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# Police Act 1964

## 1964 CHAPTER 48

An Act to re-enact with modifications certain enactments relating to police forces in England and Wales, to amend the Police (Scotland) Act 1956, and to make further provision with respect to the police. [10th June 1964]

### Textual Amendments

- F1** Act (except ss. 37, 60-65, Sch. 5 and the provisions of Sch. 9 other than the entry relating to the Children and Young Persons Act 1933) repealed (22.8.1996) by [1996 c. 16, s. 103, Sch. 9 Pt. I](#)

### Modifications etc. (not altering text)

- C1** Act applied by [Heathrow Express Railway Act 1991 \(c. vii\), s. 43\(4\)\(a\)](#)

## PART I

### ORGANISATION OF POLICE FORCES

*County, county borough and combined forces*

*Forces outside London*

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## *General provisions*

## *Amalgamations*

## *Miscellaneous and supplemental*

# **PART II**

## **CENTRAL SUPERVISION, DIRECTION AND FACILITIES**

### *Functions of Secretary of State*

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[<sup>F66</sup>37 **Disciplinary appeals to Secretary of State.**

- (1) A member of a police force who is dealt with for an offence against discipline may appeal to the Secretary of State—
  - (a) against the decision on the disciplinary charge which was preferred against him;
  - (b) against any punishment awarded, except where he has a right of appeal to some other person; and in that case he may appeal to the Secretary of State from any decision of that other person.
- (2) On an appeal the Secretary of State may make an order allowing or dismissing the appeal.
- (3) Subject to subsection (4) below, in any case where it appears to him that it is appropriate to do so, he may substitute some other punishment.
- (4) The Secretary of State may not substitute another punishment unless it appears to him—
  - (a) that the person or tribunal who heard the disciplinary charge could have awarded it; and
  - (b) that it is less severe than the punishment awarded by that person or tribunal.
- (5) The Secretary of State may direct an appellant to pay the whole or any part of his own costs; but, subject to any such direction, all the costs and expenses of an appeal under this section, including the costs of the parties, shall be defrayed out of the police fund.
- (6) Schedule 5 to this Act shall have effect in relation to any appeal under this section.]

**Textual Amendments**

**F66** S. 37 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 103(1)

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## PART III

### POLICE REPRESENTATIVE INSTITUTIONS

## PART IV

### MISCELLANEOUS AND GENERAL

#### *Remedies and complaints against police*

#### *Offences*

#### *Miscellaneous*

#### *Supplemental*

### **60 Orders, rules and regulations.**

- (1) Any power of the Secretary of State to make orders, rules or regulations under this Act (other than orders on appeals under section 37) shall be exercisable by statutory instrument.

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- (2) Any power of the Secretary of State to make orders under this Act (other than such orders as aforesaid) includes power to amend or revoke an order by a subsequent order.

## 61 Expenses.

There shall be defrayed out of moneys provided by Parliament any expenses of the Secretary of State under this Act, and any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

## 62 Meaning of “police area” &c.

Except where the context otherwise requires, in this Act . . . <sup>F99</sup>

- (a) “police area” or “police district” means any of the areas mentioned in column 1 of Schedule 8 to this Act;
- (b) “police authority”, “chief officer of police” and “police fund” mean, in relation to any such area, the authority, officer or fund mentioned in respect of that area in columns 2, 3 and 4 of that Schedule respectively; and
- (c) “police force” means the force maintained by any of the police authorities mentioned in that Schedule.

