



Police Act 1996

1996 CHAPTER 16

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

[^{F1}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—
 - [^{F2}(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) [^{F3}the National Police Chiefs' Council]; 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 [^{F4}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.

*Changes to legislation: There are currently no known outstanding effects
for the Police Act 1996, Section 40B. (See end of Document for details)*

- (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 [F⁵subsection (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(2)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 14 paras. 6, 7\(c\)](#); [S.I. 2017/399](#), reg. 2, [Sch. para. 41](#)
- F4** 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](#)
- F5** 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](#)

Modifications etc. (not altering text)

- C1** Ss. 40-40B: power to apply conferred (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [2009 c. 20](#), [Sch. 5C para. 11\(1\)\(c\)](#) (as inserted by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 2](#))

Changes to legislation:

There are currently no known outstanding effects for the Police Act 1996, Section 40B.