

SCHEDULES

SCHEDULE 4

APPLICATION TO POLICE AUTHORITIES OF ENACTMENTS RELATING TO LOCAL AUTHORITIES

PART I

AMENDMENTS OF LOCAL GOVERNMENT ENACTMENTS

Local Government (Records) Act 1962

- 1 In section 2 of the Local Government (Records) Act 1962 (acquisition and deposit of records), in subsection (6) after the words “City of London,” there shall be inserted the words “to a police authority established under section 3 of the Police Act 1964,”.
- 2 In section 8 of that Act (interpretation), in subsection (1), in the definition of “local authority” after the words “City of London” there shall be inserted the words “, a police authority established under section 3 of the Police Act 1964,”.

Local Government Act 1966

- 3 In section 11 of the Local Government Act 1966 (grants for expenditure due to ethnic minority population), in subsection (2) after the words “apply to” there shall be inserted the words “a police authority established under section 3 of the Police Act 1964 and”.

Local Government Grants (Social Need) Act 1969

- 4 In section 1 of the Local Government Grants (Social Need) Act 1969 (provision for grants), in subsection (3) after the word “include” there shall be inserted the words “a police authority established under section 3 of the Police Act 1964 and”.

Local Authorities (Goods and Services) Act 1970

- 5 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in subsection (4), in the definition of “public body” after the words “local authority” there shall be inserted the words “, any police authority established under section 3 of the Police Act 1964, any”.

Local Government Act 1972

- 6 In section 94 of the Local Government Act 1972 (disability of members of authorities for voting on account of interest in contracts, etc.), in subsection (5) (b) (receipt of certain allowances not to be treated as a pecuniary interest) after

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- the words “176 below” there shall be inserted the words “or paragraph 26 of Schedule 1B to the Police Act 1964”.
- 7 In section 98 of that Act, in subsection (1A) (application to joint authorities of provisions about members' interests) after the words “joint authority” there shall be inserted the words “and a police authority established under section 3 of the Police Act 1964”.
- 8 In section 99 of that Act (meetings and proceedings of local authorities) after the words “joint authorities,” there shall be inserted the words “police authorities established under section 3 of the Police Act 1964”.
- 9 (1) Section 100J of that Act (application to joint authorities etc. of provisions relating to access to meetings and documents) shall be amended as follows.
- (2) For subsection (1)(e) there shall be substituted—
- “(e) a police authority established under section 3 of the Police Act 1964;”.
- (3) In subsection (4), in paragraph (a)—
- (a) for the words “combined police authority” there shall be substituted the words “police authority established under section 3 of the Police Act 1964”, and
- (b) for the word “which” there shall be substituted the words “or other person that”.
- 10 (1) Section 107 of that Act (application to police authorities of provisions relating to the discharge of functions by local authorities) shall be amended as follows.
- (2) In subsection (1)—
- (a) the words “104 and” shall be omitted, and
- (b) after the words “those sections” there shall be inserted the words “and section 104”.
- (3) In subsection (3) for the words “for the purposes of” there shall be substituted the word “by”.
- (4) After subsection (3) there shall be inserted—
- “(3A) Where pursuant to arrangements made by virtue of subsection (3) above—
- (a) a chief officer of police, or
- (b) the deputy of a chief officer of police,
- may discharge functions of a police authority, he may himself arrange for the discharge of any of those functions by a member of the police force or by a person who is employed by the authority but is not under the authority’s direction and control.”
- (5) In subsection (8) for the words “for the purposes of” there shall be substituted the word “by”.
- (6) Subsections (9) and (10) shall be omitted.
- 11 (1) Section 146A of that Act (application to police authorities of miscellaneous powers of local authorities) shall be amended as follows.
- (2) In subsection (1)—

