



Police Act 1996

1996 CHAPTER 16

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, [^{F1}sections 84 and 85] and Schedule 6; and
 - (e) in Part V, section 95.

Textual Amendments

- F1** Words in s. 36(2)(d) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 2](#); S.I. 2008/2712, art. 2, Sch. para. 16(a)

^{F2}36A National Policing Plan

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Status: Point in time view as at 12/01/2010.

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Textual Amendments
F2 S. 36A repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), Sch. 2 para. 24, [Sch. 15 Pt. 1\(B\)](#)

F3 37 Setting of objectives for police authorities.

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Textual Amendments
F3 S. 37 repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), Sch. 2 para. 24, [Sch. 15 Pt. 1\(B\)](#)

[F4 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.
- (4) The police authorities to which this section applies are those established under section 3 and the Metropolitan Police Authority.]

Textual Amendments
F4 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 [F5 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 [F6 to give effect to that priority].
- (2) A direction under this section may be given to all police authorities [F7 to which [F8 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.
- [F9 (5) A police authority that is given a direction under this section shall comply with it.]

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Textual Amendments

- F5** Words in s. 38(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(2\)\(a\)](#)
- F6** Words in s. 38(1) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(2\)\(b\)](#)
- F7** 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.](#)
- F8** Words in s. 38(2) substituted (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), [Sch. 2 para. 26\(3\)](#)
- F9** 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 [^{F10}and the Metropolitan Police Authority] of any of their functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

Textual Amendments

- F10** 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.](#)

[^{F11}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 [^{F12}National Policing Improvement Agency] to prepare a draft of the code or of the revisions; and the draft prepared by [^{F13}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 [^{F14}National Policing Improvement Agency] shall consult with—
 - [^{F15}(a) the Association of Police Authorities;]
 - [^{F15}(b) the Association of Chief Police Officers; and]
 - (c) such other persons as it thinks fit.

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

Textual Amendments

- F11** 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)**
- F12** 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**)
- F13** 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**)
- F14** 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**)
- F15** 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**)

[^{F16}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

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- 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
 - (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

F16 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

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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.
- (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

F16 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;

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- (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 [F17 subsection (6)]—
- (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

F16 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)

F17 Words in s. 40B(7) substituted (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\), s. 116\(6\)\(a\), Sch. 7 para. 133](#)

41 Directions as to minimum budget.

- (1) The power of the Secretary of State to give directions under section 40 [F18 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 ^{M1}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 [F19 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

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of the Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

Textual Amendments

- F18** 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)
- F19** 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

- M1** [1992 c. 14](#).

^{F20} 41A Power to give directions as to action plans

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Textual Amendments

- F20** 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)

^{F21} 41B Procedure for directions under section 41A

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Textual Amendments

- F21** 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.

[^{F22}(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—

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- (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.
 - (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) [^{F23}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.
 - [^{F24}(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 [^{F25} 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.

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- [^{F26}(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.]

^{F27}[^{F28}(5)]

Textual Amendments

- F22** 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\(d\)](#)
- F23** 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\(d\)](#)
- F24** 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\(d\)](#)
- F25** 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\(d\)](#)
- F26** 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\(d\)](#)
- F27** 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\(d\)\(f\)](#)
- F28** 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.](#)

[^{F29}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—
 - [^{F30}(a) the Association of Police Authorities;
 - (b) the Association of Chief Police Officers; and]
 - (c) such other persons as he thinks fit.

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- (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

- F29** 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)**
- F30** 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.

44 Reports from chief constables.

- (1) The Secretary of State may require a [^{F31}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 [^{F31}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 [^{F31}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) [^{F31}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.

^{F32}(5)

Textual Amendments

- F31** 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.**
- F32** 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.**

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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 [^{F33}Greater London Authority];
 and in those provisions references to police authorities shall be taken as including references to the [^{F34}Greater London Authority] .
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
 - (a) the aggregate amount of grants to be made under this section, and
 - (b) the amount of the grant to be made to each authority;
 and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2), and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among police authorities of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2), and the formulae and other rules referred to in subsection (4), may be different for different authorities or different classes of authority.
- (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.
- [^{F35}(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

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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.

