



Police Act 1996

1996 CHAPTER 16

PART I

ORGANISATION OF POLICE FORCES

Police areas

1 Police areas.

- (1) England and Wales shall be divided into police areas.
- (2) The police areas referred to in subsection (1) shall be—
 - (a) those listed in Schedule 1 (subject to any amendment made to that Schedule by an order under section 32 below, section 58 of the ^{M1}Local Government Act 1972, or section 17 of the ^{M2}Local Government Act 1992),
 - (b) the metropolitan police district, and
 - (c) the City of London police area.
- (3) References in Schedule 1 to any local government area are to that area as it is for the time being, ^{F1} . . .

Textual Amendments

- F1** Words in s. 1(3) repealed (1.4.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 69, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 1999/3271, **art. 4(b)(c)(d)**

Marginal Citations

- M1** 1972 c. 70.
M2 1992 c. 19.

Status: Point in time view as at 01/12/2001. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Police Act 1996 is up to date with all changes known to be in force on or before 13 July 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)

Forces outside London

2 Maintenance of police forces.

A police force shall be maintained for every police area for the time being listed in Schedule 1.

3 Establishment of police authorities.

- (1) There shall be a police authority for every police area for the time being listed in Schedule 1.
- (2) A police authority established under this section for any area shall be a body corporate to be known by the name of the area with the addition of the words “Police Authority”.

4 Membership of police authorities etc.

- (1) Subject to subsection (2), each police authority established under section 3 shall consist of seventeen members.
- (2) The Secretary of State may by order provide in relation to a police authority specified in the order that the number of its members shall be a specified odd number greater than seventeen.
- (3) A statutory instrument containing an order under subsection (2) shall be laid before Parliament after being made.
- (4) Schedules 2 and 3 shall have effect in relation to police authorities established under section 3 and the appointment of their members.

5 Reductions in size of police authorities.

- (1) This section applies to any order under section 4(2) which varies or revokes an earlier order so as to reduce the number of a police authority’s members.
- (2) Before making an order to which this section applies, the Secretary of State shall consult—
 - (a) the authority,
 - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 2, and
 - (c) any selection panel, constituted under regulations made in accordance with [F²section 29(2) of the Justices of the Peace Act 1997], which is responsible, or is represented on a joint committee which is responsible, for the appointment of members of the authority.
- (3) An order to which this section applies may include provision as to the termination of the appointment of the existing members of the authority and the making of new appointments or re-appointments.

Textual Amendments

F2 Words in s. 5(2)(c) substituted (19.6.1997) by 1997 c. 25, ss. 73(2), 74(1), Sch. 5 para. 37(2)

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F³ The metropolitan police force

Textual Amendments

- F3** Ss. 5A-5C and heading inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 310(1) (with Sch. 12 para. 9(1)); S.I. 1999/3271, art. 3(a); S.I. 2000/1095, arts. 4-6

F⁴5A Maintenance of the metropolitan police force.

A police force shall be maintained for the metropolitan police district.

Textual Amendments

- F4** Ss. 5A-5C inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 310(1) (with Sch. 12 para. 9(1)); S.I. 1999/3271, art. 3(a); S.I. 2000/1095, arts. 4-6

F⁵5B Establishment of the Metropolitan Police Authority.

- (1) There shall be a police authority for the metropolitan police district.
- (2) The police authority established under this section shall be a body corporate to be known as the Metropolitan Police Authority.

Textual Amendments

- F5** Ss. 5A-5B inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 310(1) (with Sch. 12 para. 9(1)); S.I. 1999/3271, art. 3(a); S.I. 2000/1095, arts. 4-6

F⁶5C Membership etc of the Metropolitan Police Authority.

- (1) The Metropolitan Police Authority shall consist of twenty three members (subject to subsection (2)).
- (2) The Secretary of State may by order provide that the number of members of the Metropolitan Police Authority shall be a specified odd number not less than seventeen.
- (3) Before making an order under subsection (2) which reduces the number of members of the Metropolitan Police Authority, the Secretary of State shall consult—
 - (a) the Greater London Authority;
 - (b) the Metropolitan Police Authority; and
 - (c) the person or body responsible for the appointment of members of the Greater London Magistrates' Courts Authority under regulations made under section 30B of the Justices of the ^{M3}Peace Act 1997 (which, by virtue of paragraph 5(b) of Schedule 2A to this Act, appoints magistrates to be members of the Metropolitan Police Authority).

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- (4) An order under subsection (2) which reduces the number of members of the Metropolitan Police Authority may include provision as to the termination of the appointment of the existing members of the Metropolitan Police Authority and the making of new appointments or re-appointments.
- (5) A statutory instrument containing an order under subsection (2) shall be laid before Parliament after being made.
- (6) Schedules 2A and 3 shall have effect in relation to the Metropolitan Police Authority and the appointment of its members.]

Textual Amendments

- F6** Ss. 5A-5C inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 310(1) (with Sch. 12 para. 9(1)); S.I. 1999/3271, art. 3(a); S.I. 2000/1095, arts. 4-6

Marginal Citations

- M3** 1997 c. 25.

[^{F7}The metropolitan police and forces outside London]

Textual Amendments

- F7** Ss. 5A-5C and headings inserted (1.1.2000 for specified purposes and otherwise on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 310(1) (with Sch. 12 para. 9(1)); S.I. 1999/3271, art. 3(a); S.I. 2000/1095, arts. 4-6

6 General functions of police authorities.

- (1) Every police authority established under section 3 shall secure the maintenance of an efficient and effective police force for its area.
- (2) In discharging its functions, every police authority established under section 3 shall have regard to—
 - (a) any objectives determined by the Secretary of State under section 37,
 - (b) any objectives determined by the authority under section 7,
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise, and
 - (d) any local policing plan issued by the authority under section 8.
- (3) In discharging any function to which a code of practice issued under section 39 relates, a police authority established under section 3 shall have regard to the code.
- (4) A police authority shall comply with any direction given to it by the Secretary of State under section 38 or 40.
- [^{F8}(5) This section shall apply in relation to the Metropolitan Police Authority as it applies in relation to a police authority established under section 3]

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Textual Amendments

F8 S. 6(5) inserted (3.7.2000) by 1999 c. 29, s. 311 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch

VALID FROM 01/10/2002

[^{F9}6A Three-year strategy plans

- (1) Every police authority maintaining a police force for a police area in England and Wales shall, before the beginning of every relevant three-year period, issue a plan (“a three-year strategy plan”) which sets out the authority’s medium and long term strategies for the policing of that area during that period.
- (2) Before a three-year strategy plan for any period is issued by a police authority, a draft of a plan setting out medium and long term strategies for the policing of the authority’s area during that period must have been—
 - (a) prepared by the chief officer of police of the police force maintained by that authority; and
 - (b) submitted by him to the police authority for its consideration.
- (3) In preparing the draft plan, the chief officer of police of a police force shall have regard to the views, obtained in accordance with arrangements under section 96, of people in the police area in question.
- (4) A police authority which has issued a three-year strategy plan for any period may modify that plan at any time during that period.
- (5) It shall be the duty, in issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, of every police authority or chief officer of police to have regard to the National Policing Plan in force at that time.
- (6) The Secretary of State —
 - (a) shall issue guidance to police authorities and chief officers of police as to the matters to be contained in any three-year strategy plan, and as to the form to be taken by any such plan; and
 - (b) may from time to time revise and modify that guidance;and it shall be the duty of every police authority and chief officer of police to take account of any guidance under this subsection when issuing, preparing or modifying any such plan or any draft plan prepared for the purposes of subsection (2).
- (7) Before issuing or revising any guidance under subsection (6) the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (8) A police authority which is proposing to issue or modify any plan under this section shall submit that plan, or the modifications, to the Secretary of State.
- (9) Where a police authority issues a three-year strategy plan or modifies such a plan, it shall—

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- (a) send a copy of the plan or the modified plan to the Secretary of State; and
- (b) cause the plan or modified plan to be published;

and the copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.

(10) If the Secretary of State considers that there are grounds for thinking that—

- (a) a police authority's three-year strategy plan, or
- (b) any proposals by a police authority for such a plan, or for the modification of such a plan,

may not be consistent with any National Policing Plan applicable to a financial year wholly or partly comprised in the period to which the strategy plan applies, he shall, before informing the police authority of his conclusions on whether or not it is in fact so inconsistent, consult with the persons mentioned in subsection (11).

(11) Those persons are—

- (a) the police authority in question;
- (b) the chief officer of police of the police force maintained by that authority;
- (c) persons whom the Secretary of State considers to represent the interests of police authorities; and
- (d) persons whom the Secretary of State considers to represent the interests of chief officers of police.

(12) Before a police authority—

- (a) issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the chief officer of police of the force maintained by that authority, or
- (b) modifies its three-year strategy plan,

it shall consult with that chief officer.

(13) Any best value performance plan prepared by a police authority under section 6 of the Local Government Act 1999 (c. 27) for any financial year must be consistent with any three-year strategy plan which sets out the authority's current strategies for policing its area during any period which includes the whole or any part of that financial year.

(14) The Secretary of State may by regulations make provision for—

- (a) the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section; and
- (b) the periods which are to constitute relevant three-year periods for the purposes of this section;

and those regulations may provide for a period of less than three years to be the first period treated as a relevant three-year period for the purposes of this section.

(15) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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Textual Amendments

- F9** S. 6A inserted (1.10.2002 for certain purposes and 1.11.2002 in so far as not already in force) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 92\(1\)](#), [108\(2\)-\(5\)](#); S.I. 2002/2306, {arts. 2(f)(v)}, {5(b)}

7 Local policing objectives.

- (1) Every police authority established under section 3 shall, before the beginning of each financial year, determine objectives for the policing of the authority's area during that year.
- (2) Objectives determined under this section may relate to matters to which objectives determined under section 37 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (3) Before determining objectives under this section, a police authority shall—
 - (a) consult the chief constable for the area, and
 - (b) consider any views obtained by the authority in accordance with arrangements made under section 96.
- ^[F10](4) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3, but taking the reference to the chief constable for the area as a reference to the Commissioner of Police of the Metropolis]

Textual Amendments

- F10** S. 7(4) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para.70](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, art. 2, [Sch.](#)

8 Local policing plans.

- (1) Every police authority established under section 3 shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the policing of the authority's area during the year (the local policing plan).
- (2) The local policing plan shall include a statement of the authority's priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
 - (a) any objectives determined by the Secretary of State under section 37,
 - (b) any objectives determined by the authority under section 7, ^{F11} . . .
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise ^[F12], and]
 - (d) any action proposed for the purpose of complying with the requirements of Part I of the Local Government Act 1999 (best value).
- (3) A draft of the local policing plan shall be prepared by the chief constable for the area and submitted by him to the police authority for it to consider.
- (4) Before issuing a local policing plan which differs from the draft submitted by the chief constable under subsection (3), a police authority shall consult the chief constable.

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(5) A police authority shall arrange for every local policing plan issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to the Secretary of State.

[^{F13}(6) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3, but taking the references to the chief constable for the area as references to the Commissioner of Police of the Metropolis.]

Textual Amendments

- F11** Word "and" in s. 8(2) repealed (27.7.1999) by 1999 c. 27, ss. 21, 34, **Sch. 2(1)**, note
- F12** S. 8(2)(d) and word "and" immediately preceding it inserted (27.9.1999) by 1999 c. 27, s. 24(1)(b); S.I. 1999/2169, art. 3(1)
- F13** S. 8(6) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 71** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

9 Annual reports by police authorities.

(1) As soon as possible after the end of each financial year every police authority established under section 3 shall issue a report relating to the policing of the authority's area for the year.

(2) A report issued by a police authority under this section for any year shall include an assessment of the extent to which the local policing plan for that year issued under section 8 has been carried out.

(3) A police authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to the Secretary of State.

[^{F14}(4) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3]

Textual Amendments

- F14** S. 9(4) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 72** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

[^{F15}9A General functions of the Commissioner of Police of the Metropolis.

(1) The metropolitan police force shall be under the direction and control of the Commissioner of Police of the Metropolis appointed under section 9B.

(2) In discharging his functions, the Commissioner of Police of the Metropolis shall have regard to the local policing plan issued by the Metropolitan Police Authority under section 8.]

Textual Amendments

- F15** S. 9A inserted (3.7.2000) by 1999 c. 29, s. 314, (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

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[^{F16}9B Appointment of Commissioner of Police of the Metropolis.

- (1) There shall be a Commissioner of Police of the Metropolis.
- (2) Any appointment of a Commissioner of Police of the Metropolis shall be made by Her Majesty by warrant under Her sign manual.
- (3) A person appointed as Commissioner of Police of the Metropolis shall hold office at Her Majesty's pleasure.
- (4) Any appointment of a Commissioner of Police of the Metropolis shall be subject to regulations under section 50.
- (5) Before recommending to Her Majesty that She appoint a person as the Commissioner of Police of the Metropolis, the Secretary of State shall have regard to—
 - (a) any recommendations made to him by the Metropolitan Police Authority; and
 - (b) any representations made to him by the Mayor of London.
- (6) Any functions exercisable by the Mayor of London under subsection (5) may only be exercised by him personally.]

Textual Amendments

F16 S. 9B inserted (3.7.2000) by 1999 c. 29, s. 315, (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

[^{F17}9C Functions of Deputy Commissioner of Police of the Metropolis.

- (1) The Deputy Commissioner of Police of the Metropolis may exercise any or all of the powers and duties of the Commissioner of Police of the Metropolis—
 - (a) during any absence, incapacity or suspension from duty of the Commissioner,
 - (b) during any vacancy in the office of the Commissioner, or
 - (c) at any other time, with the consent of the Commissioner.
- (2) The Deputy Commissioner of Police of the Metropolis shall not have power to act by virtue of subsection (1)(a) or (b) for a continuous period exceeding three months, except with the consent of the Secretary of State.
- (3) The Deputy Commissioner of Police of the Metropolis shall also have all the powers and duties of an Assistant Commissioner of Police of the Metropolis.]

Textual Amendments

F17 S. 9C inserted (3.7.2000) by 1999 c. 29, s. 316, (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

[^{F18}9D Appointment of Deputy Commissioner of Police of the Metropolis.

- (1) There shall be a Deputy Commissioner of Police of the Metropolis.
- (2) Any appointment of a Deputy Commissioner shall be made by Her Majesty by warrant under Her sign manual.
- (3) A person appointed as the Deputy Commissioner shall hold office at Her Majesty's pleasure.

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- (4) Any appointment of a Deputy Commissioner shall be subject to regulations under section 50.
- (5) Before recommending to Her Majesty that She appoint a person as the Deputy Commissioner, the Secretary of State shall have regard to—
- (a) any recommendations made to him by the Metropolitan Police Authority; and
 - (b) any representations made to him by the Commissioner.
- (6) In this section—
- “the Commissioner” means the Commissioner of Police of the Metropolis;
- “Deputy Commissioner” means Deputy Commissioner of Police of the Metropolis.]

Textual Amendments

F18 S. 9D inserted (3.7.2000) by 1999 c. 29, s. 317 (with Sch 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

[^{F19}9E] **Removal of Commissioner or Deputy Commissioner.**

- (1) The Metropolitan Police Authority, acting with the approval of the Secretary of State, may call upon the Commissioner of Police of the Metropolis to retire in the interests of efficiency or effectiveness.
- (2) Before seeking the approval of the Secretary of State under subsection (1), the Metropolitan Police Authority shall give the Commissioner of Police of the Metropolis an opportunity to make representations and shall consider any representations that he makes.
- (3) Where the Commissioner of Police of the Metropolis is called upon to retire under subsection (1), he shall retire on such date as the Metropolitan Police Authority may specify or on such earlier date as may be agreed upon between him and the Authority.
- (4) This section shall apply in relation to the Deputy Commissioner of Police of the Metropolis as it applies to the Commissioner of Police of the Metropolis.
- (5) This section is without prejudice to—
- (a) section 9B(3),
 - (b) section 9D(3),
 - (c) any regulations under section 50, or
 - (d) any regulations under the ^{M4}Police Pensions Act 1976.]

