

SCHEDULES

SCHEDULE 5

SECTION 44.

POLICE: MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF POLICE ACT 1964

- 1 (1) Section 12 of the Police Act 1964 (reports by chief constables to police authorities) shall be amended as follows.
 - (2) In subsection (1)—
 - (a) for the words “calendar year” there shall be substituted the words “financial year”, and
 - (b) the words “in writing” shall be omitted.
 - (3) After subsection (1) there shall be inserted—

“(1A) A chief constable shall arrange for a report submitted by him under subsection (1) of this section to be published in such manner as he thinks fit.”
 - (4) In subsection (2) the words “in writing” shall be omitted.
 - (5) After subsection (2) there shall be inserted—

“(2A) A report submitted under subsection (2) of this section shall be in such form as the police authority may specify.”
 - (6) After subsection (3) there shall be inserted—

“(3A) The police authority may arrange, or require the chief constable to arrange, for a report under subsection (2) of this section to be published in such manner as the authority thinks fit.”
- 2 (1) Section 13 (collaboration agreements) shall be amended as follows.
 - (2) In subsection (1) after the word “efficiently” there shall be inserted the words “or effectively”.
 - (3) After subsection (6) there shall be added—

“(7) The provisions of this section shall not prejudice the power of a police authority to act jointly, or co-operate in any other way, with any person where to do so is calculated to facilitate, or is conducive or incidental to, the discharge of any of the authority’s functions.”
- 3 In section 17(1) (appointment of police cadets) the words “and subject to the approval of the police authority as to numbers” shall be omitted.

Status: This is the original version (as it was originally enacted).

- 4 In section 19(3) (jurisdiction of special constables) after the words “City of London”, in each place where they occur, there shall be added the words “police area”.
- 5 In section 25, subsection (5) (five representatives of Cambridge University to be members of police authority for area including Cambridge) shall be omitted.
- 6 In section 28 (general duty of Secretary of State) after the word “efficiency” there shall be inserted the words “and effectiveness”.
- 7 (1) Section 29 (removal of chief constables etc.) shall be amended as follows.
- (2) At the end of subsection (1) there shall be added the words “or effectiveness”.
- (3) In subsection (2) for the words “a deputy or assistant chief constable” there shall be substituted the words “an assistant chief constable”.
- 8 (1) Section 30 (reports by chief constables to the Secretary of State) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—
- “(1A) A requirement under subsection (1) of this section may specify the form in which a report is to be given.
- (1B) The Secretary of State may arrange, or require the chief constable to arrange, for a report under this section to be published in such manner as the Secretary of State thinks fit.”
- (3) In subsection (2) for the words “calendar year” there shall be substituted the words “financial year”.
- 9 In section 42 (research) after the word “efficiency” there shall be inserted the words “or effectiveness”.
- 10 (1) Section 43 (central service on police duties) shall be amended as follows.
- (2) In subsection (3A), for the words “subsection (1) above” there shall be substituted the words “section 53C(3) of this Act”.
- (3) In subsection (5) for the words “service as a staff officer to the inspectors of constabulary” there shall be substituted the words “temporary service under section 39 of this Act”.
- 11 (1) Section 44 (Police Federations) shall be amended as follows.
- (2) In subsection (1A) for the words “disciplinary proceedings” there shall be substituted the words “proceedings brought under regulations made in accordance with subsection (3) of section 33 of this Act or with subsection (2A) of section 26 of the Police (Scotland) Act 1967”.
- (3) In subsection (1B) for the words “the Secretary of State” there shall be substituted the words “a police appeals tribunal”.
- 12 In section 53 (causing disaffection) in subsection (1) the words “or to commit breaches of discipline” shall be omitted.
- 13 In section 56 (metropolitan and City of London police funds) in paragraph (a) after the words “City of London” there shall be added the words “police area”.

Status: This is the original version (as it was originally enacted).