### Textual Amendments

**F99** Words repealed by [Interpretation Act 1978 \(c. 30\)](#), [Sch. 3](#)

## 64 Interpretation, repeals and transitional provisions.

- (1) In this Act the expression “police purposes”, in relation to a police area, includes the purposes of special constables appointed for that area, of police cadets undergoing training with a view to becoming members of the police force maintained for that area and of civilians employed for the purpose of that force or of any such special constables or cadets.
- (2) References in this Act to any enactment shall be construed as references to that enactment as amended, and as including references thereto as extended or applied, by any subsequent enactment.
- (3) . . . . . <sup>F100</sup>
- (4) The Secretary of State may by order repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in any instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act [<sup>F101</sup>(including any provision of the <sup>M31</sup>Police (Scotland) Act 1967 which re-enacts any provision of this Act repealed by that Act)] or corresponds to any provision repealed by this Act; and any statutory instrument made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The transitional provisions contained in Schedule 11 to this Act shall have effect for the purposes of this Act.

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- (6) Without prejudice to subsection (5) above, where any provision is made by this Act corresponding to any enactment repealed by this section, any regulation, order, rule or appointment made, and any other thing done, under that enactment shall have effect as if it were made or done under that provision.

#### Textual Amendments

**F100** S. 64(3) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

**F101** Words inserted by [Police \(Scotland\) Act 1967 \(c. 77\)](#), [Sch. 4](#)

#### Marginal Citations

**M31** [1967 c. 77](#).

### 65 Short title, commencement and extent.

- (1) This Act may be cited as the Police Act 1964.
- (2) This Act shall come into force on such date as the Secretary of State may by order appoint.
- (3) Different dates may be appointed by order under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the date on which that provision comes into operation.
- (4) An order under subsection (2) of this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State necessary or expedient for the purpose or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of the <sup>M32</sup>London Government Act 1963.
- (5) The following provisions of this Act extend to Scotland, namely, Part III; . . . <sup>F102</sup>; section 63 and Schedule 9, so far as they relate to enactments extending to Scotland; section 64 and Part II of Schedule 10; and this section.
- (6) This Act does not extend to Northern Ireland.

#### Textual Amendments

**F102** Words repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), [Sch. 5 Pt. I](#)

#### Modifications etc. (not altering text)

**C15** Power of appointment conferred by s. 65(2) fully exercised

**C16** power of appointment conferred by s. 65(2) fully exercised: [S.I. 1964/873](#) and [1964/874](#)

#### Marginal Citations

**M32** [1963 c. 33](#).

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## SCHEDULES

### SCHEDULE 1A

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### SCHEDULE 1B

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### <sup>F118</sup>SCHEDULE 1C

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### SCHEDULE 2

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Section 18.

### SCHEDULE 3

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### SCHEDULE 4

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### [<sup>F131</sup>SCHEDULE 5

Section 37.]

### DISCIPLINARY APPEALS

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**Textual Amendments**

**F131** Sch. 5 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, S.I.F.95\)](#), s. 103(2)

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### *Notice of appeal*

- 1           Any appeal under section 37 of this Act (in this Schedule referred to as “the principal section”) shall be instituted by giving a notice of appeal within the time prescribed under this Schedule.

### *Respondent*

- 2           (1) On any appeal under the principal section against the decision of a police authority the respondent shall be that authority.
- (2) On any other appeal under that section the respondent shall be the chief officer of police of the police force to which the appellant belongs or such other person as the Secretary of State may direct; and the Secretary of State may direct any respondent under this sub-paragraph to act in relation to the appeal in consultation with such other person or persons as the Secretary of State may specify.

### *Inquiries*

- 3           (1) The Secretary of State may appoint three persons to hold an inquiry into and report to him on any appeal under the principal section other than an appeal from a decision of a police authority and, subject to sub-paragraph (2) below, shall do so where—
- (a) it appears to him that the appeal cannot be properly determined without taking evidence; or
- (b) the appellant has been punished by way of dismissal, requirement to resign or reduction in rank and has requested that such persons be appointed.
- (2) The Secretary of State need not make an appointment under sub-paragraph (1) above if he is satisfied that there are sufficient grounds for allowing the appeal without an inquiry.
- (3) The persons appointed under sub-paragraph (1) above shall be—
- (a) a, [<sup>F132</sup>person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990] who shall be chairman;
- (b) a serving or retired inspector of constabulary or a retired chief officer; and
- (c) a retired officer of appropriate rank within the meaning of sub-paragraph (4) below.
- (4) A retired officer of appropriate rank means—
- (a) where the appellant was, immediately before the disciplinary proceedings, of the rank of chief superintendent or superintendent, a retired police officer who at the time of his retirement was of either of those ranks; and
- (b) in any other case, a retired police officer who at the time of his retirement was of the rank of chief inspector or below.
- (5) The Secretary of State may appoint one or more persons to hold an inquiry into and report to him on an appeal under the principal section from a decision of a police authority.



