



# 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 <sup>M1</sup>Local Government Act 1972, [<sup>F1</sup>section 17 of the Local Government and Public Involvement in Health Act 2007]),
  - (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, <sup>F2</sup> . . .

#### Textual Amendments

- F1** Words in s. 1(2)(a) substituted (1.11.2007 for E.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 1 para. 19\(2\)](#); S.I. 2007/3136, art. 2(b)
- F2** Words in s. 1(3) repealed (1.4.2000) by [1999 c. 29, ss. 325, 423, Sch. 27 para. 69, Sch. 34 Pt.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.](#)

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*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) [<sup>F3</sup> Schedule 2 ] shall have effect in relation to police authorities established under section 3 and the appointment of their members.

**Textual Amendments**

**F3** Words in s. 4(4) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 1; S.I. 2006/3364, art. 2\(b\)](#) (with art. 3)

**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, [<sup>F4</sup>and ]
  - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 2, <sup>F5</sup>...
  - <sup>F5</sup>(c) .....
- (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.

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#### Textual Amendments

- F4** Word in s. 5(2)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 371\(a\)](#); [S.I. 2005/910](#), art. 3(y)
- F5** S. 5(2)(c) and word immediately preceding it repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 371\(b\)](#), [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)

*<sup>F6</sup> The metropolitan police force*

#### Textual Amendments

- F6** 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](#)

#### <sup>F7</sup>5A Maintenance of the metropolitan police force.

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

#### Textual Amendments

- F7** 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](#)

#### <sup>F8</sup>5B 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

- F8** 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](#)

#### 5C 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—

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- (a) the Greater London Authority; <sup>F9</sup>and ]
  - (b) the Metropolitan Police Authority; <sup>F10</sup>...
  - <sup>F10</sup>(c) .....
- (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) <sup>F11</sup>[ Schedule 2A ] shall have effect in relation to the Metropolitan Police Authority and the appointment of its members.]

#### Textual Amendments

- F9** Word in s. 5C(3)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 372\(a\)](#); S.I. 2005/910, art. 3(y)
- F10** S. 5C(3)(c) and word immediately preceding it repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 372\(b\)](#); S.I. 2005/910, art. 3(y)
- F11** Words in s. 5C(6) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 3](#); S.I. 2006/3364, art. 2(b) (with art. 3)

<sup>F12</sup>*The metropolitan police and forces outside London*]

#### Textual Amendments

- F12** 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
- (a) <sup>F13</sup> shall secure the maintenance of an efficient and effective police force for its area<sup>F14</sup>, and
  - (b) shall hold the chief officer of police of that force to account for the exercise of his functions and those of persons under his direction and control.]
- (2) In discharging its functions, every police authority established under section 3 shall have regard to—
- (a) any <sup>F15</sup>strategic priorities determined by the Secretary of State under section 37A],
  - (b) any objectives determined by the authority <sup>F16</sup>by virtue of section 6ZB ] ,
  - (c) any performance targets established by the authority, whether in compliance with a direction under section 38 or otherwise, and
  - <sup>F17</sup>(d) any plan issued by the authority by virtue of section 6ZB.]

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(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.

<sup>F18</sup>(4) . . . . .

[<sup>F19</sup>(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

- F13** S. 6(1)(a): s. 6(1) renumbered as s. 6(1)(a) (29.6.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 7\(2\)\(a\)](#); S.I. 2007/1614, art. 2(b)
- F14** S. 6(1)(b) and word inserted (29.6.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 7\(2\)\(b\)](#); S.I. 2007/1614, art. 2(b)
- F15** Words in s. 6(2)(a) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 7\(3\)\(a\)](#)
- F16** Words in s. 6(2)(b) substituted (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 7\(3\)\(b\)](#); S.I. 2008/790, art. 2(b)
- F17** S. 6(2)(d) substituted (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 7\(3\)\(c\)](#); S.I. 2008/790, art. 2(b)
- F18** S. 6(4) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 7\(4\)](#), [Sch. 15 Pt. 1\(B\)](#); S.I. 2007/709, art. 3(r)(i) (with art. 6)
- F19** 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](#)

#### [<sup>F20</sup>6ZA Power to confer particular functions on police authorities

- (1) The Secretary of State may by order confer particular functions on police authorities.
- (2) Without prejudice to the generality of subsection (1), an order under this section may contain provision requiring a police authority—
- (a) to monitor the performance of the police force maintained for its area in—
    - (i) complying with any duty imposed on the force by or under this Act, the Human Rights Act 1998 or any other enactment;
    - (ii) carrying out any plan issued by virtue of section 6ZB;
  - (b) to secure that arrangements are made for that force to co-operate with other police forces whenever necessary or expedient;
  - (c) to promote diversity within that force and within the authority.
- (3) Before making an order under this section the Secretary of State must consult—
- (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.
- (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.]

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### Textual Amendments

**F20** S. 6ZA inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 8](#); S.I. 2006/3364, art. 2(b) (with art. 3)

## [<sup>F21</sup>6ZB Plans by police authorities

- (1) Before the beginning of each financial year every police authority shall issue a plan (a “policing plan”) setting out—
  - (a) the authority's objectives (“policing objectives”) for the policing of its area during that year; and
  - (b) the proposed arrangements for the policing of that area for the period of three years beginning with that year.
- (2) Policing objectives shall be so framed as to be consistent with any strategic priorities determined under section 37A.
- (3) Before determining policing objectives, a police authority shall—
  - (a) consult the relevant chief officer of police, and
  - (b) consider any views obtained by the authority in accordance with arrangements made under section 96.
- (4) A draft of a policing plan required to be issued by a police authority under this section shall be prepared by the relevant chief officer of police and submitted by him to the authority for it to consider.
 

The authority shall consult the relevant chief officer of police before issuing a policing plan which differs from the draft submitted by him under this subsection.
- (5) The Secretary of State may by regulations make provision supplementing that made by this section.
- (6) The regulations may make provision (further to that made by subsection (3)) as to persons who are to be consulted, and matters that are to be considered, before determining policing objectives.
- (7) The regulations may contain provision as to—
  - (a) matters to be dealt with in policing plans (in addition to those mentioned in subsection (1));
  - (b) persons who are to be consulted, and matters that are to be considered, in preparing policing plans;
  - (c) modification of policing plans;
  - (d) persons to whom copies of policing plans are to be sent.
- (8) Before making regulations under this section the Secretary of State must consult—
  - (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (9) Regulations under this section may make different provision for different police authorities.

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- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “the relevant chief officer of police”, in relation to a police authority, means the chief officer of police of the police force maintained by that authority.

**Textual Amendments**

**F21** Ss. 6ZB, 6ZC inserted (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 9](#); [S.I. 2008/311](#), art. 2(b)

**6ZC Reports by police authorities**

- (1) The Secretary of State may by order require police authorities to issue reports concerning the policing of their areas.
- (2) An order under this section may contain provision as to—
  - (a) the periods to be covered by reports, and, as regards each period, the date by which reports are to be issued;
  - (b) the matters to be dealt with in reports;
  - (c) persons to whom copies of reports are to be sent.
- (3) Before making an order under this section the Secretary of State must consult—
  - (a) the Association of Police Authorities,
  - (b) the Association of Chief Police Officers, and
  - (c) such other persons as he thinks fit.
- (4) An order under this section may make different provision for different police authorities.
- (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.]

**Textual Amendments**

**F21** Ss. 6ZB, 6ZC inserted (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 9](#); [S.I. 2008/311](#), art. 2(b)

**F22 6A Three-year strategy plans**

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**Textual Amendments**

**F22** S. 6A repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 10](#), [Sch. 15 Pt. 1\(B\)](#); [S.I. 2008/311](#), art. 2(b)

**F23 7 Local policing objectives.**

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**Textual Amendments**

**F23** S. 7 repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 10, **Sch. 15 Pt. 1(B)**; S.I. 2008/311, art. 2(b)

**<sup>F24</sup>8 Local policing plans.**

.....

**Textual Amendments**

**F24** S. 8 repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 10, **Sch. 15 Pt. 1(B)**; S.I. 2008/311, art. 2(b)

**<sup>F25</sup>8A Local policing summaries**

- (1) As soon as possible after the end of each financial year, every police authority established under section 3 shall issue a report for members of the public in the authority's area on matters relating to the policing of that area for the year.
- (2) Such a report is referred to in this section as a “local policing summary”.
- (3) The Secretary of State may by order specify matters which are to be included in a local policing summary.
- (4) A police authority shall arrange—
  - (a) for every local policing summary issued by it under this section to be published in such manner as appears to it to be appropriate, and
  - (b) for a copy of every such summary to be sent, by whatever means appear to the authority to be appropriate, to each person liable to pay any tax, precept or levy to or in respect of the authority.
- (5) It shall be the duty of a police authority, in preparing and publishing a local policing summary, to have regard to any guidance given by the Secretary of State about the form and content of local policing summaries and the manner of their publication.
- (6) Before making an order under subsection (3), and before giving any such guidance as is referred to in subsection (5), the Secretary of State must consult—
  - <sup>F26</sup>(a) the Association of Police Authorities;
  - <sup>F26</sup>(b) the Association of Chief Police Officers; and
  - (c) such other persons as he thinks fit.
- (7) This section shall apply in relation to the Metropolitan Police Authority as it applies to a police authority established under section 3.
- (8) A statutory instrument containing an order under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F25** S. 8A inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 157, 178(8)**; S.I. 2005/1521, art. 5(2)



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**F26** S. 8A(6)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 4 para. 2; S.I. 2007/709, art. 3\(d\)](#) (with art. 6)

**<sup>F27</sup>9 Annual reports by police authorities.**

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**Textual Amendments**

**F27** S. 9 repealed (14.3.2008) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 10, Sch. 15 Pt. 1\(B\); S.I. 2008/311, art. 2\(b\)](#) (with art. 3)

**[<sup>F28</sup>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 [<sup>F29</sup> to—
  - (a) any arrangements involving the metropolitan police force that are made by virtue of section 6ZA(2)(b);
  - (b) the policing plan issued by the Metropolitan Police Authority under section 6ZB.]]

**Textual Amendments**

**F28** 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. 11](#);  
**F29** Words in s. 9A(2) substituted (1.4.2008) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 11; S.I. 2008/790, art. 2\(b\)](#)

**[<sup>F30</sup>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.]

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**Textual Amendments**

**F30** 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.

**[<sup>F31</sup>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**

**F31** 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.

**[<sup>F32</sup>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.
- (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**

**F32** 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.

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**[<sup>F33</sup>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 [<sup>F34</sup> in the interests of efficiency or effectiveness, to retire or to resign ] .
- (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 [<sup>F35</sup>—
  - (a) an explanation in writing of the Authority’s grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and
  - (b) an opportunity to make representations;and the Authority shall consider any representations made by or on behalf of the Commissioner.

The opportunity given to the Commissioner to make representations must include the opportunity to make them in person.]

[ The Metropolitan Police Authority, acting with the approval of the Secretary of State, <sup>F36</sup>(2A) may suspend the Commissioner of Police of the Metropolis from duty if—

- (a) it is proposing to consider whether to exercise its power under subsection (1) to call upon the Commissioner to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in the metropolitan police force requires the suspension; or
- (b) having been notified by the Secretary of State that he is proposing to consider whether to require the Authority to exercise that power, it is satisfied that, in the light of the Secretary of State’s proposal, the maintenance of public confidence in that force requires the suspension; or
- (c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State’s intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of the Metropolitan Police Authority (without reference to the preceding provisions of this subsection) to suspend the Commissioner from duty if it is required to do so by the Secretary of State under section 42(1A).]