- 14 (1) Section 58 (chief officers affected by amalgamations or local government reorganisations) shall be amended as follows.
- (2) In subsection (1), for the words “or Part II of the Local Government Act 1958” there shall be substituted the words “, section 58 of the Local Government Act 1972 or section 17 of the Local Government Act 1992”.
- (3) In subsection (2) for the word “deputy” there shall be substituted the word “assistant”.
- (4) After subsection (3) there shall be inserted—
- “(3A) If a chief constable was appointed for a term which expires within three months of his becoming a member of a police force by virtue of this section, subsection (3) shall have effect as if the reference to three months were a reference to that term.”
- 15 For section 62 (meaning of “police area” etc.) there shall be substituted—

“62 Meaning of “chief officer of police” etc.

Except where the context otherwise requires, in this Act—

“chief officer of police” means—

- (a) in relation to a police force maintained under section 2 of this Act, the chief constable,
- (b) in relation to the metropolitan police force, the Commissioner of Police of the Metropolis, and
- (c) in relation to the City of London police, the Commissioner of the City of London Police;

“City of London police area” means the City of London as defined for the purposes of the Acts relating to the City of London police;

“metropolitan police district” means that district as defined in section 76 of the London Government Act 1963;

“police area” (or “police district”) means a police area provided for by section 1 of this Act;

“police authority” means—

- (a) in relation to a police area listed in Schedule 1A to this Act, the authority established under section 3 of this Act,
- (b) in relation to the metropolitan police district, the Secretary of State, and
- (c) in relation to the City of London police area, the Common Council;

“police force” means a force maintained by a police authority;

“police fund” means—

- (a) in relation to a force maintained under section 2, the fund kept by that force’s police authority under section 8 of this Act,
- (b) in relation to the metropolitan police, the metropolitan police fund, and
- (c) in relation to the City of London Police, the fund out of which the expenses of the City police are paid.”

Status: This is the original version (as it was originally enacted).

PART II

AMENDMENTS OF OTHER ENACTMENTS

Offices, Shops and Railway Premises Act 1963

- 16 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (1), in the definition of “police authority” for the words “ the Police Pensions Act 1921” there shall be substituted the words “ the Police Pensions Act 1976”.

Pensions (Increase) Act 1971

- 17 In Schedule 2 to the Pensions (Increase) Act 1971 (list of official pensions for the purposes of that Act), in paragraph 15, for sub-paragraph (b) there shall be substituted—
- “(b) was engaged on service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980, being service in respect of which section 53C of the Police Act 1964 or, as the case may be, section 38A of the Police (Scotland) Act 1967 had effect; or
- (ba) was engaged on temporary service in accordance with section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967; or”.

Overseas Pensions Act 1973

- 18 In section 2 of the Overseas Pensions Act 1973 (which makes provisions for superannuation schemes as respects certain overseas service), in subsection (2), for paragraph (d) there shall be substituted—
- “(d) a person who is—
- (i) a member of a police force engaged on relevant service within the meaning of section 53C(1)(a), (c) or (e) of the Police Act 1964 (service under section 15A of the Police Act 1964, under section 1(1) of the Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980), or
- (ii) a constable of a police force engaged on relevant service within the meaning of section 38A(1)(a), (c) or (e) of the Police (Scotland) Act 1967 (service under section 12A of that Act, section 1(1) of the Police (Overseas Service) Act 1945 or pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980),
- and who is incapacitated or dies as a result of an injury sustained or disease contracted during that service;”.

Police Pensions Act 1976

- 19 In section 7 of the Police Pensions Act 1976 (payment of pensions and contributions), in subsection (2), for paragraph (b) there shall be substituted—

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- “(b) an officer engaged on service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980;
 - (ba) a person engaged on temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
 - (bb) a person engaged on service in the Royal Ulster Constabulary, whose service is or was for the time being service in respect of which the provisions of section 53C of the Police Act 1964 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have or had effect;”.
- 20 (1) Section 11 of that Act (interpretation) shall be amended as follows.
- (2) In subsection (1), for paragraph (a) there shall be substituted—
 - “(a) service as an officer pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980;
 - (aa) temporary service in accordance with arrangements made under section 15A(2) of the Police Act 1964 or section 12A(2) of the Police (Scotland) Act 1967;
 - (ab) service in the Royal Ulster Constabulary in respect of which the provisions of section 53C of the Police Act 1964 or, as the case may be, section 38A of the Police (Scotland) Act 1967 have effect;”.
- (3) In subsection (2)(b) after the words “subsection (1)” there shall be inserted “(aa), (ab),”.
- (4) In subsection (3)—
 - (a) in paragraph (b) after the words “subsection (1)(a),” there shall be inserted “(aa), (ab),”, and
 - (b) after the words “body in” there shall be inserted the words “or with”.

