

Status: Point in time view as at 01/10/1994. This version of this part 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, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 5

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)

PART I

AMENDMENTS OF POLICE ACT 1964

VALID FROM 31/12/1994

- 1 (1) Section 12 of the ^{M1}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.”

Commencement Information

I2 Sch. 5 Pt. I para. 1 wholly in force at 31.12.1994; Sch. 5 Pt. I para. 1 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 1 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))

Marginal Citations

M1 1964 c. 48.

VALID FROM 01/04/1995

- 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.”

VALID FROM 01/04/1995

- 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.

VALID FROM 01/04/1995

- 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.

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Commencement Information

- I3** Sch. 5 Pt. I para. 5 wholly in force at 1.4.1995; Sch. 5 Pt. I para. 5 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 5 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. 5 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))

VALID FROM 01/04/1995

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

VALID FROM 01/04/1995

- 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 ”.

VALID FROM 31/12/1994

- 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—
 “(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 ”.

Commencement Information

- I4** Sch. 5 Pt. I para. 8 wholly in force at 31.12.1994; Sch. 5 Pt. I para. 8 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 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))

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VALID FROM 01/04/1995

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 ”.

Commencement Information

I5 Sch. 5 Pt. I para. 10 wholly in force at 1.4.1995; Sch. 5 Pt. I para. 10 not in force at Royal Assent, see s. 94(1); 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 Pt. I para. 10(2) 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))

VALID FROM 01/08/1996

- 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 ^{M2}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 ”.

Commencement Information

I6 Sch. 5 Pt. I para. 11 partly in force; Sch. 5 Pt. I para. 11 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 11 in force (1.8.1996) (only so far as extending to Scotland) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

Marginal Citations

M2 1967 c. 77.

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

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VALID FROM 01/04/1995

- 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 ".

VALID FROM 01/04/1995

- 14 (1) Section 58 (chief officers affected by amalgamations or local government reorganisations) shall be amended as follows.
- (2) In subsection (1), for the words "or Part II of the ^{M3}Local Government Act 1958" there shall be substituted the words " , section 58 of the ^{M4}Local Government Act 1972 or section 17 of the ^{M5}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.”

Marginal Citations

M3 1958 c. 55.

M4 1972 c. 70.

M5 1992 c. 19.

- 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;

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“metropolitan police district” means that district as defined in section 76 of the ^{M6}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.”

Commencement Information

- I7** Sch. 5 Pt. I para. 15 wholly in force at 1.4.1995; Sch. 5 Pt. I para. 15 not in force at Royal Assent, see s. 94(1); Sch. 5 Pt. I para. 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. 15 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

- M6** 1963 c. 33.

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