Textual Amendments

F19 S. 9E inserted (3.7.2000) by 1999 c. 29, s. 318 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

Marginal Citations

M4 1976 c. 35.

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[^{F20}9F Assistant Commissioners of Police of the Metropolis.

- (1) The ranks that may be held in the metropolitan police force shall include that of Assistant Commissioner of Police of the Metropolis (“Assistant Commissioner”).
- (2) Any appointment of an Assistant Commissioner shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.
- (3) Subsections (1) to (3) of section 9E shall apply in relation to an Assistant Commissioner as they apply to the Commissioner of Police of the Metropolis.
- (4) Subsection (3) is without prejudice to—
 - (a) any regulations under section 50, or
 - (b) any regulations under the ^{M5}Police Pensions Act 1976.
- (5) An Assistant Commissioner may exercise any of the powers and duties of the Commissioner of Police of the Metropolis with the consent of the Commissioner.
- (6) Subsection (5) is without prejudice to any regulations under section 50.]

Textual Amendments

F20 S. 9F inserted (3.7.2000) by 1999 c. 29, s. 319 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

Marginal Citations

M5 1976 c. 35.

VALID FROM 01/01/2002

[^{F21}9FA Appointment and removal of Deputy Assistant Commissioners

- (1) The ranks that may be held in the metropolitan police force shall include that of Deputy Assistant Commissioner of Police of the Metropolis (“Deputy Assistant Commissioner”).
- (2) Any appointment of a Deputy Assistant Commissioner shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.
- (3) Subsections (1) to (3) of section 9E shall apply in relation to a Deputy Assistant Commissioner as they apply in relation to the Commissioner of Police of the Metropolis.
- (4) Subsection (3) of this section is without prejudice to—
 - (a) any regulations under section 50, or
 - (b) any regulations under the Police Pensions Act 1976 (c. 35).]

Textual Amendments

F21 S. 9FA inserted (1.1.2002) by 2001 c. 16, s. 122(1); S.I. 2001/3736, art. 3(a)

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[^{F22}9G **Commanders.**

- (1) The ranks that may be held in the metropolitan police force shall include that of Commander.
- (2) Any appointment of a Commander in the metropolitan police force shall be made by the Metropolitan Police Authority, but subject to the approval of the Secretary of State and to regulations under section 50.
- (3) Subsections (1) to (3) of section 9E shall apply in relation to a Commander in the metropolitan police force as they apply to the Commissioner of Police of the Metropolis.
- (4) Subsection (3) is without prejudice to—
 - (a) any regulations under section 50, or
 - (b) any regulations under the ^{M6}Police Pensions Act 1976.]

Textual Amendments

F22 S. 9G inserted (3.7.2000) by 1999 c. 29, s. 320 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

Marginal Citations

M6 1976 c. 35.

[^{F23}9H **Other members of the metropolitan police force.**

- (1) The ranks that may be held in the metropolitan police force shall be such as may be prescribed by regulations under section 50.
- (2) The ranks so prescribed in the case of the metropolitan police force shall include, in addition to the ranks of—
 - (a) Commissioner of Police of the Metropolis,
 - (b) Deputy Commissioner of Police of the Metropolis,
 - (c) Assistant Commissioner of Police of the Metropolis, and
 - (d) Commander,
 those of superintendent, chief inspector, inspector, sergeant and constable.
- (3) In the metropolitan police force, appointments and promotions to any rank below that of Commander shall be made in accordance with regulations under section 50 by the Commissioner of Police of the Metropolis.]

Textual Amendments

F23 S. 9H inserted (3.7.2000) by 1999 c. 29, s. 322 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

10 **General functions of chief constables.**

- (1) A police force maintained under section 2 shall be under the direction and control of the chief constable appointed under section 11.
- (2) In discharging his functions, every chief constable shall have regard to the local policing plan issued by the police authority for his area under section 8.

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Modifications etc. (not altering text)

- C1** S. 10(1) excluded (1.4.1998) by 1997 c. 50, s. 23(5); S.I. 1998/354, art. 2(2)(j)
S. 10(1) excluded (1.1.2000) by S.I. 1999/3272, art. 2(2)

11 Appointment and removal of chief constables.

- (1) The chief constable of a police force maintained under section 2 shall be appointed by the police authority responsible for maintaining the force, but subject to the approval of the Secretary of State and to regulations under section 50.
- (2) Without prejudice to any regulations under section 50 or under the ^{M7}Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (3) Before seeking the approval of the Secretary of State under subsection (2), the police authority shall give the chief constable an opportunity to make representations and shall consider any representations that he makes.
- (4) A chief constable who is called upon to retire under subsection (2) shall retire on such date as the police authority may specify or on such earlier date as may be agreed upon between him and the authority.

Marginal Citations

- M7** 1976 c. 35.

VALID FROM 01/01/2002

^{F24}11A Appointment and removal of deputy chief constables

- (1) Every police force maintained under section 2 shall have a deputy chief constable.
- (2) The appointment of a person to be the deputy chief constable of a police force shall be made, in accordance with regulations under section 50, by the police authority responsible for maintaining that force, but only after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (2) to (4) of section 11 shall apply in relation to a deputy chief constable as they apply in relation to a chief constable.]

Textual Amendments

- F24** S. 11A inserted (1.1.2002) by 2001 c. 16, s. 123(1); S.I. 2001/3736, art. 3(a)

Status: Point in time view as at 01/12/2001. This version of this Act contains provisions that are not valid for this point in time.

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12 Assistant chief constables.

- (1) The ranks that may be held in a police force maintained under section 2 shall include that of assistant chief constable; and in every such police force there shall be at least one person holding that rank.
- (2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under section 50, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (2), (3) and (4) of section 11 shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall, after consulting his police authority, designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—
 - (a) during any absence, incapacity or suspension from duty of the chief constable, or
 - (b) during any vacancy in the office of chief constable.
- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- (6) The provisions of subsection (4) shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.

VALID FROM 01/01/2002

^{F25}12A Power of deputy to exercise functions of chief constable

- (1) A deputy chief constable of a police force may exercise or perform any or all of the powers or duties of the chief constable of that force—
 - (a) during any absence, incapacity or suspension from duty of the chief constable,
 - (b) during any vacancy in the office of the chief constable, or
 - (c) at any other time, with the consent of the chief constable.
- (2) A police authority responsible for maintaining a police force may designate a person holding the rank of assistant chief constable in that force to exercise or perform any or all of the powers or duties of the chief constable of that force—
 - (a) during any absence, incapacity or suspension from duty of both the chief constable and the deputy chief constable, or
 - (b) during any vacancy in the offices of both the chief constable and the deputy chief constable.
- (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2).

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- (4) The power to act by virtue of subsection (1)(a) or (b) or subsection (2) shall not be exercisable for a continuous period exceeding three months except with the consent of the Secretary of State.
- (5) The provisions of subsections (1) and (2) shall be without prejudice to any other enactment that makes provision for the exercise by any other person of powers conferred on a chief constable.]

Textual Amendments

F25 S. 12A inserted (1.1.2002) by 2001 c. 16, s. 124(2); S.I. 2001/3736, art. 3(a)

13 Other members of police forces.

- (1) The ranks that may be held in a police force maintained under section 2 shall be such as may be prescribed by regulations under section 50 and the ranks so prescribed shall include, in addition to chief constable and assistant chief constable, the ranks of superintendent, chief inspector, inspector, sergeant and constable.
- (2) The ranks prescribed by regulations under section 50 for the purposes of subsection (1) above shall not include that of deputy chief constable.
- (3) Appointments and promotions to any rank below that of assistant chief constable in any police force maintained under section 2 shall be made, in accordance with regulations under section 50, by the chief constable.

14 Police fund.

- (1) Each police authority established under section 3 shall keep a fund to be known as the police fund.
- (2) Subject to any regulations under the Police Pensions Act 1976, all receipts of the police authority shall be paid into the police fund and all expenditure of the authority shall be paid out of that fund.
- (3) Accounts shall be kept by each police authority of payments made into or out of the police fund.
- [^{F26}(4) This section shall apply in relation to the Metropolitan Police Authority as it applies in relation to a police authority established under section 3.]

Textual Amendments

F26 S. 14(4) inserted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 73 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

15 Civilian employees.

- (1) A police authority established under section 3 may employ persons to assist the police force maintained by it or otherwise to enable the authority to discharge its functions.

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- (2) A police authority shall exercise its powers under section 101 (and section 107) of the ^{M8}Local Government Act 1972 so as to secure that, subject to subsection (3) below, any person employed by the authority under this section is under the direction and control of the chief constable of the police force maintained by the authority.
- (3) Subsection (2) shall not apply to such of the persons employed by the authority as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (4) The powers of direction and control referred to in subsection (2) include the powers of engagement and dismissal.
- [^{F27}(5) This section shall apply in relation to the Metropolitan Police Authority as it applies in relation to a police authority established under section 3.]

Textual Amendments

F27 S. 15(5) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 73(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

Marginal Citations

M8 1976 c. 35.

16 Appointment of clerk.

- ^{F28}(1) A police authority established under section 3 shall appoint a person to be the clerk to the authority.
- [^{F29}(2) The Metropolitan Police Authority shall appoint a person to be the clerk to the Metropolitan Police Authority.]

Textual Amendments

F28 S. 16 renumbered as s. 16(1) (on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 325, **Sch. 27 para. 75(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1095, **arts. 4-6**

F29 S. 16(2) inserted (on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 325, **Sch. 27 para. 75(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1095, **arts. 4-6**

Modifications etc. (not altering text)

C2 S. 16 applied (10.5.2000) by S.I. 2000/1095, **art. 6(5)(b)**

17 Appointment of persons not employed by police authorities.

- ^{F30}(1) Where a police authority established under section 3 is required or authorised by any Act—
- (a) to appoint a person to a specified office under the authority, or
 - (b) to designate a person as having specified duties or responsibilities,

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then, notwithstanding any provision of that Act to the contrary, the authority may appoint or designate either a person employed by the authority under section 15, or a person not holding any office or employment under the authority.

[^{F31}(2) This section shall apply to the Metropolitan Police Authority as it applies to a police authority established under section 3.]

Textual Amendments

- F30** S. 17 renumbered as s. 17(1) (on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 325, **Sch. 27 para. 76(2)** (with **Sch. 12 para. 9(1)**); S.I. 2000/1095, **arts. 4-6**
- F31** S. 17(2) inserted (on the "operative date" (as defined in art. 1(2)(c) of S.I. 2000/1095) for specified purposes and on 3.7.2000 for all other purposes) by 1999 c. 29, s. 325, **Sch. 27 para. 76(3)** (with **Sch. 12 para. 9(1)**); S.I. 2000/1095, **arts. 4-6**

18 Supply of goods and services.

Subsections (1) to (3) of section 1 of the ^{M9}Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) shall apply to a police authority established under section 3 [^{F32}and to the Metropolitan Police Authority] as they apply to a local authority, except that in their application to a police authority the references in those subsections to a public body shall be read as references to any person.

Textual Amendments

- F32** Words in s. 18 inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 77** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, **art. 2, Sch.**

Marginal Citations

- M9** 1970 c. 39.

19 Approval of decisions about precepts.

- (1) A police authority established under section 3 shall not—
- issue a precept under section 40 of the ^{M10}Local Government Finance Act 1992, or
 - make the calculations required by section 43 of that Act,
- except by a decision of the authority which complies with subsection (2) below.
- (2) A decision complies with this subsection only if the members approving it—
- constitute at least half of the total membership at the time of the decision, and
 - include more than half of the members (at that time) appointed under paragraph 2 of Schedule 2.

Marginal Citations

- M10** 1992 c. 14.

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20 Questions on police matters at council meetings.

- (1) Every relevant council shall make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a police authority [^{F33}established under section 3] to be put by members of the council at a meeting of the council for answer by a person nominated by the authority for that purpose.
- (2) On being given reasonable notice by a relevant council of a meeting of that council at which questions on the discharge of the police authority's functions are to be put, the police authority shall nominate one or more of its members to attend the meeting to answer those questions.
- (3) In this section "relevant council" has the same meaning as in Schedule 2.

Textual Amendments

F33 Words in s. 20(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 78** (with **Sch. 12 para. 9(1)**); **S.I. 2000/1648, art. 2, Sch.**

[^{F34}20A Questions on metropolitan police matters at London Assembly meetings.

- (1) The London Assembly shall make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of the Metropolitan Police Authority to be put by members of the Assembly at a meeting of the Assembly for answer by a person nominated by the Metropolitan Police Authority for that purpose.
- (2) On being given reasonable notice by the London Assembly of a meeting of the Assembly at which questions on the discharge of the Metropolitan Police Authority's functions are to be put, the Metropolitan Police Authority shall nominate one or more of its members to attend the meeting to answer those questions.]

Textual Amendments

F34 S. 20A inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 78** (with **Sch. 12 para. 9(1)**); **S.I. 2000/1648, art. 2, Sch.**

21 Application of certain provisions to police authorities.

- (1) Any relevant legislative provision which, immediately before 21st July 1994, applied to police authorities constituted in accordance with section 2 of the ^{M11}Police Act 1964 shall, except where the context otherwise requires, apply in the same way to police authorities established under section 3 above.
- (2) Subsection (1) is subject to any provision to the contrary made—
 - (a) by this Act, or
 - (b) by any other Act passed, or subordinate legislation made, on or after 21st July 1994.
- (3) For the purposes of subsection (1), a provision is a "relevant legislative provision" if it is a provision (other than a provision which applies only to specified police authorities) of an instrument which—

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- (a) was made before 21st July 1994 under a public general Act, and
- (b) is of a legislative character.

Marginal Citations

M11 1964 c. 48.

General provisions

22 Reports by chief constables to police authorities.

- (1) Every [^{F35}chief officer of police of a police force] shall, as soon as possible after the end of each financial year, submit to the police authority a general report on the policing during that year of the area for which his force is maintained.
- (2) A [^{F35}chief officer] shall arrange for a report submitted by him under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The [^{F35}chief officer of police] of a police force shall, whenever so required by the police authority, submit to that authority a report on such matters as may be specified in the requirement, being matters connected with the policing of the area for which the force is maintained.
- (4) A report submitted under subsection (3) shall be in such form as the police authority may specify.
- (5) If it appears to the [^{F35}chief officer] that a report in compliance with subsection (3) would contain information which in the public interest ought not to be disclosed, or is not needed for the discharge of the functions of the police authority, he may request that authority to refer the requirement to submit the report to the Secretary of State; and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.
- (6) The police authority may arrange, or require the [^{F35}chief officer] to arrange, for a report submitted under subsection (3) to be published in such manner as appears to the authority to be appropriate.

^{F36}(7)

Textual Amendments

F35 Words in s. 22(1)(2)(3)(5)(6) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27**, para. 79(2)-(5) (with **Sch. 12** para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F36 S. 22(7) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, **Sch. 27** para. 79(6), **Sch. 34 Pt. VII** (with **Sch. 12** para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

23 Collaboration agreements.

- (1) If it appears to the chief officers of police of two or more police forces that any police functions can more efficiently or effectively be discharged by members of those forces acting jointly, they may, with the approval of the police authorities which maintain those forces, make an agreement for that purpose.

