service within the meaning of section 53C(1)(a), (c) or (e) of the ^{M13}Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the ^{M14}Police (Overseas

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Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980), or

(ii) a constable of a police force engaged on relevant service within the meaning of section 38A(1)(a), (c) or (e) of the ^{M15}Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the ^{M16}Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980), and who is incapacitated or dies as a result of an injury sustained or disease contracted during that service;”.

Commencement Information

I9 Sch. 5 Pt. II para. 18 wholly in force at 1.4.1995; Sch. 5 Pt. II para. 18 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 18 in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

Marginal Citations

M12 1973 c. 21.
M13 1964 c. 48.
M14 1945 c. 17.
M15 1967 c. 77.
M16 1945 c. 17.

Police Pensions Act 1976

- 19 In section 7 of the ^{M17}Police Pensions Act 1976 (payment of pensions and contributions), in subsection (2), for paragraph (b) there shall be substituted—
- “(b) an officer engaged on service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980;
- (ba) a person engaged on temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
- (bb) a person engaged on service in the Royal Ulster Constabulary, whose service is or was for the time being service in respect of which the provisions of section 53C of the ^{M18}Police Act 1964 or, as the case may be, section 38A of the ^{M19}Police (Scotland) Act 1967 have or had effect;”.

Commencement Information

I10 Sch. 5 para. 19 wholly in force at 1.4.1995; Sch. 5 para. 19 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 19 in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

Marginal Citations

M17 1976 c. 35.
M18 1964 c. 48.

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M19 1967 c. 28.

- 20 (1) Section 11 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1), for paragraph (a) there shall be substituted—
- “(a) service as an officer pursuant to an appointment under section 10 of the ^{M20}Overseas Development and Co-operation Act 1980;
 - (aa) temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
 - (ab) service in the Royal Ulster Constabulary in respect of which the provisions of section 53C of the Police Act 1964 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have effect;”.
- (3) In subsection (2)(b) after the words “subsection (1)” there shall be inserted “ (aa), (ab), ”.
- (4) In subsection (3)—
- (a) in paragraph (b) after the words “subsection (1)(a),” there shall be inserted “ (aa), (ab), ”, and
 - (b) after the words “body in” there shall be inserted the words “ or with ”.

Commencement Information

I11 Sch. 5 Pt. II para. 20 wholly in force at 1.4.1995; Sch. 5 Pt. II para. 20 in force for certain purposes at Royal Assent, see s. 94(3)(c); Sch. 5 Pt. II para. 20 in force (1.4.1995) by S.I. 1994/3262, art. 4, Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

Marginal Citations

M20 1980 c. 63

Police Negotiating Board Act 1980

^{F3}21

Textual Amendments

F3 Sch. Pt. II para. 21 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

Finance Act 1981

^{F4}22

Textual Amendments

F4 Sch. 5 Pt. II para. 22 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

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Aviation Security Act 1982

- 23 In section 31 of the ^{M21}Aviation Security Act 1982 (application to Scotland, etc.), in subsection (2)(b) for the words from “from” to “paragraph” there shall be substituted the words “ following “area or,” ”.

Marginal Citations
M21 1982 c. 36.

Police and Criminal Evidence Act 1984

- 24 In section 84 of the ^{M22}Police and Criminal Evidence Act 1984 (general provision relating to police complaints and discipline), in subsection (4)—
 - (a) in the definition of “senior officer” for the words “chief superintendent” there shall be substituted the word “ superintendent ”, and
 - ^{F5}(b)

Textual Amendments
F5 Sch. 5 Pt. II para. 24(b) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

Commencement Information
I12 Sch. 5 Pt. II para. 24 partly in force; Sch. 5 Pt. II para. 24 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. II para. 24(a) in force (1.4.1995) by S.I. 1994/3262, art. 4, **Sch.** (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

Marginal Citations
M22 1984 c. 60.