Police Negotiating Board Act 1980

- 21 (1) Section 1 of the Police Negotiating Board Act 1980 shall be amended as follows.
- (2) In subsection (1) (which provides for a Board of persons representing the interests of authorities maintaining police forces and of members of police forces) at the end of paragraph (b) there shall be inserted—
 - “(c) the Commissioner of Police of the Metropolis, and
 - (d) the Secretary of State;”.
- (3) In subsection (3) (consultation) for the words “referred to in” there shall be substituted the words “of the persons referred to in paragraphs (a), (b) and (c) of”.

Finance Act 1981

- 22 In section 107 of the Finance Act 1981 (sale of houses at discount by local authorities etc.), in subsection (3)(k) for the words “section 62(b)” there shall be substituted the words “section 62”.

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Aviation Security Act 1982

- 23 In section 31 of the Aviation Security Act 1982 (application to Scotland, etc.), in subsection (2)(b) for the words from “from” to “paragraph” there shall be substituted the words “following “area or,””.

Police and Criminal Evidence Act 1984

- 24 In section 84 of the Police and Criminal Evidence Act 1984 (general provision relating to police complaints and discipline), in subsection (4)—

- (a) in the definition of “senior officer” for the words “chief superintendent” there shall be substituted the word “superintendent”, and
- (b) at the end there shall be added—

““disciplinary proceedings” means proceedings identified as such by regulations under section 33 of the Police Act 1964.”

- 25 In section 85 of that Act (investigation of complaints: standard procedure)—
- (a) subsection (8) shall be omitted, and
 - (b) in subsection (10) for the words “a criminal or disciplinary charge” there shall be substituted the words “criminal or disciplinary proceedings”.

- 26 In section 86 of that Act (investigation of complaints against senior officers), in subsection (2) for the words “a criminal or disciplinary charge” there shall be substituted the words “criminal or disciplinary proceedings”.

- 27 In section 89 of that Act (supervision of investigations by Complaints Authority), in subsection (12) for the word “charge” there shall be substituted the word “proceedings”.

- 28 Section 91 of that Act (steps to be taken where accused has admitted charges) shall cease to have effect.

- 29 In section 95 of that Act (manner of dealing with complaints etc.)—
- (a) for the words “adequate and efficient” there shall be substituted the words “efficient and effective”, and
 - (b) after the word “efficiency” there shall be inserted the words “and effectiveness”.

- 30 In section 96 of that Act (constabularies maintained by authorities other than police authorities), in subsection (1) after the word “corresponding” there shall be inserted the words “or similar”.

- 31 In section 99 of that Act (regulations), in subsection (2) after paragraph (e) there shall be inserted—

“(ea) for enabling the Authority to relinquish the supervision of the investigation of any complaint or other matter;”.

- 32 In section 100 of that Act, in subsection (6) (regulations to which affirmative parliamentary procedure applies)—

- (a) after paragraph (a) there shall be inserted—
 - “(aa) of section 90(5) or (7) above;”, and
- (b) in paragraph (b) for the words “section 99(2)(b) or (e)” there shall be substituted the words “section 99(2)(b), (e) or (ea)”.

33 For section 102 of that Act (representation at disciplinary proceedings) there shall be substituted—

“102 Representation at disciplinary and other proceedings.

- (1) A police officer of the rank of superintendent or below may not be dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 33(3)(a) of the Police Act 1964 unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.
- (2) Where an officer makes an election to which subsection (1) above refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.
- (3) Except in a case where an officer of the rank of superintendent or below has been given an opportunity to elect to be legally represented and has so elected, he may be represented at the hearing only by another member of a police force.
- (4) Regulations under section 33 of the Police Act 1964 shall specify—
 - (a) a procedure for notifying an officer of the effect of subsections (1) to (3) above,
 - (b) when he is to be notified of the effect of those subsections, and
 - (c) when he is to give notice whether he wishes to be legally represented at the hearing.
- (5) If an officer—
 - (a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented; or
 - (b) gives notice in accordance with the regulations that he does not wish to be legally represented,he may be dismissed, required to resign or reduced in rank without his being legally represented.
- (6) If an officer has given notice in accordance with the regulations that he wishes to be legally represented, the case against him may be presented by counsel or a solicitor whether or not he is actually so represented.”

