

Status: Point in time view as at 22/08/1996.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, Part II. (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 II

AMENDMENT OF OTHER ENACTMENTS

Offices, Shops and Railway Premises Act 1963

^{F1}16

Textual Amendments

F1 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 II para. 16 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt.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 ^{M1}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 ^{M2}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 ^{M3}Police (Scotland) Act 1967 had effect; or

(ba) was engaged on temporary service in accordance with section 15A(2) of the ^{M4}Police Act 1964 or section 12A(2) of the ^{M5}Police (Scotland) Act 1967; or”.

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Commencement Information

- I1** 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

- M1** 1971 c. 56.
M2 1980 c. 63
M3 1967 c. 77.
M4 1964 c. 48.
M5 1967 c. 77.

Overseas Pensions Act 1973

- 18 In section 2 of the ^{M6}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 ^{M7}Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the ^{M8}Police (Overseas 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 ^{M9}Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the ^{M10}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

- I2** 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

- M6** 1973 c. 21.
M7 1964 c. 48.
M8 1945 c. 17.
M9 1967 c. 77.
M10 1945 c. 17.

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Police Pensions Act 1976

- 19 In section 7 of the ^{M11}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 ^{M12}Police Act 1964 or, as the case may be, section 38A of the ^{M13}Police (Scotland) Act 1967 have or had effect;”.

Commencement Information

- I3** 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

- M11** 1976 c. 35.
M12 1964 c. 48.
M13 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 ^{M14}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

- I4** 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))

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Marginal Citations

M14 1980 c. 63

Police Negotiating Board Act 1980

F21

Textual Amendments

F2 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

F322

Textual Amendments

F3 Sch. 5 Pt. II para. 22 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

Aviation Security Act 1982

23 In section 31 of the ^{M15}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

M15 1982 c. 36.

Police and Criminal Evidence Act 1984

24 In section 84 of the ^{M16}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

^{F4}(b)

Textual Amendments

F4 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

I5 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))

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Marginal Citations

M16 1984 c. 60.

^{F5}25

Textual Amendments

F5 Sch. 5 Pt. II para. 25 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

^{F6}26

Textual Amendments

F6 Sch. 5 Pt. II para. 26 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

^{F7}27

Textual Amendments

F7 Sch. 5 Pt. II para. 27 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

^{F8}28

Textual Amendments

F8 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”.

^{F9}31

Textual Amendments

F9 Sch. 5 Pt. II para. 31 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

^{F10}32

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Textual Amendments

F10 Sch. 5 Pt. II para. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

^{F11}33

Textual Amendments

F11 Sch. 5 Pt. II para. 33 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

^{F12}34

Textual Amendments

F12 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
 - (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 ^{M17}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”.

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Marginal Citations

M17 1986 c. 64.

Channel Tunnel Act 1987

- 38 (1) Section 14 of the ^{M18}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

M18 1987 c. 53.

Tribunals and Inquiries Act 1992

- 39 In section 7 of the ^{M19}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)—
- ^{F13}(a)
- (b) for the words “or 56(a)” there shall be substituted the words “, 56(a) or 57A”.

Textual Amendments

F13 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

I6 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

M19 1992 c. 53.

- 40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.
- ^{F14}(2)
- (3) In Part II (tribunals under the supervision of the Scottish Committee of the Council), after paragraph 57 there shall be inserted—

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Police

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

Textual Amendments

F14 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

I7 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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