^{F6}25

Textual Amendments
F6 Sch. 5 Pt. II para. 25 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

^{F7}26

Textual Amendments
F7 Sch. 5 Pt. II para. 26 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

^{F8}27

Textual Amendments
F8 Sch. 5 Pt. II para. 27 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

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F⁹28

Textual Amendments

F9 Sch. 5 Pt. II para. 28 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

29 In section 95 of that Act (manner of dealing with complaints etc.)—
(a) for the words “adequate and efficient” there shall be substituted the words “efficient and effective”, and
(b) after the word “efficiency” there shall be inserted the words “and effectiveness”.

30 In section 96 of that Act (constabularies maintained by authorities other than police authorities), in subsection (1) after the word “corresponding” there shall be inserted the words “or similar”.

F¹⁰31

Textual Amendments

F10 Sch. 5 Pt. II para. 31 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F¹¹32

Textual Amendments

F11 Sch. 5 Pt. II para. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F¹²33

Textual Amendments

F12 Sch. 5 Pt. II para. 33 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

F¹³34

Textual Amendments

F13 Sch. 5 Pt. II para. 34 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

35 (1) Section 107 of that Act (police officers performing duties of higher rank) shall be amended as follows.

(2) In subsection (1) for the words “he has been” onwards there shall be substituted—
“*(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

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- (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.”
- (3) In subsection (2) for the words “chief superintendent” there shall be substituted the word “superintendent”.
- 36 (1) Schedule 4 to that Act (Police Complaints Authority) shall be amended as follows.
- (2) For paragraph 1(6) (appointment of two deputy chairmen) there shall be substituted—
- “(6) The Secretary of State may appoint not more than two of the members of the Authority to be deputy chairmen.”
- (3) In paragraph 3(4) (grounds on which members can be removed) after paragraph (d) there shall be inserted—
- “(da) he has acted improperly in relation to his duties, or”.

Public Order Act 1986

- 37 In section 15 of the ^{M23}Public Order Act 1986 (delegation of functions of chief officer of police), for the words “a deputy or”, in both places where they occur, there shall be substituted the word “an”.

Marginal Citations

M23 1986 c. 64.

Channel Tunnel Act 1987

- 38 (1) Section 14 of the ^{M24}Channel Tunnel Act 1987 (arrangements for the policing of the tunnel system) shall be amended as follows.
- (2) In subsections (1), (2) and (3) for the words “of the county of Kent” there shall be substituted the words “maintained for the Kent police area”.
- (3) In subsections (4) and (5)—
- (a) for the words “police committee for the county of Kent” there shall be substituted the words “Kent Police Authority”, and
- (b) for the word “committee”, in the second place where it occurs, there shall be substituted the word “Authority”.

Marginal Citations

M24 1987 c. 53.

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Tribunals and Inquiries Act 1992

39 In section 7 of the ^{M25}Tribunals and Inquiries Act 1992 (which restricts Ministers' powers to remove members of tribunals listed in Schedule 1 to that Act), in subsection (2) (tribunals to which that section does not apply)—

^{F14}(a)

(b) for the words “or 56(a)” there shall be substituted the words “, 56(a) or 57A ”.

Textual Amendments

F14 Sch. 5 Pt. II para. 39(a) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

Commencement Information

I13 Sch. 5 Pt. I para. 39 partly in force; Sch. 5 Pt. I para. 39 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 39 (the opening words and (b)) in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

Marginal Citations

M25 1992 c. 53.

40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.

^{F15}(2)

(3) In Part II (tribunals under the supervision of the Scottish Committee of the Council), after paragraph 57 there shall be inserted—

Police

“57A An appeals tribunal constituted in accordance with Schedule 3 to the Police (Scotland) Act 1967 (c.77).”

Textual Amendments

F15 Sch. 5 Pt. II para. 40(2) repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

Commencement Information

I14 Sch. 5 Pt. I para. 40 partly in force; Sch. 5 Pt. I para. 40 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 40(1)(3) in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

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