

*Status: Point in time view as at 08/08/1994.*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### SCHEDULE TO BE INSERTED IN POLICE ACT 1964: POLICE AREAS

##### Commencement Information

- II** Sch. 1 wholly in force at 1.4.1995; Sch. 1 not in force at Royal Assent, see s. 94(1); Sch. 1 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(f)(3)-(6); Sch. 1 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provision in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### “SCHEDULE 1A

#### POLICE AREAS

*England (except London)*

<i>Name of police area</i>	<i>Extent</i>
Avon and Somerset	The counties of Avon and Somerset
Bedfordshire	The county of Bedfordshire
Cambridgeshire	The county of Cambridgeshire
Cheshire	The county of Cheshire
Cleveland	The county of Cleveland
Cumbria	The county of Cumbria
Derbyshire	The county of Derbyshire
Devon and Cornwall	The counties of Devon and Cornwall and the Isles of Scilly
Dorset	The county of Dorset
Durham	The county of Durham
Essex	The county of Essex
Gloucestershire	The county of Gloucestershire
Greater Manchester	The metropolitan districts of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan
Hampshire	The counties of Hampshire and Isle of Wight
Hertfordshire	The county of Hertfordshire

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Humberside	The county of Humberside
Kent	The county of Kent
Lancashire	The county of Lancashire
Leicestershire	The county of Leicestershire
Lincolnshire	The county of Lincolnshire
Merseyside	The metropolitan districts of Knowsley, Liverpool, St. Helens, Sefton and Wirral
Norfolk	The county of Norfolk
Northamptonshire	The county of Northamptonshire
Northumbria	The county of Northumberland and the metropolitan districts of Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside and Sunderland
North Yorkshire	The county of North Yorkshire
Nottinghamshire	The county of Nottinghamshire
South Yorkshire	The metropolitan districts of Barnsley, Doncaster, Rotherham and Sheffield
Staffordshire	The county of Staffordshire
Suffolk	The county of Suffolk
Surrey	The county of Surrey
Sussex	The counties of East Sussex and West Sussex
Thames Valley	The counties of Berkshire, Buckinghamshire and Oxfordshire
Warwickshire	The county of Warwickshire
West Mercia	The counties of Hereford and Worcester and Shropshire
West Midlands	The metropolitan districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton
West Yorkshire	The metropolitan districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield
Wiltshire	The county of Wiltshire

### *Wales*

<i>Name of police area</i>	<i>Extent</i>
Dyfed Powys	The counties of Dyfed and Powys
Gwent	The county of Gwent
North Wales	The counties of Clwyd and Gwynedd

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South Wales

The counties of Mid Glamorgan, South Glamorgan and West Glamorgan”

## SCHEDULE 2

Section 3.

### SCHEDULES TO BE INSERTED IN POLICE ACT 1964: POLICE AUTHORITIES

#### Commencement Information

- I2** Sch. 2 wholly in force at 1.4.1995; Sch. 2 in force for certain purposes at Royal Assent (21.7.1994), see s. 94(3); Sch. 2 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(f)(3)-(6); Sch. 2 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### “SCHEDULE 1B

#### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

##### *Membership of police authorities*

- 1 (1) Where, by virtue of section 3A of this Act, a police authority is to consist of seventeen members—
  - (a) nine of those members shall be members of a relevant council appointed under paragraph 2 of this Schedule,
  - (b) five shall be persons appointed under paragraph 5, and
  - (c) three shall be magistrates appointed under paragraph 8.
- (2) Where, by virtue of an order under subsection (2) of that section, a police authority is to consist of more than seventeen members—
  - (a) a number which is greater by one than the number of members provided for in paragraphs (b) and (c) of this sub-paragraph shall be members of a relevant council appointed under paragraph 2 of this Schedule,
  - (b) such number as may be prescribed by the order, not exceeding one third of the total membership, shall be persons appointed under paragraph 5, and
  - (c) the remainder shall be magistrates appointed under paragraph 8.

##### *Appointment of members by relevant councils*

- 2 (1) In the case of a police authority in relation to which there is only one relevant council, the members of the police authority referred to in paragraph 1(1)(a) or (2)(a) of this Schedule shall be appointed by that council.
- (2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.
- 3 The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.

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- 4 (1) A council or joint committee shall exercise its power to appoint members of a police authority under paragraph 2 of this Schedule so as to ensure that, so far as practicable, the members for whose appointment it is responsible reflect—
- (a) in the case of appointments by a council, the balance of parties for the time being prevailing among the members of the council, and
  - (b) in the case of appointments by a joint committee, the balance of parties for the time being prevailing among the members of the relevant councils taken as a whole.
- (2) The members referred to in sub-paragraph (1)(a) and (b) of this paragraph do not include any member of a relevant council who is disqualified for being appointed as or being a member of the police authority under paragraph 13 of this Schedule.

*Appointment of independent members*

- 5 The members of a police authority referred to in paragraph 1(1)(b) or (2)(b) of this Schedule shall be appointed—
- (a) by the members of the police authority appointed under paragraph 2 or 8,
  - (b) from among persons on a short-list prepared by the Secretary of State in accordance with Schedule 1C to this Act.
- 6 (1) Every police authority shall arrange for a notice stating—
- (a) the name of each of its members appointed under paragraph 5 of this Schedule, and
  - (b) such other information relating to him as the authority considers appropriate, to be published in such manner as it thinks fit.
- (2) A police authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under sub-paragraph (1) of this paragraph.

*Appointment of magistrates*

- 7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c) of this Schedule—
- (a) must be magistrates for an area all or part of which constitutes or forms part of the authority's area, and
  - (b) shall be appointed in accordance with paragraph 8 of this Schedule;
- and in that paragraph and paragraph 9 references to a panel are references to a selection panel established under regulations made in accordance with section 21(1A) of the <sup>M1</sup>Justices of the Peace Act 1979.
- 8 (1) Where there is a panel for an area which constitutes or includes the police authority's area, that panel shall make the appointment.
- (2) Where the area of more than one panel falls wholly or partly within the police authority's area, the appointment shall be made by a joint committee consisting of representatives from the panels concerned.
- (3) The number of members of a joint committee, and the number of those members to be appointed by each panel, shall be such as the panels may agree or, in the absence of agreement, as may be determined by the Lord Chancellor.

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- 9 In relation to any appointment made at a time when no panels have been established, paragraph 8 of this Schedule shall have effect as if for any reference to a panel there were substituted a reference to a magistrates' courts committee.

#### *Chairman*

- 10 (1) A police authority shall at each annual meeting appoint a chairman from among its members.
- (2) The appointment under sub-paragraph (1) of this paragraph shall be the first business transacted at the meeting.
- (3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—
- (a) at the next meeting of the authority (other than an extraordinary meeting), or
  - (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

#### *Disqualification*

- 11 A person shall be disqualified for being appointed as a member of a police authority if he has attained the age of seventy years.
- 12 (1) Subject to sub-paragraphs (3) and (4) of this paragraph, a person shall be disqualified for being appointed as or being a member of a police authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority are represented, or by any person holding any such office or employment;
  - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order under the <sup>M2</sup>Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and

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- (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (4) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d) of this paragraph, the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- 13 Without prejudice to paragraphs 11 and 12 of this Schedule, a member of a relevant council shall be disqualified for being appointed as or being a member of a police authority under paragraph 2 of this Schedule if he was elected for an electoral division or ward wholly within the metropolitan police district.
- 14 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule if—
- (a) he has not yet attained the age of twenty-one years, or
  - (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.
- 15 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
  - (b) a magistrate eligible for appointment to the police authority under paragraph 8 of this Schedule;
  - (c) a member of the selection panel for the police authority's area established under Schedule 1C to this Act;
  - (d) a member of a police force;
  - (e) an officer or employee of a police authority; or
  - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) of this paragraph as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
  - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

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### *Tenure of office*

- 16 Subject to the following paragraphs (and to the provisions of any order under section 3A(2) of this Act), a person shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment.
- 17 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
  - (b) such shorter term as the body appointing him may determine in any particular case.
- (2) A person shall not, by virtue of sub-paragraph (1)(b) of this paragraph, be appointed under paragraph 5 of this Schedule for a term shorter than four years without the approval of the Secretary of State.
- 18 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the police authority.
- (2) Where a member appointed under paragraph 5 of this Schedule resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.
- 19 (1) A member of a relevant council appointed to be a member of a police authority under paragraph 2 of this Schedule shall cease to be a member of the authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).
- (2) A magistrate appointed to be a member of a police authority under paragraph 8 of this Schedule shall cease to be a member of the authority if he ceases to be a magistrate for an area all or part of which constitutes or forms part of the authority's area.
- 20 (1) A police authority may remove a member from office by notice in writing if—
- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 12 of this Schedule),
  - (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where a police authority removes a member under sub-paragraph (1) of this paragraph, it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 8 of this Schedule, to the body which appointed him, and
  - (b) in the case of a member appointed under paragraph 5, to the Secretary of State.
- 21 A council or joint committee may remove from office a member of a police authority appointed by it under paragraph 2 of this Schedule with a view to appointing another in his place if it considers that to do so would further the object provided for by paragraph 4.
- 22 If a chairman of a police authority ceases to be a member, he shall also cease to be chairman.

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### *Eligibility for re-appointment*

- 23 A person who ceases to be a member, otherwise than by virtue of paragraph 20 of this Schedule, or ceases to be chairman, may (if otherwise eligible) be re-appointed.

### *Validity of acts*

- 24 The acts and proceedings of any person appointed to be a member or chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 25 The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

### *Allowances*

- 26 (1) A police authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may, with the approval of the Treasury, determine.
- (2) Payments made under sub-paragraph (1) of this paragraph may differ according to whether the recipient is a chairman or other member or was appointed under paragraph 2, 5 or 8 of this Schedule.

### *Interpretation*

- 27 (1) For the purposes of this Schedule, a council is a “relevant council” in relation to a police authority if—
- (a) it is the council for a county, district, county borough or London borough which constitutes, or is wholly within, the authority’s police area, and
  - (b) in the case of a district council, the district is not in a county having a county council within paragraph (a).
- (2) In determining for the purposes of sub-paragraph (1) of this paragraph whether a county or district is wholly within a police area, any part of the county or district which is within the metropolitan police district shall be disregarded.