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- (a) at the beginning there shall be inserted the words “Subject to subsection (1A) below,”, and
 - (b) after the words “joint authority” there shall be inserted the words “and a police authority established under section 3 of the Police Act 1964”.
- (3) After subsection (1) there shall be inserted—
 - “(1A) A police authority established under section 3 of the Police Act 1964 shall not be treated—
 - (a) as a local authority for the purposes of section 112, 139, 140A or 140C above, or
 - (b) as a principal council for the purposes of section 122 above.”
- 12 In section 223 of that Act (appearance of local authorities in legal proceedings), in subsection (2) after the words “joint authority” there shall be inserted the words “, a police authority established under section 3 of the Police Act 1964”.
- 13 In section 228 of that Act (inspection of documents), in subsection (7A) after the words “joint authority” there shall be inserted the words “or a police authority established under section 3 of the Police Act 1964”.
- 14 The words “and a police authority established under section 3 of the Police Act 1964” shall be inserted after the words “joint authority”—
 - (a) in section 229 of that Act (photographic copies of documents), in subsection (8);
 - (b) in section 231 of that Act (service of notices on local authorities, etc.), in subsection (4);
 - (c) in section 232 of that Act (public notices), in subsection (1A);
 - (d) in section 233 of that Act (service of notices by local authorities), in subsection (11); and
 - (e) in section 234 of that Act (authentication of documents), in subsection (4).
- 15 (1) Schedule 12 to that Act (meetings and proceedings of local authorities) shall be amended as follows.
 - (2) In sub-paragraph (1) of paragraph 6A after the words “joint authority”, there shall be inserted the words “or a police authority established under section 3 of the Police Act 1964”.
 - (3) In paragraph 6B—
 - (a) after the word “that” there shall be inserted “(a)”, and
 - (b) for the words “members in the case of a joint authority” there shall be substituted the words “, and
 - (b) in the case of a police authority established under section 3 of the Police Act 1964, sub-paragraphs (2) and (3) of paragraph 5 shall not apply and if the chairman is absent from a meeting of such an authority another member chosen by the members of the authority present shall preside.”
 - (4) In paragraph 46, after the words “joint authority” there shall be inserted the words “and a police authority established under section 3 of the Police Act 1964”.

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Local Government Act 1974

- 16 In section 25 of the Local Government Act 1974 (authorities subject to investigation by Commission for Local Administration), in subsection (1) for paragraph (ca) there shall be substituted—

“(ca) any police authority established under section 3 of the Police Act 1964;”.

Local Government (Miscellaneous Provisions) Act 1976

- 17 In section 30 of the Local Government (Miscellaneous Provisions) Act 1976 (power to forgo repayment of remuneration paid to deceased employees), for subsection (3) (police authorities to be treated as local authorities and police officers to be treated as their employees) there shall be substituted—

“(3) For the purposes of this section a member of a police force which is maintained by a police authority (other than the Secretary of State) shall be treated as employed by the authority and references to employment shall be construed accordingly.”

- 18 In section 44 of that Act (interpretation), in subsection (1), in paragraph (a) of the definition of “local authority” after the words “of this Act,” there shall be inserted the words “a police authority established under section 3 of the Police Act 1964 and”.

Local Government, Planning and Land Act 1980

- 19 In section 2 of the Local Government, Planning and Land Act 1980 (duty of authorities to publish information), in subsection (1)—

- (a) in paragraph (j) the words from “a police committee” to “in Scotland”, and
 (b) in paragraph (k) the words from “a combined” to “in Scotland”,

shall be omitted.

- 20 In section 20 of that Act (interpretation of provisions relating to direct labour organisations), in subsection (1), in paragraph (a)(i) of the definition of “local authority” after the words “borough council,” there shall be inserted the words “a police authority established under section 3 of the Police Act 1964”.

- 21 In section 99 of that Act (directions to dispose of land), in subsection (4) after paragraph (db) there shall be inserted—

“(dc) a police authority established under section 3 of the Police Act 1964;”.

- 22 In Schedule 16 to that Act (bodies to whom provisions of Part X relating to registration of land apply) after paragraph 5B there shall be inserted—

“5C A police authority established under section 3 of the Police Act 1964.”

Local Government (Miscellaneous Provisions) Act 1982

- 23 In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in subsection (9)(a) after the words “Residuary Body” there shall be inserted the words “, a police authority established under section 3 of the Police Act 1964”.

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- 24 In section 41 of that Act (lost and uncollected property), in subsection (13), in the definition of “local authority” after paragraph (c) there shall be inserted—
“(ca) a police authority established under section 3 of the Police Act 1964; and”.

Local Government Finance Act 1982

- 25 In section 12 of the Local Government Finance Act 1982 (accounts subject to audit), in subsection (2) for paragraph (g) there shall be substituted—
“(g) a police authority established under section 3 of the Police Act 1964;”.
- 26 In section 19 of that Act (declaration that item of account is unlawful), in subsection (7) at the end there shall be added the words “and a police authority established under section 3 of the Police Act 1964”.
- 27 In section 20 of that Act (recovery of amount not accounted for etc.), in subsection (10) at the end there shall be added the words “and a police authority established under section 3 of the Police Act 1964”.
- 28 After section 28A of that Act there shall be inserted—

“28B Delivery of documents relating to police authorities to Secretary of State.

- (1) The Commission shall send to the Secretary of State a copy of any report of which a copy is sent to the Commission under section 18(4) above and which relates to a police authority established under section 3 of the Police Act 1964.
- (2) If it appears to the Commission appropriate to do so, it may send to the Secretary of State a copy of any document—
- (a) which relates to one or more police authorities established under section 3 of the Police Act 1964, and
 - (b) which has been sent (or a copy of which has been sent) by the Commission to a police authority established under that section.”