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- (6) The Secretary of State may require persons appointed under this paragraph to deal in their report with any particular matter specified by him.
- (7) Subsections (2) and (3) of section 250<sup>M38</sup> of the Local Government Act 1972 shall apply to any inquiry under this paragraph as they apply to an inquiry under that section.
- (8) The Secretary of State may require persons appointed under this paragraph to hold a hearing.
- (9) Persons so appointed shall hold a hearing in any case where they are not required to do so under sub-paragraph (8) above, unless it appears to them that it is unnecessary to do so.
- (10) A decision whether to hold a hearing shall not be taken under sub-paragraph (9) above unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (11) Where a hearing is held in the course of an inquiry, the appellant shall have the right to appear by a serving member of a police force or by counsel or a solicitor; and the respondent shall have the right to appear by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.
- (12) Before making an order under the principal section the Secretary of State shall consider any report made to him under this paragraph, as well as the notice of appeal and any other documents submitted to him by the appellant and the respondent in accordance with rules under this Schedule.
- (13) The Secretary of State may, before making an order under the principal section, remit the case for further investigation by the person or persons who held the inquiry or, if he thinks fit, for further consideration by the person or persons whose decision is the subject of the appeal.

#### Textual Amendments

**F132** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 71(2), **Sch. 10**, para. 22

#### Marginal Citations

**M38** [1972 c. 70 \(81:1\)](#)

#### *Notice and effect of orders*

- 4 (1) A copy of any order made by the Secretary of State, together with a written statement of his reasons for making it, shall as soon as made be sent to the appellant and the respondent together with, if an inquiry was held, a copy of the report of the person or persons who held the inquiry; and the order shall be final and binding upon all parties.
- (2) Where an appeal is allowed or the punishment is varied by the Secretary of State, the order shall take effect by way of substitution for the decision appealed from, and as from the date of that decision; and where the effect of the order is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service

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for pension, and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in that rank, as the case may be, continuously from the date of the decision to the date of his reinstatement and, if he were suspended for a period immediately preceding the date of the decision, the order shall deal with the suspension.

- (3) Any costs payable under the principal section shall be subject to taxation in such manner as the Secretary of State may direct.

*Rules*

- 5 (1) The Secretary of State may make rules as to the procedure on appeals and at inquiries under this Schedule and in particular, but without prejudice to the generality of this provision, may make rules—
  - (a) prescribing the form and content of the notice of appeal and the documents to be submitted by the appellant and the time within which such documents are to be submitted; and
  - (b) prescribing the documents to be submitted and the time within which they are to be submitted by the respondent; and
  - (c) providing for the person or persons holding an inquiry to receive evidence or representations in writing instead of holding a hearing.
- (2) Any rules made under this paragraph shall be laid before Parliament after being made.

SCHEDULES 6

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SCHEDULES 7

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SCHEDULE 8

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## X<sup>1</sup>SCHEDULE 9

Section 63

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### Editorial Information

- X1** The text of Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment	Amendment
F136	F136
...	...
F137	F137
...	...
F137	F137
...	...
F138	F138
...	...
F139	F139
...	...
The M39 Metropolitan Police Act 1886.	In section 2 for the words “Minister of Health” there shall be substituted the words “Secretary of State”.
The M40 Riot (Damages) Act 1886	Throughout the Act for the words “police authority” there shall be substituted the words “compensation authority”.  In section 2(1), for the words “the police rate” there shall be substituted the words “the police fund”.  In section 5, in subsection (1), for the words from “moneys held by them” to “the said moneys” there shall be substituted the words “the police fund, and shall also pay out of the said fund” ; in subsection (3) for the words “riot expenses” there shall be substituted the words “any compensation, costs and expenses payable under subsection (1) of this section”; and subsection (4) shall be omitted.  In section 9, for the words from “means one of the districts” to “assigned to them” there shall be substituted the words and the expression “police fund” have the same meaning as in the Police Act