## SCHEDULE 1C

### POLICE AUTHORITIES: SELECTION OF INDEPENDENT MEMBERS

#### *Selection panels*

- 1 (1) There shall be a selection panel for each police area for the time being listed in Schedule 1A to this Act.
- (2) Each selection panel shall consist of three members, one of whom shall be appointed by each of the following—
- (a) the designated members of the police authority for the area;
  - (b) the Secretary of State;



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- (c) the two members of the panel appointed by virtue of paragraphs (a) and (b) of this sub-paragraph.
- (3) A designated member may be appointed as a member of a selection panel by virtue of paragraph (a) (but not paragraph (b) or (c)) of sub-paragraph (2) of this paragraph.
- (4) In this Schedule “designated member” means a member appointed under paragraph 2 or 8 of Schedule 1B to this Act.
- 2 A person shall be disqualified for being appointed as or being a member of a selection panel if, by virtue of paragraph 11, 12, 14 or 15(1)(d) to (f) of Schedule 1B to this Act, he is disqualified—
- (a) for being appointed under paragraph 5 of that Schedule as a member of the police authority for the panel’s area, or
- (b) for being a member so appointed.
- 3 (1) A person shall be appointed to hold office as a member of a selection panel for a term of two years, or for a term expiring on his attaining seventy years of age, whichever is the shorter.
- (2) A person may at any time resign his office as a member by notice in writing to the persons who under paragraph 1 of this Schedule would be required to appoint his successor.
- (3) A person shall not cease to be a member by reason only that any of the persons appointing him cease to hold the positions by virtue of which they appointed him.
- 4 A member of a selection panel may be removed from office by notice in writing by the persons who, under paragraph 1 of this Schedule, would be required to appoint his successor (“the appointer”) if—
- (a) the member has been absent from two consecutive meetings of the selection panel without the consent of the panel,
- (b) the member has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 2 of this Schedule),
- (c) the appointer is satisfied that the member is incapacitated by physical or mental illness, or
- (d) the appointer is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- 5 A person who ceases to be a member of a selection panel, otherwise than by virtue of paragraph 4 of this Schedule may (if otherwise eligible) be re-appointed.
- 6 (1) The acts and proceedings of any person appointed to be a member of a selection panel and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- (2) Subject to the provisions of any regulations made under paragraph 11 of this Schedule, the proceedings of a selection panel shall not be invalidated by—
- (a) a vacancy in the membership of the panel, or
- (b) a defect in the appointment of a person as a member.
- 7 (1) A police authority shall make to members of the selection panel for the authority’s area such payments by way of reimbursement of expenses and allowances as it may determine.
- (2) A police authority shall—

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- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonably require, and
- (b) meet any expenses incurred by the panel in the exercise of their functions.

*Functions of selection panel*

- 8 (1) Where appointments to a police authority are to be made under paragraph 5 of Schedule 1B to this Act, the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.
- (2) Unless the selection panel are able to identify only a smaller number, the number of persons to be nominated by a selection panel under this paragraph on any occasion shall be a number four times greater than the number of appointments to be made under paragraph 5 of Schedule 1B to this Act.
- (3) A selection panel shall notify the Secretary of State of—
- (a) the name of each person nominated by it under this paragraph, and
  - (b) such other information regarding those persons as it considers appropriate.
- 9 A person shall not be nominated under paragraph 8 of this Schedule in relation to an authority if, by virtue of paragraph 11, 12, 14 or 15 of Schedule 1B to this Act, he is disqualified for being appointed as a member of the authority under paragraph 5 of that Schedule.
- 10 In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under paragraph 8 of this Schedule—
- (a) represent the interests of a wide range of people within the community in the police area, and
  - (b) include persons with skills, knowledge or experience in such fields as may be specified for the purposes of this paragraph in regulations made under paragraph 11 of this Schedule.
- 11 (1) The Secretary of State may make regulations as to—
- (a) the procedures to be followed in relation to the selection of persons for nomination under paragraph 8 of this Schedule, and
  - (b) the conduct of the proceedings of selection panels.
- (2) Without prejudice to the generality of sub-paragraph (1) of this paragraph, regulations under this paragraph may—
- (a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications or suggestions for nomination under paragraph 8 of this Schedule, and for dealing with applications and suggestions received;
  - (b) make provision specifying the fields referred to in paragraph 10 of this Schedule;
  - (c) prescribe matters, in addition to those mentioned in paragraph 10 of this Schedule, to which a selection panel is to have regard in carrying out any of its functions;
  - (d) provide for decisions of a selection panel to be taken by a majority of the members.
- (3) Regulations under this paragraph may make different provision for different cases and circumstances.

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- (4) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Secretary of State's short-list*

- 12 (1) Where the Secretary of State receives a notice under paragraph 8(3) of this Schedule, he shall as soon as practicable prepare a short-list of candidates and send it to the police authority concerned.
- (2) Subject to paragraph 13 of this Schedule, the candidates on the short-list prepared by the Secretary of State shall be persons nominated by the selection panel, and their number shall be one half of the number of those persons.
- (3) Where the number of persons nominated by the panel is an odd number, the number to be short-listed by the Secretary of State shall be one half of the number nominated reduced by one.
- 13 (1) This paragraph has effect where the number of persons nominated by the selection panel is less than twice the number of vacancies to be filled by appointments under paragraph 5 of Schedule 1B.
- (2) The Secretary of State may himself nominate such number of candidates as, when added to the number nominated by the selection panel, equals twice the number of vacancies; and if he does so, paragraph 12 of this Schedule shall have effect as if the selection panel had nominated the Secretary of State's nominees as well as their own.
- 14 The Secretary of State shall give to the designated members any information regarding the persons on his short-list which they request and which he has received under paragraph 8 of this Schedule.”

**Marginal Citations**

**M1** 1979 c. 55.

**M2** 1986 c. 46.

SCHEDULE 3

Section 19.

SCHEDULE TO BE INSERTED IN POLICE ACT 1964: APPEALS TRIBUNALS

“SCHEDULE 5

APPEALS

*Police appeals tribunals*

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who have a seven year general qualification within the meaning of section 71 of the<sup>M3</sup>Courts and Legal Services Act 1990 and have been nominated by the Lord Chancellor for the purposes of this Schedule,

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- (b) one shall be a member of a police authority, other than the relevant police authority, and
  - (c) one shall be a person who—
    - (i) is (or has within the previous five years been) an Inspector of Constabulary, or
    - (ii) has within the previous five years been (and is no longer) the Commissioner of Police of the Metropolis.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.
- 2 (1) In the case of an appeal by a member of a police force who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a) of this Schedule,
  - (b) one shall be a member of the authority or, where the authority is the Secretary of State, a person nominated by him,
  - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief officers of police, other than a person who is (or has at any time been) the chief officer of police of the force maintained by the relevant authority, and
  - (d) one shall be a retired officer of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

#### *Notice of appeal*

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 37 of this Act.

#### *Respondent*

- 4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 37 of this Act.

#### *Casting vote*

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

#### *Hearing*

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to appear by a serving member of a police force or by counsel or a solicitor; and the respondent shall have the right to appear by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Effect of orders*

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

### *Remuneration and expenses*

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration, and
  - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

### *Costs*

- 9 (1) An appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the relevant police authority.
- (2) Subject to sub-paragraph (1) of this paragraph, all the costs and expenses of an appeal under section 37 of this Act, including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8 of this Schedule, shall be defrayed out of the police fund of the relevant police authority.

### *Interpretation*

- 10 In this Schedule—
- (a) “senior officer” means a member of a police force holding a rank above that of superintendent,
  - (b) “relevant police authority” means the police authority which maintains the police force of which the appellant is a member, and
  - (c) “retired officer of appropriate rank” means—
    - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired member of a police force who at the time of his retirement was of that rank, and
    - (ii) in any other case a retired member of a police force who at the time of his retirement was of the rank of chief inspector or below.”

#### **Marginal Citations**

**M3** 1990 c. 41.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 4

Section 43.

### APPLICATION TO POLICE AUTHORITIES OF ENACTMENTS RELATING TO LOCAL AUTHORITIES

#### Extent Information

**E1** The provisions of Sch. 4 have the same extent as the provisions they amend, see s. 96(1)-(3)

#### Commencement Information

**I3** Sch. 4 wholly in force at 1.4.1995; Sch. 4 not in force at Royal Assent, see s. 94(1); Sch. 4 except paras. 1-4, 15(2), 42 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(g)(3)-(6); Sch. 4 in force (1.4.1995) insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provision in art. 4(8)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

VALID FROM 01/10/1994

### PART I

#### AMENDMENTS OF LOCAL GOVERNMENT ENACTMENTS

VALID FROM 01/04/1995

#### *Local Government (Records) Act 1962*

1 In section 2 of the <sup>M4</sup>Local Government (Records) Act 1962 (acquisition and deposit of records), in subsection (6) after the words "City of London," there shall be inserted the words " to a police authority established under section 3 of the <sup>M5</sup>Police Act 1964, ”.

#### Marginal Citations

**M4** 1962 c. 56.

**M5** 1964 c. 48.

2 In section 8 of that Act (interpretation), in subsection (1), in the definition of "local authority" after the words "City of London" there shall be inserted the words " , a police authority established under section 3 of the <sup>M6</sup>Police Act 1964, ”.

#### Marginal Citations

**M6** 1964 c. 48.

*Status: Point in time view as at 08/08/1994.**Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/04/1995

*Local Government Act 1966*

3 In section 11 of the <sup>M7</sup>Local Government Act 1966 (grants for expenditure due to ethnic minority population), in subsection (2) after the words “apply to” there shall be inserted the words “ a police authority established under section 3 of the <sup>M8</sup>Police Act 1964 and ”.

**Marginal Citations****M7** 1966 c. 42.**M8** 1964 c. 48.

VALID FROM 01/04/1995

*Local Government Grants (Social Need) Act 1969*

4 In section 1 of the <sup>M9</sup>Local Government Grants (Social Need) Act 1969 (provision for grants), in subsection (3) after the word “include” there shall be inserted the words “ a police authority established under section 3 of the <sup>M10</sup>Police Act 1964 and ”.

**Marginal Citations****M9** 1969 c. 2.**M10** 1964 c. 48.*Local Authorities (Goods and Services) Act 1970*

5 In section 1 of the <sup>M11</sup>Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in subsection (4), in the definition of “public body” after the words “local authority” there shall be inserted the words “ , any police authority established under section 3 of the <sup>M12</sup>Police Act 1964, any ”.

**Marginal Citations****M11** 1970 c. 39.**M12** 1964 c. 48.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Local Government Act 1972*

- 6 In section 94 of the <sup>M13</sup>Local Government Act 1972 (disability of members of authorities for voting on account of interest in contracts, etc.), in subsection (5) (b) (receipt of certain allowances not to be treated as a pecuniary interest) after the words “176 below” there shall be inserted the words “ or paragraph 26 of Schedule 1B to the <sup>M14</sup>Police Act 1964 ”.

