
STATUTORY INSTRUMENTS

1994 No. 3262

**The Police and Magistrates' Courts Act 1994 (Commencement
No. 5 and Transitional Provisions) Order 1994**

Determinations by nominated person

10.—(1) Where a nominated person has been appointed under article 8(5) above, he shall (as soon as practicable after his appointment) proceed to determine in accordance with paragraphs (4) to (9) below a dispute as to which (if any) transfers of property, rights and liabilities from a relevant authority to an appropriate new police authority it is fair and reasonable to make.

(2) Where a nominated person appointed under article 8(5) above determines that a transfer shall be made, he shall draw up an instrument to give effect to his determination; and any such instrument shall specify the date or dates on which it is to take effect.

(3) Where a nominated person has been appointed under article 6(4) above to determine a dispute as to whether a person falls within article 6(2), he shall (as soon as practicable after his appointment) proceed to determine in accordance with paragraphs (4) to (9) below whether the person who is the subject of the dispute falls within article 6(2) and set out his determination in writing.

(4) A nominated person shall not determine a dispute unless both parties to it have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.

(5) Any oral representations shall be made at a hearing on a date appointed by the nominated person after consultation with the parties to a dispute.

(6) The parties shall have the right to appear by counsel, a solicitor or by the clerk or other officer of either of the parties.

(7) The nominated person shall be paid such remuneration and reimbursed for such expenses as —

(a) the parties to the dispute may determine before he is appointed; or

(b) in the absence of such agreement, may be determined by the Secretary of State.

(8) The nominated person shall make such order as to which of the parties to the dispute shall pay the costs incurred under this article, including the costs incurred under paragraphs (6) and (7) above, as may appear to him to be fair and reasonable.

(9) Any order under paragraph (8) above may apportion the costs between the parties.

(10) In this article “appropriate new police authority”, “relevant authority” and “transfer of property, rights and liabilities” have the same meaning as in article 8 above.