34 (1) Section 105 of that Act (guidelines) shall be amended as follows.

- (2) In subsection (1)—
 - (a) after the words “issue guidance” there shall be inserted the words “to police authorities,”
 - (b) for paragraph (b) there shall be substituted—
 - “(b) under regulations made under section 33 of the Police Act 1964 in relation to the matters mentioned in subsection (2) (e) of that section;”, and
 - (c) after the word “and”, in the third place where it occurs, there shall be inserted the words “police authorities and”.
- (3) For subsection (3) there shall be substituted—

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“(3) A failure on the part of a police authority or a police officer to have regard to any guidance issued under subsection (1) above shall be admissible in evidence on any appeal from a decision taken in proceedings under regulations made in accordance with subsection (3) of section 33 of the Police Act 1964.”

- (4) In subsection (4)—
- (a) the words from “affecting” to “charges”, and
 - (b) the words “and are not governed by section 104 above”,
- shall be omitted.
- 35 (1) Section 107 of that Act (police officers performing duties of higher rank) shall be amended as follows.
- (2) In subsection (1) for the words “he has been” onwards there shall be substituted—
- “(a) he has been authorised by an officer holding a rank above the rank of superintendent to exercise the power or, as the case may be, to give his authority for its exercise, or
 - (b) he is acting during the absence of an officer holding the rank of superintendent who has authorised him, for the duration of that absence, to exercise the power or, as the case may be, to give his authority for its exercise.”
- (3) In subsection (2) for the words “chief superintendent” there shall be substituted the word “superintendent”.
- 36 (1) Schedule 4 to that Act (Police Complaints Authority) shall be amended as follows.
- (2) For paragraph 1(6) (appointment of two deputy chairmen) there shall be substituted—
- “(6) The Secretary of State may appoint not more than two of the members of the Authority to be deputy chairmen.”
- (3) In paragraph 3(4) (grounds on which members can be removed) after paragraph (d) there shall be inserted—
- “(da) he has acted improperly in relation to his duties, or”.

Public Order Act 1986

- 37 In section 15 of the Public Order Act 1986 (delegation of functions of chief officer of police), for the words “a deputy or”, in both places where they occur, there shall be substituted the word “an”.

Channel Tunnel Act 1987

- 38 (1) Section 14 of the Channel Tunnel Act 1987 (arrangements for the policing of the tunnel system) shall be amended as follows.
- (2) In subsections (1), (2) and (3) for the words “of the county of Kent” there shall be substituted the words “maintained for the Kent police area”.
- (3) In subsections (4) and (5)—
- (a) for the words “police committee for the county of Kent” there shall be substituted the words “Kent Police Authority”, and

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- (b) for the word “committee”, in the second place where it occurs, there shall be substituted the word “Authority”.

Tribunals and Inquiries Act 1992

- 39 In section 7 of the Tribunals and Inquiries Act 1992 (which restricts Ministers' powers to remove members of tribunals listed in Schedule 1 to that Act), in subsection (2) (tribunals to which that section does not apply)—
- (a) after “36(a),” there shall be inserted “36A,”, and
- (b) for the words “or 56(a)” there shall be substituted the words “, 56(a) or 57A”.
- 40 (1) Schedule 1 to that Act (tribunals under general supervision of Council on Tribunals) shall be amended as follows.
- (2) In Part I (tribunals under the direct supervision of the Council), after paragraph 36 there shall be inserted—

“Police

36A An appeals tribunal constituted in accordance with Schedule 5 to the Police Act 1964 (c. 48).”

- (3) In Part II (tribunals under the supervision of the Scottish Committee of the Council), after paragraph 57 there shall be inserted—

“Police

57A An appeals tribunal constituted in accordance with Schedule 3 to the Police (Scotland) Act 1967 (c. 77).”