**Marginal Citations**

**M13** 1972 c. 70.

**M14** 1964 c. 48.

- 7 In section 98 of that Act, in subsection (1A) (application to joint authorities of provisions about members' interests) after the words “joint authority” there shall be inserted the words “ and a police authority established under section 3 of the <sup>M15</sup>Police Act 1964 ”.

**Marginal Citations**

**M15** 1964 c. 48.

- 8 In section 99 of that Act (meetings and proceedings of local authorities) after the words “joint authorities,” there shall be inserted the words “ police authorities established under section 3 of the <sup>M16</sup>Police Act 1964 ”.

**Marginal Citations**

**M16** 1964 c. 48.

- 9 (1) Section 100J of that Act (application to joint authorities etc. of provisions relating to access to meetings and documents) shall be amended as follows.

- (2) For subsection (1)(e) there shall be substituted—

“(e) a police authority established under section 3 of the <sup>M17</sup>Police Act 1964;”.

- (3) In subsection (4), in paragraph (a)—

(a) for the words “combined police authority” there shall be substituted the words “ police authority established under section 3 of the <sup>M18</sup>Police Act 1964 ”, and

(b) for the word “which” there shall be substituted the words “ or other person that ”.

**Marginal Citations**

**M17** 1964 c. 48.

**M18** 1964 c. 48.



*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 10 (1) Section 107 of that Act (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) the words “104 and” shall be omitted, and
- (b) after the words “those sections” there shall be inserted the words “ and section 104 ”.
- (3) In subsection (3) for the words “for the purposes of” there shall be substituted the word “ by ”.
- (4) After subsection (3) there shall be inserted—
- “(3A) Where pursuant to arrangements made by virtue of subsection (3) above—
- (a) a chief officer of police, or
- (b) the deputy of a chief officer of police,
- may discharge functions of a police authority, he may himself arrange for the discharge of any of those functions by a member of the police force or by a person who is employed by the authority but is not under the authority’s direction and control.”
- (5) In subsection (8) for the words “for the purposes of” there shall be substituted the word “ by ”.
- (6) Subsections (9) and (10) shall be omitted.
- 11 (1) Section 146A of that Act (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) at the beginning there shall be inserted the words “ Subject to subsection (1A) below, ”, and
- (b) after the words “joint authority” there shall be inserted the words “ and a police authority established under section 3 of the <sup>M19</sup>Police Act 1964 ”.
- (3) After subsection (1) there shall be inserted—
- “(1A) A police authority established under section 3 of the <sup>M20</sup>Police Act 1964 shall not be treated—
- (a) as a local authority for the purposes of section 112, 139, 140A or 140C above, or
- (b) as a principal council for the purposes of section 122 above.”
- Marginal Citations**

**M19** 1964 c. 48.

**M20** 1964 c. 48.
- 12 In section 223 of that Act (appearance of local authorities in legal proceedings), in subsection (2) after the words “joint authority” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M21</sup>Police Act 1964 ”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

**M21** 1964 c. 48.

- 13 In section 228 of that Act (inspection of documents), in subsection (7A) after the words “joint authority” there shall be inserted the words “ or a police authority established under section 3 of the <sup>M22</sup>Police Act 1964 ”.

**Marginal Citations**

**M22** 1964 c. 48.

- 14 The words “and a police authority established under section 3 of the <sup>M23</sup>Police Act 1964” shall be inserted after the words “joint authority”—
- (a) in section 229 of that Act (photographic copies of documents), in subsection (8);
  - (b) in section 231 of that Act (service of notices on local authorities, etc.), in subsection (4);
  - (c) in section 232 of that Act (public notices), in subsection (1A);
  - (d) in section 233 of that Act (service of notices by local authorities), in subsection (11); and
  - (e) in section 234 of that Act (authentication of documents), in subsection (4).

**Marginal Citations**

**M23** 1964 c. 48.

- 15 (1) Schedule 12 to that Act (meetings and proceedings of local authorities) shall be amended as follows.
- (2) In sub-paragraph (1) of paragraph 6A after the words “joint authority”, there shall be inserted the words “ or a police authority established under section 3 of the <sup>M24</sup>Police Act 1964 ”.
- (3) In paragraph 6B—
- (a) after the word “that” there shall be inserted “ (a) ”, and
  - (b) for the words “members in the case of a joint authority” there shall be substituted the words “, and
    - (b) in the case of a police authority established under section 3 of the <sup>M25</sup>Police Act 1964, sub-paragraphs (2) and (3) of paragraph 5 shall not apply and if the chairman is absent from a meeting of such an authority another member chosen by the members of the authority present shall preside.”
- (4) In paragraph 46, after the words “joint authority” there shall be inserted the words “ and a police authority established under section 3 of the <sup>M26</sup>Police Act 1964 ”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- I4** Sch. 4 para. 15 wholly in force at 1.4.1995; Sch. 4 not in force at Royal Assent, see s. 94(1); Sch. 4 para. 15(1)(3) in force for certain purposes at 1.10.1994 by S.I. 1994/2025, art. 6(1)(2)(d)(3)-(6); Sch. 4 para. 15 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

- M24** 1964 c. 48.  
**M25** 1964 c. 48.  
**M26** 1964 c. 48.

### *Local Government Act 1974*

- 16 In section 25 of the <sup>M27</sup>Local Government Act 1974 (authorities subject to investigation by Commission for Local Administration), in subsection (1) for paragraph (ca) there shall be substituted—  
 “(ca) any police authority established under section 3 of the <sup>M28</sup>Police Act 1964;”.

### Marginal Citations

- M27** 1974 c. 7.  
**M28** 1964 c. 48.

### *Local Government (Miscellaneous Provisions) Act 1976*

- 17 In section 30 of the <sup>M29</sup>Local Government (Miscellaneous Provisions) Act 1976 (power to forgo repayment of remuneration paid to deceased employees), for subsection (3) (police authorities to be treated as local authorities and police officers to be treated as their employees) there shall be substituted—  
 “(3) For the purposes of this section a member of a police force which is maintained by a police authority (other than the Secretary of State) shall be treated as employed by the authority and references to employment shall be construed accordingly.”

### Marginal Citations

- M29** 1976 c. 57.

- 18 In section 44 of that Act (interpretation), in subsection (1), in paragraph (a) of the definition of “local authority” after the words “of this Act,” there shall be inserted the words “ a police authority established under section 3 of the <sup>M30</sup>Police Act 1964 and ”.

### Marginal Citations

- M30** 1964 c. 48.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Local Government, Planning and Land Act 1980*

- 19 In section 2 of the <sup>M31</sup>Local Government, Planning and Land Act 1980 (duty of authorities to publish information), in subsection (1)—
- (a) in paragraph (j) the words from “a police committee” to “in Scotland”, and
- (b) in paragraph (k) the words from “a combined” to “in Scotland”, shall be omitted.

**Marginal Citations**

**M31** 1980 c. 65.

- 20 In section 20 of that Act (interpretation of provisions relating to direct labour organisations), in subsection (1), in paragraph (a)(i) of the definition of “local authority” after the words “borough council,” there shall be inserted the words “a police authority established under section 3 of the <sup>M32</sup>Police Act 1964”.

**Marginal Citations**

**M32** 1964 c. 48.

- 21 In section 99 of that Act (directions to dispose of land), in subsection (4) after paragraph (db) there shall be inserted—
- “(dc) a police authority established under section 3 of the <sup>M33</sup>Police Act 1964;”.

**Marginal Citations**

**M33** 1964 c. 48.

- 22 In Schedule 16 to that Act (bodies to whom provisions of Part X relating to registration of land apply) after paragraph 5B there shall be inserted—
- “5C A police authority established under section 3 of the <sup>M34</sup>Police Act 1964.”

**Marginal Citations**

**M34** 1964 c. 48.

*Local Government (Miscellaneous Provisions) Act 1982*

- 23 In section 33 of the <sup>M35</sup>Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a) after the words “Residuary Body” there shall be inserted the words “, a police authority established under section 3 of the <sup>M36</sup>Police Act 1964”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Marginal Citations

**M35** 1982 c. 30.

**M36** 1964 c. 48.

- 24 In section 41 of that Act (lost and uncollected property), in subsection (13), in the definition of “local authority” after paragraph (c) there shall be inserted—
- “(ca) a police authority established under section 3 of the <sup>M37</sup>Police Act 1964; and”.

### Marginal Citations

**M37** 1964 c. 48.

### *Local Government Finance Act 1982*

- 25 In section 12 of the <sup>M38</sup>Local Government Finance Act 1982 (accounts subject to audit), in subsection (2) for paragraph (g) there shall be substituted—
- “(g) a police authority established under section 3 of the <sup>M39</sup>Police Act 1964;”.

### Commencement Information

**I5** Sch. 4 Pt. I para. 25 wholly in force at 1.4.1995; Sch. 4 Pt. I para. 25 not in force at Royal Assent, see s. 94(1); Sch. 4 Pt. I para. 25 in force for certain purposes at 1.10.1994 by S.I. 1994/2025, art. 6(1)(2)(d)(3)-(6); Sch. 4 para. 25 in force (15.1.1995) for certain further purposes by S.I. 1994/3262, art. 4(8); Sch. 4 para. 25 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

**M38** 1982 c. 32.

**M39** 1964 c. 48.

- 26 In section 19 of that Act (declaration that item of account is unlawful), in subsection (7) at the end there shall be added the words “ and a police authority established under section 3 of the <sup>M40</sup>Police Act 1964 ”.

### Marginal Citations

**M40** 1964 c. 48.

- 27 In section 20 of that Act (recovery of amount not accounted for etc.), in subsection (10) at the end there shall be added the words “ and a police authority established under section 3 of the <sup>M41</sup>Police Act 1964 ”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

M41 1964 c. 48

28 After section 28A of that Act there shall be inserted—

**“28B Delivery of documents relating to police authorities to Secretary of State.**

- (1) The Commission shall send to the Secretary of State a copy of any report of which a copy is sent to the Commission under section 18(4) above and which relates to a police authority established under section 3 of the <sup>M42</sup>Police Act 1964.
- (2) If it appears to the Commission appropriate to do so, it may send to the Secretary of State a copy of any document—
  - (a) which relates to one or more police authorities established under section 3 of the Police Act 1964, and
  - (b) which has been sent (or a copy of which has been sent) by the Commission to a police authority established under that section.”

**Marginal Citations**

M42 1964 c. 48.

*Local Government Act 1986*

29 In section 6 of the <sup>M43</sup>Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality), in subsection (2)(a) after the entry relating to the Broads Authority there shall be inserted—

“a police authority established under section 3 of the <sup>M44</sup>Police Act 1964.”.