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- (2) If it appears to any two or more police authorities that any premises, equipment or other material or facilities can with advantage be provided jointly for the police forces maintained by those authorities, they may make an agreement for that purpose.
- (3) Any expenditure incurred under an agreement made under this section shall be borne by the police authorities in such proportions as they may agree or as may, in the absence of agreement, be determined by the Secretary of State.
- (4) An agreement under subsection (1) or (2) may be varied or determined by a subsequent agreement.
- (5) If it appears to the Secretary of State that an agreement should be made under subsection (1), (2) or (4), he may, after considering any representations made by the parties concerned, direct those parties to enter into such an agreement under those provisions as may be specified in the direction.
- (6) The reference in subsection (1) to members of a police force includes a reference to special constables appointed for the area for which that force is maintained.
- (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.
- [^{F37}(8) For the purposes of this section, the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad shall be treated as if they were a police authority, the police force maintained by that authority and the chief officer of police of that force respectively, and the reference in subsection (1) to "police functions" shall include the functions of that Squad.]

Textual Amendments

F37 S. 23(8) added (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 73**; S.I. 1997/2390, **art. 2(2)(u)**

24 Aid of one police force by another.

- (1) The chief officer of police of any police force may, on the application of the chief officer of police of any other police force, provide constables or other assistance for the purpose of enabling the other force to meet any special demand on its resources.
- (2) If it appears to the Secretary of State to be expedient in the interests of public safety or order that any police force should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and that satisfactory arrangements under subsection (1) cannot be made, or cannot be made in time, he may direct the chief officer of police of any police force to provide such constables or other assistance for that purpose as may be specified in the direction.
- (3) While a constable is provided under this section for the assistance of another police force he shall, notwithstanding section 10(1), be under the direction and control of the chief officer of police of that other force.
- (4) The police authority maintaining a police force for which assistance is provided under this section shall pay to the police authority maintaining the force from which that assistance is provided such contribution as may be agreed upon between those

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authorities or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.

[^{F38}(5) This section shall apply in relation to the Service Authority for the National Crime Squad, the National Crime Squad and the Director General of that Squad as it applies to a police authority, a police force and a chief officer of police respectively, and accordingly the reference in subsection (3) to section 10(1) shall be construed, in a case where constables are provided by the Director General of the National Crime Squad, as including a reference to section 56(1) of the Police Act 1997.]

Textual Amendments

F38 S. 24(5) added (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 74**; S.I. 1998/354, **art. 2(2)(ay)**

25 Provision of special services.

(1) The chief officer of police of a police force may provide, at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the police authority of charges on such scales as may be determined by that authority.

^{F39}(2)

Textual Amendments

F39 S. 25(2) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, **Sch. 27 para. 80**, **Sch. 34 Pt. VII** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, **art. 2**, **Sch.**

26 Provision of advice and assistance to international organisations etc.

(1) Subject to the provisions of this section, a police authority may provide advice and assistance—

- (a) to an international organisation or institution, or
- (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief officer of police for its area.

(2) The power conferred on a police authority by subsection (1) includes a power to make arrangements under which a member of the police force maintained by the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.

(3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.

(4) A consent or authorisation under subsection (3) may be given subject to such conditions as appear to the Secretary of State to be appropriate.

(5) Nothing in this section authorises a police authority to provide any financial assistance by—

- (a) making a grant or loan,

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- (b) giving a guarantee or indemnity, or
 - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice or assistance provided by it under this section.
- ^{F40}(7)
- (8) The provisions of this section are without prejudice to the ^{M12}Police (Overseas Service) Act 1945 and section 10 of the ^{M13}Overseas Development and Co-operation Act 1980.

Textual Amendments

F40 S. 26(7) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 81, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

Marginal Citations

M12 9 & 10 Geo. 6 c. 17.

M13 1980 c. 63.

27 Special constables.

- (1) The chief officer of police of the police force maintained for a police area may, in accordance with regulations under section 51, appoint special constables for that area.
- (2) Subject to regulations under section 51, all special constables appointed for a police area shall be under the direction and control of, and subject to dismissal by, the chief officer of police.

28 Police cadets.

- (1) The chief officer of police of a police force may, in accordance with regulations under section 52, appoint persons as police cadets to undergo training with a view to becoming members of that police force.
- (2) Subject to regulations under section 52, all police cadets shall be under the control of, and subject to dismissal by, the chief officer of police.
- (3) Without prejudice to subsection (2), for the purposes of any enactment relating to the functions of employers and of any rule of law with respect to the vicarious liability of employers, the police authority that maintains a police force shall be treated as the employer of any police cadets undergoing training with the force.

^{F41}(4)

Textual Amendments

F41 S. 28(4) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 82, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

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29 Attestation of constables.

Every member of a police force maintained for a police area and every special constable appointed for a police area shall, on appointment, be attested as a constable by making a declaration in the form set out in Schedule 4—

- ^{F42}(a)
(b) ^{F43} . . . before a justice of the peace having jurisdiction within the police area.

Textual Amendments

- F42** S. 29(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 83, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F43** Words in s. 29(b) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 83, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

30 Jurisdiction of constables.

- (1) A member of a police force shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.
- (2) A special constable shall have all the powers and privileges of a constable in the police area for which he is appointed and, where the boundary of that area includes the coast, in the adjacent United Kingdom waters.
- (3) Without prejudice to subsection (2), a special constable appointed for a police area shall have all the powers and privileges of a constable—
 - (a) in the case of a special constable appointed for a police area other than the City of London police area, in any other police area which is contiguous to his own police area; and
 - (b) in the case of a special constable appointed for the City of London police area, in the metropolitan police district and in any police area which is contiguous to that district.
- (4) A special constable who is for the time being required by virtue of section 23 or 24 to serve with another police force shall have all the powers and privileges of a constable in any area in which special constables appointed for the area for which that force is maintained have those powers and privileges under this section.
- (5) In this section—

powers includes powers under any enactment, whenever passed or made;

“United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea;

and this section, so far as it relates to powers under any enactment, makes them exercisable throughout the United Kingdom waters whether or not the enactment applies to those waters apart from this provision.
- (6) This section is without prejudice to—
 - (a) sections 98 and 99 below, and
 - (b) any other enactment conferring powers on constables for particular purposes.

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31 Rewards for diligence.

A police authority may, on the recommendation of the chief officer of police, grant out of the police fund to members of the police force maintained by that authority rewards for exceptional diligence or other specially meritorious conduct.

Alteration of police areas

32 Power to alter police areas by order.

- (1) The Secretary of State may by order make alterations in police areas in England and Wales other than the City of London police area.
- (2) The alterations that may be made by an order under this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the abolition of the metropolitan police district.
- (3) The Secretary of State shall not exercise his power under this section to make alterations unless either—
 - (a) he has received a request to make the alterations from the police authority for each of the areas^{F44} . . . affected by them, or
 - (b) it appears to him to be expedient to make the alterations in the interests of efficiency or effectiveness.
- (4) The Secretary of State shall exercise his power to make orders under this section in such a way as to ensure that none of the following areas—
 - (a) a county in which there are no district councils,
 - (b) a district in any other county,
 - (c) a county borough in Wales, and
 - (d) a London borough,
 is divided between two or more police areas.

^{F45}(5)

Textual Amendments

F44 Words in s. 32(3)(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 84(2), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F45 S. 32(5) repealed (1.4.2000) by 1999 c. 29, ss. 325, 423, **Sch. 27 para. 84(3) Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 1999/3271, **art. 4(b)(c)(d)**

33 Objections to alterations proposed by Secretary of State.

- (1) Before making an order under section 32 by virtue of subsection (3)(b) of that section, the Secretary of State shall give notice of his proposal to—
 - (a) the police authority for every area^{F46} . . . that he proposes to alter,
 - (b) the council of every county, district, county borough or London borough wholly or partly within any area (other than the metropolitan police district) that he proposes to alter,
- [^{F47}(bb) the Greater London Authority, if he proposes to alter the metropolitan police district,]

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- (c) the council of every London borough, county or district all or part of which would under the proposal be brought into or left out of the metropolitan police district, and
 - (d) such other persons as he considers appropriate.
- (2) A notice under subsection (1) shall—
- (a) specify the proposed alterations and describe the general nature of any related provisions proposed to be included in the order,
 - (b) set out the Secretary of State’s reasons for proposing the alterations, and
 - (c) specify a date before which any objections to the proposals are to be delivered to the Secretary of State.
- (3) The date specified under subsection (2)(c) shall fall after the end of the period of four months beginning with the date of the notice.
- (4) Where objections have been duly delivered to the Secretary of State by a person notified under subsection (1), the Secretary of State shall before making the order under section 32—
- (a) consider the objections, and
 - (b) give to that person a further notice stating whether he accepts the objections and, if he does not, giving his reasons.
- (5) Where the Secretary of State has given a notice under subsection (1) specifying proposed alterations, the provisions of an order making the alterations may be inconsistent with the notice so far as it describes the general nature of the provisions, and may contain provisions not referred to in the notice.

Textual Amendments

- F46** Words in s. 33(1)(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 85(2), Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
- F47** S. 33(1)(bb) inserted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 85(3) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

34 Orders altering police areas: supplementary provisions.

- (1) The power to make orders under section 32 includes power to make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient, including—
- (a) provision as to the membership of a police authority;
 - (b) provision for the transfer of property, rights and liabilities;
 - (c) provision for the transfer of members of police forces and other persons;
 - (d) provision as to pending legal proceedings.
- (2) Without prejudice to subsection (1), the power to make orders under section 32 includes power—
- (a) to amend Schedule 1 to this Act and section 76 of the ^{M14}London Government Act 1963 (extent of metropolitan police district), and
 - (b) to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order.

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- (3) No order shall be made under section 32 by virtue of subsection (3)(b) of that section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (4) An order to which subsection (3) applies, and which would apart from this subsection be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, shall proceed in that House as if it were not such an instrument.
- (5) A statutory instrument containing an order made under section 32 by virtue of subsection (3)(a) of that section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M14 1963 c. 33.

Supplemental

35 The Scilly Isles.

For the purposes of the application of this Part to the Isles of Scilly—

- (a) the Isles shall be treated as if they were a county, and
- (b) references to the council of a county shall be construed as references to the Council of the Isles.

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

36 General duty of Secretary of State.

- (1) The Secretary of State shall exercise his powers under the provisions of this Act referred to in subsection (2) in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the police.
- (2) The provisions of this Act mentioned in subsection (1) are—
 - (a) Part I;
 - (b) this Part;
 - (c) Part III (other than sections 61 and 62);
 - (d) in Chapter II of Part IV, section 85 and Schedule 6; and
 - (e) in Part V, section 95.

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VALID FROM 01/10/2002

[^{F48}36A National Policing Plan

- (1) It shall be the duty of the Secretary of State, before the beginning of each financial year, to prepare a National Policing Plan for that year.
- (2) The Secretary of State shall lay the National Policing Plan for a financial year before Parliament.
- (3) Subject to subsection (4), any such plan must be laid before Parliament not later than 30th November in the preceding financial year.
- (4) If there are exceptional circumstances, any such plan may be laid before Parliament after the date mentioned in subsection (3); but it must be so laid before the beginning of the financial year to which it relates.
- (5) If a plan is laid before Parliament after the date mentioned in subsection (3), the plan must contain a statement of the exceptional circumstances that gave rise to its being so laid.
- (6) The National Policing Plan for a financial year—
 - (a) must set out whatever the Secretary of State considers to be the strategic policing priorities generally for the police forces maintained for police areas in England and Wales for the period of three years beginning with that year;
 - (b) must describe what, in relation to that period, the Secretary of State is intending or proposing so far as each of the following is concerned—
 - (i) the setting of objectives under section 37 and the giving of general directions in relation to any objective so set;
 - (ii) the specification, under section 4 of the Local Government Act 1999 (c. 27)(performance indicators), of performance indicators (within the meaning of that section) for police authorities;
 - (iii) the making of regulations under the powers conferred by this Act, by Part 4 of the Criminal Justice and Police Act 2001 (c. 16)(police training) and by Part 2 of the Police Reform Act 2002 (c. 30) (complaints etc.);
 - (iv) the issuing of guidance under any provision of this Act or of Part 2 of the Police Reform Act 2002 (c. 30); and
 - (v) the issuing and revision of codes of practice under this Act and under Chapter 1 of Part 4 of the Police Reform Act 2002 (powers exercisable by civilians);
 - (c) may contain such other information, plans and advice as the Secretary of State considers relevant to the priorities set out in the plan.
- (7) Before laying the National Policing Plan for a financial year before Parliament, the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (8) In this section—

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“financial year” means the period of twelve months ending with 31st March; and

“general direction” means a direction under section 38 establishing performance targets for all police authorities to which section 37 applies.]

Textual Amendments

F48 S. 36A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 1, 108(2)-(5); S.I. 2002/2306, art. 2(a)

37 Setting of objectives for police authorities.

(1) The Secretary of State may by order determine objectives for the policing of the areas of all police authorities [^{F49}to which this section applies].

[^{F50}(1A) The police authorities to which this section applies are those established under section 3 and the Metropolitan Police Authority.]

(2) Before making an order under this section the Secretary of State shall consult—

- (a) persons whom he considers to represent the interests of police authorities [^{F51}to which this section applies], and
- (b) persons whom he considers to represent the interests of [^{F52}chief officers of police]of forces maintained by those authorities.

(3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

Textual Amendments

F49 Words in s. 37(1) substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 86(2) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F50 S. 37(1A) inserted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 86(3) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F51 Words in s. 37(2)(a) substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 86(4)(a) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F52 Words in s. 37(2)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 86(4)(b) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

38 Setting of performance targets.

(1) Where an objective has been determined under section 37, the Secretary of State may direct police authorities to establish levels of performance (performance targets to be aimed at in seeking to achieve the objective.

(2) A direction under this section may be given to all police authorities [^{F53}to which section 37 applies] or to one or more particular authorities.

(3) A direction given under this section may impose conditions with which the performance targets must conform, and different conditions may be imposed for different authorities.

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- (4) The Secretary of State shall arrange for any direction given under this section to be published in such manner as appears to him to be appropriate.

Textual Amendments

F53 Words in s. 38(2) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 87** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, art. 2, **Sch.**

39 Codes of practice.

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 [^{F54}and the Metropolitan Police Authority] of any of their functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

Textual Amendments

F54 Words in s. 39(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 88** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, art. 2, **Sch.**

VALID FROM 01/10/2002

[^{F55}39A Codes of practice for chief officers

- (1) If the Secretary of State considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales, he may issue codes of practice relating to the discharge of their functions by the chief officers of police of those forces.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.
- (4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority shall consult with—
 - (a) persons whom it considers to represent the interests of police authorities;
 - (b) persons whom it considers to represent the interests of chief officers of police; and
 - (c) such other persons as it thinks fit.

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- (5) The Secretary of State shall lay any code of practice issued by him under this section, and any revision of any such code, before Parliament.
- (6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
 - (a) would be against the interests of national security;
 - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
 - (c) could jeopardise the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, a chief officer of police shall have regard to the code.]

Textual Amendments

F55 S. 39A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 2**, 108(2)-(5); S.I. 2002/2306, **art. 2(a)**

40 Power to give directions to police authorities after adverse reports.

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 54 of any police force maintained under section 2 [^{F56}or of the metropolitan police force].
- (2) Where a report made to the Secretary of State under section 54 on an inspection carried out for the purposes of this section states—
 - (a) that, in the opinion of the person making the report, the force inspected is not efficient or not effective, or
 - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient or will cease to be effective,
 the Secretary of State may direct the police authority responsible for maintaining the force to take such measures as may be specified in the direction.

Textual Amendments

F56 Words in s. 40(1) inserted (3.7.2000) by [1999 c. 29](#), s. 325, **Sch. 27 para. 89** (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, **art. 2**, **Sch.**

41 Directions as to minimum budget.

- (1) The power of the Secretary of State to give directions under section 40 to a police authority established under section 3 shall include power to direct the authority that the amount of its budget requirement for any financial year (under section 43 of the ^{M15}Local Government Finance Act 1992) shall not be less than an amount specified in the direction.
- (2) The power exercisable by virtue of subsection (1), and any direction given under that power, are subject to any limitation imposed under Chapter [^{F57}IVA] of Part I of the Local Government Finance Act 1992.

