



# Police Act 1996

## 1996 CHAPTER 16

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **97 Police officers engaged on service outside their force.**

- (1) For the purposes of this section “relevant service” means—
- (a) temporary service on which a person is engaged in accordance with arrangements made under section 26;
  - [<sup>F1</sup>(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);]
  - (b) temporary service under section 56 on which a person is engaged with the consent of the appropriate authority;
  - (c) temporary service under the Crown in connection with the provision by the Secretary of State of—
    - (i) such organisations and services as are described in section 57, or
    - (ii) research or other services connected with the police,on which a person is engaged with the consent of the appropriate authority;
- <sup>F2</sup>(ca) .....
- <sup>F3</sup>(cb) .....
- <sup>F4</sup>(cc) .....
- <sup>F4</sup>(cd) .....
- <sup>F5</sup>(ce) .....
- <sup>F6</sup>(cf) .....
- <sup>F7</sup>(cg) .....
- [<sup>F8</sup>(ch) temporary service with the [<sup>F9</sup>Disclosure and Barring Service] on which a person is engaged with the consent of the appropriate authority;]

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- <sup>F10</sup>(ch) .....
- <sup>F10</sup>(ci) .....
- [<sup>F11</sup>(cj) temporary service as a National Crime Agency officer on which a person is engaged with the consent of the appropriate authority;]
- (d) temporary service as an adviser to the Secretary of State on which a person is engaged with the consent of the appropriate authority;
- (e) service the expenses of which are payable under section 1(1) of the <sup>M1</sup>Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority;
- [<sup>F12</sup>(ea) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;]
- (f) service in the [<sup>F13</sup>Police Service of Northern Ireland], on which a person is engaged with the consent of the Secretary of State and the appropriate authority; <sup>F14</sup> . . .
- (g) service pursuant to an appointment under section 10 of the <sup>M2</sup>Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority [<sup>F15</sup>, or
- (h) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2001 on which a person is engaged with the consent of the appropriate authority.]
- [<sup>F16</sup>(i) temporary service with <sup>F17</sup>... the College of Policing on which a person is engaged with the consent of the appropriate authority;]
- (2) In subsection (1) “appropriate authority”, in relation to a member of a police force, means the chief officer of police acting with the consent of the [<sup>F18</sup>local policing body], except that in relation to the chief officer of police it means the [<sup>F18</sup>local policing body].
- (3) Subject to subsections (4) to (8), a member of a police force engaged on relevant service shall be treated as if he were not a member of that force during that service; but, except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the <sup>M3</sup>Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
- (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 50 above fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(e) refers, the reference in subsection (3) to regulations made under the Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the <sup>M4</sup>Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and

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- (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A member of a police force who—
- (a) has completed a period of relevant service within [<sup>F19</sup>paragraph (a), (aa), (b), (c), <sup>F20</sup>... <sup>F21</sup>... <sup>F22</sup>... [<sup>F23</sup>, (ch) ] [<sup>F24</sup>, (ch), (ci)] [<sup>F25</sup>, (cj)], (d), (g) [<sup>F26</sup>, (h) or (i).] of subsection (1)], or
- (b) while engaged on relevant service within paragraph (e) of that subsection, is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
- (c) while engaged on relevant service within paragraph [<sup>F27</sup>(ea) or] (f) of that subsection, is dismissed from that service or is required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with section 50(3) for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 85 shall apply accordingly.
- (7) For the purposes of subsection (6) a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
- (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of [<sup>F28</sup>the Police Ombudsman for Northern Ireland or (as the case may be)] the chief constable of the [<sup>F29</sup>Police Service of Northern Ireland], or such other person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.
- (8) A member of a police force engaged on relevant service within [<sup>F30</sup>paragraph (aa), (b), (c), <sup>F31</sup>... <sup>F32</sup>... <sup>F33</sup>... [<sup>F34</sup>, (ch) ] [<sup>F35</sup>, (ch), (ci)] [<sup>F36</sup>, (d) or (i)] of subsection (1) —
- (a) shall continue to be a constable, and
- (b) shall be treated for the purposes of sections 30, 59, 60, 64 and 90 as if he were a member of his police force.
- (9) The Secretary of State shall be liable in respect of [<sup>F37</sup>any unlawful conduct of] a member of a police force engaged on relevant service within paragraph (b), (c) or (d) of subsection (1) in the performance or purported performance of his functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in [<sup>F38</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- [<sup>F39</sup>(8A) A person who is member of a police force engaged on relevant service within paragraph (cj) of subsection (1) shall be treated for the purposes of sections 59, 60 and 64 as if the person were a member of that police force.]