**Marginal Citations**

M43 1986 c. 10.

M44 1964 c. 48

30 In section 9 of that Act (interpretation of provisions relating to the transfer of mortgages), in subsection (1)(a) after the entry relating to the Common Council there shall be inserted—

“a police authority established under section 3 of the <sup>M45</sup>Police Act 1964.”.

**Marginal Citations**

M45 1966 c. 42.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### *Local Government Act 1988*

- 31 In section 1 of the <sup>M46</sup>Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1) for paragraph (e) there shall be substituted—
- “(e) a police authority established under section 3 of the <sup>M47</sup>Police Act 1964.”.

#### **Marginal Citations**

**M46** 1988 c. 9.

**M47** 1967 c. 77.

- 32 In Schedule 2 to that Act, in the list of public authorities to which provisions on public supply or works contracts apply, for the entry relating to police authorities there shall be substituted— “ A police authority established under section 3 of the <sup>M48</sup>Police Act 1964. ”

#### **Marginal Citations**

**M48** 1967 c. 77.

#### *Local Government Finance Act 1988*

- 33 In section 112 of the <sup>M49</sup>Local Government Finance Act 1988 (financial administration as to combined police and fire authorities), in subsection (2) for paragraph (a) there shall be substituted—
- “(a) any police authority established under section 3 of the <sup>M50</sup>Police Act 1964, and”.

#### **Marginal Citations**

**M49** 1988 c. 41.

**M50** 1964 c. 48.

- 34 In section 114 of that Act (functions of the chief finance officer as regards reports), in subsection (2), for the words “or officer of the authority” there shall be inserted the words “ of the authority, a person holding any office or employment under the authority, a member of a police force maintained by the authority, ”.

#### *Local Government and Housing Act 1989*

- 35 In section 5 of the <sup>M51</sup>Local Government and Housing Act 1989 (designation and reports of monitoring officer)—
- (a) in subsection (1), after the words “paid service” there shall be inserted the words “ (or, in the case of a police authority established under section 3 of the Police Act 1964, the clerk to the authority) ”;
- (b) in subsection (2), for the words “sub-committee or officer of the authority”, in both places where they occur, there shall be substituted

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- the words “ or sub-committee of the authority, by any person holding any office or employment under the authority ”; and
- (c) in subsection (3), for the words “head of the authority’s paid service” there shall be substituted the words “ person who is for the time being designated as the head of the authority’s paid service under section 4 above ”.

**Marginal Citations**

**M51** 1989 c. 42.

- 36 In section 13 of that Act (voting rights of members of certain committees who are not members of the relevant local authority)—
- (a) in subsection (4)(h) for the words “paragraphs (a) to (g)” there shall be substituted the words “ paragraphs (b) to (g) ”, and
- (b) in subsection (9) for the words “paragraphs (a) to (j)” there shall be substituted the words “ paragraphs (a) to (f) or (h) to (j) ”.

- 37 In section 18 of that Act (allowances for local authority members), in subsection (5)(a) for the words “paragraphs (d) and (j)” there shall be substituted the words “ paragraphs (d), (g) and (j) ”.

- 38 In section 21 of that Act, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.) for paragraph (g) there shall be substituted—
- “(g) a police authority established under section 3 of the <sup>M52</sup>Police Act 1964;”.

**Marginal Citations**

**M52** 1964 c. 48.

- 39 In section 67 of that Act (application of provisions relating to companies in which local authorities have interests), in subsection (3) (definition of local authority) for paragraph (i) there shall be substituted—
- “(i) a police authority established under section 3 of the <sup>M53</sup>Police Act 1964;”.

**Marginal Citations**

**M53** 1964 c. 48.

- 40 In section 101 of that Act (housing grants for improvements and repairs), in subsection (3) (bodies ineligible to apply for grants) after paragraph (e) there shall be inserted—
- “(ea) a police authority established under section 3 of the <sup>M54</sup>Police Act 1964;”.



*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Marginal Citations

M54 1964 c. 48.

- 41 In section 152 of that Act (interpretation etc. of provision relating to power of local authorities to impose charges) subsections (1)(f) and (2)(g) shall be omitted.

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- 42 In section 155 of that Act (emergency assistance to local authorities), after subsection (4)(e) there shall be inserted—  
“(ea) a police authority established under section 3 of the <sup>M55</sup>Police Act 1964;”.

### Marginal Citations

M55 1964 c. 48.

- 43 In section 157 of that Act (commutation of, and interest on, periodic payments of grants etc.), in subsection (6) for paragraph (g) there shall be substituted—  
“(g) a police authority established under section 3 of the <sup>M56</sup>Police Act 1964;”.

### Marginal Citations

M56 1964 c. 48.

- 44 In Schedule 1 to that Act (political balance on local authority committees etc.)—  
(a) in paragraph 2(1)(a) for the words “paragraphs (f) to (j)” there shall be substituted the words “ paragraphs (f) or (h) to (j) ”, and  
(b) in paragraph 4(1), in paragraph (a) of the definition of “relevant authority” for the words “paragraphs (a) to (c) or (f) to (j)” there shall be substituted the words “ paragraphs (a) to (c), (f) or (h) to (j) ”.

### *Local Government Finance Act 1992*

- 45 In section 19 of the <sup>M57</sup>Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3) for paragraph (c) there shall be substituted—  
“(c) a police authority established under section 3 of the <sup>M58</sup>Police Act 1964; and”.

### Marginal Citations

M57 1992 c. 14.

M58 1964 c. 48.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/10/1994

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

#### *Trustee Investments Act 1961*

- 46 In section 11 of the <sup>M59</sup>Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)(a) after the words “the Broads Authority” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M60</sup>Police Act 1964 ”.

#### **Marginal Citations**

**M59** 1961 c. 62.

**M60** 1964 c. 48.

- 47 In Part II of Schedule 1 to that Act (list of narrower-range investments requiring advice), in paragraph 9, in sub-paragraph (d) for the words “a combined police authority” onwards there shall be substituted the words “ a police authority established under section 3 of the <sup>M61</sup>Police Act 1964; ”.

#### **Marginal Citations**

**M61** 1964 c. 48.

#### *Leasehold Reform Act 1967*

- 48 In section 28 of the <sup>M62</sup>Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), in paragraph (a) for the words “any combined police authority” onwards there shall be substituted the words “ any police authority established under section 3 of the <sup>M63</sup>Police Act 1964; and ”.

#### **Marginal Citations**

**M62** 1967 c. 88.

**M63** 1964 c. 48.

#### *Post Office Act 1969*

- 49 In section 7 of the <sup>M64</sup>Post Office Act 1969 (powers of the Post Office) after subsection (1) there shall be inserted—

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(1AA) In subsection (1)(e) above, “local authority” includes a police authority established under section 3 of the <sup>M65</sup>Police Act 1964.”

**Marginal Citations**

**M64** 1969 c. 48.

**M65** 1964 c. 48.

*Employment Agencies Act 1973*

50 In section 13 of the <sup>M66</sup>Employment Agencies Act 1973, in subsection (7) (cases in which Act is not to apply), in paragraph (f) after the words “local authority” there shall be inserted the words “, a police authority established under section 3 of the <sup>M67</sup>Police Act 1964 ”.

**Marginal Citations**

**M66** 1973 c. 35.

**M67** 1964 c. 48.

*Race Relations Act 1976*

51 In section 71 of the <sup>M68</sup>Race Relations Act 1976 (local authorities: general statutory duty) after the word “includes” there shall be inserted the words “ a police authority established under section 3 of the <sup>M69</sup>Police Act 1964 and ”.

**Marginal Citations**

**M68** 1976 c. 74.

**M69** 1964 c. 48.

*Rent (Agriculture) Act 1976*

52 In section 5 of the <sup>M70</sup>Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or to local authority, etc.), in subsection (3) after paragraph (b) there shall be inserted—

“(baa) a police authority established under section 3 of the <sup>M71</sup>Police Act 1964;”.

**Marginal Citations**

**M70** 1976 c. 80.

**M71** 1964 c. 48.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Rent Act 1977*

- 53 In section 14 of the <sup>M72</sup>Rent Act 1977 (landlord's interest belonging to local authority, etc.) after paragraph (c) there shall be inserted—
- “(caa) a police authority established under section 3 of the <sup>M73</sup>Police Act 1964;”

**Marginal Citations**

**M72** 1977 c. 42.

**M73** 1964 c. 48.

*Justices of the Peace Act 1979*

- 54 In section 64 of the Justices of the <sup>M74</sup>Peace Act 1979 (disqualification in certain cases of justices who are members of local authorities), in subsection (6) (definition of local authority) for the word “and” (in the first place where it occurs) there shall be substituted the words “ a police authority established under section 3 of the <sup>M75</sup>Police Act 1964, ”.

**Marginal Citations**

**M74** 1979 c. 55.

**M75** 1964 c. 48.

*Acquisition of Land Act 1981*

- 55 In section 17 of the <sup>M76</sup>Acquisition of Land Act 1981 (compulsory purchase of local authority and statutory undertakers' land), in subsection (4), in the definition (for the purposes of subsection (3)) of “local authority”—
- (a) in paragraph (a) after the words “City of London” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M77</sup>Police Act 1964 ”; and
- (b) in paragraph (b) at the end there shall be added the words “ or a police authority established under section 3 of the <sup>M78</sup>Police Act 1964. ”

**Marginal Citations**

**M76** 1981 c. 67.

**M77** 1964 c. 48.

**M78** 1964 c. 48.

*Stock Transfer Act 1982*

- 56 In Schedule 1 to the <sup>M79</sup>Stock Transfer Act 1982 (securities that can be transferred through a computerised system), in paragraph 7(1) for the word “or” at the end of paragraph (b) there shall be substituted—

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(ba) any police authority established under section 3 of the Police Act 1964; or”.

#### Marginal Citations

**M79** 1982 c. 41.

#### *County Courts Act 1984*

57 In section 60 of the <sup>M80</sup>County Courts Act 1984 (right of audience for officer of local authority in proceedings brought by authority), in subsection (3), in the definition of “local authority” after the words “borough council” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M81</sup>Police Act 1964 ”.

#### Marginal Citations

**M80** 1984 c. 28.

**M81** 1964 c. 48.

#### *Housing Act 1985*

58 In section 4 of the <sup>M82</sup>Housing Act 1985 (interpretation), in paragraph (e) (definition of “local authority”)—

- (a) after the words “Broads Authority” (in the first place where they occur) there shall be inserted the words “ , in sections 438, 441, 442, 443 and 458 includes the Broads Authority and a joint authority established by Part IV of the <sup>M83</sup>Local Government Act 1985 ”,
- (b) the words “sections 438, 441, 442, 443, 458, 460(3)” shall be omitted, and
- (c) after the words “Broads Authority” (in the second place where they occur) there shall be inserted the words “ , a police authority established under section 3 of the <sup>M84</sup>Police Act 1964 and ”.