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- (3) A direction shall not be given by virtue of subsection (1) in relation to a financial year at any time after the end of the preceding December.
- (4) Where the Secretary of State gives a direction to a police authority by virtue of subsection (1), any precept issued or calculation made by the authority under Part I of the Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

Textual Amendments

F57 Words in s. 41(2) substituted (27.7.1999 so as to apply as mentioned in S. 30(2)) by 1999 c. 27, s. 30(1), Sch. 1 Pt. II para. 10

Marginal Citations

M15 1992 c. 14.

VALID FROM 01/10/2002

^{F58}41A Power to give directions as to action plans

- (1) This section applies where a report made to the Secretary of State on an inspection under section 54 states, in relation to a police force for a police area—
 - (a) that, in the opinion of the person making the report, the whole or any part of the force is, whether generally or in particular respects, not efficient or not effective; or
 - (b) that, in that person's opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may direct the police authority responsible for maintaining the force to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the police authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If a police authority is directed to submit an action plan, that authority shall direct the chief officer of police of the force in question to prepare a draft of it and to submit it to the police authority for that authority to consider.
- (5) The police authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the police authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the chief officer of police.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the police authority and the chief officer of the force in question of that opinion and of his reasons for it.

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- (8) If a police authority is notified under subsection (7) —
 - (a) it shall consider, after consultation with the chief officer of the police force in question about the matters notified, whether to revise the action plan in the light of those matters; and
 - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (9) On giving a direction under this section to the police authority responsible for maintaining a police force, the Secretary of State shall notify the chief officer of police of that force that he has given that direction.
- (10) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.
- (11) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
 - (a) provision setting out the steps that the police authority proposes should be taken in respect of the matters to which the direction relates and the performance targets the authority proposes should be met;
 - (b) provision setting out the authority's proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan's implementation is to be measured;
 - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
 - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
 - (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.
- (12) Nothing in this section shall authorise the Secretary of State or a police authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (13) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (14) A police authority shall comply with any direction given to it under this section.
- (15) A chief officer of police of any police force shall comply with any direction given to him under this section.
- (16) Nothing in this section or in section 40 prevents the Secretary of State in the case of the same report under section 54 from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 40.

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Textual Amendments

F58 Ss. 41A, 41B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 5, 108\(2\)-\(5\)](#); S.I. [2002/2306](#), [art. 2\(a\)](#)

VALID FROM 01/10/2002

41B Procedure for directions under section 41A

- (1) The Secretary of State shall not give a direction under section 41A in relation to any police force unless—
 - (a) the police authority maintaining that force and the chief officer of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (2) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under section 41A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (6) If the Secretary of State exercises his power to give a direction under section 41A in relation to a police force—
 - (a) he shall prepare a report on his exercise of that power in relation to that force; and
 - (b) he shall lay that report before Parliament.
- (7) A report under subsection (6)—
 - (a) shall be prepared at such time as the Secretary of State considers appropriate; and

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(b) may relate to more than one exercise of the power mentioned in that subsection.]

Textual Amendments

F58 Ss. 41A, 41B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 5, 108\(2\)-\(5\)](#); S.I. [2002/2306](#), [art. 2\(a\)](#)

42 Removal of chief constables, etc.

- (1) The Secretary of State may require a police authority to exercise its power under section 11 to call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power exercisable with respect to an assistant chief constable, the Secretary of State shall give the chief constable or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the exercise of the power mentioned in subsection (1) shall, appoint one or more persons (one at least of whom shall be a person who is not an officer of police or of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- (4) The costs incurred by a chief constable or assistant chief constable in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the police fund.
- [^{F59}(5) This section shall apply to the power of the Metropolitan Police Authority under section 9E to call upon—
 - (a) the Commissioner of Police of the Metropolis,
 - (b) the Deputy Commissioner of Police of the Metropolis,
 - (c) an Assistant Commissioner of Police of the Metropolis, or
 - (d) a Commander in the metropolitan police force,
 to retire in the interests of efficiency or effectiveness as it applies to the power of a police authority under section 11.]

Textual Amendments

F59 S. 42(5) inserted (3.7.2000) by [1999 c. 27](#), s. 325, [Sch. 27 para. 90](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. [2000/1648](#), [art. 2](#), [Sch.](#)

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VALID FROM 01/10/2002

[^{F60}42A Procedure in relation to removal of senior officers

- (1) The Secretary of State may by regulations make provision as to the procedure to be followed in the exercise of any power conferred or duty imposed by section 9E, 11 or 42.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F60 S. 42A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 34**, 108(2)-(5); S.I. 2002/2306, **art. 2(c)(i)**

43 Reports from police authorities.

- (1) A police authority shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the authority's functions, or otherwise with the policing of its area, as may be specified in the requirement.
- (2) A requirement under subsection (1) may specify the form in which a report is to be given.
- (3) The Secretary of State may arrange, or require the police authority to arrange, for a report under this section to be published in such manner as appears to him to be appropriate.

44 Reports from chief constables.

- (1) The Secretary of State may require a [^{F61}chief officer of police of any police force] to submit to him a report on such matters as may be specified in the requirement, being matters connected with the policing of the [^{F61}chief officer's]police area.
- (2) A requirement under subsection (1) may specify the form in which a report is to be given.
- (3) The Secretary of State may arrange, or require the [^{F61}chief officer] to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.

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- (4) [^{F61}The chief officer of police of every police force] shall, as soon as possible after the end of each financial year, submit to the Secretary of State the like report as is required by section 22(1) to be submitted to the police authority.

^{F62}(5)

Textual Amendments

- F61** Words in s. 44(1)(3)(4) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 91(2)-(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F62** S. 44(5) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, **Sch. 27 para. 91(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

45 Criminal statistics.

- (1) The chief officer of police of every police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in the chief officer's police area as the Secretary of State may require.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

46 Police grant.

- (1) Subject to the following provisions of this section, the Secretary of State shall for each financial year make grants for police purposes to—
- (a) police authorities for areas other than the metropolitan police district, and
 - (b) the [^{F63}Greater London Authority];
- and in those provisions references to police authorities shall be taken as including references to the [^{F64}Greater London Authority] .
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
- (a) the aggregate amount of grants to be made under this section, and
 - (b) the amount of the grant to be made to each authority;
- and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2), and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among police authorities of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2), and the formulae and other rules referred to in subsection (4), may be different for different authorities or different classes of authority.

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Changes to legislation: Police Act 1996 is up to date with all changes known to be in force on or before 13 July 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) A copy of every report prepared under subsection (3) shall be laid before the House of Commons, and no payment of grant shall be made unless the report setting out the determination of its amount has been approved by resolution of that House.
- (7) A grant to a police authority under this section shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may with the approval of the Treasury determine; and any such time may fall within or after the financial year concerned.
- [^{F65}(7A) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.]
- (8) Where in consequence of a further determination under subsection (2) the amount of an authority's grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall be paid by the authority to the Secretary of State on such day as he may specify; but no sum shall be payable by an authority under this subsection unless the report setting out the further determination has been approved by resolution of the House of Commons.
- [^{F66}(9) Where the Greater London Authority is required to pay a sum under subsection (8) above, the Mayor of London may direct the Metropolitan Police Authority to pay an amount not exceeding that sum to the Greater London Authority on such day as he may specify in the direction.]

Textual Amendments

- F63** Words in s. 46(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F64** Words in s. 46(1) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F65** S. 46(7A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F66** S. 46(9) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

47 Grants for capital expenditure.

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) for police purposes by—
- police authorities for areas other than the metropolitan police district, and
 - the [^{F67}Metropolitan Police Authority].
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.
- [^{F68}(4) Any grant by virtue of subsection (1)(b) shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.]

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Textual Amendments

- F67** Words in s. 47(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 93(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F68** S. 47(4)(5) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 93(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

48 Grants for expenditure on safeguarding national security.

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes by—
 - (a) police authorities for areas other than the metropolitan police district, and
 - (b) the [^{F69}Metropolitan Police Authority],
 in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.
- [^{F70}(4) Any grant by virtue of subsection (1)(b) shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.]

Textual Amendments

- F69** Words in s. 48(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 94(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F70** S. 48(4)(5) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 94(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

49 Local inquiries.

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (2) and (3) of section 250 of the ^{M16}Local Government Act 1972 (power to summon and examine witnesses) shall apply to an inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of an inquiry held under this section shall be defrayed—
 - (a) out of the police fund, or

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- (b) if the inquiry relates to more than one police area, out of the police funds concerned in such proportions as may be specified in the direction, and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

Marginal Citations

M16 1972 c. 70.

50 Regulations for police forces.

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
- (a) the ranks to be held by members of police forces;
 - (b) the qualifications for appointment and promotion of members of police forces;
 - (c) periods of service on probation;
 - (d) voluntary retirement of members of police forces;
 - (e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;
 - (f) the suspension of members of a police force from membership of that force and from their office as constable;
 - (g) the maintenance of personal records of members of police forces;
 - (h) the duties which are or are not to be performed by members of police forces;
 - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 64;
 - (j) the hours of duty, leave, pay and allowances of members of police forces; and
 - (k) the issue, use and return of police clothing, personal equipment and accoutrements.
- (3) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or make provision for the establishment of, procedures for cases in which a member of a police force may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, and
 - (b) make provision for securing that any case in which a senior officer may be dismissed or dealt with in any of the other ways mentioned in paragraph (a) is decided [^{F71}by the police authority which maintains the force or by a committee of that authority.]

For the purposes of this subsection “senior officer” means a member of a police force holding a rank above that of superintendent.

- (4) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (3)(b),—

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- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (5) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- (7) Regulations under this section may make different provision for different cases and circumstances.
- (8) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F71 Words in [s. 50\(3\)\(b\)](#) substituted for [50\(3\)\(b\)\(i\)\(ii\)](#) (3.7.2000) by [1999 c. 29, s. 325, Sch. 27 para. 95](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648, art. 2, Sch.](#)

Commencement Information

II [S. 50](#) wholly in force at 1.4.1999; [s. 50\(1\)\(2\)\(4\)-\(8\)](#) in force at 23.8.1996, see [s. 104\(1\)\(2\)](#); [s. 50\(3\)](#) in force at 1.4.1999 by [S.I. 1999/533, art. 2](#)

51 Regulations for special constables.

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of special constables.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
- (a) the qualifications for appointment of special constables;
 - (b) the retirement of special constables;
 - (c) the suspension of special constables from their office as constable;
 - (d) the allowances payable to special constables; and
 - (e) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces.
- (3) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.

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[^{F72}(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]

(4) Subsections (7) and (8) of section 50 shall apply to regulations under this section.

Textual Amendments

F72 S. 51(3A) inserted (25.6.1997) by 1997 c. 50, s. 128(1); S.I. 1997/1377, art. 2(2)(h)

52 Regulations for police cadets.

(1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.

[^{F73}(1A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]

(2) Subsections (5), (7) and (8) of section 50 shall apply to regulations under this section.

Textual Amendments

F73 S. 52(1A) inserted (25.6.1997) by 1997 c. 50, s. 128(2); S.I. 1997/1377, art. 2(2)(h)

53 Regulations as to standard of equipment.

[^{F74}(1)] The Secretary of State may make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations.

[^{F75}(2) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.

(3) In subsection (2) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.]

Textual Amendments

F74 S. 53 renumbered as s. 53(1) (1.4.1998) by 1997 c. 50, s. 134(1), Sch. 9 para. 75; S.I. 1997/354, art. 2(2)(ay)

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F75 S. 53(2)(3) added (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 75**; S.I. 1997/354, **art. 2(2)(ay)**

VALID FROM 01/10/2002

[^{F76}53A Regulation of procedures and practices

- (1) The Secretary of State may by regulations make provision requiring all police forces in England and Wales—
 - (a) to adopt particular procedures or practices; or
 - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
 - (a) the chief inspector of constabulary; and
 - (b) the Central Police Training and Development Authority.
- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
 - (a) persons whom he considers to represent the interests of police authorities; and
 - (b) persons whom he considers to represent the interests of chief officers of police.
- (4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.
- (5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority shall consult with—
 - (a) persons whom it considers to represent the interests of police authorities;
 - (b) persons whom it considers to represent the interests of chief officers of police; and
 - (c) such other persons as it thinks fit.
- (6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
 - (a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice;
 - (b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
 - (c) the Secretary of State himself is satisfied as to those matters.
- (7) Those matters are—
 - (a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations;
 - (b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and
 - (c) that securing the adoption of that procedure or practice is in the national interest.

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- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing the first regulations to be made under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (10) A statutory instrument containing any other regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F76 S. 53A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#) {ss. 7}, 108(2)-(5); S.I. 2002/2306, [art. 2\(a\)](#)

Inspectors of constabulary

54 Appointment and functions of inspectors of constabulary.

- (1) Her Majesty may appoint such number of inspectors (to be known as Her Majesty's Inspectors of Constabulary as the Secretary of State may with the consent of the Treasury determine, and of the persons so appointed one may be appointed as chief inspector of constabulary.
- (2) The inspectors of constabulary shall inspect, and report to the Secretary of State on the efficiency and effectiveness of, every police force maintained for a police area [^{F77} and the National Criminal Intelligence Service and the National Crime Squad].
- [^{F78}(2A) The inspectors of constabulary may inspect, and report to the Secretary of State on, a police authority's compliance with the requirements of Part I of the Local Government Act 1999 (best value).]
- (3) The inspectors of constabulary shall carry out such other duties for the purpose of furthering police efficiency and effectiveness as the Secretary of State may from time to time direct.
- (4) The chief inspector of constabulary shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.
- (5) The inspectors of constabulary shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

Textual Amendments

F77 Words in s. 54(2) inserted (1.4.1998) by 1997 c. 50, s. 134(1), [Sch. 9 para. 76](#); S.I. 1998/354, [art. 2\(2\)\(ay\)](#)

F78 S. 54(2A) inserted (1.4.2000) by 1999 c. 27, s. 24(2); S.I. 1999/2169, [art. 4\(1\)](#)

Modifications etc. (not altering text)

C3 S. 54 applied (*prosp.*) by 2001 c. 16, [ss. 93\(1\)](#), 138(2)

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55 Publication of reports.

- (1) Subject to subsection (2), the Secretary of State shall arrange for any report received by him under section 54(2) [^{F79}or (2A)] to be published in such manner as appears to him to be appropriate.
- (2) The Secretary of State may exclude from publication under subsection (1) any part of a report if, in his opinion, the publication of that part—
 - (a) would be against the interests of national security, or
 - (b) might jeopardise the safety of any person.
- (3) The Secretary of State shall send a copy of the published report—
 - (a) ^{F80} . . . to the police authority maintaining the police force to which the report relates, and
 - (b) to the chief officer of police of that police force.
- (4) The police authority shall invite the chief officer of police to submit comments on the published report to the authority before such date as it may specify.
- (5) The police authority shall prepare comments on the published report and shall arrange for—
 - (a) its comments,
 - (b) any comments submitted by the chief officer of police in accordance with subsection (4), and
 - (c) any response which the authority has to the comments submitted by the chief officer of police,
 to be published in such manner as appears to the authority to be appropriate.
- (6) The police authority ^{F81} . . . shall send a copy of any document published under subsection (5) to the Secretary of State.
- [^{F82}(7) Subsections (3) to (6) above shall apply in relation to a report relating to the National Criminal Intelligence Service or the National Crime Squad as if—
 - (a) the body to which the report relates were a police force,
 - (b) the Service Authority which maintains that body were the police authority which maintains that force, and
 - (c) the Director General of that body were the chief officer of police of that force.]

