SCHEDULES

SCHEDULE 3

Section 87

THE CENTRAL POLICE TRAINING AND DEVELOPMENT AUTHORITY

Constitution of the Authority

1 (1) The Central Police Training and Development Authority shall consist of the members appointed by the Secretary of State; and the Secretary of State shall appoint one of the members to be the chairman of the Authority.

(2) Before appointing the chairman the Secretary of State shall consult—

(a) persons whom he considers to represent the interests of police authorities for areas in England and Wales; and

(b) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales.

(3) The members, apart from the chairman, shall at all times include—

(a) at least two members whom the Secretary of State considers to be capable of representing the interests of police authorities for areas in England and Wales;

(b) at least two members whom the Secretary of State considers to be capable of representing the interests of chief officers of police of police forces in England and Wales; and

(c) at least one Crown Servant.

(4) The total number of the members of the Authority shall not at any time be less than eleven.

Disqualification

2 A person shall be disqualified for being appointed as a member of the Authority if he has not attained the age of twenty-one years.

3 (1) Subject to sub-paragraphs (2) and (3), a person shall be disqualified for being appointed as a member of the Authority, or for continuing to be such a member if—

(a) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;

(b) he is subject to a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or Part 2 of the Companies (Northern Ireland) Order 1989 (S.I. 1989 2404 (N.I. 18)), or to an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order); or

(c) within the period of five years before, or at any time on or after, the date of his appointment he has been convicted in any part of the British Islands

of an offence in respect of which he was sentenced to imprisonment for a period of three months or more.

(2) Where a person is disqualified under sub-paragraph (1)(a) by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease to have effect—

(a) in the case of the bankruptcy order being annulled or the sequestration of his estate being recalled or reduced, on the date of that event; and

(b) in any other case, on his obtaining a discharge.

(3) Where a person is disqualified under sub-paragraph (1)(a) by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors, the disqualification shall cease to have effect—

(a) in the case of his paying his debts in full, on the date on which the payment is completed; and

(b) in any other case, at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.

(4) For the purposes of sub-paragraph (1)(c)—

(a) the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution;

(b) a sentence of imprisonment for any term the whole or any part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

Tenure of office

4 Subject to paragraphs 3(1) and 5 to 7 a person shall hold and vacate office as a member of the Authority in accordance with the terms of his appointment.

5 A person shall be appointed to hold office as a member of the Authority for—

(a) a term of five years; or

(b) such shorter term as the Secretary of State may determine in any particular case.

6 A person may at any time resign his office as chairman or as a member of the Authority by notice in writing to the Secretary of State.

7 The Secretary of State may remove a person from office as the chairman or as a member the Authority if he is satisfied that—

(a) that person has been absent from meetings of the Authority for a period exceeding four consecutive months without the consent of the Authority;

(b) that person has been convicted of a criminal offence (but is not disqualified for continuing to be a member under paragraph 3);

(c) that person is unable or unfit to carry out his functions as a member; or

(d) that person has failed to comply with the terms of his appointment.

Eligibility for re-appointment

8 A person who ceases to be a member, or to be the chairman, of the Authority otherwise than by virtue of paragraph 7 may (if otherwise eligible) be re-appointed.

Remuneration, pensions etc. of members

9 (1) The Authority shall pay to its members such remuneration and allowances as the Secretary of State may determine.

(2) The Authority shall, as regards any of its members or former members in whose case the Secretary of State may so determine, pay or make payments in respect of such pension or gratuity as the Secretary of State may determine.

(3) If—

(a) a person ceases to be a member or ceases to be the chairman of the Authority, and

(b) it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation,

the Secretary of State may direct the Authority to make a payment of such amount as he may determine.

Members of staff of the Authority

10 (1) The Authority shall have—

(a) a chief executive, with responsibility to the Authority for the carrying out of the Authority's functions and the management of their staff; and

(b) subject to the approval of the Secretary of State as to numbers and terms and conditions of service, such other staff as the Authority may appoint.

(2) The chief executive shall be appointed by the Authority, but no appointment of a chief executive may be made except with the consent of the Secretary of State.

(3) References in this Schedule to the staff of the Authority include references to their chief executive.

Staff remuneration and pensions

11 (1) The Authority—

(a) shall pay to members of their staff such remuneration and allowances, and

(b) may make such payments in respect of remuneration and allowances paid by others to persons engaged with the Authority as members of their staff on periods of temporary service,

as the Authority may, with the consent of the Secretary of State, determine.

(2) The Authority shall—

(a) pay, or make payments in respect of, such pensions or gratuities to or in respect of any persons who are, or have been, members of their staff as the Authority may, with the consent of the Secretary of State, determine; and

(b) establish and maintain such schemes (whether contributory or not) as they may determine, with the consent of the Secretary of State, for the payment of pensions or gratuities to or in respect of any such persons.