#### Marginal Citations

**M82** 1985 c. 68.

**M83** 1985 c. 51.

**M84** 1964 c. 48.

#### *Housing Associations Act 1985*

59 In section 106 of the <sup>M85</sup>Housing Associations Act 1985 (minor definitions), in subsection (1), in the definition of “local authority”—

- (a) for the words “sections 84(5) and 85(4)” there shall be substituted the words “ section 84(5) ”, and

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) at the end there shall be added the words “ and in section 85(4) includes such a joint authority and a police authority established under section 3 of the <sup>M86</sup>Police Act 1964 ”.

**Marginal Citations**

**M85** 1985 c. 69.  
**M86** 1964 c. 48.

*Landlord and Tenant Act 1985*

- 60 In section 38 of the <sup>M87</sup>Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority” after the words “Broads Authority” there shall be inserted the words “ , a police authority established under section 3 of the <sup>M88</sup>Police Act 1964 and ”.

**Marginal Citations**

**M87** 1985 c. 70.  
**M88** 1964 c. 48.

*Landlord And Tenant Act 1987*

- 61 In section 58 of the <sup>M89</sup>Landlord and Tenant Act 1987, in subsection (1) (definition of “exempt landlord”), in paragraph (a) after the word “Scilly,” there shall be inserted the words “ a police authority established under section 3 of the <sup>M90</sup>Police Act 1964 ”.

**Marginal Citations**

**M89** 1987 c. 31.  
**M90** 1964 c. 48.

*Housing Act 1988*

- 62 In Schedule 1 to the <sup>M91</sup>Housing Act 1988 (tenancies which cannot be assured tenancies), in paragraph 12 (local authority tenancies, etc.) after subparagraph (2)(f) there shall be added the words “and  
 (g) a police authority established under section 3 of the <sup>M92</sup>Police Act 1964.”

**Marginal Citations**

**M91** 1988 c. 50.  
**M92** 1964 c. 48.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Town and Country Planning Act 1990

- 63 In section 252 of the <sup>M93</sup>Town and Country Planning Act 1990 (procedure for making of orders relating to highways), in subsection (12), in the definition of "local authority" after the words "London borough," there shall be inserted the words " a police authority established under section 3 of the <sup>M94</sup>Police Act 1964, "

#### Marginal Citations

**M93** 1990 c. 8.

**M94** 1964 c. 48.

## SCHEDULE 5

Section 44.

### POLICE: MINOR AND CONSEQUENTIAL AMENDMENTS

#### Extent Information

- E2** The provisions of Sch. 5 have the same extent as the enactments they amend, see s. 96(1)-(3)

#### Commencement Information

- I6** 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 <sup>M95</sup>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—

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“(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—

“(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

**I7** 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

**M95** 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.



*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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.

#### Commencement Information

**18** 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.”

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

#### Commencement Information

**I9** 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))

VALID FROM 01/04/1995

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

VALID FROM 01/10/1994

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

**I10** 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 <sup>M96</sup>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”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

- 111** 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

- M96** 1967 c. 77.

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

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 <sup>M97</sup>Local Government Act 1958” there shall be substituted the words “ , section 58 of the <sup>M98</sup>Local Government Act 1972 or section 17 of the <sup>M99</sup>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

- M97** 1958 c. 55.  
**M98** 1972 c. 70.  
**M99** 1992 c. 19.

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

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## “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 <sup>M100</sup>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

**I12** 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

**M100** 1963 c. 33.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## PART II

### AMENDMENT OF OTHER ENACTMENTS

VALID FROM 01/10/1994

#### *Offices, Shops and Railway Premises Act 1963*

- 16 In section 90 of the <sup>M101</sup>Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (1), in the definition of "police authority" for the words " the <sup>M102</sup>Police Pensions Act 1921" there shall be substituted the words " the <sup>M103</sup>Police Pensions Act 1976 ”.

#### **Marginal Citations**

- M101** 1963 c. 41.  
**M102** 1921 c. 31.  
**M103** 1976 c. 35.

#### *Pensions (Increase) Act 1971*

- 17 In Schedule 2 to the <sup>M104</sup>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 <sup>M105</sup>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 <sup>M106</sup>Police (Scotland) Act 1967 had effect; or
- (ba) was engaged on temporary service in accordance with section 15A(2) of the <sup>M107</sup>Police Act 1964 or section 12A(2) of the <sup>M108</sup>Police (Scotland) Act 1967; or”.

#### **Commencement Information**

- I13** [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**

- M104** 1971 c. 56.  
**M105** 1980 c. 63  
**M106** 1967 c. 77.  
**M107** 1964 c. 48.  
**M108** 1967 c. 77.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Overseas Pensions Act 1973*

18 In section 2 of the <sup>M109</sup>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 <sup>M110</sup>Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the <sup>M111</sup>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 <sup>M112</sup>Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the <sup>M113</sup>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**

**I14** 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**

**M109** 1973 c. 21.  
**M110** 1964 c. 48.  
**M111** 1945 c. 17.  
**M112** 1967 c. 77.  
**M113** 1945 c. 17.

### *Police Pensions Act 1976*

19 In section 7 of the <sup>M114</sup>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 <sup>M115</sup>Police Act 1964 or, as the case may be, section 38A of the <sup>M116</sup>Police (Scotland) Act 1967 have or had effect;”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I15** 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

**M114** 1976 c. 35.

**M115** 1964 c. 48.

**M116** 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 <sup>M117</sup>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

**I16** 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

**M117** 1980 c. 63

VALID FROM 01/10/1994

### *Police Negotiating Board Act 1980*

- 21 (1) Section 1 of the <sup>M118</sup>Police Negotiating Board Act 1980 shall be amended as follows.
- (2) In subsection (1) (which provides for a Board of persons representing the interests of authorities maintaining police forces and of members of police forces) at the end of paragraph (b) there shall be inserted—

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- “(c) the Commissioner of Police of the Metropolis, and  
 (d) the Secretary of State,”.

(3) In subsection (3) (consultation) for the words “referred to in” there shall be substituted the words “ of the persons referred to in paragraphs (a), (b) and (c) of”.

**Marginal Citations**

**M118** [1980 c. 10.](#)

VALID FROM 01/04/1995

*Finance Act 1981*

22 In section 107 of the <sup>M119</sup>Finance Act 1981 (sale of houses at discount by local authorities etc.), in subsection (3)(k) for the words “section 62(b)” there shall be substituted the words “ section 62 ”.

**Marginal Citations**

**M119** [1981 c. 35.](#)

VALID FROM 01/04/1995

*Aviation Security Act 1982*

23 In section 31 of the <sup>M120</sup>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**

**M120** [1982 c. 36.](#)

VALID FROM 01/04/1995

*Police and Criminal Evidence Act 1984*

24 In section 84 of the <sup>M121</sup>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



*Status: Point in time view as at 08/08/1994.*

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(b) at the end there shall be added—

““disciplinary proceedings” means proceedings identified as such by regulations under section 33 of the <sup>M122</sup>Police Act 1964.”

#### Commencement Information

**I17** 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

**M121** 1984 c. 60.

**M122** 1964 c. 48.

- 25 In section 85 of that Act (investigation of complaints: standard procedure)—  
(a) subsection (8) shall be omitted, and  
(b) in subsection (10) for the words “a criminal or disciplinary charge” there shall be substituted the words “ criminal or disciplinary proceedings ”.
- 26 In section 86 of that Act (investigation of complaints against senior officers), in subsection (2) for the words “a criminal or disciplinary charge” there shall be substituted the words “ criminal or disciplinary proceedings ”.
- 27 In section 89 of that Act (supervision of investigations by Complaints Authority), in subsection (12) for the word “charge” there shall be substituted the word “ proceedings ”.
- 28 Section 91 of that Act (steps to be taken where accused has admitted charges) shall cease to have effect.
- 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 ”.
- 31 In section 99 of that Act (regulations), in subsection (2) after paragraph (e) there shall be inserted—

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*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	“(ea) for enabling the Authority to relinquish the supervision of the investigation of any complaint or other matter;”.
32	<p>In section 100 of that Act, in subsection (6) (regulations to which affirmative parliamentary procedure applies)—</p> <p>(a) after paragraph (a) there shall be inserted—</p> <p style="padding-left: 40px;">“(aa) of section 90(5) or (7) above;”, and</p> <p>(b) in paragraph (b) for the words “section 99(2)(b) or (e)” there shall be substituted the words “ section 99(2)(b), (e) or (ea) ”.</p>
33	<p>For section 102 of that Act (representation at disciplinary proceedings) there shall be substituted—</p> <p><b>“102 Representation at disciplinary and other proceedings.</b></p> <p>(1) A police officer of the rank of superintendent or below may not be dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 33(3)(a) of the <sup>M123</sup>Police Act 1964 unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.</p> <p>(2) Where an officer makes an election to which subsection (1) above refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.</p> <p>(3) Except in a case where an officer of the rank of superintendent or below has been given an opportunity to elect to be legally represented and has so elected, he may be represented at the hearing only by another member of a police force.</p> <p>(4) Regulations under section 33 of the <sup>M124</sup>Police Act 1964 shall specify—</p> <p>(a) a procedure for notifying an officer of the effect of subsections (1) to (3) above,</p> <p>(b) when he is to be notified of the effect of those subsections, and</p> <p>(c) when he is to give notice whether he wishes to be legally represented at the hearing.</p> <p>(5) If an officer—</p> <p>(a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented; or</p> <p>(b) gives notice in accordance with the regulations that he does not wish to be legally represented,</p> <p>he may be dismissed, required to resign or reduced in rank without his being legally represented.</p> <p>(6) If an officer 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.”</p>

*Status: Point in time view as at 08/08/1994.*

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#### Marginal Citations

M123 1964 c. 48.

M124 1964 c. 48.