Textual Amendments

- F79** Words in s. 55(1) inserted (1.4.2000) by 1999 c. 27, s. 24(3); S.I. 1999/2169, art. 4
- F80** S. 55(3)(a) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 96, Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
- F81** Words in s. 55(6) repealed (3.7.2000) by virtue of 1999 c. 29, ss. 325, 423, Sch. 27 para. 96, Sch. 34 Pt. VII (with Sch. 12 para. 9(1)) which provides that the words "(except where he is himself the police authority)" shall be repealed; S.I. 2000/1648, art. 2, Sch.
- F82** S. 55(7) inserted (1.4.1998) by 1997 c. 50, s. 134(1), Sch. 9 para. 76; S.I. 1998/354, art. 2(2)(ay)

56 Assistant inspectors and staff officers.

- (1) The Secretary of State may appoint assistant inspectors of constabulary.

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- (2) Members of a police force may be appointed by the Secretary of State to be assistant inspectors of constabulary or to be staff officers to the inspectors of constabulary.
- (3) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

Central services

57 Common services.

- (1) The Secretary of State may provide and maintain, or may contribute to the provision or maintenance of, such organisations, facilities and services as he considers necessary or expedient for promoting the efficiency or effectiveness of the police.
- (2) Charges may be made for the use of facilities and services provided by the Secretary of State (or by organisations provided or maintained by him) under subsection (1).
- (3) The Secretary of State may by regulations make provision for requiring all police forces in England and Wales to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under subsection (1)) if he considers that it would be in the interests of the efficiency or effectiveness of the police for them to do so.
- [^{F83}(3A) Regulations under this section relating to all police forces may also require the National Crime Squad to use the specified facilities or services, or the facilities or services of a specified description, if the Secretary of State considers that it would be in the interests of the efficiency or effectiveness of the Squad for the Squad to do so.]
- (4) Before making regulations under this section, the Secretary of State shall consult—
 - (a) persons whom he considers to represent the interests of police authorities, and
 - (b) persons whom he considers to represent the interests of chief officers of police [^{F84}, and.
 - (c) if the regulations relate to the National Crime Squad, the Service Authority for the National Crime Squad and the Director General of that Squad.]
- [^{F85}(5) The Secretary of State shall consult the Police Information Technology Organisation before making regulations under this section relating to information technology.
- (6) In subsection (5) “information technology” includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.]

Textual Amendments

F83 S. 57(3A) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 78(2)**; S.I. 1998/354, **art. 2(2)(ay)**

F84 S. 57(4)(c) and the preceding “and” added (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 78(3)**; S.I. 1998/354, **art. 2(2)(ay)**

F85 S. 57(5)(6) added (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 78(4)**; S.I. 1998/354, **art. 2(2)(ay)**

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58 Research.

The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency or effectiveness of the police.

PART III

POLICE REPRESENTATIVE INSTITUTIONS

59 Police Federations.

- (1) There shall continue to be a Police Federation for England and Wales and a Police Federation for Scotland for the purpose of representing members of the police forces in those countries respectively in all matters affecting their welfare and efficiency, except for—
 - (a) questions of promotion affecting individuals, and
 - (b) (subject to subsection (2)) questions of discipline affecting individuals.
- (2) A Police Federation may represent a member of a police force at any proceedings brought under regulations made in accordance with section 50(3) above or section 26(2A) of the ^{M17}Police (Scotland) Act 1967 or on an appeal from any such proceedings.
- (3) Except on an appeal to a police appeals tribunal or as provided by section 84, a member of a police force may only be represented under subsection (2) by another member of a police force.
- (4) The Police Federations shall act through local and central representative bodies.
- (5) The Police Federations and every branch of a Federation shall be entirely independent of, and subject to subsection (6) unassociated with, any body or person outside the police service, but may employ persons outside the police service in an administrative or advisory capacity.
- (6) The Secretary of State—
 - (a) may authorise a Police Federation or a branch of a Federation to be associated with a person or body outside the police service in such cases and manner, and subject to such conditions and restrictions, as he may specify, and
 - (b) may vary or withdraw an authorisation previously given;
 and anything for the time being so authorised shall not be precluded by subsection (5).
- (7) This section applies to police cadets as it applies to members of police forces, and references to the police service shall be construed accordingly.
- ^{F86}(8) For the purposes of subsection (1)—
 - (a) the Director General of the National Criminal Intelligence Service and persons within section 9(2)(a) of the Police Act 1997 (former members of police forces) appointed as police members of the National Criminal Intelligence Service, and
 - (b) the Director General of the National Crime Squad and persons within section 55(2)(a) of that Act (former members of police forces) appointed as police members of the National Crime Squad,

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shall be treated as members of a police force in England and Wales, and references in this section to police service shall be construed accordingly.]

Textual Amendments

F86 S. 59(8) added (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 79**; S.I. 1998/354, **art. 2(2)(ay)**

Modifications etc. (not altering text)

C4 S. 59 modified (S.) (temp. from 22.8.1996 to 22.8.1996) and (E.W.) (temp. from 22.8.1996) by virtue of 1996 c. 16, s. 103, **Sch. 8 Pt. III para. 11**; S.I. 1996/2146, **art. 2**

Marginal Citations

M17 1967 c. 77.

60 Regulations for Police Federations.

- (1) The Secretary of State may by regulations—
 - (a) prescribe the constitution and proceedings of the Police Federations, or
 - (b) authorise the Federations to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—
 - (a) with respect to the membership of the Federations;
 - (b) with respect to the raising of funds by the Federations by voluntary subscription and the use and management of funds derived from such subscriptions;
 - (c) with respect to the manner in which representations may be made by committees or bodies of the Federations to police authorities, chief officers of police and the Secretary of State;
 - (d) for the payment by the Secretary of State of expenses incurred in connection with the Federations and for the use by the Federations of premises provided by police authorities for police purposes; and
 - (e) for modifying any regulations under the ^{M18}Police Pensions Act 1976, section 50 above or section 26 of the ^{M19}Police (Scotland) Act 1967 in relation to any member of a police force who is the secretary or an officer of a Police Federation and for requiring the appropriate Federation to make contributions in respect of the pay, pension or allowances payable to or in respect of any such person.

[^{F87}(2A) For the purposes of paragraphs (c) and (d) of subsection (2)—

- (a) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad shall be treated as police authorities, and
- (b) the Director General of the National Criminal Intelligence Service and the Director General of the National Crime Squad shall be treated as chief officers of police,

and the reference in paragraph (d) of that subsection to “police purposes” shall be construed accordingly.]

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- (3) Regulations under this section may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federations.
- (4) Before making any regulations under this section the Secretary of State shall consult the three Central Committees of the Police Federation to which the regulations will relate, sitting together as a Joint Committee.
- (5) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) This section applies to police cadets as it applies to members of police forces.

Textual Amendments

F87 S. 60(2A) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 80**; S.I. 1998/354, **art. 2(2)(ay)**

Modifications etc. (not altering text)

C5 S. 60: transfer of certain functions (1.7.1999) by S.I. 1999/1750, **arts. 1, 2, Sch. 1**; S.I. 1998/3178, **art. 3**

Marginal Citations

M18 1976 c. 35.

M19 1967 c. 77.

61 The Police Negotiating Board for the United Kingdom.

- (1) There shall continue to be a Police Negotiating Board for the United Kingdom for the consideration by persons representing the interests of—
 - (a) the authorities who between them maintain the police forces in Great Britain and the [^{F88}Police Service of Northern Ireland],
 - [^{F89}(aa) the Service Authority for the National Criminal Intelligence Service and the Service Authority for the National Crime Squad;]
 - (b) the persons who are members of those police forces or of [^{F90}the Police Service] or are police cadets,
 - [^{F91}(ba) the persons who are members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad within section 55(1)(a) or (b) of that Act;]
 - (c) the Commissioner of Police of the Metropolis, ^{F92} . . .
 - (d) the Secretary of State, [^{F93}and
 - (e) the Scottish Ministers,]

of questions relating to hours of duty, leave, pay and allowances, pensions or the issue, use and return of police clothing, personal equipment and accoutrements.
- (2) The Chairman and any deputy chairman or chairmen of the Board shall be appointed by the Prime Minister [^{F94}after consultation with the Scottish Ministers].
- (3) Subject to subsection (2), the Board shall continue to be constituted in accordance with such arrangements, made after consultations between the Secretary of State and

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organisations representing the interests of the persons referred to in paragraphs [^{F95}(a), (b), (c) and (e)] of subsection (1), as appear to the Secretary of State to be satisfactory.

(4) The Secretary of State may—

- (a) pay to the Chairman and to any deputy chairman or chairmen of the Board such fees as the Secretary of State may, with the approval of the Treasury, determine, and
- (b) defray any expenses incurred by the Board.

[^{F96}(5) The Scottish Ministers may make payments towards the expenses incurred by the Board in relation to the exercise by it of its function in or as regards Scotland.

^{F96}(6) For the purposes of section 36(3) of the Police (Scotland) Act 1967, any expenditure under subsection (5) above shall be treated as expenditure incurred under section 36(1) of the said Act of 1967.]

Textual Amendments

- F88** Words in s. 61(1)(a) substituted (4.11.2001) by 2000 c. 32, s. 78, **Sch. 6 para. 12(2)**; S.R. 2001/396, **art. 2, Sch.**
- F89** S. 61(1)(aa) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 81(a)**; S.I. 1997/2390, **art. 2(2)(w)**
- F90** Words in s. 61(1)(b) substituted (4.11.2001) by 2000 c. 32, s. 78, **Sch. 6 para. 12(2)**; S.R. 2001/396, **art. 2, Sch.**
- F91** S. 61(1)(ba) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 81(b)**; S.I. 1997/2390, **art. 2(2)(w)**
- F92** Word in 61(1)(c) omitted (1.7.1999) by virtue of S.I. 1999/1747, arts. 1, 3, **Sch. 21 Pt. II para. 2(a)(i)**; S.I. 1998/3178, **art. 3**
- F93** It is provided that s. 61(1)(e) and word “and” immediately preceding it shall be inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 21 Pt. II para. 2(a)(ii)**; S.I. 1998/3178, **art. 3**
- F94** Words in s. 61(2) inserted (1.7.1999) by S.I. 1999/1747, arts. 1, 3, **Sch. 21 Pt. II para. 2(b)**; S.I. 1998/3178, **art. 3**
- F95** Words in s. 61(3) substituted (1.7.1999) by 1999/1747, arts. 1, 3, Sch. 21 Pt. II para. 2(c); S.I. 1998/3178, **art. 3**
- F96** S. 61(5)(6) inserted (1.7.1999) by 1999/1747, arts. 1, 3, Sch. 21 Pt. II para. 2(d); S.I. 1998/3178, **art. 3**

62 Functions of the Board with respect to regulations.

(1) Before making—

- (a) regulations under section 50 or 52;

[^{F97}(b)

[^{F98}(c) regulations under section 25 of the Police (Northern Ireland) Act 1998;]

with respect to any of the matters mentioned in section 61(1) (other than pensions), the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.

[^{F99}(1A) Before making regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables) with respect to any of the matters mentioned in section 61(1) (other than pensions), the Scottish Ministers shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.]

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- [^{F100}(1A) Before determining the terms and conditions on which a person is to be appointed under section 6, 9(1)(b), 52 or 55(1)(b) of the Police Act 1997, the Service Authority for the National Criminal Intelligence Service or, as the case may be, the Service Authority for the National Crime Squad shall—
- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which relates to any of the matters mentioned in section 61(1) (other than pensions), and
 - (b) take into consideration any recommendation made by the Board.]
- (2) The arrangements referred to in section 61(3) shall regulate the procedure for reaching agreement on a recommendation to be made by the Board for the purposes of subsection (1) [^{F101}[^{F102}or (1A)] above and shall include provision for arriving at such a recommendation by arbitration in such circumstances as may be determined by or under the arrangements.
- ^{F103}(3) No regulations relating to pensions shall be made under section 52 above, section 27 of the Police (Scotland) Act 1967 or [^{F104}section 25 of the Police (Northern Ireland) Act 1998] except after consultation with the Board.

Textual Amendments

- F97** S. 62(1)(b) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 124(a)**; S.I. 1998/3178, **art. 3**
- F98** S. 62(1)(c) substituted (9.2.1999) by 1998 c. 32, s. 34(1); S.R. 1999/48, **art. 3** (with art. 4)
- F99** S. 62(1A) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 124(b)**; S.I. 1998/3178, **art. 3**
- F100** S. 62(1A) inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 82(2)**; S.I. 1997/1930, **art. 2(2)(w)**
- F101** S. 62(2): the words "or (1A)" inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 124(c)**; S.I. 1998/3178, **art. 3**
- F102** Words in s. 62(2) inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 82(3)**; S.I. 1997/1930, **art. 2(2)(w)**
- F103** S. 62(3) excluded (N.I.) (23.11.2000) by 2000 c. 32, ss. 49(4), 79(2) (with Sch. 7 para. 2)
- F104** Words in s. 62(3) substituted (9.2.1999) by 1998 c. 32, s. 34(2); S.R. 1999/48, **art. 3** (with art. 4)

Modifications etc. (not altering text)

- C6** S. 62(2) applied (1.9.2000 with effect from 1.9.1996) by S.I. 1995/215, **reg. 39(1A)** as substituted for s. 39(1) (1.9.2000 with effect from 1.9.1996) by S.I. 2000/2013, **regs. 1(2)(b), 3(1)**

63 Police Advisory Boards for England and Wales and for Scotland.

- (1) There shall continue to be a Police Advisory Board for England and Wales and a Police Advisory Board for Scotland for the purpose of advising the Secretary of State on general questions affecting the police in those countries respectively.
- [^{F105}(1A) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting—
- (a) members of the National Criminal Intelligence Service within section 9(1) (a) or (b) of the ^{M20}Police Act 1997 (other than members engaged with that Service on a period of temporary service to which section 38A(1)(ba) of the ^{M21}Police (Scotland) Act 1967 or [^{F106}section 27 of the Police (Northern Ireland) Act 1998] applies), or

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- (b) members of the National Crime Squad within section 55(1)(a) or (b) of the Police Act 1997.
- (1B) The Police Advisory Board for Scotland shall also advise the Secretary of State on general questions affecting members of the National Criminal Intelligence Service engaged on periods of temporary service to which section 38A(1)(ba) of the Police (Scotland) Act 1967 applies.]
- (2) The constitution and proceedings of each of the Police Advisory Boards shall be such as the Secretary of State may determine after consulting organisations representing the interests of police authorities and of members of police forces and police cadets.
 - (3) Before making—
 - (a) regulations under section 50 or 52, other than regulations with respect to any of the matters mentioned in section 61(1), or
 - (b) regulations under Chapter I of Part IV [^{F107}, or,
 - (c) regulations under section 37, 39, 81 or 83 of the Police Act 1997,]the Secretary of State shall supply the Police Advisory Board for England and Wales with a draft of the regulations, and take into consideration any representations made by that Board.

Textual Amendments

F105 S. 63(1A)(1B) inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 83(2)**; S.I. 1997/1930, **art. 3(2)(w)**

F106 Words in s. 63(1A)(a) substituted (9.2.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(2)**; S.R. 1999/48, **art. 3** (with art. 4)

F107 S. 63(3)(c) and the preceding “, or,” inserted (1.9.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 83(3)**; S.I. 1997/1930, **art. 3(2)(w)**

Marginal Citations

M20 1967 c. 77.

M21 1970 c. 9 (N.I.).

64 Membership of trade unions.

- (1) Subject to the following provisions of this section, a member of a police force shall not be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions or conditions of service of any police force.
 - (2) Where a person was a member of a trade union before becoming a member of a police force, he may, with the consent of the chief officer of police, continue to be a member of that union during the time of his service in the police force.
 - ^{F108}(3)
 - (4) This section applies to police cadets as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- [^{F109}(4A) This section applies to members of the National Criminal Intelligence Service within section 9(1)(a) or (b) of the Police Act 1997 or members of the National Crime Squad

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within section 55(1)(a) or (b) of that Act (police members) as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.

(4B) In its application by virtue of subsection (4A), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the National Criminal Intelligence Service or, as the case may be, the Director General of the National Crime Squad.]