- (3) Where the Commissioner of Police of the Metropolis is called upon to [<sup>F37</sup> retire or resign under subsection (1), he shall retire or resign with effect from such date as the Metropolitan Police Authority may specify, or with effect from 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 <sup>M2</sup>Police Pensions Act 1976.]

**Textual Amendments**

**F33** 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.

*Status: Point in time view as at 14/07/2008.*

*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)*

- F34** Words in s. 9E(1) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 30\(1\)\(a\)](#), 108(2); S.I. 2004/1319, art. 2(a)
- F35** Words in s. 9E(2) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 31\(1\)](#), 108(2); S.I. 2004/1319, art. 2(b)
- F36** S. 9E(2A) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 32\(1\)](#), 108(2); S.I. 2004/1319, art. 2(c)
- F37** Words in s. 9E(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 30\(1\)\(b\)](#), 108(2); S.I. 2004/1319, art. 2(a)

#### Marginal Citations

**M2** 1976 c. 35.

### [<sup>F38</sup>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 [<sup>F39</sup>but with the omission in subsection (2A)—
  - (a) of paragraph (b);
  - (b) in paragraph (c), of the words from “or been sent” to “exercise that power”; and
  - (c) of the words after paragraph (c).]
- (4) Subsection (3) is without prejudice to—
  - (a) any regulations under section 50, or
  - (b) any regulations under the <sup>M3</sup>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

- F38** 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.](#)
- F39** Words in s. 9F(3) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 32\(3\)](#), 108(2); S.I. 2004/1319, art. 2(c)

#### Marginal Citations

**M3** 1976 c. 35.

### [<sup>F40</sup>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”).

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- (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.

[ A police authority maintaining a police force under section 2, acting with the approval<sup>F41</sup>(3A) of the Secretary of State, may suspend from duty the chief constable of that force if—

- (a) it is proposing to consider whether to exercise its power under subsection (2) to call upon the chief constable to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in that force requires the suspension; or
- (b) having been notified by the Secretary of State that he is proposing to consider whether to require the police authority to exercise that power, it is satisfied that, in the light of the Secretary of State’s proposal, the maintenance of public confidence in that force requires the suspension; or
- (c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State’s intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of a police authority maintaining such a force (without reference to the preceding provisions of this subsection) to suspend the chief constable of that force from duty if it is required to do so by the Secretary of State under section 42(1A).]

- (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

**F40** S. 9FA inserted (1.1.2002) by [2001 c. 16, s. 122\(1\)](#); [S.I. 2001/3736, art. 3\(a\)](#)

**F41** Words in s. 9FA(3) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 32\(3\), 108\(2\)](#); [S.I. 2004/1319, art. 2\(c\)](#)

#### [<sup>F42</sup>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 [<sup>F43</sup>but with the omission in subsection (2A)—
  - (a) of paragraph (b);
  - (b) in paragraph (c), of the words from “or been sent” to “exercise that power”; and
  - (c) of the words after paragraph (c).]

*Status: Point in time view as at 14/07/2008.*

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- (4) Subsection (3) is without prejudice to—
- (a) any regulations under section 50, or
  - (b) any regulations under the <sup>M4</sup>Police Pensions Act 1976.]

#### Textual Amendments

**F42** 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.

**F43** Words in s. 9G(3) inserted (1.6.2004) by Police Reform Act 2002 (c. 30), ss. 32(3), 108(2); S.I. 2004/1319, art. 2(c)

#### Marginal Citations

**M4** 1976 c. 35.

### [<sup>F44</sup>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
  - <sup>F45</sup>(ca) [ Deputy Assistant Commissioner of Police of the Metropolis, and]
  - (d) Commander,
 those of [<sup>F46</sup>chief superintendent, ]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

**F44** 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.

**F45** S. 9H(2)(ca) substituted (1.1.2002) for word "and" by 2001 c. 16, s. 122(2); S.I. 2001/3736, art. 3(a)

**F46** Words in s. 9H(2) inserted (1.1.2002) by 2001 c. 16, s. 125(1); S.I. 2001/3736, art. 3(a)

## 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 [<sup>F47</sup>to—
  - (a) any arrangements involving his force that are made by virtue of section 6ZA(2)(b);
  - (b) the policing plan issued by the police authority for his area under section 6ZB.]

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#### Textual Amendments

**F47** Words in s. 10(2) substituted (1.4.2008) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 12](#); [S.I. 2008/790, art. 2\(b\)](#)

#### 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 <sup>M5</sup>Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may call upon the chief constable [<sup>F48</sup> in the interests of efficiency or effectiveness, to retire or to resign ] .
- (3) Before seeking the approval of the Secretary of State under subsection (2), the police authority shall give the chief constable [<sup>F49</sup>—
  - (a) an explanation in writing of the authority’s grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and
  - (b) an opportunity to make representations;and the authority shall consider any representations made by or on behalf of the chief officer.

The opportunity given to the chief constable to make representations must include the opportunity to make them in person.]

- [<sup>F50</sup>(3A) A police authority maintaining a police force under section 2, acting with the approval of the Secretary of State, may suspend from duty the chief constable of that force if—
- (a) it is proposing to consider whether to exercise its power under subsection (2) to call upon the chief constable to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in that force requires the suspension; or
  - (b) having been notified by the Secretary of State that he is proposing to consider whether to require the police authority to exercise that power, it is satisfied that, in the light of the Secretary of State’s proposal, the maintenance of public confidence in that force requires the suspension; or
  - (c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State’s intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;
- and it shall be the duty of a police authority maintaining such a force (without reference to the preceding provisions of this subsection) to suspend the chief constable of that force from duty if it is required to do so by the Secretary of State under section 42(1A).]
- (4) A chief constable who is called upon to [<sup>F51</sup> retire or resign under subsection (2), shall retire or resign with effect from such date as the police authority may specify, or with effect from such earlier date ] as may be agreed upon between him and the authority.



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#### Textual Amendments

- F48** Words in s. 11(2) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 30(2)(a)**, 108(2); S.I. 2004/1319, [art. 2\(a\)](#)
- F49** Words in s. 11(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 31(2)**, 108(2); S.I. 2004/1319, [art. 2\(b\)](#)
- F50** S. 11(3A) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 32(2)**, 108(2); S.I. 2004/1319, [art. 2\(c\)](#)
- F51** Words in s. 11(4) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 30(2)(b)**, 108(2); S.I. 2004/1319, [art. 2\(a\)](#)

#### Marginal Citations

- M5** 1976 c. 35.

### [<sup>F52</sup>11A Appointment and removal of deputy chief constables

(1) Every police force maintained under section 2 shall have [<sup>F53</sup>one or more deputy chief constables].

[<sup>F54</sup>(2) The appointment of a person to be a 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.

(2A) Where the police authority responsible for maintaining a police force—

(a) proposes to increase the number of deputy chief constables that the force has,  
or

(b) proposes to appoint a particular person to be a deputy chief constable,

it may do so 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.][<sup>F55</sup>but with the omission in subsection (3A)

—  
(a) of paragraph (b);

(b) in paragraph (c), of the words from “or been sent” to “exercise that power”;  
and

(c) of the words after paragraph (c).]

#### Textual Amendments

- F52** S. 11A inserted (1.1.2002) by [2001 c. 16](#), **s. 123(1)**; S.I. 2001/3736, **art. 3(a)**
- F53** Words in s. 11A(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), **Sch. 2 para. 14(2)**
- F54** S. 11A(2)(2A) substituted for s. 11A(2) (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), **Sch. 2 para. 14(3)**
- F55** Words in s. 11A(3) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 32(4)**, 108(2); S.I. 2004/1319, [art. 2\(c\)](#)



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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) [<sup>F56</sup> to ] (4) of section 11 shall apply to an assistant chief constable as they apply to a chief constable. [<sup>F57</sup>but with the omission in subsection (3A) —
  - (a) of paragraph (b);
  - (b) in paragraph (c), of the words from “or been sent” to “exercise that power”;
  - and
  - (c) of the words after paragraph (c).]

<sup>F58</sup>(4) .....

<sup>F59</sup>(5) .....

<sup>F60</sup>(6) .....

### Textual Amendments

- F56** Word in s. 12(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 32(5)(a)**, 108(2); S.I. 2004/1319, **art. 2(c)**
- F57** Words in s. 12(3) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 32(5)(b)**, 108(2); S.I. 2004/1319, **art. 2(c)**
- F58** S. 12(4)-(6) repealed (1.1.2002) by [2001 c. 16](#), **ss. 124(1)**, 137, **Sch. 7 Pt. IV**; S.I. 2001/3736, **art. 3(a)(c)**
- F59** S. 12(4)-(6) repealed (1.1.2002) by [2001 c. 16](#), **ss. 124(1)**, 137, **Sch. 7 Pt. IV**; S.I. 2001/3736, **art. 3(a)(c)**
- F60** S. 12(4)-(6) repealed (1.1.2002) by [2001 c. 16](#), **ss. 124(1)**, 137, **Sch. 7 Pt. IV**; S.I. 2001/3736, **art. 3(a)(c)**

## [<sup>F61</sup>12A Power of deputy to exercise functions of chief constable

- (1) [<sup>F62</sup>The appropriate 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.

- [ The appropriate deputy chief constable for the purposes of subsection (1) is—
- <sup>F63</sup>(1A) (a) in the case of a police force that has only one deputy chief constable, the deputy chief constable;
- (b) in the case of a police force that has more than one deputy chief constable, the most senior deputy chief constable.

- (1B) The chief constable of a police force that has more than one deputy chief constable shall, after consulting the police authority responsible for maintaining the force,

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designate the deputy chief constables in order of seniority for the purposes of subsection (1A)(b).

- (1C) During any absence, incapacity or suspension from duty of the person who—
- (a) is designated as the most senior deputy chief constable for the purposes of subsection (1A)(b), or
  - (b) is treated under this subsection as the most senior deputy chief constable,
- the person designated as the next most senior deputy chief constable shall be treated as the most senior one for those purposes.]
- [<sup>F64</sup>(2) The chief constable of a police force shall, after consulting the police authority responsible for maintaining the force, 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 during any period when—
- (a) the chief constable is absent, incapacitated or suspended from duty and—
    - (i) the deputy chief constable, or each of the deputy chief constables, is also absent, incapacitated or suspended from duty, or
    - (ii) the office of the deputy chief constable, or of each of the deputy chief constables, is vacant;
  - or
  - (b) the office of the chief constable is vacant and—
    - (i) the office of the deputy chief constable, or of each of the deputy chief constables, is also vacant, or
    - (ii) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty.]
- (3) Only one person shall be authorised to act at any one time by virtue of a designation under subsection (2).
- (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 [<sup>F65</sup>subsections (1) to (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

- F61** S. 12A inserted (1.1.2002) by 2001 c. 16, s. 124(2); S.I. 2001/3736, art. 3(a)
- F62** Words in s. 12A(1) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(2)
- F63** Ss. 12A(1A)-(1C) inserted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(3)
- F64** S. 12A(2) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(4)
- F65** Words in s. 12A(5) substituted (8.11.2006) by Police and Justice Act 2006 (c. 48), s. 53(2), Sch. 2 para. 15(5)

### 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

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shall include, in addition to chief constable [<sup>F66</sup>, deputy chief constable] and assistant chief constable, the ranks of [<sup>F67</sup>chief superintendent ]superintendent, chief inspector, inspector, sergeant and constable.

