



# Police Act 1996

## 1996 CHAPTER 16

### PART II

#### CENTRAL SUPERVISION, DIRECTION AND FACILITIES

##### *Functions of Secretary of State*

#### **[<sup>F1</sup>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—
  - [<sup>F2</sup>(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
  - (aa) the Mayor's Office for Policing and Crime;
  - (ab) the Common Council;]
  - (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 [<sup>F3</sup>local policing body], the Secretary of State shall notify the chief officer of police of the force in question that he has given that direction.

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*Status: Point in time view as at 16/01/2012. This version of this provision has been superseded.*

*Changes to legislation: Police Act 1996, Section 40B is up to date with all changes known to be in force on or before 02 September 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)*

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- (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 [F4 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**

- F1** 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)
- F2** Ss. 40B(2)(a)-(ab) substituted for s. 40B(2)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(4\)](#), 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1 (with Sch. 2 para. 3)
- F3** Words in s. 40B(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(5\)](#), 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1
- F4** 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](#)

**Status:**

Point in time view as at 16/01/2012. This version of this provision has been superseded.

**Changes to legislation:**

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