(5) Nothing in this section applies to membership of the Police Federations, or of any body recognised by the Secretary of State for the purposes of this section as representing members of police forces who are not members of those Federations.

Textual Amendments

F108 S. 64(3) repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 349

F109 S. 64(4A)(4B) inserted (1.4.1998) by 1997 c. 50, s. 134(1), Sch. 9 para. 84; S.I. 1998/354, art. 2(2)(bb)

PART IV

COMPLAINTS, DISCIPLINARY PROCEEDINGS ETC.

^{F110}**CHAPTER I**

COMPLAINTS

Textual Amendments

F110 Pt. IV Chapter I: power to apply conferred (31.10.1997) by 1997 c. 50, s. 39(2)(c); S.I. 1997/2390, art. 2(2)(j)

Interpretation

65 Interpretation of Chapter I.

In this Chapter—

“the appropriate authority” means—

- (a) ^{F111}.....
- (b) in relation to a member of any ^{F112}... police force—
 - (i) if he is a senior officer, the police authority for the force’s area, and
 - (ii) if he is not a senior officer, the chief officer of police of the force;

“the Authority” means the Police Complaints Authority;

“complaint” means a complaint about the conduct of a member of a police force which is submitted—

- (a) by a member of the public, or
- (b) on behalf of a member of the public and with his written consent;

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“disciplinary proceedings” means proceedings identified as such by regulations under section 50;

“investigating officer” means ^{F113} . . . a member of a police force appointed under section 68(3) or, as the case may be, section 69(5) or (6) to investigate a complaint;

“senior officer” means a member of a police force holding a rank above that of superintendent;

“serious injury” means a fracture, damage to an internal organ, impairment of bodily function, a deep cut or a deep laceration.

Textual Amendments

F111 Para. (a) in definition of “the appropriate authority” in s. 65 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 97(2)(a), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F112 Word in definition of “the appropriate authority” in s. 65 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 97(2)(b), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F113 Words in definition of “investigating officer” in s. 65 inserted (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 97(3), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

Modifications etc. (not altering text)

C7 S. 65 applied (1.4.1999) by S.I. 1999/731, **reg. 11(5)**

The Police Complaints Authority

66 The Police Complaints Authority.

(1) The authority known as the Police Complaints Authority shall continue in existence as a body corporate.

(2) Schedule 5 shall have effect in relation to the Authority.

Extent Information

E1 This section extends E.W. but also extends S. so far as it relates to Sch. 5, para.8

Handling of Complaints etc.

67 Preliminary.

(1) Where a complaint is submitted to the chief officer of police for a police area, he shall take any steps that appear to him to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of.

(2) After complying with subsection (1), the chief officer shall determine whether he is the appropriate authority in relation to the member of a police force whose conduct is the subject of the complaint.

(3) If the chief officer determines that he is not the appropriate authority, he shall—

(a) send the complaint or, if it was submitted orally, particulars of it, to the appropriate authority, and

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- (b) give notice that he has done so to the person by whom or on whose behalf the complaint was submitted.
- (4) Nothing in this Chapter shall have effect in relation to a complaint in so far as it relates to the direction or control of a police force by the chief officer of police or the person performing the functions of the chief officer of police.
- (5) If any conduct to which a complaint wholly or partly relates is or has been the subject of criminal or disciplinary proceedings, none of the provisions of this Chapter which relate to the recording and investigation of complaints shall have effect in relation to the complaint in so far as it relates to that conduct.

68 Investigation of complaints: senior officers.

- (1) Where a complaint about the conduct of a senior officer—
 - (a) is submitted to the appropriate authority, or
 - (b) is sent to the appropriate authority under section 67(3),
 the appropriate authority shall record and, subject to subsection (2), investigate it.
- (2) If satisfied that the conduct complained of, even if proved, would not justify criminal or disciplinary proceedings, the appropriate authority may deal with the complaint according to the appropriate authority's discretion.
- [^{F114}(2A) In any other case, subsection (2B) or (3) shall apply.
- (2B) If the complaint is about the conduct of the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis—
 - (a) the appropriate authority shall notify the Secretary of State; and
 - (b) the Secretary of State shall appoint a person to investigate the complaint.]
- (3) In any other case, the appropriate authority shall appoint a member of the appropriate authority's force or of some other force to investigate the complaint.
- (4) If
 - [^{F115}(a) in a case where subsection (2B) applies, the Secretary of State, or
 - (b) in a case where subsection (3) applies, the appropriate authority,]
 requests the chief officer of police of a police force to provide a member of his force for appointment under subsection [^{F116}(2B) or] (3), the chief officer shall comply with the request.
- (5) No member of a police force of a rank lower than that of the member whose conduct is the subject of the complaint may be appointed under subsection (3).
- (6) Unless an investigation under this section is supervised by the Authority under section 72, the investigating officer shall submit his report on it to the appropriate authority.

Textual Amendments

F114 S. 68(2A)(2B) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 98(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F115 Paras. (a)(b) substituted for words in s. 68(4) (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 98(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

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F116 Words in s. 68(4) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 98(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

69 Investigation of complaints: standard procedure.

- (1) If a chief officer of police determines that he is the appropriate authority in relation to a member of a police force—
 - (a) whose conduct is the subject of a complaint, and
 - (b) who is not a senior officer,he shall record the complaint.
- (2) After recording a complaint under subsection (1), the chief officer of police shall consider whether the complaint is suitable for informal resolution and may appoint a member of his force to assist him.
- (3) A complaint is not suitable for informal resolution unless—
 - (a) the member of the public concerned gives his consent, and
 - (b) the chief officer of police is satisfied that the conduct complained of, even if proved, would not justify criminal or disciplinary proceedings.
- (4) If it appears to the chief officer of police that the complaint is suitable for informal resolution, he shall seek to resolve it informally and may appoint a member of his force to do so on his behalf.
- (5) If it appears to the chief officer of police that the complaint is not suitable for informal resolution, he shall appoint a member of his own or some other force to investigate it formally.
- (6) If, after attempts have been made to resolve a complaint informally, it appears to the chief officer of police—
 - (a) that informal resolution of the complaint is impossible, or
 - (b) that the complaint is for any other reason not suitable for informal resolution,he shall appoint a member of his own or some other force to investigate it formally.
- (7) A member of a police force may not be appointed to investigate a complaint formally if he has previously been appointed to act in relation to it under subsection (4).
- (8) If a chief officer of police requests the chief officer of police of some other force to provide a member of that other force for appointment under subsection (5) or (6), that chief officer shall comply with the request.
- (9) Unless the investigation is supervised by the Authority under section 72, the investigating officer shall submit his report on it to the chief officer of police who appointed him.

70 References of complaints to Authority.

- (1) The appropriate authority—
 - (a) shall refer to the Authority—
 - (i) any complaint alleging that the conduct complained of resulted in the death of, or serious injury to, some other person, and
 - (ii) any complaint of a description specified for the purposes of this section in regulations made by the Secretary of State, and

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- (b) may refer to the Authority any complaint which is not required to be referred to them.
- (2) The Authority may require the submission to them for consideration of any complaint not referred to them by the appropriate authority; and the appropriate authority shall comply with any such requirement not later than the end of the period specified for the purposes of this subsection in regulations made by the Secretary of State.
- (3) Where a complaint falls to be referred to the Authority under subsection (1)(a), the appropriate authority shall refer it to them not later than the end of the period specified for the purposes of sub-paragraph (i) or, as the case may be, (ii) of that subsection in regulations made by the Secretary of State.

71 References of other matters to Authority.

- (1) The appropriate authority may refer to the Authority any matter to which this section applies, if it appears to the appropriate authority that the matter ought to be referred by reason—
 - (a) of its gravity, or
 - (b) of exceptional circumstances.
- (2) This section applies to any matter which—
 - (a) appears to the appropriate authority to indicate that a member of a police force may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings, and
 - (b) is not the subject of a complaint.

72 Supervision of investigations by Authority.

- (1) The Authority shall supervise the investigation of—
 - (a) any complaint alleging that the conduct of a member of a police force resulted in the death of, or serious injury to, some other person,
 - (b) any other description of complaint specified for the purposes of this section in regulations made by the Secretary of State, and
 - (c) any complaint which is not within paragraph (a) or (b), and any matter referred to the Authority under section 71, if the Authority determine that it is desirable in the public interest that they should do so.
- (2) Where the Authority have made a determination under subsection (1)(c), they shall notify it to the appropriate authority.
- (3) Where an investigation is to be supervised by the Authority, they may require—
 - (a) that no appointment is made under section [F117 68(2B) or (3)] or 69(5) unless they have given notice to the appropriate authority that they approve the person whom that authority propose to appoint, or
 - (b) if such an appointment has already been made and the Authority are not satisfied with the person appointed, that—
 - (i) the appropriate authority, as soon as is reasonably practicable, select another member of a police force and notify the Authority that it proposes to appoint him, and
 - (ii) the appointment is not made unless the Authority give notice to the appropriate authority that they approve that person.

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- [^{F118}(3A) In the application of subsection (3) in relation to appointment under section 68(2B)—
- (a) any reference to the appropriate authority shall be taken as a reference to the Secretary of State; and
 - (b) the reference in paragraph (b)(i) to another member of a police force shall be taken as a reference to another person.]
- (4) The Secretary of State shall by regulations authorise the Authority, subject to any restrictions or conditions specified in the regulations, to impose requirements as to a particular investigation additional to any requirements imposed by virtue of subsection (3).
- (5) A member of a police force shall comply with any requirement imposed on him by virtue of regulations under subsection (4).

Textual Amendments

F117 Words in s. 72(3)(a) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 99(2)** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, art. 2, **Sch.**

F118 S. 72(3A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 99(3)** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, art. 2, **Sch.**

73 Reports on investigations etc.

- (1) At the end of an investigation which the Authority have supervised, the investigating officer shall—
- (a) submit a report on the investigation to the Authority, and
 - (b) send a copy of the report to the appropriate authority.
- (2) After considering a report submitted to them under subsection (1), the Authority shall submit an appropriate statement to the appropriate authority.
- (3) If it is practicable to do so, the Authority, when submitting the appropriate statement under subsection (2), shall send a copy of it to the member of a police force whose conduct has been investigated.
- (4) If—
- (a) the investigation related to a complaint, and
 - (b) it is practicable to do so,
- the Authority shall also send a copy of the appropriate statement to the person by or on behalf of whom the complaint was submitted.
- (5) The power to issue an appropriate statement includes power to issue separate statements in respect of the disciplinary and criminal aspects of an investigation.
- (6) No disciplinary proceedings shall be brought before the appropriate statement is submitted to the appropriate authority.
- (7) Subject to subsection (8), neither the appropriate authority nor the Director of Public Prosecutions shall bring criminal proceedings before the appropriate statement is submitted to the appropriate authority.

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- (8) The restriction imposed by subsection (7) does not apply if it appears to the Director that there are exceptional circumstances which make it undesirable to wait for the submission of the appropriate statement.
- (9) In this section “appropriate statement” means a statement—
- (a) as to whether the investigation was or was not conducted to the Authority’s satisfaction,
 - (b) specifying any respect in which it was not so conducted, and
 - (c) dealing with any such other matters as the Secretary of State may by regulations provide.

74 Steps to be taken after investigation: senior officers.

On receiving—

- (a) a report concerning the conduct of a senior officer which is submitted to it under section 68(6), or
- (b) a copy of a report concerning the conduct of a senior officer which is sent to it under section 73(1),

the appropriate authority shall send a copy of the report to the Director of Public Prosecutions unless the report satisfies the appropriate authority that no criminal offence has been committed.

75 Steps to be taken after investigation: standard procedure.

- (1) Nothing in this section or section 76 has effect in relation to senior officers.
- (2) On receiving—
 - (a) a report concerning the conduct of a member of a police force who is not a senior officer which is submitted to him under section 69(9), or
 - (b) a copy of a report concerning the conduct of such a member which is sent to him under section 73(1),
 a chief officer of police shall determine whether the report indicates that a criminal offence may have been committed by a member of the police force for his area.
- (3) If the chief officer determines that the report indicates that a criminal offence may have been committed by a member of the police force for his area, he shall send a copy of the report to the Director of Public Prosecutions.
- (4) After the Director has dealt with the question of criminal proceedings, the chief officer shall, in such cases as may be prescribed by regulations made by the Secretary of State, send the Authority a memorandum which—
 - (a) is signed by the chief officer,
 - (b) states whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation, and
 - (c) if he has not brought (or does not propose to bring) such proceedings, gives his reasons.
- (5) If the chief officer considers that the report does not indicate that a criminal offence may have been committed by a member of the police force for his area, he shall, in such cases as may be prescribed by regulations made by the Secretary of State, send the Authority a memorandum to that effect which—

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- (a) is signed by the chief officer,
 - (b) states whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation, and
 - (c) if he has not brought (or does not propose to bring) such proceedings, gives his reasons.
- (6) Where the investigation—
- (a) related to conduct which was the subject of a complaint, and
 - (b) was not supervised by the Authority,
- the chief officer shall, if he is required by virtue of regulations under subsection (4) or (5) to send the Authority a memorandum, at the same time send them a copy of the complaint, or of the record of the complaint, and a copy of the report of the investigation.
- (7) Where a chief officer has sent the Authority a memorandum under subsection (4) or (5), he shall—
- (a) if the memorandum states that he proposes to bring disciplinary proceedings, bring and proceed with them, and
 - (b) if the memorandum states that he has brought such proceedings, proceed with them.

Modifications etc. (not altering text)

C8 S. 75(4)(5) modified (*temp*) (31.3.1999) by [S.I. 1999/533](#), **art. 3(1)**

76 Powers of Authority as to disciplinary proceedings.

- (1) Where a memorandum under section 75 states that a chief officer of police has not brought disciplinary proceedings or does not propose to bring such proceedings, the Authority may recommend him to bring such proceedings.
- (2) Where a chief officer has brought disciplinary proceedings in accordance with a recommendation under subsection (1), he shall proceed with them.
- (3) If after the Authority have made a recommendation under this section and consulted the chief officer he is still unwilling to bring disciplinary proceedings, they may direct him to do so.
- (4) Where the Authority give a chief officer a direction under this section, they shall supply him with a written statement of their reasons for doing so.
- (5) Subject to subsection (6), it shall be the duty of a chief officer to comply with such a direction.
- (6) The Authority may withdraw a direction given under this section.
- (7) A chief officer shall—
 - (a) advise the Authority of what action he has taken in response to a recommendation or direction under this section, and
 - (b) supply the Authority with such other information as they may reasonably require for the purposes of discharging their functions under this section.

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77 Information as to the manner of dealing with complaints etc.

Every police authority in carrying out its duty with respect to the maintenance of an efficient and effective police force, and inspectors of constabulary in carrying out their duties with respect to the efficiency and effectiveness of any police force, shall keep themselves informed as to the working of sections 67 to 76 in relation to the force.

78 Constabularies maintained by authorities other than police authorities.

- (1) An agreement for the establishment in relation to any body of constables maintained by an authority, other than a police authority, of procedures corresponding or similar to any of those established by or by virtue of this Chapter may, with the approval of the Secretary of State, be made between the Authority and the authority maintaining the body of constables.
- (2) Where no such procedures are in force in relation to a body of constables, the Secretary of State may by order establish such procedures.
- (3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.
- (4) Before making an order under this section the Secretary of State shall consult—
 - (a) the Authority, and
 - (b) the authority maintaining the body of constables to whom the order would relate.
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Nothing in any other enactment passed or made before 31st October 1984 shall prevent an authority who maintain a body of constables from carrying into effect procedures established by virtue of this section.
- (7) No such procedures shall have effect in relation to anything done by a constable outside England and Wales.