- (2) .....
- (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.

**Textual Amendments**

- F66** Words in s. 13(1) inserted (1.1.2002) by 2001 c. 16, s. 123(2)(a); S.I. 2001/3736, art. 3(a)  
**F67** Words in s. 13(1) inserted (1.1.2002) by 2001 c. 16, s. 125(2); S.I. 2001/3736, art. 3(a)

**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.
- [<sup>F68</sup>(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**

- F68** 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.
- [<sup>F69</sup>(2) A police authority shall exercise its powers under section 101 (and section 107) of the Local Government Act 1972 so as to secure that, subject to section 24(3A), any person employed by the authority under this section solely to assist the police force maintained by the authority is under the direction and control of the chief officer of police of that force.]
- <sup>F70</sup>(3) .....
- (4) The powers of direction and control referred to in subsection (2) include the powers of engagement and dismissal.
- [<sup>F71</sup>(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

- F69** S. 15(2) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 16\(2\)](#); S.I. 2007/709, art. 3(c) (with art. 6)
- F70** S. 15(3) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 16\(3\), Sch. 15 Pt. 1\(B\)](#); S.I. 2007/709, art. 3(c)(r)(i) (with art. 6)
- F71** 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.](#)

## 16 Appointment of [<sup>F72</sup>chief executive].

<sup>F73</sup>(1) A police authority established under section 3 shall appoint a person to be the [<sup>F74</sup>chief executive of] the authority.

[<sup>F75</sup>(2) The Metropolitan Police Authority shall appoint a person to be the [<sup>F76</sup>chief executive of] the Metropolitan Police Authority.]

#### Textual Amendments

- F72** Words in s. 16 heading substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 18\(3\)](#); S.I. 2007/709, art. 3(c) (with art. 6)
- F73** 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](#)
- F74** Words in s. 16(1) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 18\(2\)](#); S.I. 2007/709, art. 3(c) (with art. 6)
- F75** 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](#)
- F76** Words in s. 16(2) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 2 para. 18\(2\)](#); S.I. 2007/709, art. 3(c) (with art. 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.

<sup>F77</sup>(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,

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.

[<sup>F78</sup>(2) This section shall apply to the Metropolitan Police Authority as it applies to a police authority established under section 3.]

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#### Textual Amendments

- F77** 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**
- F78** 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**

### [<sup>F79</sup>18 Supply of goods and services.

- (1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39)(supply of goods and services by local authorities)—
- (a) shall apply, with the modification set out in subsection (2), to a police authority established under section 3 of this Act and to the Metropolitan Police Authority as they apply to a local authority; and
  - (b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.
- (2) The modification is that references in those subsections to a public body shall be read as references to any person.]

#### Textual Amendments

- F79** S. 18 substituted (1.10.2002) by **Police Reform Act 2002 (c. 30), ss. 101, 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(x)**

### 19 Approval of decisions about precepts.

- (1) A police authority established under section 3 shall not—
- (a) issue a precept under section 40 of the <sup>M6</sup>Local Government Finance Act 1992, or
  - (b) 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—
- (a) constitute at least half of the total membership at the time of the decision, and
  - (b) include more than half of the members (at that time) [<sup>F80</sup> who are members of a relevant council as defined in paragraph 8 of Schedule 2 ] .

#### Textual Amendments

- F80** Words in s. 19(2)(b) substituted (15.1.2007) by **Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 2 para. 5**; S.I. 2006/3364, **art. 2(b)** (with **art. 3**)

#### Marginal Citations

- M6** 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 [<sup>F81</sup>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

**F81** 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.**

## [<sup>F82</sup>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

**F82** 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 <sup>M7</sup>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**

M7 1964 c. 48.

*General provisions*

**22 Reports by chief constables to police authorities.**

- (1) Every [<sup>F83</sup>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 [<sup>F83</sup>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 [<sup>F83</sup>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 [<sup>F83</sup>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 [<sup>F83</sup>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.

<sup>F84</sup>(7) .....

**Textual Amendments**

**F83** 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.**

**F84** 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.
- [<sup>F85</sup>(6) In subsection (1)—
- (a) the reference to members of a police force includes a reference to special constables appointed for the area for which that force is maintained, and
  - (b) the reference to police functions includes a reference to functions with respect to training and the provision of opportunities for professional development.]
- (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.
- [<sup>F86</sup>(7A) For the purposes of this section—
- (a) the British Transport Police Force shall be treated as if it were a police force,
  - (b) the Chief Constable of that Force shall be treated as if he were the chief officer of police of that Force,
  - (c) “police functions” shall include the functions of the British Transport Police Force, and]
- [<sup>F87</sup>(d) the British Transport Police Authority shall be treated as if it were the police authority maintaining that Force for the purposes of subsections (1), (2), (3), and (7).]
- [<sup>F88</sup>(7B) For the purposes of this section—
- (a) the Civil Nuclear Constabulary shall be treated as if it were a police force;
  - (b) the chief constable of the Civil Nuclear Constabulary shall be treated as if he were the chief officer of police of that Constabulary;
  - (c) “police functions” shall include the functions of the Civil Nuclear Constabulary; and
  - (d) the Civil Nuclear Police Authority shall be treated as if it were a police authority.]
- <sup>F89</sup>(8) .....

#### Textual Amendments

**F85** S. 23(6) substituted (1.4.2002) by 2001 c. 16, ss. 99, 138(2); S.I. 2002/533, art. 2(a)

**F86** S. 23(7A) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), Sch. 7 para. 21



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- F87** S. 23(7A)(d) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, **12(4)(a)**
- F88** S. 23(7B) inserted (1.3.2005) by [Energy Act 2004 \(c. 20\)](#), s. 198(2), **Sch. 14 para. 7**; S.I. 2005/442, art. 2(1), Sch. 1
- F89** S. 23(8) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 69, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)

**Modifications etc. (not altering text)**

- C3** S. 23 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; S.I. 2004/1572, art. 3(jjj)

**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 [<sup>F90</sup>sections 9A(1) and 10(1)], be under the direction and control of the chief officer of police of that other force.
- [<sup>F91</sup>(3A) While a person employed by a police authority under section 15 solely to assist the police force maintained by that authority is provided under this section for the assistance of another police force, he shall, notwithstanding section 15(2), 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 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.
- [<sup>F92</sup>(4A) This section shall apply in relation to the British Transport Police Authority, the British Transport Police Force and the Chief Constable of that Force as it applies to a police authority, a police force and a chief officer of police respectively; and for that purpose the reference in subsection (3) to section 10(1) shall be construed as including a reference to section 24(2) of the Railways and Transport Safety Act 2003.]
- <sup>F93</sup>(5) .....

**Textual Amendments**

- F90** Words in s. 24(3) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 2 para. 22**; S.I. 2007/709, art. 3(c) (with art. 6)
- F91** S. 24(3A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 2 para. 17**; S.I. 2007/709, art. 3(c) (with art. 6)

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- F92** S. 24(4A) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, **12(4)(b)**
- F93** S. 24(5) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 70, **Sch. 17 Pt. 2**; [S.I. 2006/378](#), art. 4(1), Sch. paras. 10, 13(y)

**Modifications etc. (not altering text)**

- C4** S. 24 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; [S.I. 2004/1572](#), art. 3(jjj)

**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.

[<sup>F94</sup>(1A) The Chief Constable of the British Transport Police Force may provide special police services at the request of any person, subject to the payment to the [<sup>F95</sup>British Transport Police Authority] of charges on such scales as may be determined by that Authority.]

- (2) .....

**Textual Amendments**

- F94** S. 25(1A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), **Sch. 7 para. 23**
- F95** Words in s. 25(1A) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), arts. 1, **12(1)(e)**

**Modifications etc. (not altering text)**

- C5** S. 25 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **Sch. 5 para. 4**; [S.I. 2004/1572](#), art. 3(jjj)

**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.

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- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
- (a) making a grant or loan,
  - (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.
- <sup>F96</sup>(7) . . . . .
- (8) The provisions of this section are without prejudice to the <sup>M8</sup>Police (Overseas Service) Act 1945 <sup>F97</sup>. . . .

**Textual Amendments**

- F96** 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.**
- F97** Words in s. 26(8) repealed (17.6.2002) by International Development Act 2002 (c. 1), ss. 19, 20(2), **Sch. 4** (with Sch. 5 para. 5); S.I. 2002/1408, art. 2

**Marginal Citations**

- M8** 9 & 10 Geo. 6 c. 17.

**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 [<sup>F98</sup> section 24(3) and ] 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.

**Textual Amendments**

- F98** Words in s. 27(2) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 2 para. 23**; S.I. 2007/709, art. 3(c) (with art. 6)

**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.

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<sup>F99</sup>(4) .....

**Textual Amendments**

**F99** 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.**

**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—

- <sup>F100</sup>(a) .....
- (b) <sup>F101</sup> . . . before a justice of the peace having jurisdiction within the police area.

**Textual Amendments**

**F100** 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.**

**F101** 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.**

**Modifications etc. (not altering text)**

- C6** S. 29 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. **24(3)**; S.I. 2004/1572, art. 3(g)
- C7** S. 29 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. **25(3)**; S.I. 2004/1572, art. 3(h)
- C8** S. 29 applied (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), arts. 1, **51(1)** (with arts. 41(1), 45, 54(2), 55, 56, 57, 58(6))

**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.

[<sup>F102</sup>(2) A special constable shall have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters.]

<sup>F103</sup>(3) .....

[<sup>F104</sup>(3A) A member of the British Transport Police Force who is for the time being required by virtue of section 23 or 24 to serve with a police force maintained by a police authority shall have all the powers and privileges of a member of that police force.]

<sup>F105</sup>(4) .....

(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;

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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.

#### Textual Amendments

- F102** S. 30(2) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 21\(2\)](#); S.I. 2007/709, art. 3(c) (with art. 6)
- F103** S. 30(3) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 21\(3\)](#), [Sch. 15 Pt. 1\(B\)](#); S.I. 2007/709, art. 3(c)(r)(i) (with art. 6)
- F104** S. 30(3A) inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 24](#)
- F105** S. 30(4) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 21\(3\)](#), [Sch. 15 Pt. 1\(B\)](#); S.I. 2007/709, art. 3(c)(r)(i) (with art. 6)

#### Modifications etc. (not altering text)

- C9** S. 30 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)

### 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<sup>F106</sup> . . . 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

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(d) a London borough,  
is divided between two or more police areas.

<sup>F107</sup>(5) . . . . .

#### Textual Amendments

**F106** 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.**

**F107** 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 <sup>F108</sup> . . . 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,
  - <sup>F109</sup>[(bb) the Greater London Authority, if he proposes to alter the metropolitan police district,]
  - (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.

*Status: Point in time view as at 14/07/2008.*

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#### Textual Amendments

- F108** 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.**
- F109** 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—
- provision as to the membership of a police authority;
  - provision for the transfer of property, rights and liabilities;
  - provision for the transfer of members of police forces and other persons;
  - provision as to pending legal proceedings.
- (2) Without prejudice to subsection (1), the power to make orders under section 32 includes power—
- to amend Schedule 1 to this Act and section 76 of the <sup>M9</sup>London Government Act 1963 (extent of metropolitan police district), and
  - to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order.
- (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

- M9** 1963 c. 33.