- 34 (1) Section 105 of that Act (guidelines) shall be amended as follows.
- (2) In subsection (1)—
- (a) after the words “issue guidance” there shall be inserted the words “to police authorities,”
- (b) for paragraph (b) there shall be substituted—
- “(b) under regulations made under section 33 of the Police Act 1964 in relation to the matters mentioned in subsection (2) (e) of that section;”, and
- (c) after the word “and”, in the third place where it occurs, there shall be inserted the words “ police authorities and ”.
- (3) For subsection (3) there shall be substituted—
- “(3) A failure on the part of a police authority or a police officer to have regard to any guidance issued under subsection (1) above shall be admissible in evidence on any appeal from a decision taken in proceedings under regulations made in accordance with subsection (3) of section 33 of the <sup>M125</sup>Police Act 1964.”
- (4) In subsection (4)—
- (a) the words from “affecting” to “charges”, and
- (b) the words “and are not governed by section 104 above”, shall be omitted.

#### Marginal Citations

M125 1964 c. 48.

- 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.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(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”.

VALID FROM 01/04/1995

*Public Order Act 1986*

37 In section 15 of the <sup>M126</sup>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**

**M126** 1986 c. 64.

VALID FROM 01/04/1995

*Channel Tunnel Act 1987*

38 (1) Section 14 of the <sup>M127</sup>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**

**M127** 1987 c. 53.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/08/1996

### *Tribunals and Inquiries Act 1992*

- 39 In section 7 of the <sup>M128</sup>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)—
- (a) after “36(a),” there shall be inserted “ 36A, ”, and
  - (b) for the words “or 56(a)” there shall be substituted the words “ , 56(a) or 57A ”.

#### **Commencement Information**

**I18** 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**

**M128** 1992 c. 53.

- 40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.
- (2) In Part I (tribunals under the direct supervision of the Council), after paragraph 36 there shall be inserted—

#### **Police**

“36A An appeals tribunal constituted in accordance with Schedule 5 to the Police Act 1964 (c.48).”

- (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).”

#### **Commencement Information**

**I19** 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)

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/08/1996

## SCHEDULE 6

Section 55.

### SCHEDULE TO BE INSERTED IN POLICE (SCOTLAND) ACT 1967 : APPEALS TRIBUNALS

#### Commencement Information

**I20** Sch. 6 wholly in force at 1.8.1996; Sch. 6 not in force at Royal Assent, see s. 94(1); Sch. 6 in force (1.8.1996) by S.I. 1996/1646, art. 2, Sch. (with savings in art. 3)

#### “SCHEDULE 3

#### APPEALS

##### *Police Appeals Tribunals*

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
  - (a) one shall be a person chosen from a list of persons who have been nominated by the Lord President of the Court of Session for the purposes of this Schedule;
  - (b) one shall be a member of a police authority, other than the relevant police authority; and
  - (c) one shall be a person who is (or has within the previous five years been) an inspector of constabulary.

(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.
- 2 (1) In the case of an appeal by a constable who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
  - (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a) of this Schedule;
  - (b) one shall be a member of the authority;
  - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the police force; and
  - (d) one shall be a retired constable of appropriate rank.

(2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) of this paragraph applies shall be the chairman.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### *Notice of appeal*

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules under section 30 of this Act.

#### *Respondent*

- 4 On any appeal the respondent shall be the person prescribed by rules under section 30 of this Act.

#### *Casting vote*

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

#### *Hearing*

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to be represented by a serving constable or by an advocate or a solicitor; and the respondent to be represented by a constable of the force maintained by, or an officer of, the relevant police authority or by an advocate or a solicitor.

#### *Effect*

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force, or in his rank he shall, for the purposes of reckoning service for pension and to such extent (if any) as may be determined by the order for the purposes of pay, be deemed to have served in the force or in that rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

#### *Tribunal remuneration and expenses*

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration; and
  - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

*Status: Point in time view as at 08/08/1994.*

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*Expenses of proceedings*

- 9 (1) An appellant shall pay the whole of his own expenses unless the police appeals tribunal directs that the whole or any part of those expenses are to be paid by the relevant police authority.
- (2) Subject to sub-paragraph (1) of this paragraph, all the expenses of an appeal under section 30 of this Act, including the expenses of the respondent and any remuneration or expenses paid by virtue of paragraph 8 of this Schedule, shall be paid by the relevant police authority.

*Interpretation*

- 10 In this Schedule—
- (a) “senior officer” means a constable holding a rank above that of superintendent;
- (b) “relevant police authority” means the police authority for the area for which the police force of which the appellant is a constable is maintained; and
- (c) “retired constable of appropriate rank” means—
- (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired constable who at the time of his retirement was of that rank, and
- (ii) in any other case a retired constable who at the time of his retirement was of the rank of chief inspector or below.”

SCHEDULE 7

Section 82.

CONTINUING FUNCTIONS OF RECEIVER FOR THE METROPOLITAN  
 POLICE DISTRICT IN RELATION TO PENSIONS ETC. OF COURT STAFF

- 1 In this Schedule—
- “court staff” has the same meaning as in section 59 of the 1979 Act,
- “the inner London magistrates’ courts committee” has the same meaning as in section 82 of this Act,
- “the Receiver” means the Receiver for the Metropolitan Police District,
- and
- “responsible authority” has the same meaning as in section 55 of the 1979 Act.
- 2 The Receiver shall pay out of the metropolitan police fund any superannuation benefits payable in respect of justices’ clerks and other officers employed by the committee of magistrates or the inner London magistrates’ courts committee under any enactment or instrument applied to those clerks or other officers by regulations having effect in accordance with section 15(9) of the Superannuation <sup>M129</sup>(Miscellaneous Provisions) Act 1967, other than benefits payable by the London Residuary Body, and any superannuation contributions and other payments for which



*Status: Point in time view as at 08/08/1994.*

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the inner London magistrates' courts committee may be liable as their employer under any such enactment or instrument.

**Marginal Citations**

M129 1967 c. 28.

- 3 Nothing in paragraph 2 above shall require the Receiver to incur any expenditure or make any payment which would cause the net cost to him in any year of the matters mentioned in paragraph 4 below to exceed the amount which, in relation to that year, is for the time being determined by the Lord Chancellor under paragraph 5(b) below.
- 4 The Lord Chancellor may out of money provided by Parliament pay to the Receiver grants towards the net cost to the Receiver in any year—
- (a) of the Receiver's functions under paragraph 2 above, and
  - (b) of the Receiver's functions corresponding to those of responsible authorities under regulations made, or having effect as if made, under section 7 of the <sup>M130</sup>Superannuation Act 1972 with respect to court staff.

**Marginal Citations**

M130 1972 c. 11.

- 5 The amount of any grant under paragraph 4 above towards the net cost to the Receiver in any year of the matters mentioned in that paragraph shall not exceed 80 per cent of whichever of the following is the less, namely—
- (a) that net cost, and
  - (b) the amount which, in relation to that year, is for the time being determined for the purposes of this paragraph by the Lord Chancellor.
- 6 In subsections (5), (6) and (7) of section 59 of the 1979 Act (grants by Lord Chancellor to responsible authorities)—
- (a) references to that section include references to this Schedule, and
  - (b) references to the matters mentioned in subsection (1) of that section include references to the matters mentioned in paragraph 4 above.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/11/1994

SCHEDULE 8

Section 91.

MAGISTRATES' COURTS: MINOR AND CONSEQUENTIAL AMENDMENTS

**Commencement Information**

**I21** Sch. 8 partly in force; Sch. 8 not in force at Royal Assent, see s. 94(1)(2); Sch. 8 in force for certain purposes at 1.11.1994, 3.2.1995, 1.4.1995 and otherwise *prosp.* by S.I. 1994/2594, arts. 3(1), 6; S.I. 1995/42, art. 2; S.I. 1995/685, arts. 4(1), 7

PART I

AMENDMENT OF <sup>M131</sup>JUSTICES OF THE PEACE ACT 1979

**Marginal Citations**

**M131** 1979 c. 55.

- 1 (1) Section 12 of the 1979 Act (travelling, subsistence and financial loss allowances) shall be amended as follows.
- (2) In subsection (5) for paragraph (b) there shall be substituted—
- “(b) in relation to the inner London area—
- (i) the council of the inner London borough which is or includes the petty sessions area for which the justice acts, or
- (ii) where the justice acts for a petty sessions area which is partly included in two or more inner London boroughs, the councils of those boroughs;”.
- (3) After that subsection there shall be inserted—
- “(5A) Where by virtue of subsection (5)(b)(ii) above an allowance under this section is payable jointly by two or more inner London boroughs, the manner in which it is to be borne by each of them shall be determined by agreement between them or, in default of agreement, by the Lord Chancellor.”
- 2 (1) Section 17 (chairman and deputy chairmen of justices) shall be amended as follows.
- (2) In subsection (1), after the words “for the area” there shall be inserted the words “; and any contested election for the purposes of this section shall be held”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	<p>(3) In subsection (2), for the words “subsection (3)” there shall be substituted the words “ subsections (2A) and (3) ”.</p> <p>(4) After subsection (2) there shall be inserted—</p> <p>“(2A) Subsection (2) above shall not confer on any chairman or deputy chairman of the justices the right to preside in court if, under rules made under the next following section, he is ineligible to preside in court.”</p>
3	<p>In section 18 (rules as to chairmanship and size of bench) in subsection (2)—</p> <p>(a) in paragraph (b), after the words “petty sessions area” there shall be inserted the words “ (including any procedure for nominating candidates at any such election) ”, and</p> <p>(b) for paragraph (c) there shall be substituted—</p> <p>“(c) as to courses of instruction to be completed by justices before they may preside in court;</p> <p>(d) as to the approval of justices, by committees of justices constituted in accordance with the rules, before they may preside in court, as to the justices who may be so approved and as to the courts to which the approval relates; and</p> <p>(e) as to circumstances in which a justice may preside in court even though requirements imposed by virtue of paragraph (c) or (d) above are not satisfied in relation to him.”</p>
4	<p>(1) Section 19 (general provisions as to magistrates’ courts committees) shall be amended as follows.</p> <p>(2) In subsection (1), for the words from “in relation to” to “this Act or” there shall be substituted the words “ as are or may be conferred on them by or under this or any other Act and such other functions relating to matters of an administrative character ”.</p> <p>(3) In subsection (2), for the words “subsection (3) below” there shall be substituted the words “ section 69 of the Police and Magistrates’ Courts Act 1994 and to any order made under subsection (3) of this section before the commencement of that section ”.</p> <p>(4) Subsections (3) and (4) shall be omitted.</p>
	<p>VALID FROM 01/04/1995</p>
5	<p>In section 22 (supplementary provisions as to magistrates’ courts committees), in subsection (3) for the words “section 20” there shall be substituted the words “ section 21 ”.</p>