79 Reports.

- (1) The Authority shall, at the request of the Secretary of State, report to him on such matters relating generally to their functions as the Secretary of State may specify, and the Authority may for that purpose carry out research into any such matters.
- (2) The Authority may make a report to the Secretary of State on any matters coming to their notice under this Chapter to which they consider that his attention should be drawn by reason of their gravity or of other exceptional circumstances.
- (3) The Authority shall send a copy of any report under subsection (2)—
 - (a) to the police authority and the chief officer of police of any police force which appears to the Authority to be concerned, or
 - (b) if the report concerns a body of constables such as is mentioned in section 78, to the authority maintaining it and the officer having the direction and the control of it.
- (4) As soon as practicable after the end of each calendar year the Authority shall make to the Secretary of State a report on the discharge of their functions during that year.

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- (5) The Secretary of State shall lay before Parliament a copy of every report received by him under this section and shall cause every such report to be published.
- (6) The Authority shall send to each police authority—
 - (a) a copy of every report made under subsection (4), and
 - (b) any statistical or other general information—
 - (i) which relates to the year dealt with by the report and to the area of that police authority, and
 - (ii) which the Authority consider should be brought to the police authority's attention in connection with its functions under section 77.

80 Restriction on disclosure of information.

- (1) No information received by the Authority in connection with any of their functions under sections 67 to 79 or regulations made by virtue of section 81 shall be disclosed by any person who is or has been a member, officer or servant of the Authority except—
 - (a) to the Secretary of State or to a member, officer or servant of the Authority or, so far as may be necessary for the proper discharge of the functions of the Authority, to other persons,
 - (b) for the purposes of any criminal, civil or disciplinary proceedings, or
 - (c) in the form of a summary or other general statement made by the Authority which does not identify the person from whom the information was received or any person to whom it relates.
- (2) Any person who discloses information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

81 Regulations.

- (1) The Secretary of State may make regulations as to the procedure to be followed under this Chapter.
- (2) The Secretary of State shall by regulations provide—
 - (a) that, subject to such exceptions, and in accordance with such procedures, as may be specified in the regulations, the chief officer of police of a police force shall supply a copy of, or of the record of, any complaint concerning the conduct of a member of his force—
 - (i) to that member, and
 - (ii) to the person by or on behalf of whom the complaint was submitted;
 - (b) procedures for the informal resolution of complaints of such descriptions as may be specified in the regulations, and for giving the person by or on behalf of whom the complaint was submitted a record of the outcome of any such procedure if he applies for one within such period as the regulations may provide;
 - (c) procedures for giving a member of a police force, whose conduct is the subject of a complaint which falls to be resolved informally, an opportunity to comment orally or in writing on the complaint;
 - (d) for cases in which any provision of this Chapter is not to apply where—

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- (i) a complaint, other than a complaint which falls to be resolved informally, is withdrawn, or
 - (ii) the complainant indicates that he does not wish any further steps to be taken;
 - (e) for enabling the Authority to dispense with any requirement of this Chapter;
 - (f) for enabling the Authority to relinquish the supervision of the investigation of any complaint or other matter;
 - (g) procedures for the reference or submission of complaints or other matters to the Authority;
 - (h) for the time within which the Authority are to give a notification under section 72(2);
 - (i) that the Authority shall be supplied with such information or documents of such description as may be specified in the regulations at such time or in such circumstances as may be so specified;
 - (j) that any action or decision of the Authority which they take in consequence of their receipt of a memorandum under section 75 shall, if it is an action or decision of a description specified in the regulations, be notified to the person concerned and that, in connection with such a notification, the Authority shall have power to supply that person with any relevant information;
 - (k) that chief officers of police shall have power to delegate any functions conferred on them by or by virtue of this Chapter.
- (3) In this section “document” means anything in which information of any description is recorded.

Modifications etc. (not altering text)

C9 S. 81 modified (1.6.1999) by S.I. 1999/1273, reg. 28

82 Regulations – supplementary.

- (1) Regulations under this Chapter may make different provision for different circumstances and may authorise the Secretary of State to make provision for any purposes specified in the regulations.
- (2) Subject to subsection (3), a statutory instrument containing regulations under this Chapter shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Regulations to which this subsection applies shall not be made unless a draft of them has been laid before and approved by resolution of each House of Parliament.
- (4) Subsection (3) applies to regulations made by virtue of section 70(1)(a)(ii), 72(1)(b) or (4), 75(4) or (5) or 81(2)(b), (e) or (f).

83 Guidance concerning complaints etc.

- (1) The Secretary of State may issue guidance to police authorities, chief officers of police and other members of police forces concerning the discharge of their functions under this Chapter and they shall have regard to any such guidance in the discharge of their functions.

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- (2) Guidance may not be issued under subsection (1) in relation to the handling of a particular case.
- (3) A failure on the part of a person to whom guidance is issued under subsection (1) to have regard to such guidance shall be admissible in evidence on any appeal from a decision taken in proceedings under regulations made in accordance with section 50(3).
- (4) In discharging their functions under section 76 the Authority shall have regard to any guidance given to them by the Secretary of State with respect to such matters as are for the time being the subject of guidance under subsection (1), and they shall have regard in particular, but without prejudice to the generality of this subsection, to any such guidance as to the principles to be applied in cases that involve any question of criminal proceedings.
- (5) The report of the Authority under section 79(4) shall contain a statement of any guidance given to the Authority under subsection (4) above during the year to which the report relates.

CHAPTER II

DISCIPLINARY AND OTHER PROCEEDINGS

84 Representation at disciplinary and other proceedings.

- (1) A member of a police force 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 50(3)(a) unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.
- (2) Where a member of a police force makes an election to which subsection (1) refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.
- (3) Except in a case where a member of a police force 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.
- (4) Regulations under section 50 shall specify—
 - (a) a procedure for notifying a member of a police force of the effect of subsections (1) to (3) above,
 - (b) when he is to be notified of the effect of those subsections, and
 - (c) when he is to give notice whether he wishes to be legally represented at the hearing.
- (5) If a member of a police force—
 - (a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented, or
 - (b) gives notice in accordance with the regulations that he does not wish to be legally represented,he may be dismissed, required to resign or reduced in rank without his being legally represented.

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- (6) If a member of a police force 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.

85 Appeals against dismissal etc.

- (1) A member of a police force who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 50(3) may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to a police appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
- (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against, and
 - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents, and may, in particular, apply subsections (2) and (3) of section 250 of the ^{M22}Local Government Act 1972 with such modifications as may be set out in the rules.
- (5) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.
- (6) Schedule 6 shall have effect in relation to appeals under this section.

Modifications etc. (not altering text)

C10 S. 85 excluded (31.3.1999) by S.I. 1999/533, art. 3(2)

S. 85 applied (1.4.1999) by S.I. 1999/731, reg. 15(6)

C11 S. 85(2)-(5) applied (31.10.1997) by 1997 c. 50, s. 82(2); S.I. 1997/2390, art. 2(2)(r)

Marginal Citations

M22 1972 c. 70.

86 Admissibility of statements in subsequent proceedings.

- (1) Subject to subsection (2), no statement made by a person for the purpose of the informal resolution of a complaint shall be admissible in any subsequent criminal, civil or disciplinary proceedings.
- (2) A statement is not rendered inadmissible by subsection (1) if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.
- (3) In this section “complaint” and “disciplinary proceedings” have the meanings given in section 65.

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87 Guidance concerning disciplinary proceedings etc.

- (1) The Secretary of State may issue guidance to police authorities, chief officers of police and other members of police forces concerning the discharge of their functions under regulations made under section 50 in relation to the matters mentioned in subsection (2)(e) of that section, and they shall have regard to any such guidance in the discharge of their functions.
- (2) Subsections (2) to (5) of section 83 shall apply in relation to guidance issued under subsection (1) above as they apply in relation to guidance issued under subsection (1) of that section.

88 Liability for wrongful acts of constables.

- (1) The chief officer of police for a police area shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the police fund—
 - (a) any damages or costs awarded against the chief officer of police in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
 - (b) any sum required in connection with the settlement of any claim made against the chief officer of police by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police; and references in subsections (1) and (2) to the chief officer of police shall be construed accordingly.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
 - (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for a tort committed by that person,
 - (b) any costs incurred and not recovered by such a person in such proceedings, and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
 - (a) a member of the police force maintained by the police authority,
 - (b) a constable for the time being required to serve with that force by virtue of section 24 or 98 [^{F119}of this Act or section 23 of the Police Act 1997], or
 - (c) a special constable appointed for the authority's police area.

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Textual Amendments

F119 Words in s. 88(5)(b) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 85**; S.I. 1998/354, **art. 2(2)(ay)**

Modifications etc. (not altering text)

C12 S. 88 applied (with modifications) (1.1.2000) by S.I. 1999/3272, **art. 3**

PART V

MISCELLANEOUS AND GENERAL

Offences

89 Assaults on constables.

- (1) Any person who assaults a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) Any person who resists or wilfully obstructs a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.
- (3) This section also applies to a constable who is a member of a police force maintained in Scotland or Northern Ireland when he is executing a warrant, or otherwise acting in England or Wales, by virtue of any enactment conferring powers on him in England and Wales.

90 Impersonation, etc.

- (1) Any person who with intent to deceive impersonates a member of a police force or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.
- (2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of a police force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Any person who, not being a member of a police force or special constable, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.
- (4) In this section—

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- (a) “article of police uniform” means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of police forces or special constables, or anything having the appearance of such an article, badge, mark or document, and
- (b) “special constable” means a special constable appointed for a police area.

91 Causing disaffection.

- (1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of any police force, or induces or attempts to induce, or does any act calculated to induce, any member of a police force to withhold his services, shall be guilty of an offence and liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (2) This section applies to special constables appointed for a police area as it applies to members of a police force.

Miscellaneous financial provisions

92 Grants by local authorities.

- (1) The council of a county, district, county borough [^{F120}London borough, parish or community] may make grants to any police authority established under section 3 whose police area falls wholly or partly within the [^{F120}council’s area].
- (2) The council of a London borough, county, [^{F121}district or parish] which falls wholly or partly within the metropolitan police district may make grants for police purposes to the [^{F122}Metropolitan Police Authority].
- (3) Grants under this section may be made unconditionally or, with the agreement of the chief officer of police for the police area concerned, subject to conditions.
- (4) This section applies to the Council of the Isles of Scilly as it applies to a county council.

Textual Amendments

F120 Words in s. 92(1) substituted (19.5.1997) by 1997 c. 29, s. 31(2); S.I. 1997/1097, art. 3(a)

F121 Words in s. 92(2) substituted (19.5.1997) by 1997 c. 29, s. 31(2); S.I. 1997/1097, art. 3(a)

F122 Words in s. 92(2) substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 100 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

93 Acceptance of gifts and loans.

- (1) A police authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the authority to be appropriate.

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- (2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the police authority or of the police force maintained by it.

^{F123}(3)

Textual Amendments

F123 S. 93(3) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 101, **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

94 Financing of new police authorities.

- (1) The Secretary of State may make grants to any police authority established under section 3 in respect of expenditure incurred (or to be incurred) by it at any time before the beginning of its first precepting year.
- (2) Without prejudice to any other powers to borrow, a police authority established under section 3 may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of meeting its expenditure before the beginning of its first precepting year.
- (3) The sums borrowed by an authority under this section shall not exceed such amount as the Secretary of State may determine, and shall be repaid before the end of its first precepting year.
- (4) For the purposes of this section the “first precepting year” of a police authority is the financial year in which revenue is first received by it as a result of a precept issued by it under Part I of the ^{M23}Local Government Finance Act 1992.

Marginal Citations

M23 1992 c. 14.

95 [^{F124}The City of London police Fund.]

There shall be paid out of ^{F125}. . . the City of London police fund ^{F126}. . . any expenditure incurred under this Act in respect of—

- (a) any special constables appointed for ^{F125}. . . the City of London police area; and
- (b) any police cadets appointed in relation to ^{F125}. . . the City of London police force.

Textual Amendments

F124 Sidenote to s. 95 substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 102(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F125 Words in s. 95(a)(b) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 102(2)(a)(c)(d), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F126 Words in s. 95 repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 102(2)(b), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

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Miscellaneous

96 Arrangements for obtaining the views of the community on policing.

- (1) Arrangements shall be made for each police area for obtaining—
 - (a) the views of people in that area about matters concerning the policing of the area, and
 - (b) their co-operation with the police in preventing crime in that area.
- (2) Except as provided by [^{F127}subsections (6)], arrangements for each police area shall be made by the police authority after consulting the chief constable [^{F128}or, in the case of the metropolitan police district, the Commissioner of Police of the Metropolis,] as to the arrangements that would be appropriate.
- ^{F129}(3)
- ^{F129}(4)
- ^{F129}(5)
- (6) The Common Council of the City of London shall issue guidance to the Commissioner of Police for the City of London concerning arrangements for the City of London police area; and the Commissioner shall make arrangements under this section after taking account of that guidance.
- (7) A body or person whose duty it is to make arrangements under this section shall review the arrangements so made from time to time.
- (8) If it appears to the Secretary of State that arrangements for a police area are not adequate for the purposes set out in subsection (1), he may require the body or person whose duty it is to make arrangements for that area to submit a report to him concerning the arrangements.
- (9) After considering a report submitted under subsection (8), the Secretary of State may require the body or person who submitted it to review the arrangements and submit a further report to him concerning them.
- (10) A body or person whose duty it is to make arrangements shall be under the same duties to consult when reviewing arrangements as when making them.

Textual Amendments

- F127** Words in s. 96(2) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 103(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F128** Words in s. 96(2) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 103(2)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F129** S. 96(3)-(5) repealed (3.7.2000) by 1999 c. 26, ss. 325, 423, Sch. 27 para. 103(3), **Sch. 34 Pt. VII** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

[^{F130}96A National and international functions of the metropolitan police.

- (1) The Secretary of State and the Metropolitan Police Authority may enter into agreements with respect to the level of performance to be achieved by the metropolitan police force in respect of any of its national or international functions.

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- (2) If the Secretary of State is of the opinion that the metropolitan police force is not performing any or all of its national or international functions—
- (a) to the standard specified in any agreement in force under subsection (1), or
 - (b) if no agreement is in force under that subsection in relation to the function or functions in question, to a standard which the Secretary of State considers to be satisfactory,
- he may direct the Metropolitan Police Authority to take such measures as may be specified in the direction.
- (3) The Metropolitan Police Authority shall comply with any directions given under subsection (2).
- (4) For the purposes of this section “national or international functions” means functions relating to—
- (a) the protection of prominent persons or their residences,
 - (b) national security,
 - (c) counter-terrorism, or
 - (d) the provision of services for any other national or international purpose.]

Textual Amendments

F130 Ss. 96A, 96B inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 104** (with **Sch. 12 para. 9(1)**); **S.I. 2000/1648, art. 2, Sch.**

[^{F131}96B National and international functions: application of requirements relating to reports etc.

- (1) In its application to the Metropolitan Police Authority, section 6 shall have effect as if the reference in subsection (1) to securing the maintenance of an efficient and effective police force for the metropolitan police district included a reference to securing that that force discharges its national or international functions efficiently and effectively.
- (2) In its application to the Metropolitan Police Authority, section 7(1) shall have effect as if the reference to the policing of the metropolitan police district included a reference to the discharge by the metropolitan police force of its national or international functions.
- (3) In its application to the Metropolitan Police Authority, section 8 shall have effect as if—
 - (a) the reference in subsection (1) to the policing of the metropolitan police district included a reference to the discharge by the metropolitan police force of its national or international functions, and
 - (b) the reference in subsection (2)(c) to any performance targets established by the Authority excluded any standards of performance established by it in pursuance of an agreement under subsection (1) of section 96A or a direction under subsection (2) of that section.
- (4) In its application to the Metropolitan Police Authority, section 9(1) shall have effect as if the reference to the policing of the metropolitan police district included a reference to the discharge by the metropolitan police force of its national or international functions.