### *Supplemental*

### 35 The Scilly Isles.

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

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



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**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.

<sup>F110</sup>**36A National Policing Plan**

.....

.....

**Textual Amendments**

**F110** S. 36A repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), Sch. 2 para. 24, **Sch. 15 Pt. 1(B)**

<sup>F111</sup>**37 Setting of objectives for police authorities.**

.....

.....

**Textual Amendments**

**F111** S. 37 repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), Sch. 2 para. 24, **Sch. 15 Pt. 1(B)**

[<sup>F112</sup>**37A Setting of strategic priorities for police authorities**

- (1) The Secretary of State may determine strategic priorities for the policing of the areas of all police authorities to which this section applies.
- (2) Before determining any such priorities the Secretary of State shall consult—
  - (a) the Association of Police Authorities, and
  - (b) the Association of Chief Police Officers.
- (3) The Secretary of State shall arrange for any priorities determined under this section to be published in such manner as he considers appropriate.



*Status: Point in time view as at 14/07/2008.*

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- (4) The police authorities to which this section applies are those established under section 3 and the Metropolitan Police Authority.]

#### Textual Amendments

**F112** S. 37A inserted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 25](#)

### 38 Setting of performance targets.

- (1) Where [<sup>F113</sup>a strategic priority has been determined under section 37A], the Secretary of State may direct police authorities to establish levels of performance (performance targets to be aimed at in seeking [<sup>F114</sup>to give effect to that priority].
- (2) A direction under this section may be given to all police authorities [<sup>F115</sup>to which [<sup>F116</sup>section 37A] 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.
- (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.
- [<sup>F117</sup>(5) A police authority that is given a direction under this section shall comply with it.]

#### Textual Amendments

- F113** Words in s. 38(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(2\)\(a\)](#)
- F114** Words in s. 38(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(2\)\(b\)](#)
- F115** 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.](#)
- F116** Words in s. 38(2) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(3\)](#)
- F117** S. 38(5) inserted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(4\)](#)

### 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 [<sup>F118</sup>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.

*Status: Point in time view as at 14/07/2008.*

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#### Textual Amendments

**F118** 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.**

### [<sup>F119</sup>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 [<sup>F120</sup>National Policing Improvement Agency] to prepare a draft of the code or of the revisions; and the draft prepared by [<sup>F121</sup>that Agency] 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 [<sup>F122</sup>National Policing Improvement Agency] shall consult with—
  - [<sup>F123</sup>(a) the Association of Police Authorities;]
  - [<sup>F123</sup>(b) the Association of Chief Police Officers; and]
  - (c) such other persons as it thinks fit.
- (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

**F119** 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)**

**F120** Words in s. 39A(3) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 62(2)(a)**; S.I. 2007/709, art. 3(a) (with art. 6)

**F121** Words in s. 39A(3) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 62(2)(b)**; S.I. 2007/709, art. 3(a) (with art. 6)

**F122** Words in s. 39A(4) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 62(3)**; S.I. 2007/709, art. 3(a) (with art. 6)

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**F123** S. 39A(4)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 4 para. 3; S.I. 2007/709, art. 3\(d\)](#) (with art. 6)

#### **[<sup>F124</sup>40 Power to give directions in relation to police force**

- (1) Where the Secretary of State is satisfied that the whole or any part of a police force is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the police authority responsible for maintaining the force to take specified measures for the purpose of remedying the failure.
- (2) Where the Secretary of State is satisfied that the whole or a part of a police force will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the police authority responsible for maintaining the force to take specified measures in order to prevent such a failure occurring.
- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which the person or persons submitting the plan propose to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to any police force unless—
  - (a) the police authority responsible for maintaining the force and the chief officer of police 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 and chief officer have each 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.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
  - (a) the police authority responsible for maintaining the force and the chief officer of police of that force have already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
  - (b) the information they had about those matters was sufficient to enable them to identify remedial measures that would have made the giving of the direction unnecessary; and
  - (c) they have each had a reasonable opportunity to take such measures.
- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
  - (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and

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- (b) an opportunity of making written observations about those grounds.

The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.

- (7) A police authority that is given a direction under this section shall comply with it.

#### Textual Amendments

**F124** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)

### 40A Power to give directions in relation to police authority

- (1) Where the Secretary of State is satisfied that a police authority is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the police authority to take specified measures for the purpose of remedying the failure.
- (2) Where the Secretary of State is satisfied that a police authority will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the police authority to take specified measures in order to prevent such a failure occurring.
- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which the authority submitting the plan proposes to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to a police authority unless—
  - (a) the police authority has been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling it to make representations or proposals under the following paragraphs of this subsection;
  - (b) the police authority has been given an opportunity of making representations about those grounds;
  - (c) the 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.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
  - (a) the police authority has already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
  - (b) the information the authority had about those matters was sufficient to enable it to identify remedial measures that would have made the giving of the direction unnecessary; and
  - (c) the authority has had a reasonable opportunity to take such measures.

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- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
- (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and
  - (b) an opportunity of making written observations about those grounds.
- The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.
- (7) A police authority that is given a direction under this section shall comply with it.
- (8) Nothing in this section or in section 40 prevents the Secretary of State 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.

#### Textual Amendments

**F124** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)

#### **40B Procedure for directions under section 40 or 40A**

- (1) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where—
- (a) a proposal is made for the giving of a direction under section 40;
  - (b) a proposal is made for the giving of a direction under section 40A.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
- (a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers; 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 not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (5) On giving a direction under section 40 or section 40A to a police authority, the Secretary of State shall notify the chief officer of police of the force in question that he has given that direction.
- (6) Where the Secretary of State gives a direction under section 40 or section 40A he shall lay before Parliament—
- (a) a copy of the direction; and
  - (b) a report about it.
- (7) A report under subsection (7)—

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- (a) shall be prepared at such time as the Secretary of State considers appropriate; and
- (b) may relate to more than one direction.]

**Textual Amendments**

**F124** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)

**41 Directions as to minimum budget.**

- (1) The power of the Secretary of State to give directions under section 40 [<sup>F125</sup> or 40A ] 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 <sup>M10</sup>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 [<sup>F126</sup>IVA] of Part I of the Local Government Finance Act 1992.
- (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**

**F125** Words in s. 41(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 28](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)

**F126** 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**

**M10** [1992 c. 14](#).

<sup>F127</sup>**41A Power to give directions as to action plans**

**Textual Amendments**

**F127** S. 41A repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 29](#), [Sch. 15 Pt. 1\(B\)](#); [S.I. 2007/709](#), art. 3(c)(r)(i) (with art. 6)

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<sup>F128</sup>**41B Procedure for directions under section 41A**

**Textual Amendments**

**F128** S. 41B repealed (1.4.2007) by **Police and Justice Act 2006 (c. 48)**, s. 53(1), Sch. 2 para. 29, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, art. 3(c)(r)(i) (with art. 6)

**42 Removal of chief constables, etc.**

[<sup>F129</sup>(1) The Secretary of State may—

- (a) require the Metropolitan Police Authority to exercise its power under section 9E to call upon the Commissioner or Deputy Commissioner, in the interests of efficiency or effectiveness, to retire or to resign; or
- (b) require a police authority maintaining a police force under section 2 to exercise its power under section 11 to call upon the chief constable of that force, in the interests of efficiency or effectiveness, to retire or to resign.

(1A) The Secretary of State may also, in any case falling within subsection (1B) in which he considers that it is necessary for the maintenance of public confidence in the force in question—

- (a) require the Metropolitan Police Authority to suspend the Commissioner or Deputy Commissioner from duty; or
- (b) require a police authority maintaining a police force under section 2 to suspend the chief constable of that force from duty.

(1B) The cases falling within this subsection are—

- (a) where the Secretary of State is proposing to exercise his power under subsection (1) in relation to the Metropolitan Police Authority or, as the case may be, the other police authority in question, or is proposing to consider so exercising that power;
- (b) where the Metropolitan Police Authority or the other police authority in question is itself proposing to exercise its power to call upon the Commissioner or Deputy Commissioner or, as the case may be, the chief constable of the force in question to retire or to resign, or is proposing to consider so exercising that power; and
- (c) where the power mentioned in paragraph (a) or (b) has been exercised but the retirement or resignation has not yet taken effect.

(2) Before requiring the exercise by the Metropolitan Police Authority or any other police authority of its power to call upon the Commissioner or Deputy Commissioner or the chief constable of the force in question to retire or to resign, the Secretary of State shall—

- (a) give the officer concerned a notice in writing—
  - (i) informing him of the Secretary of State’s intention to require the exercise of that power; and
  - (ii) explaining the Secretary of State’s grounds for requiring the exercise of that power; and
- (b) give that officer an opportunity to make representations to the Secretary of State.



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(2A) Where the Secretary of State gives a notice under subsection (2)(a), he shall send a copy of the notice to the Metropolitan Police Authority or other police authority concerned.

(2B) The Secretary of State shall consider any representations made to him under subsection (2).]

(3) <sup>F130</sup>Where the Secretary of State proposes to require the exercise of a power mentioned in subsection (1), he 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.

<sup>F131</sup>(3A) At an inquiry held under subsection (3)—

- (a) the Commissioner, Deputy Commissioner or, as the case may be, the chief constable in question shall be entitled, in accordance with any regulations under section 42A, to make representations to the inquiry;
- (b) the Metropolitan Police Authority or, as the case may be, the police authority concerned shall be entitled, in accordance with any regulations made under section 42A, to make representations to the inquiry.

(3B) The entitlement of the Commissioner, Deputy Commissioner or, as the case may be, the chief constable in question to make representations shall include the entitlement to make them in person.]

(4) The costs incurred by a <sup>F132</sup> the Commissioner, the Deputy Commissioner or a 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.

<sup>F133</sup>(4A) If the Secretary of State exercises the power conferred by subsection (1) in relation to the Commissioner or the Deputy Commissioner or a chief constable, the Metropolitan Police Authority or other police authority concerned—

- (a) shall not be required to seek the Secretary of State’s approval before calling upon the Commissioner or Deputy Commissioner or chief constable in question, in the interests of efficiency or effectiveness, to retire or to resign; and
- (b) shall not be required to give the Commissioner, the Deputy Commissioner or the chief constable a written explanation of the authority’s grounds for calling upon him to retire or to resign, to give him an opportunity to make representations to it or to consider any representations made by him.

(4B) In this section “the Commissioner” means the Commissioner of Police of the Metropolis and “the Deputy Commissioner” means the Deputy Commissioner of Police of the Metropolis.

(4C) In this section a reference to the police authority concerned, in relation to a chief constable, is to the police authority which maintains the police force of which he is chief constable.]

<sup>F134</sup><sup>F135</sup>(5) .....