(3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of members of the staff of the Authority who suffer loss of employment or loss or diminution of emoluments.

(4) If any person—

(a) after ceasing to be employed by the Authority becomes or continues to be one of the Authority's members, and

(b) was, by reference to his employment, a participant in a pension scheme maintained by the Authority,

the Authority may, with the consent of the Secretary of State, make provision for that person to continue to participate in that scheme, on such terms and conditions as they may with the consent of the Secretary of State determine, as if his service as a member of the Authority were service as a member of their staff.

(5) Any provision made by virtue of sub-paragraph (4) is without prejudice to paragraph 9.

12 (1) Employment as a member of staff of the Authority shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 (c. 11) can apply.

(2) Where a person is, by reference to employment as a member of the Authority's staff, a participant in a scheme under section 1 of that Act and becomes a member of the Authority, the Minister for the Civil Service may determine that his service as a member of the Authority shall be treated for the purposes of the scheme as service as a member of staff (whether or not any benefits are payable to or in respect of him by virtue of paragraph 9).

Status of staff members as constables

13 (1) A person holding the office of constable immediately before his appointment as the chief executive of the Authority—

(a) continues to hold that office while he is the chief executive; and

(b) as the chief executive, shall hold that office with the rank of chief constable.

(2) A person holding the office of constable immediately before his appointment as a member of staff of the Authority (other than the chief executive) continues to hold that office while he is a member of that staff.

Liability for acts of police members of staff

14 (1) The Authority shall be liable in respect of torts committed by seconded constables in the carrying out, or purported carrying out, of their functions as members of the staff of the Authority in like manner as an employer is liable in respect of torts committed by his employees in the course of their employment; and accordingly the Authority shall, in respect of any such tort, be treated for all purposes as a joint tortfeasor.

(2) In this paragraph "seconded constables" means constables serving as members of the staff of the Authority without being employees of the Authority.

Committees

15 (1) The Authority may establish committees.

(2) Any committee established under sub-paragraph (1) may establish one or more sub-committees.

(3) A person who is not a member of the Authority may be appointed to a committee or sub-committee of the Authority.

(4) The Authority may pay to members of their committees or sub-committees who are neither members nor members of staff of the Authority such remuneration and allowances as the Secretary of State may determine.

Delegation to committees

16 (1) The Authority may, to such extent as they may determine, delegate any of their functions to any committee of the Authority.

(2) Any such committee may, to such extent as it may determine, delegate any function conferred on it to any of its sub-committees.

Proceedings

17 (1) Subject to the following provisions of this paragraph, the Authority may regulate—

(a) their own procedure (including quorum); and

(b) the procedure (including quorum) of their committees and sub-committees.

(2) The Authority shall make provision for a quorum for meetings of their committees or sub-committees to include at least one member or member of staff of the Authority.

18 The acts and proceedings of any person appointed to be a member, or to be chairman, of the Authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

19 The proceedings of the Authority shall not be invalidated by a vacancy in the membership of the Authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

Application of seal and evidence

20 The application of the seal of the Authority shall be authenticated by the signature—

(a) of any member of the Authority; or

(b) of any other person who has been authorised by the Authority (whether generally or specially) for that purpose.

21 A document purporting to be—

(a) duly executed by the Authority under their seal, or

(b) signed on their behalf,

shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

Status

22 The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Authority shall not be regarded as property of, or property held on behalf of, the Crown.

Money

23 The Secretary of State may make payments to the Authority out of money provided by Parliament.

24 (1) The Authority may impose such charges as they consider appropriate in connection with the carrying out of any of their functions.

(2) The Authority shall pay to the Secretary of State all sums received by them (otherwise than under paragraph 23) in the course of, or in connection with, the carrying out of their functions.

(3) Sub-paragraph (2) shall not apply where the Secretary of State so directs.

(4) Any sums received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.

25 (1) Subject to sub-paragraph (3), the Authority may, in the course of or in connection with the carrying out of any of their functions, accept gifts or loans of money or other property, on such terms (if any) as appear to the Authority to be appropriate.

(2) The terms on which gifts or loans are accepted under sub-paragraph (1) may include terms providing for the commercial sponsorship of any activity of the Authority.

(3) The Authority shall not borrow money except with the consent of the Secretary of State.

26 (1) The Authority shall—

(a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall be in such form, and shall contain such information, as the Secretary of State may direct.

(3) The Authority shall, within such period after the end of each financial year as the Secretary of State may direct, send copies of the statement of accounts relating to that year to the Secretary of State and to the Comptroller and Auditor General.

(4) The Comptroller and Auditor General shall—

(a) examine, certify and report on every statement of accounts sent to him by the Authority under this paragraph; and

(b) lay copies of each such statement and of his report on it before each House of Parliament.