
STATUTORY INSTRUMENTS

1994 No. 2025 (C.38)

POLICE

**The Police and Magistrates' Courts Act 1994 (Commencement
No. 1 and Transitional Provisions) Order 1994**

<i>Made</i>	- - - -	<i>1st August 1994</i>
<i>Laid before Parliament</i>		<i>5th August 1994</i>
<i>Coming into force</i>	- -	<i>8th August 1994</i>

In exercise of the powers conferred upon me by section 94(1), (4), (5) and (6) of the Police and Magistrates' Courts Act 1994⁽¹⁾, I hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Police and Magistrates' Courts Act 1994 (Commencement No. 1 and Transitional Provisions) Order 1994.

(2) This Order shall come into force on 8th August 1994.

Interpretation

2.—(1) In this Order—

“the 1964 Act” means the Police Act 1964⁽²⁾;

“the 1994 Act” means the Police and Magistrates' Courts Act 1994, and

“the new police authorities” means the police authorities to be established under section 3 of the 1964 Act (as substituted by section 2 of the 1994 Act) and “the old police authorities” means the police authorities which they are to supersede.

(2) In this Order the period of co-existence of an old and new police authority is the period—

(a) beginning with the date on which a new police authority comes into existence or 1st October 1994, whichever is the later, and

(b) ending immediately before 1st April 1995.

(3) For the purposes of this Order, a new police authority shall be deemed to come into existence when appointments to it have been made under paragraph 5 of Schedule 1B to the 1964 Act⁽³⁾.

(1) 1994 c. 29.

(2) 1964 c. 48.

(3) Schedule 1B was inserted by section 3(2) of, and Schedule 2 to, the 1994 Act.

Commencement on 8th August 1994

3.—(1) The provisions of the 1994 Act which are listed in paragraph (2) below shall come into force on 8th August 1994.

- (2) The provisions referred to in paragraph (1) above are—
- (a) section 18 (regulations for police forces), except to the extent that subsection (3) inserts a new subsection (3) into section 33 of the 1964 Act;
 - (b) section 41 (metropolitan police: assistant commissioners);
 - (c) section 46 (interpretation of Part I);
 - (d) section 52(1) and (3) (regulations for police forces) to the extent only that those subsections insert a new subsection (2B) in section 26 of the Police (Scotland) Act 1967⁽⁴⁾;
 - (e) section 65 (interpretation of Part II);
 - (f) section 93 (repeals) so far as it relates to the entries referred to in sub-paragraph (g) below, and
 - (g) in Part I of Schedule 9 (repeals: police), the entries in respect of—
 - (i) the Metropolitan Police Act 1856⁽⁵⁾;
 - (ii) section 33(5) of the 1964 Act; and
 - (iii) the Drug Trafficking Offences Act 1986⁽⁶⁾.

Commencement on 8th August 1994 for certain purposes only

4.—(1) Subject to the modifications set out in paragraphs (3) to (6) below, the provisions of the 1994 Act which are listed in paragraph (2) below shall come into force on 8th August 1994 for the purposes of—

- (a) the appointment, as soon as practicable thereafter, of members of the new police authorities, and
 - (b) any provision which applies (by virtue of articles 5 to 7 below) to a new police authority which has come into existence.
- (2) The provisions referred to in paragraph (1) above are—
- (a) section 1 (police areas);
 - (b) section 2 (police forces and police authorities), to the extent only that it substitutes a new section 3 of the 1964 Act;
 - (c) section 3 (membership of police authorities);
 - (d) section 44 (minor and consequential amendments), so far as it relates to paragraphs 5 and 15 of Schedule 5;
 - (e) section 93 (repeals) so far as it relates to the entry referred to in sub-paragraph (h) below;
 - (f) Schedules 1 (Schedule to be inserted in 1964 Act: police areas) and 2 (Schedules to be inserted in 1964 Act: police authorities);
 - (g) paragraphs 5 and 15 of Part I of Schedule 5 (minor and consequential amendments to the 1964 Act), and
 - (h) in Part I of Schedule 9 (repeals), the entry in respect of section 25(5) of the 1964 Act.

(4) 1967 c. 77.

(5) 19 & 20 Vict. c.2.

(6) 1986 c. 32.

(3) Nothing in paragraph (1) above shall prejudice the continued operation of the enactments amended by the provisions listed in paragraph (2) above as respects the old police authorities at any time before the expiry of the period of co-existence.