**Textual Amendments**

**F129** S. 42(1)-(2B) substituted for s. 42(1)(2) (1.6.2004) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 33(2)**, 108(2); S.I. 2004/1319, art. 2(d)



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- F130** Words in s. 42(3) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 33\(3\)](#), 108(2); S.I. 2004/1319, art. 2(d)
- F131** S. 42(3A)(3B) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 33\(4\)](#), 108(2); S.I. 2004/1319, art. 2(d)
- F132** Words in s. 42(4) substituted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 33\(5\)](#), 108(2); S.I. 2004/1319, art. 2(d)
- F133** S. 42(4A)-(4C) inserted (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 33\(6\)](#), 108(2); S.I. 2004/1319, art. 2(d)
- F134** S. 42(5) repealed (1.6.2004) by [Police Reform Act 2002 \(c. 30\), ss. 33\(7\)](#), 108(2), [Sch. 8](#); S.I. 2004/1319, art. 2(d)(f)
- F135** 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.](#)

#### [<sup>F136</sup> 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—
  - [<sup>F137</sup>(a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers; 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

- F136** S. 42A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 34](#), 108(2)-(5); S.I. 2002/2306, [art. 2\(c\)\(i\)](#)
- F137** S. 42A(2)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 4 para. 4](#); S.I. 2007/709, art. 3(d) (with art. 6)

#### 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.

*Status: Point in time view as at 14/07/2008.*

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#### 44 Reports from chief constables.

- (1) The Secretary of State may require a [<sup>F138</sup>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 [<sup>F138</sup>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 [<sup>F138</sup>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.
- (4) [<sup>F138</sup>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.

<sup>F139</sup>(5) .....

#### Textual Amendments

**F138** 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.**

**F139** 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 [<sup>F140</sup>Greater London Authority];
 and in those provisions references to police authorities shall be taken as including references to the [<sup>F141</sup>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.

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- (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.
  - (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.
- [<sup>F142</sup>(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.
- [<sup>F143</sup>(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

- F140** 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.**
- F141** 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.**
- F142** 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.**
- F143** 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—

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- (a) police authorities for areas other than the metropolitan police district, and
  - (b) the [<sup>F144</sup>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.
- [<sup>F145</sup>(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**

**F144** 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.**

**F145** 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 [<sup>F146</sup>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.
- [<sup>F147</sup>(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**

**F146** 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.**

**F147** 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.**

<sup>F148</sup>**49 Local inquiries.**

.....

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### Textual Amendments

**F148** S. 49 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 14, [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

## 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 [<sup>F149</sup>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 [<sup>F150</sup>chief] 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),—
  - (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.

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- (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

**F149** 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.**

**F150** Word in s. 50(3) inserted (1.1.2002) by 2001 c. 16, s. 125(3)(4)(a); S.I. 2001/3736, art. 3(a)

#### 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;
    - [<sup>F151</sup>(ba) the conduct of special constables and the maintenance of discipline;]
    - (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.
- [<sup>F152</sup>(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

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

#### Textual Amendments

**F151** S. 51(2)(ba) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 35**, 108(2)-(5); S.I. 2002/2306, **art. 2(c)(ii)**

**F152** 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.

[<sup>F153</sup>(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

**F153** 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.

[<sup>F154</sup>(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.

[<sup>F155</sup>(1A) The Secretary of State may by regulations make any or all of the following provisions—

- (a) provision requiring all police forces in England and Wales, when using equipment for the purposes specified in the regulations to use only—
  - (i) the equipment which is specified in the regulations;
  - (ii) equipment which is of a description so specified; or
  - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
- (b) provision requiring all police forces in England and Wales to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;



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- (c) provision prohibiting all police forces in England and Wales from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
    - (i) where the conditions subject to which the approval was given are satisfied; and
    - (ii) in accordance with the other terms of that approval;
  - (d) provision requiring equipment used by police forces in England and Wales to comply, in the case of all police forces, with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
  - (e) provision prohibiting all police forces in England and Wales from using equipment specified in the regulations, or any equipment of a description so specified.
- (1B) The Secretary of State shall not make any regulations under subsection (1A) unless he 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.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
- (a) [<sup>F156</sup>the Association of Police Authorities;
  - (b) the Association of Chief Police Officers; and]
  - (c) such other persons as he thinks fit.
- (2A) Regulations under this section may make different provision for different cases and circumstances.
- (2B) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2C) In this section “equipment” includes—
- (a) vehicles; and
  - (b) headgear and protective and other clothing.]

#### Textual Amendments

**F154** 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)**

**F155** S. 53(1A)-(2C) substituted for s. 53(2)(3) (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 6, 108(2)-(5)**; S.I. 2002/2306, **art. 2(a)**

**F156** S. 53(2)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 4 para. 5**; S.I. 2007/709, **art. 3(d)** (with art. 6)

#### Modifications etc. (not altering text)

**C10** S. 53 extended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 44, 45**; S.I. 2004/1572, **art. 3(aa)(bb)**

### [<sup>F157</sup>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

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- (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
  - [<sup>F158</sup>(b) the National Policing Improvement Agency.]
- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
- [<sup>F159</sup>(a) the Association of Police Authorities; and
  - (b) the Association of Chief Police Officers.]
- (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 [<sup>F160</sup>National Policing Improvement Agency ] shall consult with—
- [<sup>F161</sup>(a) the Association of Police Authorities; and
  - (b) the Association of Chief Police Officers; 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 [<sup>F162</sup>National Policing Improvement Agency ] 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.
- (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

**F157** S. 53A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#) {ss. 7}, 108(2)-(5); [S.I. 2002/2306](#), [art. 2\(a\)](#)

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- F158** S. 53A(2)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 63(2)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F159** S. 53A(3)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 4 para. 6(2)**; S.I. 2007/709, art. 3(d) (with art. 6)
- F160** Words in s. 53A(5) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 63(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F161** S. 53A(5)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 4 para. 6(3)**; S.I. 2007/709, art. 3(d) (with art. 6)
- F162** Words in s. 53A(6)(a) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 63(4)**; S.I. 2007/709, art. 3(a) (with art. 6)

### *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 <sup>F163</sup> ...  
<sub>F164 ... F165 ....</sub>
- [<sup>F166</sup>(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).]
- [<sup>F167</sup>(2B) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of a police force maintained for any police area; and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.]
- [<sup>F168</sup>(2C) Where the inspectors carry out an inspection under subsection (2B), they shall send a report on that inspection to the Secretary of State.]
- [<sup>F169</sup>(2D) It shall be the duty of the chief inspector of constabulary—
- (a) to enter into arrangements with the Independent Police Complaints Commission for the purpose of securing cooperation, in the carrying out of their respective functions, between the inspectors of constabulary and that Commission; and
  - (b) to ensure that inspectors of constabulary provide that Commission with all such assistance and co-operation as may be required by those arrangements or as otherwise appears to the chief inspector to be appropriate for facilitating the carrying out by that Commission of its functions.]
- (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.
- [<sup>F170</sup>(3A) The Secretary of State may delegate to the chief inspector of constabulary any or all of the following functions—

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- (a) his functions by virtue of sections 9F(2), 9FA(2) and 9G(2) with respect to the approval required for the appointment of an Assistant Commissioner of Police of the Metropolis, of a Deputy Assistant Commissioner of Police of the Metropolis or of a Commander in the metropolitan police force;
  - (b) his functions by virtue of sections 11(1), 11A(2) and 12(2) with respect to the approval required for the appointment of the chief constable of a police force, of the deputy chief constable of a police force or of an assistant chief constable of a police force;
  - (c) his functions by virtue of section 12A(4) with respect to the consent required for a deputy chief constable to exercise or perform any powers or duties of a chief constable for a continuous period exceeding three months.]
- (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.
- [<sup>F171</sup>(6) Schedule 4A (which makes further provision about the inspectors of constabulary) has effect.]

#### Textual Amendments

- F163** Word in s. 54(2) repealed (1.4.2002) by 2001 c. 16, ss. 137, 138(2), Sch. 7 Pt. 3; S.I. 2002/533, **art. 2(e)**
- F164** Words in s. 54(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 71(2), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F165** Words in s. 54(2) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 8**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(7)(a)
- F166** S. 54(2A) inserted (1.4.2000) by 1999 c. 27, s. 24(2); S.I. 1999/2169, **art. 4(1)**
- F167** S. 54(2B) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 71(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F168** S. 54(2B)-(2C) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 3(1), 108(2)-(5)**; S.I. 2002/2306, **art. 2(a)**
- F169** S. 54(2D) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 7 para. 15**; S.I. 2004/913, art. 2(e)
- F170** S. 54(3A) inserted (1.11.2002) by Police Reform Act 2002 (c. 30), **ss. 84, 108(2)-(5)**; S.I. 2002/2306, **art. 5(a)**
- F171** S. 54(6) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 29(1), 53(1)**; S.I. 2007/709, art. 3(m) (with art. 6)

#### Modifications etc. (not altering text)

- C11** S. 54 applied (1.4.2002) by 2001 c. 16, ss. 93(1), 138(2); S.I. 2002/533, **art. 2(a)**
- C12** Ss. 54-56: power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 27(2)(a)(i), 53(1)**; S.I. 2005/1126, art. 2(1)

## 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) [<sup>F172</sup>or (2A)] to be published in such manner as appears to him to be appropriate.

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- (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) <sup>F173</sup> . . . 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 <sup>F174</sup> . . . shall send a copy of any document published under subsection (5) to the Secretary of State.
- <sup>F175</sup>(7) . . . . .
- [<sup>F176</sup>(8) Subsections (3) to (6) above apply in relation to a report relating to the Central Police Training and Development Authority as if—
- (a) the reference to the police authority maintaining the police force to which the report relates were a reference to the Central Police Training and Development Authority; and
  - (b) subsections (3)(b), (4) and (5)(b) and (c) were omitted.]

#### Textual Amendments

- F172** Words in s. 55(1) inserted (1.4.2000) by 1999 c. 27, s. 24(3); S.I. 1999/2169, art. 4
- F173** 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.**
- F174** 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.**
- F175** S. 55(7) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 72, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F176** S. 55(8) inserted (1.4.2002) by 2001 c. 16, ss. 102, 138(2), Sch. 4 para. 7(2); S.I. 2002/533, art. 2(d)

#### Modifications etc. (not altering text)

- C12** Ss. 54-56: power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 27(2)(a)(i), 53(1); S.I. 2005/1126, art. 2(1)
- C13** S. 55 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), s. 63(6); S.I. 2004/1572, art. 3(tt)

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## 56 Assistant inspectors and staff officers.

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

### Modifications etc. (not altering text)

- C12** Ss. 54-56: power to apply conferred (7.4.2005) by [Commissioners for Revenue and Customs Act 2005](#) (c. 11), [ss. 27\(2\)\(a\)\(i\)](#), 53(1); S.I. 2005/1126, art. 2(1)
- C14** S. 56 modified (29.4.2005) by [The Revenue and Customs \(Inspections\) Regulations 2005](#) (S.I. 2005/1133), regs. 1, [10\(1\)](#)

### *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.
- [<sup>F177</sup>(1A) The power conferred by subsection (1) includes power to give financial assistance to any person in connection with the provision or maintenance of such organisations, facilities and services as are mentioned in that subsection.
- (1B) Financial assistance under subsection (1)—
  - (a) may, in particular, be given in the form of a grant, loan or guarantee or investment in a body corporate; and
  - (b) may be given subject to terms and conditions determined by the Secretary of State;but any financial assistance under that subsection other than a grant requires the consent of the Treasury.
- (1C) Terms and conditions imposed under subsection (1B)(b) may include terms and conditions as to repayment with or without interest.
- (1D) Any sums received by the Secretary of State by virtue of terms and conditions imposed under that subsection are to be paid into the Consolidated Fund.]
- (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.
- [<sup>F178</sup>(3A) Regulations under this section [<sup>F179</sup>relating to all police forces may also require the [<sup>F179</sup>Serious Organised Crime Agency] to use the specified facilities or services, or the



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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 [<sup>F180</sup>Agency for the Agency ] to do so.]

