

Status: Point in time view as at 01/04/2002.

Changes to legislation: Police Act 1996, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 24 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)

SCHEDULES

SCHEDULE 2

POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

Disqualification

^{F1}10

Textual Amendments

F1 Sch. 2 para. 10 repealed (19.6.2001) by 2001 c. 16, ss. 106(1)(a), 137, **Sch. 7 Pt. IV**; S.I. 2001/2223, **art. 2(h)(i)**

- 11 (1) Subject to sub-paragraphs (3) and (4), a person shall be disqualified for being appointed as or being a member of a police authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority is represented, or by any person holding any such office or employment;
 - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (c) he is subject to a disqualification order [^{F2}or disqualification undertaking] under the ^{M1}Company Directors Disqualification Act 1986 [^{F3}to a disqualification order under Part II of the ^{M2}Companies (Northern Ireland) Order 1989], or to an order made under section 429(2)(b) of the ^{M3}Insolvency Act 1986 (failure to pay under county court administration order); or
 - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and

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- (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- (4) Where a person is disqualified under sub-paragraph (1)(b) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d), the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

Textual Amendments

- F2** Words in Sch. 2 para. 11(1)(c) inserted (2.4.2001) by 2000 c. 39, s. 8, Sch. 4 Pt. II para. 20(a); S.I. 2000/766, art. 2(1)(a)
- F3** Words in Sch. 2 para. 11(1)(c) inserted (2.4.2001) by 2000 c. 39, s. 8, Sch. 4 Pt. II para. 20(b); S.I. 2001/766, art. 2(1)(a)

Marginal Citations

- M1** 1986 c. 46.
- M2** S.I. 1989/2404 (N.I. 18).
- M3** 1986 c. 45.

^{F4}12

Textual Amendments

- F4** Sch. 2 para. 12 repealed (1.4.2000) by 1999 c. 29, ss. 325, 423, Sch. 27 para. 105(3), Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); S.I. 1999/3271, art. 4

- 13 (1) Without prejudice to [^{F5}paragraph 11], a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 if—
- (a) he has not yet attained the age of twenty-one years, or
- (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to [^{F5}paragraph 11], a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.

Textual Amendments

- F5** Words in Sch. 2 para. 13 substituted (19.6.2001) by 2001 c. 16, s. 106(2); S.I. 2001/2223, art. 2(b)

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- 14 (1) Without prejudice to [^{F6}paragraph 11], a person shall be disqualified for being appointed as a member of a police authority under paragraph 5, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
 - (b) a magistrate eligible for appointment to the police authority under paragraph 8;
 - (c) a member of the selection panel for the police authority's area established under Schedule 3;
 - (d) a member of a police force;
 - (e) an officer or employee of a police authority; or
 - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
 - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

Textual Amendments

F6 Words in Sch. 2 para. 14 substituted (19.6.2001) by 2001 c. 16, s. 106(2); S.I. 2001/2223, art. 2(b)

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