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1964 and the expression “compensation authority” means—

(a) in relation to a district for which the police authority is a committee of the council of a county or borough, that council;

(b) in relation to the metropolitan police district, the Reciever for that district; and

(c) in relation to any other district, the police authority.

The  
M41  
Metropolitan Police (Reciever) Act 1895.

In section 1 for the words “absent from his duties” there shall be substituted the words “unable to act whether by reason of absence or otherwise”.

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The  
M42  
Local Government (Miscellaneous Provisions) Act 1953.

In section 18, after subsection (2) there shall be added the following subsection — “(3)– In relation to a council of any county or county borough any reference in paragraph (a) or (b) of subsection (1) of section 1 of this Act to the authority, and any references in paragraph (a) of subsection (1) of section 2 of this Act to the local authority, shall be construed as including a reference to a police authority which is a committee of that council”.

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The M43  Local Government Act 1958.	In section 60(2), after the words “the Act of 1933” there shall be inserted the words “or of any order under Part I of the Police Act 1964”; and for the words “that Act” there shall be substituted the words “the Act of 1933”.
F137  ...	F137  ...
The M44  Betting, Gaming and Lotteries Act 1963.	In Schedule 2, in paragraph 1, sub-paragraph (5) shall be omitted.

**Textual Amendments**

- F136** Sch. 9: entry relating to the Metropolitan Police Act 1839 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, [Sch. Pt. XI](#), and expressed to be repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#)
- F137** Sch. 9: entries relating to the City of London Police Act 1839, the Town Police Clauses Act 1847, the National Insurance (Industrial Injuries) Act 1946, the Homicide Act 1957 and the Road Traffic and Roads Improvement Act 1960, repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I](#)
- F138** Entry relating to The Juries Act 1870 repealed by [Criminal Justice Act 1972 \(c.71, S I F 39:1\)](#), s. 64(2), [Sch. 6 Pt. I](#)
- F139** Entry relating to Metropolitan Police Staff (Superannuation) Act 1875 repealed by [Statute Law Repeals Act 1974 \(c. 22\)](#), s. 1, [Sch. Pt. XI](#)
- F140** Sch. 9: entry relating to “Children and Young Persons Act 1933” repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), [Sch. 9](#)
- F141** Entry relating to the Local Government Act 1933 repealed by [S.I. 1974/595](#), art. 3(22), [Sch. 1 Pt. I](#)
- F142** Entry relating to Firearms Act 1937 repealed by [Firearms Act 1968 \(c. 27, S I F 51:1\)](#), s. 59(1), [Sch. 7](#)
- F143** Sch. 9: entry relating to “Police (Overseas Service) Act 1945” repealed (1.4.1995) by 1994 c. 29, s. 93, [Sch. 9 Pt. I](#); [S.I. 1994/3262](#), art. 4, [Sch.](#)
- F144** Entry relating to the Police Pensions Act 1948 repealed by [Police Act 1976 \(c. 35, S I F 95\)](#), s. 13(2), [Sch. 3](#)

**Marginal Citations**

- M39** 49 & 50 Vict. 22
- M40** 49 & 50 Vict. c. 38
- M41** 58 & 59 Vict c. 12
- M42** 1 & 2 Eliz. 2. c. 26.
- M43** 6 & 7 Eliz. 2. c. 55
- M44** c. 55

SCHEDULE 10

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SCHEDULE 11

Section 64.

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