- (4) Before making regulations under this section, the Secretary of State shall consult—
- [<sup>F181</sup>(a) the Association of Police Authorities;
  - (b) the Association of Chief Police Officers; and]
  - [<sup>F182</sup>(c) if the regulations relate to the Serious Organised Crime Agency, that Agency.]
- [<sup>F183</sup>(5) The Secretary of State shall consult the [<sup>F184</sup>National Policing Improvement Agency ] 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

- F177** S. 57(1A)-(1D) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 128(1), 153(1)(c)** (with s. 128(2))
- F178** 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)**
- F179** Words in s. 57(3A) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 73(2)(a)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F180** Words in s. 57(3A) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 73(2)(b)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F181** S. 57(4)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 4 para. 7**; S.I. 2007/709, art. 3(d) (with art. 6)
- F182** S. 57(4)(c) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 73(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F183** 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)**
- F184** Words in s. 57(5) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 64**; S.I. 2007/709, art. 3(a) (with art. 6)

## 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.



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- (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 <sup>M11</sup>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.
- [<sup>F185</sup>(7A) For the purposes of subsection (1), a member of the staff of the National Policing Improvement Agency who is—
  - (a) a constable, and
  - (b) an employee of the Agency,shall be treated as a member of a police force in England and Wales, and references in this section to police service shall be construed accordingly.]

<sup>F186</sup>(8) . . . . .

**Textual Amendments**

**F185** S. 59(7A) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 65](#); S.I. 2007/709, art. 3(a) (with art. 6)

**F186** S. 59(8) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 74](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)

**Modifications etc. (not altering text)**

**C15** 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**

**M11** 1967 c. 77.

**60 Regulations for Police Federations.**

- (1) The Secretary of State may by regulations—

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- (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 <sup>M12</sup>Police Pensions Act 1976, section 50 above or section 26 of the <sup>M13</sup>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.

<sup>F187</sup>(2A) .....

- (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

**F187** S. 60(2A) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 75, [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), Sch. paras. 10., 13(y)

#### Modifications etc. (not altering text)

**C16** 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

**M12** 1976 c. 35.

**M13** 1967 c. 77.

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**[<sup>F188</sup> 60A Sections 59 and 60: special provision for the Scottish Police Services Authority and the Scottish Crime and Drug Enforcement Agency**

- (1) For the purposes of sections 59 and 60, persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to the 2006 Act shall be treated as members of a police force in Scotland, and references in section 59 to police service shall be construed accordingly.
- (2) The reference in section 59(2) to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 shall—
  - (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations made in accordance with either of—
    - (i) [<sup>F189</sup>section 23(2)(g)] of the 2006 Act, and
    - (ii) section 26(2A) of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
  - (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967 (temporary service with the Scottish Police Services Authority), be construed as a reference to regulations made in accordance with section 26(2A) of the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.
- (3) The reference in [<sup>F190</sup>section 60(2)(e)] to regulations under section 26 of the Police (Scotland) Act 1967 shall—
  - (a) in the case of police members of the Scottish Crime and Drug Enforcement Agency, be construed as a reference to regulations under either of—
    - (i) section 23 of the 2006 Act, and
    - (ii) section 26 of the Police (Scotland) Act 1967 as applied to police members of that Agency by virtue of paragraph 9(1) of schedule 2 to the 2006 Act
  - (b) in the case of persons engaged on relevant service within paragraph (bd) of section 38A(1) of the Police (Scotland) Act 1967, be construed as a reference to regulations made under section 26 of the Police (Scotland) Act 1967 as applied to such persons by virtue of paragraph 10(10) of schedule 1 to the 2006 Act.
- (4) For the purposes of paragraphs (c) and (d) of subsection (2) of section 60—
  - (a) the Scottish Police Services Authority shall be treated as a police authority, and
  - (b) the Director General of the Scottish Crime and Drug Enforcement Agency shall be treated as a chief officer of police, and the reference in paragraph (d) of that subsection to police purposes shall be construed accordingly.
- (5) In this section, “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006.]

**Textual Amendments**

**F188** S. 60A inserted (S.) (1.4.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#), s. 104(1), [sch. 6 para. 5\(2\)](#); S.S.I. 2007/84, art. 3(3)

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- F189** Words in s. 60A(2)(a)(i) substituted by 2006 asp 10, sch. 6 para. 5(2) (as amended) (S.) (31.3.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Modification of Agencies Powers and Incidental Provision\) Order 2007 \(S.S.I. 2007/260\)](#), arts. 1, **2(3)(a)**
- F190** Words in s. 60A(3) substituted by 2006 asp 10, sch. 6 para. 5(2) (as amended) (S.) (31.3.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Modification of Agencies Powers and Incidental Provision\) Order 2007 \(S.S.I. 2007/260\)](#), arts. 1, **2(3)(b)**

## 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 <sup>F191</sup>Police Service of Northern Ireland],
  - <sup>F192</sup>(aa) .....
  - (b) the persons who are members of those police forces or of <sup>F193</sup>the Police Service] or are police cadets,
  - <sup>F194</sup>(ba) .....
  - <sup>F195</sup>(bb) the members of the staff of the National Policing Improvement Agency who are constables,]
  - (c) the Commissioner of Police of the Metropolis, <sup>F196</sup> . . .
  - <sup>F197</sup>(ca) the Scottish Police Services Authority,
  - (cb) constables seconded to that Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
  - (cc) persons seconded to that Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (cb),
  - (cd) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,]
  - (d) the Secretary of State, <sup>F198</sup>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 <sup>F199</sup>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 organisations representing the interests of the persons referred to in paragraphs <sup>F200</sup>(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.
- <sup>F201</sup>(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.

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- (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

- F191** 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.**
- F192** S. 61(1)(aa) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 76, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F193** 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.**
- F194** S. 61(1)(ba) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 76, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F195** S. 61(1)(bb) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 66**; S.I. 2007/709, art. 3(a) (with art. 6)
- F196** 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**
- F197** S. 61(1)(ca)-(cd) inserted (S.) (1.4.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(3)**; S.S.I. 2007/84, art. 3(3)
- F198** 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**
- F199** 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**
- F200** 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**
- F201** 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 (1) Before making—

- (a) regulations under section 50 or 52;
- F202**(aa) .....
- F203**(ab) .....
- F204**(b) .....
- [**F205**(c) regulations under section 25 of the Police (Northern Ireland) Act 1998;]<sup>**F206**</sup>or
- (d) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency),]

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.

#### [**F207**(1A) Before making

- [ **F208**(a)] regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables)
- [ **F209**(b)] regulations under section 23 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 or an order under paragraph 10(10) of schedule 1 to, or paragraph 9(1) of schedule 2 to, that Act,]

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

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Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations [<sup>F210</sup>or order].]

<sup>F211</sup>(1A) .....

[<sup>F212</sup>(1AA) Before determining the terms and conditions on which an appointment mentioned in subsection (1AB) below is made, the Scottish Police Services Authority 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.

(1AB) Those appointments are—

- (a) the appointment of a constable seconded as a member of the staff of the Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006,
- (b) the appointment of a person seconded as member of staff of the Authority under paragraph 10(3) of schedule 1 to that Act, and
- (c) the appointment of a person as a police member of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.

(1AC) Before determining the terms and conditions on which the Director General or the Deputy Director General of the Scottish Crime and Drug Enforcement Agency is to be appointed, the Scottish Ministers 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.]

<sup>F213</sup>(1B) .....

<sup>F214</sup>(1C) .....

[<sup>F215</sup>(1D) Before issuing a document under paragraph 18 of Schedule 1 to the Police and Justice Act 2006 (rules and principles for contents of contracts of employment of constables employed as members of the staff of the National Policing Improvement Agency), the Secretary of State shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any provision in the document 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.

(1E) Before determining the terms and conditions on which a constable is to be appointed to the staff of the National Policing Improvement Agency as an employee of the Agency, the Secretary of State (where the constable is to be appointed as the chief executive of the Agency) or the Agency (in any other case) 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



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of [<sup>F216</sup>subsection (1), (1A), (1D) or (1E)] above [<sup>F217</sup>, or for the purposes of subsection (1AA) or (1AC) 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.

- (3) No regulations relating to pensions shall be made under section 52 above, section 27 of the Police (Scotland) Act 1967 or [<sup>F218</sup>section 25 of the Police (Northern Ireland) Act 1998] except after consultation with the Board.

#### Textual Amendments

- F202** S. 62(1)(aa) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(2), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F203** S. 62(1)(ab) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(2), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F204** 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**
- F205** S. 62(1)(c) substituted (9.2.1999) by 1998 c. 32, s. 34(1); S.R. 1999/48, **art. 3** (with art. 4)
- F206** S. 62(1)(d) and word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 67(2)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F207** 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**
- F208** Words in s. 62(1A) renumbered as s. 62(1A)(a) (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), sch. 6 para. 5(4)(a)(i); S.S.I. 2006/607, art. 3, Sch.
- F209** S. 62(1A)(b) inserted (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(a)(ii)**; S.S.I. 2006/607, art. 3, **Sch.**
- F210** Words in s. 62(1A) inserted (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(a)(iii)**; S.S.I. 2006/607, art. 3, **Sch.**
- F211** S. 62(1A) (as inserted by Police Act 1997 (c. 50), Sch. 9 para. 82(2)) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(3), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F212** S. 62(1AA)-(1AC) inserted (S.) (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(b)**; S.S.I. 2006/607, art. 3, sch.
- F213** S. 62(1B) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(4), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F214** S. 62(1C) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 77(4), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F215** S. 62(1D)(1E) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 67(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F216** Words in s. 62(2) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 67(4)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F217** Words in s. 62(2) inserted (S.) (1.1.2007) by Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), s. 104(1), **sch. 6 para. 5(4)(c)**; S.S.I. 2006/607, art. 3, sch.
- F218** 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)

- C17** 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)
- C18** S. 62(2) applied (S.) (25.6.2004) by The Police (Scotland) Regulations 2004 (S.S.I. 2004/257), **regs. 1(2)**, **46(1)** (with **reg. 4(2)**)
- C19** S. 62(3) excluded (N.I.) (23.11.2000) by 2000 c. 32, **ss. 49(4)**, 79(2) (with Sch. 7 para. 2)



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### 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.
- [<sup>F219</sup>(1ZA) The Police Advisory Board for Scotland shall also advise the Scottish Ministers on general questions affecting—
- (a) constables seconded to the Scottish Police Services Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act,
  - (b) persons seconded to the Scottish Police Services Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (a); or
  - (c) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.]
- <sup>F220</sup>(1A) .....
- <sup>F221</sup>(1B) .....
- [<sup>F222</sup>(1C) The Police Advisory Board for England and Wales shall also advise the Secretary of State on general questions affecting members of the staff of the National Policing Improvement Agency who are constables.]
- (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.
- [<sup>F223</sup>(3) Before making—
- (a) [<sup>F224</sup>regulations or rules under section 50, 52, 84 or 85], other than regulations with respect to any of the matters mentioned in section 61(1), or
  - (b) regulations under Part 2 of the Police Reform Act 2002, [<sup>F225</sup>or
  - (c) regulations under paragraph 19 of Schedule 1 to the Police and Justice Act 2006 (regulations as to constables who are members of the staff of the National Policing Improvement Agency), other than regulations with respect to any of the matters mentioned in section 61(1),]
- the Secretary of State shall supply the Police Advisory Board for England and Wales with a draft of the regulations [<sup>F226</sup>or rules], and take into consideration any representations made by that Board.]