[^{F36}(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

- F33** 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.**
- F34** 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.**
- F35** 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.**
- F36** S. 46(9) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

47 Grants for capital expenditure.

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) for police purposes by—
- police authorities for areas other than the metropolitan police district, and
 - the [^{F37}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.

[^{F38}(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

- F37** 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.**
- F38** 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—

- police authorities for areas other than the metropolitan police district, and
- the [^{F39}Metropolitan Police Authority],

in connection with safeguarding national security.

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- (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.
- [^{F40}(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

- F39** 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.**
- F40** 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.**

^{F41}49 Local inquiries.

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Textual Amendments

- F41** 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.

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- [^{F42}(3) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or
 - (b) make provision for the establishment of, procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of members of police forces, including procedures for cases in which such persons may be dealt with by dismissal.]
- (4) In relation to any matter as to which provision may be made by regulations under this section, the regulations may ^{F43}... —
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (5) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- (7) Regulations under this section may make different provision for different cases and circumstances.
- (8) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F42 S. 50(3) substituted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 22 para. 3\(2\)](#); [S.I. 2008/2712, art. 2](#), [Sch. para. 16\(b\)](#) (with [art. 4](#)); [S.I. 2008/2993, art. 2\(1\)\(h\)\(i\)](#) (with [art. 3](#))

F43 Words in s. 50(4) repealed (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 22 para. 3\(3\)](#), [Sch. 28 Pt. 8](#); [S.I. 2008/2712, art. 2](#), [Sch. para. 16\(b\)](#) (with [art. 4](#)); [S.I. 2008/2993, art. 2\(1\)\(h\)\(i\)](#) (with [art. 3](#))

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;

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- (b) the retirement of special constables;
 - [^{F44}(ba) the conduct [^{F45}, efficiency and effectiveness] 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.
- [^{F46}(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or
 - (b) make provision for the establishment of,
- procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of special constables, including procedures for cases in which such persons may be dealt with by dismissal.]
- (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.
- [^{F47}(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]
- (4) Subsections (7) and (8) of section 50 shall apply to regulations under this section.

Textual Amendments

- F44** 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\(c\)\(ii\)](#)
- F45** Words in s. 51(2)(ba) inserted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. [153\(7\)](#), [Sch. 22 para. 4\(2\)](#); S.I. [2008/2712](#), [art. 2](#), [Sch. para. 16\(b\)](#) (with [art. 4](#)); S.I. [2008/2993](#), [art. 2\(1\)\(h\)\(i\)](#) (with [art. 3](#))
- F46** S. 51(2A) inserted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. [153\(7\)](#), [Sch. 22 para. 4\(3\)](#); S.I. [2008/2712](#), [art. 2](#), [Sch. para. 16\(b\)](#) (with [art. 4](#)); S.I. [2008/2993](#), [art. 2\(1\)\(h\)\(i\)](#) (with [art. 3](#))
- F47** 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.

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[^{F48}(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

F48 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.

[^{F49}(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.

[^{F50}(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;
- (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.

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- (2) Before making any regulations under this section, the Secretary of State shall consult with—
- (a) [^{F51}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

- F49** 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)**
- F50** 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)**
- F51** 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)

- C1** 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)**

[^{F52}53A Regulation of procedures and practices

- (1) The Secretary of State may by regulations make provision requiring all police forces in England and Wales—
- (a) to adopt particular procedures or practices; or
 - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
- (a) the chief inspector of constabulary; and
 - [^{F53}(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—
- [^{F54}(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 [^{F55}National Policing Improvement Agency] shall consult with—

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- [^{F56}(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 [^{F57}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

- F52** S. 53A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#) {ss. 7}, 108(2)-(5); S.I. 2002/2306, [art. 2\(a\)](#)
- F53** 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)
- F54** 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)
- F55** 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)
- F56** 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)
- F57** 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)

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