Local Government Act 1986

- 29 In section 6 of the Local Government Act 1986 (interpretation of provisions relating to publicity and promotion of homosexuality), in subsection (2)(a) after the entry relating to the Broads Authority there shall be inserted—
“a police authority established under section 3 of the Police Act 1964.”.
- 30 In section 9 of that Act (interpretation of provisions relating to the transfer of mortgages), in subsection (1)(a) after the entry relating to the Common Council there shall be inserted—
“a police authority established under section 3 of the Police Act 1964.”.

Local Government Act 1988

- 31 In section 1 of the Local Government Act 1988 (defined authorities for provisions on competition), in subsection (1) for paragraph (e) there shall be substituted—

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“(e) a police authority established under section 3 of the Police Act 1964.”.

32 In Schedule 2 to that Act, in the list of public authorities to which provisions on public supply or works contracts apply, for the entry relating to police authorities there shall be substituted—

“A police authority established under section 3 of the Police Act 1964.”

Local Government Finance Act 1988

33 In section 112 of the Local Government Finance Act 1988 (financial administration as to combined police and fire authorities), in subsection (2) for paragraph (a) there shall be substituted—

“(a) any police authority established under section 3 of the Police Act 1964, and”.

34 In section 114 of that Act (functions of the chief finance officer as regards reports), in subsection (2), for the words “or officer of the authority” there shall be inserted the words “of the authority, a person holding any office or employment under the authority, a member of a police force maintained by the authority,”.

Local Government and Housing Act 1989

35 In section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer)—

- (a) in subsection (1), after the words “paid service” there shall be inserted the words “(or, in the case of a police authority established under section 3 of the Police Act 1964, the clerk to the authority)”;
- (b) in subsection (2), for the words “sub-committee or officer of the authority”, in both places where they occur, there shall be substituted the words “or sub-committee of the authority, by any person holding any office or employment under the authority”; and
- (c) in subsection (3), for the words “head of the authority’s paid service” there shall be substituted the words “person who is for the time being designated as the head of the authority’s paid service under section 4 above”.

36 In section 13 of that Act (voting rights of members of certain committees who are not members of the relevant local authority)—

- (a) in subsection (4)(h) for the words “paragraphs (a) to (g)” there shall be substituted the words “paragraphs (b) to (g)”, and
- (b) in subsection (9) for the words “paragraphs (a) to (j)” there shall be substituted the words “paragraphs (a) to (f) or (h) to (j)”.

37 In section 18 of that Act (allowances for local authority members), in subsection (5) (a) for the words “paragraphs (d) and (j)” there shall be substituted the words “paragraphs (d), (g) and (j)”.

38 In section 21 of that Act, in subsection (1) (definition of local authority for purposes of various provisions relating to their members, officers, staff and committees etc.) for paragraph (g) there shall be substituted—

“(g) a police authority established under section 3 of the Police Act 1964.”.

- 39 In section 67 of that Act (application of provisions relating to companies in which local authorities have interests), in subsection (3) (definition of local authority) for paragraph (i) there shall be substituted—
“(i) a police authority established under section 3 of the Police Act 1964;”.
- 40 In section 101 of that Act (housing grants for improvements and repairs), in subsection (3) (bodies ineligible to apply for grants) after paragraph (e) there shall be inserted—
“(ea) a police authority established under section 3 of the Police Act 1964;”.
- 41 In section 152 of that Act (interpretation etc. of provision relating to power of local authorities to impose charges) subsections (1)(f) and (2)(g) shall be omitted.
- 42 In section 155 of that Act (emergency assistance to local authorities), after subsection (4)(e) there shall be inserted—
“(ea) a police authority established under section 3 of the Police Act 1964;”.
- 43 In section 157 of that Act (commutation of, and interest on, periodic payments of grants etc.), in subsection (6) for paragraph (g) there shall be substituted—
“(g) a police authority established under section 3 of the Police Act 1964;”.
- 44 In Schedule 1 to that Act (political balance on local authority committees etc.)—
(a) in paragraph 2(1)(a) for the words “paragraphs (f) to (j)” there shall be substituted the words “paragraphs (f) or (h) to (j)”, and
(b) in paragraph 4(1), in paragraph (a) of the definition of “relevant authority” for the words “paragraphs (a) to (c) or (f) to (j)” there shall be substituted the words “paragraphs (a) to (c), (f) or (h) to (j)”.

Local Government Finance Act 1992

- 45 In section 19 of the Local Government Finance Act 1992 (exclusion of Crown exemption in certain cases), in subsection (3) for paragraph (c) there shall be substituted—
“(c) a police authority established under section 3 of the Police Act 1964; and”.