#### Textual Amendments

- F219** S. 63(1ZA) inserted (S.) (1.1.2007) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) (asp 10), s. 104(1), [sch. 6 para. 5\(5\)](#); S.S.I. 2006/607, art. 3, sch.
- F220** S. 63(1A) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), [Sch. 4 para. 78\(2\)](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F221** S. 63(1B) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), s. 178(8), [Sch. 4 para. 78\(2\)](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F222** S. 63(1C) inserted (1.4.2007) by [Police and Justice Act 2006](#) (c. 48), s. 53(1), [Sch. 1 para. 68\(2\)](#); S.I. 2007/709, art. 3(a) (with art. 6)

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- F223** S. 63(3) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 78\(3\)](#); S.I. 2006/378, art. 4(1), Sch. para. 10
- F224** Words in s. 63(3)(a) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 6\(2\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 47
- F225** S. 63(3)(c) and word inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\), s. 53\(1\), Sch. 1 para. 68\(3\)](#); S.I. 2007/709, art. 3(a) (with art. 6)
- F226** Words in s. 63(3) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 6\(3\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 47

## 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.
- <sup>F227</sup>(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.
- <sup>F228</sup>(4A) .....
- <sup>F228</sup>(4B) .....
- <sup>F229</sup>(4C) This section applies to a member of the staff of the National Policing Improvement Agency who is—
  - (a) a constable, and
  - (b) an employee of the Agency,as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4D) In its application by virtue of subsection (4C), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the chief executive of the National Policing Improvement Agency.]
- <sup>F230</sup>(4E) This section applies to—
  - (a) the Director General of the Scottish Crime and Drug Enforcement Agency,
  - (b) the Deputy Director General of that Agency, and
  - (c) a police member of that Agency appointed by virtue of paragraph 7 of schedule 2 to the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\)](#),as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.
- (4F) In its application by virtue of subsection (4E), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the Scottish Crime and Drug Enforcement Agency.]

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(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**

- F227** S. 64(3) repealed (1.12.2001) by [S.I. 2001/3649](#), **arts. 1, 349**
- F228** S. 64(4A)(4B) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 79](#), **Sch. 17 Pt. 2**; [S.I. 2006/378](#), art. 4(1), [Sch. paras. 10, 13\(y\)](#)
- F229** S. 64(4C)(4D) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 69**; [S.I. 2007/709](#), art. 3(a) (with art. 6)
- F230** S. 64(4E)(4F) inserted (1.4.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), art. 1(3), **Sch. para. 3(2)**

**PART IV**

COMPLAINTS, DISCIPLINARY PROCEEDINGS ETC.

F231 ...

**Textual Amendments**

- F231** Pt. 4 Ch. 1 repealed (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), **Sch. 8** (with s. 26(9)(10)(28)); [S.I. 2004/913](#), art. 2(f)(iv) (with savings in [S.I. 2004/671](#), arts. 1(1), 2(3)(4))

**Modifications etc. (not altering text)**

- C20** Pt. 4 Ch. 1 restricted by [S.I. 1985/520](#), reg. 11(1) (as amended (15.11.2003) by [The Police \(Complaints\) \(General\) \(Amendment\) Regulations 2003 \(S.I. 2003/2602\)](#), regs. 1(1), **8(2)**)
- C21** Pt. IV Ch. I continued (1.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), arts. 1(1), **2(3)(4)**

F231

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**Modifications etc. (not altering text)**

- C22** S. 65 applied (1.4.1999) by [S.I. 1999/731](#), **reg. 11(5)**

F231

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**Modifications etc. (not altering text)**

**C23** S. 81 modified (1.6.1999) by S.I. 1999/1273, reg. 28

F231

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F231

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**CHAPTER II**

**DISCIPLINARY AND OTHER PROCEEDINGS**

**84 Representation at disciplinary and other proceedings.**

- (1) A member of a police force of the rank of [<sup>F232</sup>chief] 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 [<sup>F232</sup>chief] 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.
- (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.

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#### Textual Amendments

**F232** Words in s. 84(1)(3) inserted (1.1.2002) by 2001 c. 16, s. 125(3)(4)(c); S.I. 2001/3736, art. 3(a)

### 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 <sup>M14</sup>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)

**C24** 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)

**C25** 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

**M14** 1972 c. 70.

### <sup>F233</sup>86 Admissibility of statements in subsequent proceedings.

#### Textual Amendments

**F233** S. 86 repealed (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), Sch. 8; S.I. 2004/913, art. 2(f)(iv)

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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.
- [<sup>F234</sup>(1A) The Secretary of State may also issue guidance to the Independent Police Complaints Commission concerning the discharge of its functions under any regulations under section 50 in relation to disciplinary proceedings.
- (2) Nothing in this section shall authorise the issuing of any guidance about a particular case.
- (3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in discharging the functions to which the guidance relates.
- (4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.
- (5) In this section “disciplinary proceedings” means any proceedings under any regulations under section 50 that are identified as disciplinary proceedings by those regulations.]

### Textual Amendments

**F234** S. 87(1A)-(5) substituted for s. 87(2) (1.4.2004) by [Police Reform Act 2002 \(c. 30\), s. 108\(2\), Sch. 7 para. 18](#); [S.I. 2004/913, art. 2\(e\)](#)

## 88 Liability for wrongful acts of constables.

- (1) The chief officer of police for a police area shall be liable in respect of [<sup>F235</sup>any unlawful conduct of] 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 [<sup>F236</sup>, in the case of a 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.



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- (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 [<sup>F237</sup>any unlawful conduct of] 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 [<sup>F238</sup>of this Act <sup>F239</sup>...], or
  - (c) a special constable appointed for the authority’s police area.
- [<sup>F240</sup>(5A) This section shall have effect where, by virtue of section 23 or 24 of the Serious Organised Crime and Police Act 2005, a member of the staff of the Serious Organised Crime Agency who is neither a constable nor an employee of the police authority is provided to a police force as if—
- (a) any unlawful conduct of his in the performance or purported performance of his functions were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and
  - (b) subsection (4) applied to him in the case of the police authority maintaining that force.]
- [<sup>F241</sup>(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and
  - (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

*Status: Point in time view as at 14/07/2008.*

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### Textual Amendments

- F235** Words in s. 88(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 102\(1\)\(a\)\(2\)\(a\), 105\(2\)-\(5\); S.I. 2002/2306, art. 2\(f\)\(xi\)](#)
- F236** Words in s. 88(1) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 102\(1\)\(b\)\(2\)\(a\), 105\(2\)-\(5\); S.I. 2002/2306, art. 2\(f\)\(xi\)](#)
- F237** Words in s. 88(4)(a) substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 102\(4\)\(5\)\(a\), 105\(2\)-\(5\); S.I. 2002/2306, art. 2\(f\)\(xi\)](#)
- F238** 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\(2\)\(ay\)](#)
- F239** Words in s. 88(5)(b) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 80\(2\), Sch. 17 Pt. 2; S.I. 2006/378, art. 4\(1\), Sch. paras. 10, 13\(y\)](#)
- F240** S. 88(5A) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 80\(3\); S.I. 2006/378, art. 4\(1\), Sch. para. 10](#)
- F241** S. 88(6)-(8) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 103\(1\), 105\(2\)-\(5\); S.I. 2002/2306, art. 2\(f\)\(xii\)](#)

### Modifications etc. (not altering text)

- C26** S. 88 applied (with modifications) (1.1.2000) by [S.I. 1999/3272, art. 3](#)
- C27** S. 88(1)-(5) modified (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), s. 25\(5\); S.I. 2004/1572, art. 3\(h\)](#)
- C28** S. 88(1) excluded by [1974 c. 37, s. 51A\(2D\)\(2E\)\(b\) \(as inserted \(7.4.2005\) by Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 158\(1\), 178\(1\)\(a\) \(with s. 158\(5\)-\(7\)\)\)](#)

## 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.
- [<sup>F242</sup>(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

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- (a) is a member of an international joint investigation team that is led by a member of a police force <sup>F243</sup>...; and
  - (b) is carrying out his functions as a member of that team.
- (5) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F242** S. 89(4)-(6) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 104(1)**, 108(2)-(5); S.I. 2002/2306, **art. 2(f)(xiii)**

**F243** Words in s. 89(4)(a) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), Sch. 4 para. 81, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)

#### Modifications etc. (not altering text)

**C29** S. 89 modified (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), **ss. 84(1)**, 94(1); S.I. 2004/786, art. 3(1)(2)

**C30** S. 89(1)(2) applied (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **s. 68(1)(3)**; S.I. 2004/1572, art. 3(yy)

**C31** S. 89(1)(2) modified (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 68(1)**, 198(2); S.I. 2005/877, art. 2(1), Sch. 1

## 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,
- [<sup>F244</sup>(ab) “member of a police force” includes a member of the staff of the National Policing Improvement Agency who is a constable, and]
- (b) “special constable” means a special constable appointed for a police area.

#### Textual Amendments

**F244** S. 90(4)(ab) substituted for s. 90(4)(aa) (1.4.2007) by virtue of [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 70](#); S.I. 2007/709, art. 3(a) (with art. 6)

#### Modifications etc. (not altering text)

**C32** S. 90 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), s. 68(2)(3); S.I. 2004/1572, art. 3(yy)

**C33** S. 90 modified (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), ss. 68(2), 198(2); S.I. 2005/877, art. 2(1), Sch. 1

## 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.
- [<sup>F245</sup>(2) This section applies in the case of—
  - (a) special constables appointed for a police area,
  - [<sup>F246</sup>(aa) members of the staff of the National Policing Improvement Agency who are constables,]
  - (b) members of the Civil Nuclear Constabulary, and
  - (c) members of the British Transport Police Force,
 as it applies in the case of members of a police force.]
- [<sup>F247</sup>(3) Liability under subsection (1) for any behaviour is in addition to any civil liability for that behaviour.]

#### Textual Amendments

**F245** S. 91(2) substituted (1.4.2005) by [Energy Act 2004 \(c. 20\)](#), ss. 68(3), 198(2); S.I. 2005/877, art. 2(1), Sch. 1

**F246** S. 91(2)(aa) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 1 para. 71](#); S.I. 2007/709, art. 3(a) (with art. 6)

**F247** S. 91(3) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 14 para. 30](#); S.I. 2007/709, art. 3(p) (with art. 6)

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**Modifications etc. (not altering text)**

**C34** S. 91 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); S.I. 2004/1572, art. 3(jjj)

*Miscellaneous financial provisions*

**92 Grants by local authorities.**

- (1) The council of a county, district, county borough [<sup>F248</sup>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 [<sup>F248</sup>council's area].
- (2) The council of a London borough, county, [<sup>F249</sup>district or parish] which falls wholly or partly within the metropolitan police district may make grants for police purposes to the [<sup>F250</sup>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**

**F248** Words in s. 92(1) substituted (19.5.1997) by [1997 c. 29, s. 31\(2\)](#); S.I. 1997/1097, [art. 3\(a\)](#)

**F249** Words in s. 92(2) substituted (19.5.1997) by [1997 c. 29, s. 31\(2\)](#); S.I. 1997/1097, [art. 3\(a\)](#)

**F250** 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.
- (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.

<sup>F251</sup>(3) .....

**Textual Amendments**

**F251** 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.

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- (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 <sup>M15</sup>Local Government Finance Act 1992.