(4) In determining the period of a term of years for the purpose of paragraph 17 (term of appointment of members of a police authority) of Schedule 1B to the 1964 Act⁽⁷⁾, any period as a member of a new police authority prior to 1st April 1995 shall be disregarded.

(5) The functions conferred by—

(a) paragraph 26 (reimbursement of expenses and allowances) of Schedule 1B to the 1964 Act, and

(b) paragraph 7 (reimbursement of expenses and allowances) of Schedule 1C to the 1964 Act⁽⁸⁾,

shall, during the period before the new police authorities come into existence, be performed by the old police authorities; but a new police authority shall, as soon as practicable after it comes into existence, reimburse the old police authority in respect of the payments made under paragraph 26(1) of Schedule 1B to the 1964 Act and paragraph 7(1) of Schedule 1C to that Act (as modified by this paragraph) and such reasonable expenses as were necessarily incurred by the old police authority under paragraph 7(2) of Schedule 1C (as so modified).

(6) Schedule 1B to the 1964 Act shall have effect as if there was inserted after paragraph 24 the following:

“**24A.**—(1) The first meeting of a police authority shall be—

(a) held within twenty-one days after appointments to it have been made under paragraph 5 of this Schedule, and

(b) treated as being the annual meeting of the authority in the year in which it is held.

(2) The provisions of article 8 of the Police and Magistrates' Courts Act 1994 (Commencement No. 1 and Transitional Provisions) Order 1994 shall have effect in relation to the first meeting of a police authority.”

Commencement on 1st October 1994

5.—(1) Subject to paragraph (3) below, the provisions of the 1994 Act which are listed in paragraph (2) below shall come into force on 1st October 1994.

(2) The provisions referred to in paragraph (1) above are—

(a) section 14 (alteration of police areas) in so far as it substitutes new sections 21A and 21C in the 1964 Act;

(b) section 22 (assistant inspectors and staff officers);

(c) section 25 (acceptance of gifts and loans);

(d) section 32 (initial financing of new police authorities);

(e) section 33 (validation of past grants);

(f) section 39 (police areas in England: alterations under Local Government Act 1992), except subsections (2) and (3);

(g) section 42 (application of Firearms Act 1968 to civilian staff);

(h) section 44 (minor and consequential amendments), so far as it relates to paragraphs 10(1) and (3), 16 and 21 of Schedule 5;

(7) Schedule 1B was inserted by section 3(2) of, and Schedule 2 to, the 1994 Act.

(8) Schedule 1C was inserted by section 3(2) of, and Schedule 2 to, the 1994 Act.

- (i) section 93 (repeals) so far as it relates to the entries referred to in sub-paragraph (m) below;
- (j) paragraph 10(1) and (3) (amendment of section 43 of the 1964 Act) of Schedule 5;
- (k) paragraph 16 (amendment of section 90 of the Offices, Shops and Railway Premises Act 1963⁽⁹⁾) of Schedule 5;
- (l) paragraph 21 (amendment of section 1 of the Police Negotiating Board Act 1980⁽¹⁰⁾) of Schedule 5, and
- (m) in Part I of Schedule 9 (repeals) the entries in respect of—
 - (i) the Licensing Act 1902⁽¹¹⁾
 - (ii) the Police Negotiating Board Act 1980, and
 - (iii) section 30(2) of the Local Government Act 1985⁽¹²⁾.

(3) The coming into force of section 32 of the 1994 Act shall have effect only in respect of new police authorities which have come into existence.

Commencement on 1st October 1994 for certain purposes only

6.—(1) Subject to the modifications set out in paragraphs (3) to (6) below, the provisions of the 1994 Act which are listed in paragraph (2) below shall come into force on 1st October 1994 for the purpose of the exercise, during the period of co-existence, of the functions conferred by those provisions (as so modified)—

- (a) by any new police authority which has come into existence, and
- (b) by the Secretary of State in relation to any such police authority.

(2) The provisions referred to in paragraph (1) above are—

- (a) section 4 (functions of police authorities), except to the extent that it substitutes a new section 4(1) of the 1964 Act and inserts a new section 4C of that Act;
- (b) sections 8 (police fund), 10 (civilian employees) and 11 (appointment of officers);
- (c) section 15 (functions of Secretary of State), except to the extent that it substitutes a new section 28D of the 1964 Act;
- (d) sections 16 (reports from police authorities) and 31 (financial administration);
- (e) section 43 (application to police authorities of enactments relating to local authorities etc.), except in so far as it relates to paragraphs 1 to 4, 15(2) and 42 of Schedule 4;
- (f) section 45 (application of certain provisions to new police authorities), and
- (g) Schedule 4 (application to police authorities of enactments relating to local authorities etc.) except paragraphs 1 to 4, 15(2) and 42.