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 6 (1) Section 23 (powers and duties of committee as to petty sessional divisions) shall be amended as follows.
- (2) In subsection (1)—
- (a) the words from “acting” to “boroughs” shall cease to have effect, and
  - (b) for the words “the county, district or borough” there shall be substituted the words “ their area ”.
- (3) In subsection (2) for the words “the county, district or borough, as the case may be” there shall be substituted the words “ their area ”.
- (4) In subsection (4) for the words “a non-metropolitan county or metropolitan district or any of the outer London boroughs”, in both places where they occur, there shall be substituted the words “ an area ”.
- 7 (1) Section 24 (procedure relating to section 23) shall be amended as follows).
- (2) In subsection (1)(a)—
- (a) for the words “council of the” there shall be substituted the words “ council of every ”,
  - (b) the word “outer” shall be omitted, and
  - (c) for the word “concerned” there shall be substituted the words “ which includes all or part of the area ”.
- (3) In subsection (2)—
- (a) for the words “council of the” there shall be substituted the words “ council of every ”,
  - (b) the word “outer” shall be omitted, and
  - (c) for the word “concerned” there shall be substituted the words “ which includes all or part of the area ”.
- (4) In subsection (5)—
- (a) the words “in a non-metropolitan county, metropolitan district or outer London borough” shall be omitted, and
  - (b) at the end there shall be inserted the words “ or by section 69 of the Police and Magistrates’ Courts Act 1994 ”.
- 8 (1) Section 24A (alteration of names of petty sessions areas outside inner London area) shall be amended as follows.
- (2) In subsection (1) the words “for an area mentioned in section 19(2) above other than the City of London” shall be omitted.
- (3) After subsection (2) there shall be inserted—
- “(2A) Nothing in this section shall enable the name of the petty sessions area consisting of the City of London to be changed.”
- 9 In section 24B (procedure relating to section 24A), for the words “outer London borough” in subsections (1)(a) and (2) there shall be substituted the words “ London borough ”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/04/1995

- 10 (1) Section 26 (qualifications for appointment as justices' clerk) shall be amended as follows.
- (2) In subsection (1) the words "of any class or description" and, in paragraph (a), the words from "and is within" to "that class or description" shall be omitted.
- (3) For subsection (3) there shall be substituted—
- “(3) A person not having the qualification which is required by subsection (1) (a) above may be appointed as justices' clerk if at the time of the appointment he is a barrister or solicitor and has served for not less than five years as assistant to a justices' clerk.”
- (4) Subsections (2), (4) and (5) shall be omitted.

VALID FROM 01/04/1995

- 11 (1) Section 27 (conditions of service and staff of justices' clerks) shall be amended as follows.
- (2) Subsections (1) to (5) and (7) and (9) shall be omitted.
- (3) For subsection (6) there shall be substituted—
- “(6) A magistrates' courts committee may employ staff on such terms as they think fit.”
- (4) At the end of subsection (8) there shall be added the words “ or approved by the Lord Chancellor in accordance with the rules ”.

VALID FROM 01/04/1995

- 12 In section 28 (general powers and duties of justices' clerks), in subsection (1A), paragraphs (b) and (c) shall be omitted.

VALID FROM 01/04/1995

- 13 In section 30 (person acting as substitute clerk to justices), in subsection (1) the words “outside the inner London area” shall be omitted.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/04/1995

- 14 In section 32 (allocation and sittings of metropolitan stipendiary magistrates), in subsection (1), for the words “constituted under section 36 of this Act” there shall be substituted the words “ of the inner London area ”.

VALID FROM 01/04/1995

- 15 After section 34A of the 1979 Act there shall be inserted—

*“ Justices’ clerks for youth courts and family proceedings courts*

**34B Appointment of justices’ clerks for youth courts and family proceedings courts.**

- (1) The inner London magistrates’ courts committee shall appoint one or more justices’ clerks for the youth courts and family proceedings courts for the metropolitan area.
- (2) Subsections (2) to (4), (5)(b), (6) and (7) of section 25 of this Act have effect in relation to any justices’ clerk appointed under subsection (1) above as they have effect in relation to a justices’ clerk for a petty sessions area, but with the substitution for any reference to the magistrates for a petty sessions area of a reference to the justices of the peace who are members of the youth court panel for the metropolitan area or (as the case may be) of a family panel for that area, other than any such justice whose name is for the time being entered on the supplemental list.
- (3) In this section—
- “the inner London magistrates’ courts committee” means the magistrates’ courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, all the magistrates courts’ committees for areas which consist of or include any part of the inner London area acting jointly; and
- “the metropolitan area” means the inner London area and the City of London.”

VALID FROM 01/04/1995

- 16 Section 36 (petty sessional divisions in inner London area) and section 36A (alteration of names of petty sessions area in inner London area) shall be omitted.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 17 In section 42 (no petty sessional divisions in the City) for the words “section 41 above” there shall be substituted the words “ this Act ”.

VALID FROM 01/04/1995

- 18 (1) Section 53 (indemnification of justices and justices' clerks) shall be amended as follows.
- (2) In subsection (3), in paragraph (b), for the words “the local authority” there shall be substituted the words “ any paying authority ”.
- (3) After subsection (3) there shall be inserted—
- “(3A) Where there are two or more paying authorities in relation to any justice or justices' clerk, any question as to the extent to which the funds required to indemnify him are to be provided by each authority shall be determined by agreement between those authorities and the magistrates' courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.”
- (4) In subsection (4) for the words “this section” there shall be substituted the words “ subsection (3) above ”.
- (5) For subsection (5) there shall be substituted—
- “(5) In this section—
- “justices' clerk” includes any person appointed by a magistrates' courts committee to assist a justices' clerk,
- “local funds”, in relation to a justice or justices' clerk, means funds out of which the expenses of the magistrates' courts committee for the area for which he acted at the material time are payable, and
- “paying authority”, in relation to a justice or justices' clerk, means any authority which is a paying authority for the purposes of section 55 of this Act in relation to the magistrates' courts committee for the area for which he acted at the material time.”

VALID FROM 03/02/1995

- 19 (1) Section 59 (grants by Lord Chancellor to responsible authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) after the word “7” there shall be inserted the words “ or 24 ”, and
- (b) for the word “and” immediately following that paragraph there shall be substituted—
- “(bb) of their functions under any regulations having effect by virtue of paragraph 13(1) of Schedule 1 to this Act; and”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) For subsection (8) there shall be substituted—

“(8) In this section—

“court staff” means justices’ chief executives, justices’ clerks and staff of magistrates’ courts committees, and

“responsible authority” has the same meaning as in section 55 of this Act.”

#### Commencement Information

**I22** Sch. 8 Pt. I para. 19 partly in force at 1.4.1995; Sch. 8 Pt. I para. 19 not in force at Royal Assent, see s. 94(1); Sch. 8 Pt. I para. 19(1)(2) in force (3.2.1995) for certain purposes by S.I. 1995/42, {arts. 2, 3;} Sch. 8 Pt. I para. 19(1)(3) in force (1.4.1995) for certain purposes by S.I. 1995/685, arts. 4(I), 7 (with arts. 5, 6)

VALID FROM 01/04/1995

20 In section 62 (defaults of justices’ clerks and their staffs), in subsection (1), for the words “a person employed to assist a justices’ clerk” there shall be substituted the words “ any staff of a magistrates’ courts committee ”.

VALID FROM 01/04/1995

21 In section 63 (courses of instruction), in subsection (5), for the words “and their staffs” there shall be substituted the words “ and for staff of magistrates’ courts committees ”.

22 In section 70 (interpretation), for the definition of “magistrate” there shall be substituted—

““magistrate”—

(a) in relation to a commission area, means a justice of the peace for the commission area, other than a justice whose name is for the time being entered in the supplemental list,

(b) in relation to a part of a commission area, means a person who (in accordance with paragraph (a) of this definition) is a magistrate for that area and ordinarily acts in and for that part of it, and

(c) in relation to a magistrates’ courts committee area, means a person who (in accordance with paragraphs (a) and (b) of this definition) is a magistrate for that area or any part of that area;

“magistrates’ courts committee area” means the area to which a magistrates’ courts committee relates;”.



*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 23 In Schedule 1, in paragraph 17 (saving for superannuation provisions), for the words “55 to 58” there shall be substituted the words “ 55 and 56 ”.

## PART II

### AMENDMENTS OF OTHER ENACTMENTS

VALID FROM 01/04/2001

#### *London Building Acts (Amendment) Act 1939*

- 24 In section 151 of the <sup>M132</sup>London Building Acts (Amendment) Act 1939 (Crown exemptions), in subsection (1)(bb) the words from “the magistrates’ courts” to “City of London” shall be omitted and for the words “that area” in the second place where they occur there shall be substituted the words “ the inner London area within the meaning of the Justices of the <sup>M133</sup>Peace Act 1979 ”.

#### Marginal Citations

[M132 1939 c. xcvi.](#)

[M133 1979 c. 55.](#)

VALID FROM 01/04/1995

#### *Superannuation (Miscellaneous Provisions) Act 1967*

- 25 In section 15 of the <sup>M134</sup>Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs), in subsection (1)(a)(ii), for the words from “or other officer” to “that area” there shall be substituted the words “ , as a justices’ chief executive for that area or as staff of the magistrates’ courts committee for that area ”.

#### Marginal Citations

[M134 1967 c. 28.](#)

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/04/1995

*Pensions (Increase) Act 1971*

26 In Schedule 2 to the <sup>M135</sup>Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 47, at the end of paragraph (b) there shall be added the words—

“or as staff of such a committee; or

(c) service as a justices' chief executive.”

**Marginal Citations**

**M135** 1971 c. 56.

27 In Schedule 6 to that Act (employments relevant to section 13(2) of that Act), in paragraph (d) after the words “for that area” there shall be inserted the words “or by any magistrates' courts committee whose area includes all or part of that area”.

VALID FROM 01/04/1995

*Juries Act 1974*

28 In Schedule 1 to the Juries <sup>M136</sup>Act 1974, in Group B of Part I (persons ineligible) for the entry beginning “Justices' clerks” there shall be substituted — “Justices' chief executives, justices' clerks and justices' clerks' assistants.”

**Marginal Citations**

**M136** 1974 c. 23.

VALID FROM 01/04/1995

*Domestic Proceedings and Magistrates' Courts Act 1978*

29 In section 30 of the <sup>M137</sup>Domestic Proceedings and Magistrates' Courts Act 1978 (provisions as to jurisdiction and procedure), in subsection (1) for the words “the committee of magistrates” there shall be substituted the words “a magistrates' courts committee”.

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Marginal Citations**

M137 1978 c. 22.

VALID FROM 01/04/1995

*Magistrates' Courts Act 1980*

30 In section 70 of the <sup>M138</sup>Magistrates' Courts Act 1980 (jurisdiction of magistrates' courts in inner London for domestic proceedings), for the words "committee of magistrates" in subsections (1) and (2) there shall be substituted the words "magistrates' courts committee whose area consists of or includes that petty sessions area".