**Marginal Citations**  
**M15** 1992 c. 14.

**95** [<sup>F252</sup>**The City of London police Fund.**]

There shall be paid out of <sup>F253</sup> . . . the City of London police fund <sup>F254</sup> . . . any expenditure incurred under this Act in respect of—

- (a) any special constables appointed for <sup>F253</sup> . . . the City of London police area; and
- (b) any police cadets appointed in relation to <sup>F253</sup> . . . the City of London police force.

**Textual Amendments**

**F252** 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.**

**F253** 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.**

**F254** 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.**

*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 [<sup>F255</sup>subsections (6)], arrangements for each police area shall be made by the police authority after consulting the chief constable [<sup>F256</sup>or, in the case of the metropolitan police district, the Commissioner of Police of the Metropolis,] as to the arrangements that would be appropriate.

<sup>F257</sup>(3) . . . . .

<sup>F257</sup>(4) . . . . .

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- <sup>F257</sup>(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

**F255** 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.**

**F256** 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.**

**F257** 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.**

#### <sup>F258</sup>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.
- (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,



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- (c) counter-terrorism, or
- (d) the provision of services for any other national or international purpose.]

#### Textual Amendments

**F258** 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.**

#### [<sup>F259</sup>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, [<sup>F260</sup> section 6ZB(1) shall have effect as if a 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.
- <sup>F261</sup>(3) .....
- (4) In its application to the Metropolitan Police Authority, [<sup>F262</sup>section 6ZC(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.
- (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

- F259** 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.**
- F260** Words in s. 96B(2) substituted (1.4.2008) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 2 para. 13(2)**; S.I. 2008/790, art. 2(b)
- F261** S. 96B(3) repealed (1.4.2008) by Police and Justice Act 2006 (c. 48), s. 53(1), Sch. 2 para. 13(3), **Sch. 15 Pt. 1(B)**; S.I. 2008/790, art. 2(b)
- F262** Words in s. 96B(4) substituted (1.4.2008) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 2 para. 13(4)**; S.I. 2008/790, art. 2(b)

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## 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;
  - <sup>F263</sup>(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) ;]
  - (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;
  - <sup>F264</sup>(ca) .....
  - <sup>F265</sup>(cb) .....
  - <sup>F266</sup>(cc) .....
  - <sup>F266</sup>(cd) .....
  - <sup>F267</sup> <sup>F268</sup>(ce)] .....
  - <sup>F269</sup>(cf) temporary service as a member of the staff of the Serious Organised Crime Agency on which a person is engaged with the consent of the appropriate authority;]
  - <sup>F270</sup>(cg) temporary service with the National Policing Improvement Agency on which a person is engaged with the consent of the appropriate authority;]
  - <sup>F271</sup>(ch) temporary service with the Scottish Police Services Authority on which a person is engaged with the consent of the appropriate authority;
  - (ci) temporary service with the Scottish Police Services Authority 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 <sup>M16</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority;
  - <sup>F272</sup>(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 <sup>F273</sup>Police Service of Northern Ireland], on which a person is engaged with the consent of the Secretary of State and the appropriate authority; <sup>F274</sup> . . .
  - (g) service pursuant to an appointment under section 10 of the <sup>M17</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority. <sup>F275</sup>, or
  - (h) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2001 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.

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- (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 <sup>M18</sup>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 <sup>M19</sup>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 [<sup>F276</sup>paragraph (a), (aa), (b), (c), <sup>F277</sup> ... <sup>F278</sup> ... (cf) [<sup>F279</sup>, (cg) ] [<sup>F280</sup>, (ch), (ci)], (d), (g) or (h) 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 [<sup>F281</sup>(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
  - (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of [<sup>F282</sup>the Police Ombudsman for Northern Ireland or (as the case may be)] the chief constable of the [<sup>F283</sup>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.

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- (8) A member of a police force engaged on relevant service within [F284 paragraph (aa), (b), (c), F285 ... F286 ... (cf) [F287, (cg) ] [F288, (ch), (ci)] 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 [F289 any unlawful conduct of] 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 [F290, in the case of a tort,] be treated for all purposes as a joint tortfeasor.

### Textual Amendments

- F263** S. 97(1)(aa) inserted (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#), s. 108(2), **Sch. 7 para. 19(1)**; S.I. 2004/913, art. 2(e)
- F264** S. 97(1)(ca) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 82(2)(a)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F265** S. 97(1)(cb) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 82(2)(a)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F266** S. 97(1)(cc)(cd) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6); S.I. 2007/709, art. 3(q) (with art. 6)
- F267** S. 97(1)(ce) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 155(2), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F268** S. 97(1)(ce): s. 97(1)(cd) renumbered as s. 97(1)(ce) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 82(2)(b)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F269** S. 97(1)(cf) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 82(2)(c)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F270** S. 97(1)(cg) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 72(2)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F271** S. 97(1)(ch)(ci) inserted (1.4.2007) by [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(Consequential Provisions and Modifications\) Order 2007 \(S.I. 2007/1098\)](#), art. 1(3), **Sch. para. 3(3)(a)**
- F272** S. 97(1)(ea) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(3)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F273** 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.**
- F274** Word in s. 97(1) repealed (17.6.2002) by [International Development Act 2002 \(c. 1\)](#), ss. 19, 20(2), **Sch. 4** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F275** S. 97(1)(h) and word inserted (17.6.2002) by [International Development Act 2002 \(c. 1\)](#), ss. 19, 20(2), **Sch. 3 para. 11(2)** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F276** Words in s. 97(6)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 4 para. 82(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F277** Words in s. 97(6)(a) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)
- F278** Word in s. 97(6)(a) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 155(3), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F279** Word in s. 97(6)(a) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 1 para. 72(3)**; S.I. 2007/709, art. 3(a) (with art. 6)

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- F280** Words in s. 97(6)(a) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(b)**
- F281** Words in s. 97(6)(c) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(4)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F282** Words in s. 97(7)(b) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(5)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F283** 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.**
- F284** Words in s. 97(8) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(4)**; S.I. 2006/378, art. 4(1), **Sch. para. 10**
- F285** Words in s. 97(8) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)
- F286** Word in s. 97(8) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 155(4), Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F287** Word in s. 97(8) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 72(3)**; S.I. 2007/709, art. 3(a) (with art. 6)
- F288** Words in s. 97(8) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(b)**
- F289** Words in s. 97(9) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(a)(2)(b), 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(xi)**
- F290** Words in s. 97(9) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(b)(2)(b), 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(xi)**

#### Modifications etc. (not altering text)

- C35** S. 97(9) excluded by 1974 c. 37, s. 51A(2D)(2E)(c) (as inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 158(1), 178(1)(a)** (with s. 158(5)-(7)))

#### Marginal Citations

- M16** 9 & 10 Geo. 6 c. 17.  
**M17** 1980 c. 63.  
**M18** 1976 c. 35.  
**M19** 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 [<sup>F291</sup>Police Service of Northern Ireland], provide constables or other assistance for the purpose of enabling the Scottish force or the [<sup>F291</sup>Police Service of Northern Ireland] to meet any special demand on its resources.
- (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 <sup>F292</sup>... the chief constable of the [<sup>F291</sup>Police Service of Northern Ireland]<sup>F293</sup>..., provide constables or other assistance for the purpose of enabling the English or Welsh force or the [<sup>F291</sup>Police Service of Northern Ireland]<sup>F293</sup>... to meet any special demand on its resources.
- (3) The chief constable of the [<sup>F291</sup>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 <sup>F294</sup>..., provide constables or other assistance

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for the purpose of enabling the English or Welsh force or the Scottish force <sup>F294</sup>... to meet any special demand on its resources.

<sup>F295</sup>(3A) .....

(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 <sup>F296</sup>...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), [<sup>F297</sup>(2) or (3)] 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 [<sup>F291</sup>Police Service of Northern Ireland]<sup>F296</sup> ..., 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 <sup>F298</sup>... 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 [<sup>F291</sup>Police Service of Northern Ireland]<sup>F298</sup> ..., of its chief officer or the chief constable of the [Police Service of Northern Ireland]<sup>F299</sup> ... 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.

<sup>F300</sup>(6A) .....

(7) In the application of this section to Scotland, any expression used in this section and in the <sup>M20</sup>Police (Scotland) Act 1967 shall have the same meaning in this section as in that Act.

[<sup>F301</sup>(8) “Constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000.]

#### Textual Amendments

**F291** 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.**

**F292** 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)

**F293** Words in s. 98(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(2)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**

**F294** Words in s. 98(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(2)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**

**F295** S. 98(3A) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(3)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**

**F296** Words in s. 98(4) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(4)(a)**, **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), **Sch. paras. 10, 13(y)**



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- F297** Words in s. 98(4) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 83(4)(b)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F298** Words in s. 98(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 83(5)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F299** Words in s. 98(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 83(5)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 1013(y)
- F300** S. 98(6A) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 83(6), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F301** 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

**M20** 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 [F302 or section 58 of the Local Government Act 1972] is not appointed chief constable or 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.



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(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.

**Textual Amendments**

**F302** Words in s. 100(1) substituted (1.11.2007 for E.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 1 para. 19\(3\); S.I. 2007/3136, art. 2\(b\)](#)

*Supplemental*

**101 Interpretation.**

(1) Except where the context otherwise requires, in this Act—

[<sup>F303</sup>“the Association of Chief Police Officers” means the Association of Chief Police Officers of England, Wales and Northern Ireland;]

[<sup>F304</sup>[<sup>F305</sup>“British Transport Police Force” means the constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);]]

“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 ;

“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 <sup>M21</sup>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 [<sup>F306</sup>Metropolitan Police Authority], and
- (c) in relation to the City of London police area, the Common Council;

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- “police force” means a force maintained by a police authority;  
 “police fund” means—
- (a) in relation to a force maintained under section 2 [<sup>F307</sup>or the metropolitan police force], the fund kept by that force’s police authority under section 14,
  - (b) <sup>F308</sup> .....
  - (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

**F303** Words in s. 101(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 4 para. 8](#); [S.I. 2007/709](#), art. 3(d) (with art. 6)

**F304** Definition in s. 101 ceases to have effect (1.7.2004) by virtue of [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); [S.I. 2004/1572](#), art. 3(jjj)

**F305** S. 101(1): definition of “British Transport Police Force” inserted (14.12.2001) by [2001 c. 24](#), ss. 101, 127(2)(f), [Sch. 7 para. 27](#)

**F306** 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.](#)

**F307** 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.](#)

**F308** Words in s. 101(1) 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.](#)

#### Modifications etc. (not altering text)

**C36** S. 101 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), [Sch. 5 para. 4](#); [S.I. 2004/1572](#), art. 3(jjj)

#### Marginal Citations

**M21** [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.

## 103 Consequential amendments, transitional provisions, repeals, etc.

- (1) The enactments mentioned in Schedule 7 shall be amended as provided in that Schedule.

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- (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)—  
section 21;  
[<sup>F309</sup>section 25(1A);]  
Part III;

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**F310**

...

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.

#### **Textual Amendments**

**F309** Words in s. 105(2) inserted (14.12.2001) by 2001 c. 24, ss. 101, 127(2)(f), **Sch. 7 para. 28**

**F310** Words in s. 105(2) repealed (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 8**; S.I. 2004/913, art. 2(f)(iv)

#### **106 Short title.**

This Act may be cited as the Police Act 1996.

**Status:**

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**Changes to legislation:**

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