(3) Section 4A(3)(b) of the 1964 Act, as substituted by section 4 of the 1994 Act, shall have effect as if it referred to the views obtained under section 106 of the Police and Criminal Evidence Act 1984⁽¹³⁾ by the old police authority.

(4) Section 28A(2) of the 1964 Act, as inserted by section 15 of the 1994 Act, shall not apply.

(5) In the amendment made by paragraph 38 of Schedule 4 to the 1994 Act to section 21 of the Local Government and Housing Act 1989⁽¹⁴⁾ (interpretation of Part I of that Act) before the words “a police authority” there shall be inserted “except in section 20 above”.

(9) 1963 c. 41.
 (10) 1980 c. 10.
 (11) 2 Edw. 7 c.28.
 (12) 1985 c. 51.
 (13) 1984 c. 60.
 (14) 1989 c. 42.

(6) Nothing in paragraph (1) above shall prejudice the continued operation of the enactments amended by the provisions listed in paragraph (2) above as respects the old police authorities at any time before the expiry of the period of co-existence.

Commencement of financial provisions on 1st November 1994

7.—(1) Subject to paragraphs (3) and (4) below, the provisions of the 1994 Act which are listed in paragraph (2) below shall come into force on 1st November 1994 for the purposes of any financial year beginning on or after 1st April 1995.

(2) The provisions referred to in paragraph (1) above are—

- (a) section 17 (police grant and other grants);
- (b) section 27 (precepts); and
- (c) section 28 (approval of decisions about precepts).

(3) In section 39(1)(b) of the Local Government Finance Act 1992⁽¹⁵⁾, as amended by section 27 of the 1994 Act, the reference to “a police authority established under section 3 of the Police Act 1964” shall apply only to a new police authority which has come into existence.

(4) For the purposes of any financial year beginning on or after 1st April 1995, the functions conferred by Chapter IV of Part I of the Local Government Finance Act 1992 shall not be exercised by an old police authority.

First meeting of new authorities

8.—(1) The first meeting of a new police authority shall be convened, and held at a place appointed, by the proper officer of the old police authority.

(2) Notice of the meeting shall be published at the place where the meeting is to be held and summonses to attend the meeting shall be signed by the proper officer of the old police authority.

(3) Until completion of the election of a chairman at the meeting, the functions falling to be exercised by the chairman shall be exercised by a member of the new police authority chosen by the members of that authority present at the meeting.

(4) At the meeting the proper officer of the old police authority shall exercise any functions falling to be exercised by the proper officer of the new police authority in relation to the meeting.

(5) The standing orders for the regulation of the proceedings and business of the old police authority shall, as far as practicable, apply at the meeting.

(6) The new police authority shall, as soon as practicable after the expenses were incurred, reimburse the old police authority in respect of such reasonable expenses as were necessarily incurred by the old police authority under this article.

(7) In this article references to the proper officer of the old police authority are references to the officer whose duty it is to summon meetings of that authority.

Home Office
1st August 1994

John Redwood
One of Her Majesty's Principal Secretaries of
State

(15) 1992 c. 14.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force for specified purposes various provisions of Part I (which concerns the arrangements for policing in England and Wales) of the Police and Magistrates' Courts Act 1994 together with sections 52 and 65 (which apply in Scotland) of that Act and provisions in Schedules 1, 2, 4, 5 and Part I of Schedule 9 to that Act. Article 4 of this Order brings into force on 8th August 1994 the provisions listed therein for the purpose of the appointment of members of the new police authorities (as defined in article 2(1)). Articles 4(6) and 8 provide for the first meetings of the new authorities. Article 6 brings into force on 1st October 1994 the provisions there listed for the purpose of the exercise, during the period of co-existence (as defined in article 2(2)) of the old police authorities and the new, of the functions listed in those provisions by, and in relation to, the new police authorities.

Articles 3, 5 and 7 bring into force the provisions listed in those articles on 8th August 1994, 1st October 1994 and 1st November 1994, respectively. The provisions listed in article 7 relate to the financing of the new police authorities. The provisions listed in articles 3 and 5 make miscellaneous amendments to various provisions relating to the police.