**Marginal Citations**

M138 1980 c. 43.

31 In section 145 of that Act, subsection (1)(d) (by virtue of which rules may make provision as to the extent to which a justices' clerk may engage in practice as a legal representative) shall be omitted.

VALID FROM 01/04/1995

*Road Traffic Offenders Act 1988*

32 In section 82 of the <sup>M139</sup>Road Traffic Offenders Act 1988 (accounting for fixed penalties in England and Wales), for subsection (2) there shall be substituted—

“(2) Where, in England and Wales, a justices' clerk for a petty sessions area comprised in the area of one magistrates' courts committee (“the first committee”) discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another magistrates' courts committee (“the second committee”)—

- (a) the paying authority or authorities in relation to the second committee must make to the paying authority or authorities in relation to the first committee such payment in connection with the discharge of those functions as may be agreed between all the paying authorities concerned or, in default of such agreement, as may be determined by the Lord Chancellor, and
- (b) any such payment between paying authorities shall be taken into account in determining for the purposes of section 59

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of the Justices of the <sup>M140</sup>Peace Act 1979 the net cost to the responsible authorities of the functions referred to in subsection (1) of that section.

(2A) In subsection (2) above “paying authority” and “responsible authority” have the same meaning as in section 55 of the Justices of the Peace Act 1979.”

#### Marginal Citations

M139 1988 c. 53.

M140 1979 c. 55.

VALID FROM 01/04/1995

#### *Criminal Justice Act 1991*

- 33 (1) Section 76 of the <sup>M141</sup>Criminal Justice Act 1991 (provision of court security officers) shall be amended as follows.
- (2) In subsections (1)(b) and (2), for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.
- (3) In subsection (3)—
- (a) the words from “in relation to” to “inner London area” shall be omitted, and
  - (b) for the words “responsible authority” there shall be substituted the words “paying authority or authorities”.
- (4) In subsection (4), for the words from “in relation to” to “responsible authority” there shall be substituted the words “any paying authority”.
- (5) Subsection (5) shall be omitted.
- (6) For subsection (6) there shall be substituted—
- “(6) In this section—
- “the committee”, in relation to a petty sessions area, means the magistrates’ courts committee whose area consists of or includes that petty sessions area, and
- “paying authority”, in relation to a committee, has the same meaning as in section 55 of the 1979 Act.”

#### Commencement Information

I23 Sch. 8 Pt. II para. 33 partly in force; Sch. 8 Pt. II para. 33 not in force at Royal Assent see s. 94(1)(2); Sch. 8 Pt. II para. 33(1)-(4)(6) in force (1.4.1995) by 1995/685, arts. 4(1), 7(2)(i)

*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Marginal Citations

M141 1991 c. 53.

- 34 In section 77 of that Act (powers and duties of court security officers), in subsection (5)—
- (a) in paragraph (a), for the words “chief clerk” there shall be substituted the words “justices’ chief executive”, and
  - (b) in paragraph (b), for the words from “employed to” to “by him” there shall be substituted the words “of the magistrates’ courts committee authorised by such a justices’ chief executive or clerk”.

VALID FROM 27/09/1999

#### *Local Government Finance Act 1992*

- 35 In section 46 of the <sup>M142</sup>Local Government Finance Act 1992 (special items for purposes of section 45), in subsection (2)(d) for the words from “the magistrates’ courts” to “that area” there shall be substituted the words “the probation service in the inner London area or the functions referred to in paragraph 4 of Schedule 7 to the Police and Magistrates’ Courts Act 1994”.

#### Marginal Citations

M142 1992 c. 14.

## SCHEDULE 9

Section 93.

## REPEALS

### Extent Information

- E3** The repeals in Sch. 9 have the same extent as the enactments repealed, see s. 96(4)

### Commencement Information

- I24** Sch. 9 partly in force; Sch. 9 not in force at Royal Assent, see s. 94(1); Sch. 9 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(h)(3)-(6); Sch. 9 in force for certain purposes (23.8.1994) by S.I. 1994/2151, art. 2(1)(2)(c); Sch. 9 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(m); Sch. 9 in force for certain purposes (1.11.1994) by S.I. 1994/2594, arts. 3(n), 7; Sch. 9 in force for certain purposes (31.12.1994) by S.I. 1994/3262, art. 3(1)(c); Sch. 9 in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, Sch.; Sch. 9 in force for certain purposes (1.4.1995) by S.I. 1994/3262, art. 4(1), Sch. and S.I. 1995/492, art. 2, Sch. 1 and S.I. 1995/685, arts. 4(n), 8; Sch. 9 in force for certain purposes (13.12.1995) by S.I. 1995/3003, art. 1, Sch.; Sch. 9 in force for certain

*Status: Point in time view as at 08/08/1994.*

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purposes (1.4.1996) by S.I. 1995/492, art. 3, **Sch. 2**; **Sch. 9** in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, **Sch.** (with savings in art. 3)

## PART I

### POLICE

#### Commencement Information

**I25** **Sch. 9 Pt. I** partly in force; **Sch. 9 Pt. I** not in force at Royal Assent, see s. 94(1); **Sch. 9 Pt. I** in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(h)(3)-(6); **Sch. 9 Pt. I** in force for certain purposes (23.8.1994) by S.I. 1994/2151, art. 2(1)(2)(c); **Sch. 9 Pt. I** in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(m); **Sch. 9 Pt. I** in force for certain purposes (31.12.1994) by S.I. 1994/3262, art. 3(1)(c); **Sch. 9 Pt. I** in force for certain purposes (1.1.1995) by S.I. 1994/3075, art. 2, **Sch.**; **Sch. 9 Pt. I** in force (1.4.1995) for certain purposes by S.I. 1994/3262, art. 4, **Sch.** (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); **Sch. 9 Pt. I** in force for certain purposes (13.12.1995) by S.I. 1995/3003, art. 2, **Sch.**; **Sch. 9 Pt. I** in force for certain purposes (1.4.1996) by S.I. 1995/492, art. 3, **Sch. 2**; **Sch. 9 Pt. I** in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, **Sch.** (with savings in art. 3)

VALID FROM 23/08/1994

#### *Act of the Parliament of Northern Ireland*

Chapter	Short title	Extent of repeal
1970 c. 9 (N.I.).	The Police Act (Northern Ireland) 1970.	Section 10(5). Section 25(5). Section 26(3).

VALID FROM 01/11/1994

## PART II

### MAGISTRATES' COURTS

#### Commencement Information

**I26** **Sch. 9 Pt. II** partly in force; **Sch. 9 Pt. II** not in force at Royal Assent, see 94(1); **Sch. 9 Pt. II** in force for certain purposes at 1.11.1994 by S.I. 1994/2594, arts. 3(n), 7; **Sch. 9 Pt. II** in force for certain further purposes at 1.4.1995 by S.I. 1995/685, arts. 4(n), 8

Chapter	Short title	Extent of repeal
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*Status: Point in time view as at 08/08/1994.*

*Changes to legislation: Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

60 & 61 Vict. c. 26.	The Metropolitan Police Courts Act 1897.	Sections 3, 4, 7 and 11.
2 & 3 Geo. 6 c. xcvi.	The London Building Acts (Amendment) Act 1939.	In section 151(1)(bb) the words from "the magistrates' courts" to "City of London)".
14 & 15 Geo. 6 c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 48 the words "or justices' clerk".
7 & 8 Eliz. 2 c. 45.	The Metropolitan Magistrates' Courts Act 1959.	In section 3(1) the words "and the metropolitan magistrates' courts". In section 4(2) the words "of the metropolitan magistrates' courts".
1964 c. 42.	The Administration of Justice Act 1964.	In Schedule 3, in Part II, paragraph 29.
1968 c. 65.	The Gaming Act 1968.	In Schedule 2, in paragraph 2(2), in the definition of "the clerk to the licensing authority", the words from "(or, in the case" to "committee of magistrates)".
1974 c. 23.	The Juries Act 1974.	In Schedule 1, in Group B of Part I, the words from "Clerks and other officers" to "magistrates courts administration)".
1979 c. 55.	The Justices of the Peace Act 1979.	In section 12(7), the words from "which" onwards. In section 18(2), the word "and" at the end of paragraph (b). Section 19(3) and (4). In section 21(1), the words "(except as provided by subsection (2) below)". Section 22(2). In section 23, in subsection (1) the words from "acting" to "boroughs". In section 24, in subsections (1)(a) and (2), the word "outer" and in subsection (5) the words "in a non-metropolitan county, metropolitan district or outer London borough".

*Status: Point in time view as at 08/08/1994.*

**Changes to legislation:** Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		<p>In section 24A(1), the words from "for an area" to "City of London".</p> <p>In section 26, in subsection (1) the words "of any class or description" and, in paragraph (a), the words from "and is within" to "that class or description" and subsections (2), (4) and (5).</p> <p>In section 27, subsections (1) to (5) and (7) and (9). Section 28(1A)(b) and (c). In section 30(1), the words "outside the inner London area".</p> <p>Sections 35 to 38. Section 53(6). Sections 57 and 58. In section 59(1)(b), the words "or, in the case of the Receiver, his corresponding functions".</p> <p>In section 63, subsection (2) and, in subsection (4), the words "or subsection (2)" and "or committee of magistrates".</p> <p>In section 70, the definitions of "joint committee area" and "the Receiver".</p>
1980 c. 43.	The Magistrates' Courts Act 1980.	Section 68(7). Section 141(3). Section 145(1)(d).
1985 c. 51.	The Local Government Act 1985.	Section 12(4)(a), (5), (6), (8) (c) and (9).
1988 c. 33.	The Criminal Justice Act 1988.	Sections 164(3) and 165.
1990 c. 41.	The Courts and Legal Services Act 1990.	Section 10(3) to (5). In Schedule 18, paragraph 25(4)(c).
1991 c. 53.	The Criminal Justice Act 1991.	In section 76, in subsection (3), the words from "in relation to" to "inner London area" and subsection (5). Section 79. Section 93(1) and (2).



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		In Schedule 11, in paragraph 40(2)(k), the words "35(3), 37(1)," and paragraph 41(2) (c).
1992 c. 6.	The Social Security (Consequential Provisions) Act 1992.	In Schedule 2, paragraph 58.
1993 c. 48.	The Pension Schemes Act 1993.	In Schedule 8, paragraph 12.

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**Status:**

Point in time view as at 08/08/1994.

**Changes to legislation:**

Police and Magistrates' Courts Act 1994 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.