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- (5) In their application to the metropolitan police force, sections 22 and 44 shall have effect as if references to policing the metropolitan police district included references to the discharge by the metropolitan police force of its national or international functions.
- (6) Section 95(1) and (3) of the Greater London Authority Act 1999 (minimum budget for Metropolitan Police Authority) shall have effect as if the references to restoring or maintaining an efficient and effective police force for the metropolitan police district included references to securing that that force discharges its national or international functions efficiently and effectively.
- (7) Subsection (4) of section 96A shall apply for the purposes of this section as it applies for the purposes of that section.]

Textual Amendments

F131 Ss. 96A, 96B inserted (3.7.2000) by 1999 c. 26, s. 325, **Sch. 27 para. 104** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

97 Police officers engaged on service outside their force.

- (1) For the purposes of this section “relevant service” means—
 - (a) temporary service on which a person is engaged in accordance with arrangements made under section 26;
 - (b) temporary service under section 56 on which a person is engaged with the consent of the appropriate authority;
 - (c) temporary service under the Crown in connection with the provision by the Secretary of State of—
 - (i) such organisations and services as are described in section 57, or
 - (ii) research or other services connected with the police,on which a person is engaged with the consent of the appropriate authority;
 - [^{F132}(ca) temporary service with the National Criminal Intelligence Service on which a person is engaged with the consent of the appropriate authority;
 - (cb) temporary service with the National Crime Squad on which a person is engaged with the consent of the appropriate authority;
 - (cc) temporary service with the Police Information Technology Organisation on which a person is engaged with the consent of the appropriate authority;]
 - (d) temporary service as an adviser to the Secretary of State on which a person is engaged with the consent of the appropriate authority;
 - (e) service the expenses of which are payable under section 1(1) of the ^{M24}Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority;
 - [^{F133}(ea) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;]
 - (f) service in the [^{F134}Police Service of Northern Ireland], on which a person is engaged with the consent of the Secretary of State and the appropriate authority; or

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- (g) service pursuant to an appointment under section 10 of the ^{M25}Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) “appropriate authority”, in relation to a member of a police force, means the chief officer of police acting with the consent of the police authority, except that in relation to the chief officer of police it means the police authority.
- (3) Subject to subsections (4) to (8), a member of a police force engaged on relevant service shall be treated as if he were not a member of that force during that service; but, except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the ^{M26}Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
- (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 50 above fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(e) refers, the reference in subsection (3) to regulations made under the Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the ^{M27}Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
- (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A member of a police force who—
- (a) has completed a period of relevant service within paragraph (a), (b), (c), [^{F135}(ca), (cb), (cc),](d) or (g) of subsection (1), or
- (b) while engaged on relevant service within paragraph (e) of that subsection, is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
- (c) while engaged on relevant service within paragraph [^{F136}(ea) or] (f) of that subsection, is dismissed from that service or is required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with section 50(3) for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 85 shall apply accordingly.
- (7) For the purposes of subsection (6) a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or

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- (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of [F137 the Police Ombudsman for Northern Ireland or (as the case may be)] the chief constable of the [F138 Police Service of Northern Ireland], or such other person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.
- (8) A member of a police force engaged on relevant service within paragraph (b), (c) [F139, (ca), (cb), (cc),] or (d) of subsection (1)—
- (a) shall continue to be a constable, and
- (b) shall be treated for the purposes of sections 30, 59, 60, 64 and 90 as if he were a member of his police force.
- (9) The Secretary of State shall be liable in respect of torts committed by a member of a police force engaged on relevant service within paragraph (b), (c) or (d) of subsection (1) in the performance or purported performance of his functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

Textual Amendments

- F132** S. 97(1)(ca)-(cc) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 86(2)**; S.I. 1997/2390, **art. 2(2)(u)**
- F133** S. 97(1)(ea) inserted (9.2.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(3)**; S.R. 1999/48, **art. 3** (with art. 4)
- F134** Words in s. 97(1)(f) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(3)**; S.R. 2001/396, art. 2, **Sch.**
- F135** Words in s. 97(6)(a) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 86(3)**; S.I. 1997/2390, **art. 2(2)(u)**
- F136** Words in s. 97(6)(c) inserted (9.2.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(4)**; S.R. 1999/48, **art. 3** (with art. 4)
- F137** Words in s. 97(7)(b) inserted (9.2.1999) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(5)**; S.R. 1999/48, **art. 3** (with art. 4)
- F138** Words in s. 97(7)(b) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(3)**; S.R. 2001/396, art. 2, **Sch.**
- F139** Words in s. 97(8) inserted (31.10.1997) by 1997 c. 50, s. 134(1), **Sch. 9 para. 86(4)**; S.I. 1997/2390, **art. 2(2)(u)**

Marginal Citations

- M24** 9 & 10 Geo. 6 c. 17.
M25 1980 c. 63.
M26 1976 c. 35.
M27 9 & 10 Geo. 6 c. 17.

98 Cross-border aid of one police force by another.

- (1) The chief officer of police of a police force in England or Wales may, on the application of the chief officer of a police force in Scotland or the chief constable of the [F140 Police Service of Northern Ireland], provide constables or other assistance for the purpose of enabling the Scottish force or the [F140 Police Service of Northern Ireland] to meet any special demand on its resources.

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- (2) The chief officer of a police force in Scotland may, on the application of the chief officer of police of a police force in England or Wales ^{F141}. . . the chief constable of the [^{F140}Police Service of Northern Ireland][^{F142}or the Director General of the National Crime Squad], provide constables or other assistance for the purpose of enabling the English or Welsh force or the [^{F140}Police Service of Northern Ireland][^{F142}or the National Crime Squad] to meet any special demand on its resources.
- (3) The chief constable of the [^{F140}Police Service of Northern Ireland] may, on the application of the chief officer of police of a police force in England or Wales or the chief officer of a police force in Scotland [^{F143}or the Director General of the National Crime Squad], provide constables or other assistance for the purpose of enabling the English or Welsh force or the Scottish force [^{F143}or the National Crime Squad] to meet any special demand on its resources.
- ^{F144}(3A) The Director General of the National Crime Squad may, on the application of the chief officer of a police force in Scotland or the Chief Constable of the [^{F140}Police Service of Northern Ireland], provide constables or other assistance for the purpose of enabling the Scottish force or the [^{F140}Police Service of Northern Ireland] to meet any special demand on its resources.]
- (4) If it appears to the Secretary of State—
- (a) to be expedient in the interests of public safety or order that a police force [^{F145}or the National Crime Squad] should be reinforced or should receive other assistance for the purpose of enabling it to meet any special demand on its resources, and
 - (b) that satisfactory arrangements under subsection (1), (2) [^{F146}, (3) or (3A)] cannot be made, or cannot be made in time,
- he may direct the chief officer of police of any police force in England or Wales, the chief officer of any police force in Scotland or the chief constable of the [^{F140}Police Service of Northern Ireland][^{F145}or the Director General of the National Crime Squad], as the case may be, to provide such constables or other assistance for that purpose as may be specified in the direction.
- (5) While a constable is provided under this section for the assistance of another police force [^{F147}or the National Crime Squad] he shall, notwithstanding any enactment,—
- (a) be under the direction and control of the chief officer of police of that other force (or, where that other force is a police force in Scotland or the [^{F140}Police Service of Northern Ireland][^{F147}or the National Crime Squad], of its chief officer or the chief constable of the [Police Service of Northern Ireland][^{F147}or the Director General of the National Crime Squad] respectively); and
 - (b) have in any place the like powers and privileges as a member of that other force has in that place as a constable.
- (6) The police authority maintaining a police force for which assistance is provided under this section shall pay to the police authority maintaining the force from which that assistance is provided such contribution as may be agreed upon between those authorities or, in the absence of any such agreement, as may be provided by any agreement subsisting at the time between all police authorities generally, or, in the absence of such general agreement, as may be determined by the Secretary of State.
- ^{F148}(6A) For the purposes of subsection (6), the Service Authority for the National Crime Squad shall be treated as a police authority and the National Crime Squad as the police force maintained by it.]

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(7) In the application of this section to Scotland, any expression used in this section and in the ^{M28}Police (Scotland) Act 1967 shall have the same meaning in this section as in that Act.

[^{F149}(8) “Constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000.]

Textual Amendments

- F140** Words in s. 98(1)-(5) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(4)**; S.R. 2001/396, art. 2, **Sch.**
- F141** Word in s. 98(2) repealed (1.4.1998) by 1997 c. 50, s. 134(2), **Sch. 10**; S.I. 1998/354, art. 2(2)(ay)
- F142** Words in s. 98(2) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(2)**; S.I. 1998/354, art. 2(2)(ay)
- F143** Words in s. 98(3) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(3)**; S.I. 1998/354, art. 2(2)(ay)
- F144** S. 98(3A) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(4)**; S.I. 1998/354, art. 2(2)(ay)
- F145** Words in s. 98(4) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(5)(a)(c)**; S.I. 1998/354, art. 2(2)(ay)
- F146** Words in s. 98(4)(b) substituted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(5)(b)**; S.I. 1998/354, art. 2(2)(ay)
- F147** Words in s. 98(5) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(6)**; S.I. 1998/354, art. 2(2)(ay)
- F148** S. 98(6A) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 87(7)**; S.I. 1998/354, art. 2(2)(ay)
- F149** S. 98(8) substituted (4.11.2001) for s. 98(8)(9) by 2000 c. 32, s. 74, **Sch. 6 para. 12(5)**; S.R. 2001/396, art. 2, **Sch.**

Marginal Citations

M28 1967 c. 77.

99 Jurisdiction of metropolitan police officers.

- (1) A member of the metropolitan police force who is assigned to the protection of any person or property in Scotland shall, in the discharge of that duty, have the powers and privileges of a constable of a police force maintained under the Police (Scotland) Act 1967.
- (2) A member of the metropolitan police force who is assigned to the protection of any person or property in Northern Ireland shall, in the discharge of that duty, have the powers and privileges of a constable of the Royal Ulster Constabulary.

Extent Information

E2 S. 99(1) extends to S. only and s. 99(2) extends to N.I. only

100 Chief constables affected by police area alterations or local government reorganisations.

- (1) If the chief constable of a police force which ceases to exist in consequence of an order under section 32 above, section 58 of the ^{M29}Local Government Act 1972 or section 17 of the ^{M30}Local Government Act 1992 is not appointed chief constable or

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other member of the successor force as from the date of transfer, he shall on that date become a member of that force (or, if there is more than one successor force, of such of them as may be provided by or under the order) by virtue of this section.

- (2) While a person is a member of a police force by virtue only of this section he shall hold the rank of assistant chief constable but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist, subject however to section 10(1).
- (3) A chief constable who becomes a member of a police force by virtue of this section shall, subject to regulations under section 50, cease to be a member of that force at the end of three months unless he has then accepted and taken up an appointment in that force.
- (4) 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.
- (5) Where—
 - (a) the chief constable of a police force is engaged for a period of relevant service within paragraph (b), (c), (d) or (e) of section 97(1), and
 - (b) before the end of that period that force ceases to exist as mentioned in subsection (1) above,
 subsection (1) shall apply to the chief constable as if he were still the chief constable of that force, but with the substitution for references to the date of transfer of references to the end of the said period.
- (6) In this section—
 - (a) “successor force”, in relation to a police force which ceases to exist in consequence of an order, means a force to which members of that police force are transferred by virtue of the order; and
 - (b) “date of transfer” means the date as from which those members are so transferred.

Marginal Citations

M29 1972 c. 70.

M30 1992 c. 19.

Supplemental

101 Interpretation.

- (1) 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, 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 force, the Commissioner of Police for the City of London ;

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“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 force;

“metropolitan police district” means that district as defined in section 76 of the ^{M31}London Government Act 1963;

“police area” means a police area provided for by section 1;

“police authority” means—

(a) in relation to a police area listed in Schedule 1, the authority established under section 3,

(b) in relation to the metropolitan police district, the [^{F150}Metropolitan Police Authority], 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 [^{F151}or the metropolitan police force], the fund kept by that force’s police authority under section 14,

(b) ^{F152}

(c) in relation to the City of London police force, the fund out of which the expenses of that force are paid.

(2) In this Act “police purposes”, in relation to a police area, includes the purposes of—

(a) special constables appointed for that area,

(b) police cadets undergoing training with a view to becoming members of the police force maintained for that area, and

(c) civilians employed for the purposes of that force or of any such special constables or cadets.

Extent Information

E3 S. 101 extends E.W. except s. 101(2) which extends G.B.

Textual Amendments

F150 Words in definition of “police authority” in s. 101 substituted (3.7.2000) by 1999 c. 29, s. 312(2) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F151 Words in definition of “police fund” in s. 101 inserted (3.7.2000) by 1999 c. 29, s. 312(3)(a) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

F152 Para. (b) in definition of “police fund” in s. 101 repealed (3.7.2000) by 1999 c. 29, ss. 312(3)(b), 423, Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.

Marginal Citations

M31 1963 c. 33.

102 Orders, rules and regulations.

Any power of the Secretary of State to make orders, rules or regulations under this Act shall be exercisable by statutory instrument.

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Changes to legislation: Police Act 1996 is up to date with all changes known to be in force on or before 13 July 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)

103 Consequential amendments, transitional provisions, repeals, etc.

- (1) The enactments mentioned in Schedule 7 shall be amended as provided in that Schedule.
- (2) Schedule 8 (which contains transitional and transitory provisions, savings etc.) shall have effect.
- (3) The enactments mentioned in Parts I and II of Schedule 9 are repealed, and the instruments mentioned in Part III of that Schedule are revoked, to the extent specified in the third column of the Schedule.

Extent Information

- E4** [S. 103](#) extends E.W. and insofar as it relates to Sch. 8 paras. 1-5, 7 and 11(1),(2) and(4) also to S. and insofar as it relates to Sch. 8 paras. 1-4 also to N.I.

104 Commencement.

- (1) Except as provided by subsection (2), this Act shall come into force at the end of the period of three months beginning with the day on which it is passed.
- (2) The following provisions of this Act—
 section 50(3),
 Part IV (including Schedules 5 and 6) other than section 88,
 paragraphs 43, 45 and 46 of Schedule 7,
 paragraph 12 of Schedule 8, and
 Part II of Schedule 9,
 shall come into force on such day as the Secretary of State may by order appoint.
- (3) An order under this section may appoint different days for different purposes or different areas.
- (4) The power to make orders under this section includes power to make such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.
- (5) Where an order under this section contains provisions made by virtue of subsection (4), the statutory instrument containing that order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Subordinate Legislation Made

- P1** [S. 104](#) power partly exercised (3.3.1999): 1.4.1999 appointed for specified provisions by [S.I. 1999/533](#), [art. 2](#) (with [art. 3](#))

105 Extent.

- (1) Except as provided by subsections (2) to (5), this Act extends to England and Wales only.
- (2) The following provisions of this Act extend to Scotland (and in the case of section 99(1) to Scotland only)—

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- section 21;
Part III;
paragraph 8 of Schedule 5 (and section 66 so far as it relates to that paragraph);
sections 98, 99(1), 101(2), 102 and 104 to 106 and paragraphs 1 to 5, 7 and 11(1),
(2) and (4) of Schedule 8 (and section 103 so far as it relates to those paragraphs).
- (3) The following provisions of this Act extend to Northern Ireland (and in the case of section 99(2) to Northern Ireland only)—
sections 61 and 62;
sections 98, 99(2), 102 and 104 to 106 and paragraphs 1 to 4 of Schedule 8 (and section 103 so far as it relates to those paragraphs).
- (4) Subject to subsection (5), the amendments in Schedule 7 and the repeals and revocations in Schedule 9 have the same extent as the enactments to which they refer and section 103 extends accordingly.
- (5) Paragraphs 2 to 6 of Schedule 7 extend to England, Wales and Scotland only.

106 Short title.

This Act may be cited as the Police Act 1996.

Status:

Point in time view as at 01/12/2001. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

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