

Status: Point in time view as at 19/06/2001.

Changes to legislation: Police Act 1996, SCHEDULE 5 is up to date with all changes known to be in force on or before 08 August 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 5

Section 66.

THE POLICE COMPLAINTS AUTHORITY

Constitution of Authority

- 1 (1) The Police Complaints Authority shall consist of a chairman and not less than eight other members.
- (2) The chairman shall be appointed by Her Majesty.
- (3) The other members shall be appointed by the Secretary of State.
- (4) The members of the Authority shall not include any person who is or has been a constable in any part of the United Kingdom.
- (5) Persons may be appointed as whole-time or part-time members of the Authority.
- (6) The Secretary of State may appoint not more than two of the members of the Authority to be deputy chairmen.

Status of Authority

- 2 The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Authority's property shall not be regarded as property of or property held on behalf of the Crown.

Members

- 3 (1) Subject to the following provisions of this Schedule, a person shall hold an office to which he is appointed under paragraph 1(2), (3) or (6) in accordance with the terms of his appointment.
- (2) A person shall not be appointed to such an office for more than three years at a time.
- (3) A person may at any time resign such an office.
- (4) The Secretary of State may at any time remove a person from such an office if satisfied that—
- (a) he has without reasonable excuse failed to carry out his duties for a continuous period of three months beginning not earlier than six months before that time;
 - (b) he has been convicted of a criminal offence;
 - (c) he has become bankrupt or made an arrangement with his creditors;
 - (d) he is incapacitated by physical or mental illness;
 - (e) he has acted improperly in relation to his duties; or

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(f) he is otherwise unable or unfit to perform his duties.

4 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of persons appointed to office under paragraph 1(2), (3) or (6) or any of them as he may, with the consent of the Treasury, determine.

5 Where a person ceases to hold such an office otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the consent of the Treasury, direct the Authority to make to the person a payment of such amount as the Secretary of State may, with the consent of the Treasury, determine.

Staff

6 The Authority may, after consultation with the Secretary of State, appoint such officers and servants as appear to the Authority to be appropriate, subject to the approval of the Treasury as to numbers and as to remuneration and other terms and conditions of service.

7 Where a person who is employed by the Authority and is by reference to that employment a participant in a scheme under section 1 of the ^{M1}Superannuation Act 1972 is appointed to an office under paragraph 1(2), (3) or (6), the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the Authority; and his rights under the scheme shall not be affected by paragraph 4.

Marginal Citations

M1 1972 c. 11.

8 The ^{M2}Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Authority.

Marginal Citations

M2 1969 c.57

Power of Authority to set up regional offices

9 (1) If it appears to the Authority that it is necessary to do so in order to discharge their duties efficiently, the Authority may, with the consent of the Secretary of State and the Treasury, set up a regional office in any place in England and Wales.

(2) The Authority may delegate any of their functions to a regional office.

Proceedings

10 (1) Subject to the provisions of Chapter I of Part IV and section 87, the arrangements for the proceedings of the Authority (including the quorum for meetings) shall be such as the Authority may determine.

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- (2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general direction of the Authority, of any of the Authority's functions by a committee or by one or more of the members, officers or servants of the Authority.
- 11 The validity of any proceedings of the Authority shall not be affected by—
- (a) any defect in the appointment of the chairman or any other member, or
 - (b) any vacancy in the office of chairman or among the other members.

Finance

- 12 The Secretary of State—
- (a) shall pay to the Authority expenses incurred or to be incurred by the Authority under paragraphs 5 and 6, and
 - (b) shall, with the consent of the Treasury, pay to the Authority such sums as appear to the Secretary of State to be appropriate for enabling the Authority to meet other expenses.
- 13 (1) The Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts,
 - (b) prepare in respect of each financial year of the Authority a statement of accounts in such form as the Secretary of State may, with the approval of the Treasury, direct, and
 - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before Parliament.
- (3) The financial year of the Authority shall be the twelve months ending on 31st March.

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