#### Textual Amendments

- F1** S. 97(1)(aa) inserted (1.4.2004) by [Police Reform Act 2002 \(c. 30\), s. 108\(2\), Sch. 7 para. 19\(1\); S.I. 2004/913, art. 2\(e\)](#)
- F2** S. 97(1)(ca) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 4 para. 82\(2\)\(a\), Sch. 17 Pt. 2; S.I. 2006/378, art. 4\(1\), Sch. paras. 10, 13\(y\)](#)

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- F3** S. 97(1)(cb) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 82(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(y)
- F4** S. 97(1)(cc)(cd) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6); S.I. 2007/709, art. 3(q) (with art. 6)
- F5** S. 97(1)(ce) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 155(2), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F6** S. 97(1)(cf) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(2)(a)(i)**; S.I. 2013/1682, art. 3(v)
- F7** S. 97(1)(cg) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(2)(a)(ii)**; S.I. 2013/1682, art. 3(v)
- F8** S. 97(1)(ch) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 13(2)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F9** Words in s. 97(1) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **13(1)(2)(b)** (with Pt. 4)
- F10** S. 97(1)(ch)(ci) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 25(4)**
- F11** S. 97(1)(cj) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(2)(b)**; S.I. 2013/1682, art. 3(v)
- F12** S. 97(1)(ea) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(3)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F13** Words in s. 97(1)(f) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(3)**; S.R. 2001/396, art. 2, **Sch.**
- F14** Word in s. 97(1) repealed (17.6.2002) by International Development Act 2002 (c. 1), ss. 19, 20(2), **Sch. 4** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F15** S. 97(1)(h) and word inserted (17.6.2002) by International Development Act 2002 (c. 1), ss. 19, 20(2), **Sch. 3 para. 11(2)** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F16** S. 97(1)(i) inserted (21.12.2012) by The Police (Descriptions of Service) Order 2012 (S.I. 2012/2954), arts. 1(2), **3(2)**
- F17** Words in s. 97(1)(i) omitted (13.5.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 88** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 23(f)
- F18** Words in s. 97(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 44**; S.I. 2011/3019, art. 3, Sch. 1
- F19** Words in s. 97(6)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F20** Words in s. 97(6)(a) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)
- F21** Word in s. 97(6)(a) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 155(3), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F22** Words in s. 97(6)(a) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(3)(a)**; S.I. 2013/1682, art. 3(v)
- F23** Words in s. 97(6)(a) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 13(3)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F24** Words in s. 97(6)(a) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(b)**
- F25** Words in s. 97(6)(a) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(3)(b)**; S.I. 2013/1682, art. 3(v)
- F26** Words in s. 97(6)(a) substituted (21.12.2012) by The Police (Descriptions of Service) Order 2012 (S.I. 2012/2954), arts. 1(2), **3(3)**
- F27** Words in s. 97(6)(c) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(4)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**

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- F28** Words in s. 97(7)(b) inserted (9.2.1999 and 21.2.2003) by 1998 c. 32, s. 74(1), **Sch. 4 para. 20(5)**; S.R. 1999/48, **art. 3** (with art. 4); S.R. 2003/142, **art. 3**
- F29** Words in s. 97(7)(b) substituted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 6 para. 12(3)**; S.R. 2001/396, **art. 2, Sch.**
- F30** Words in s. 97(8) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 82(4)**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F31** Words in s. 97(8) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)
- F32** Word in s. 97(8) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 155(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F33** Words in s. 97(8) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(4)**; S.I. 2013/1682, art. 3(v)
- F34** Words in s. 97(8) inserted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 13(3)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F35** Words in s. 97(8) inserted (1.4.2007) by The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098), art. 1(3), **Sch. para. 3(3)(b)**
- F36** Words in s. 97(8) substituted (21.12.2012) by The Police (Descriptions of Service) Order 2012 (S.I. 2012/2954), arts. 1(2), **3(4)**
- F37** Words in s. 97(9) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(a)(2)(b), 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(xi)**
- F38** Words in s. 97(9) substituted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 102(1)(b)(2)(b), 108(2)-(5)**; S.I. 2002/2306, **art. 2(f)(xi)**
- F39** S. 97(8A) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 48(5)**; S.I. 2013/1682, art. 3(v)

#### **Modifications etc. (not altering text)**

- C1** S. 97 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 3 para. 5**
- C2** S. 97(9) excluded by 1974 c. 37, s. 51A(2D)(2E)(c) (as inserted (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 158(1), 178(1)(a)** (with s. 158(5)-(7)))

#### **Marginal Citations**

- M1** 9 & 10 Geo. 6 c. 17.
- M2** 1980 c. 63.
- M3** 1976 c. 35.
- M4** 9 & 10 Geo. 6 c. 17.

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