



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART I

POLICE

CHAPTER I

PRINCIPAL AMENDMENTS OF POLICE ACT 1964

Police areas

1 Police areas

(1) For section 1 of the 1964 Act there shall be substituted—

“Police areas

1 Police areas

- (1) England and Wales shall be divided into police areas.
- (2) The police areas referred to in subsection (1) of this section shall be—
 - (a) those listed in Schedule 1A to this Act (subject to any amendment made to that Schedule by an order under section 21 or 21A of this Act, section 58 of the Local Government Act 1972, or section 17 of the Local Government Act 1992), together with
 - (b) the City of London police area and the metropolitan police district.
- (3) References in Schedule 1A to any local government area are to that area as it is for the time being, but excluding any part of it within the metropolitan police district.”

Status: This is the original version (as it was originally enacted).

- (2) For Schedule 1 to the 1964 Act there shall be substituted (as Schedule 1A) the Schedule set out in Schedule 1 to this Act.

Forces outside London

2 Police forces and police authorities

For sections 2, 2A and 3 of the 1964 Act there shall be substituted—

“Forces outside London

2 Maintenance of police forces

A police force shall be maintained for every police area for the time being listed in Schedule 1A to this Act.

3 Establishment of police authorities

- (1) There shall be a police authority for every police area for the time being listed in Schedule 1A to this Act.
- (2) A police authority established under this section for any area shall be a body corporate to be known by the name of the area with the addition of the words “Police Authority”.”

3 Membership of police authorities etc

- (1) After section 3 of the 1964 Act there shall be inserted—

“3A Membership of police authorities etc

- (1) Subject to subsection (2) of this section, each police authority established under section 3 of this Act shall consist of seventeen members.
- (2) The Secretary of State may by order provide in relation to a police authority specified in the order that the number of its members shall be a specified odd number greater than seventeen.
- (3) A statutory instrument containing an order made under subsection (2) of this section shall be laid before Parliament after being made.
- (4) Schedules 1B and 1C to this Act shall have effect in relation to police authorities established under section 3 and the appointment of their members.

3B Reductions in size of police authorities

- (1) This section applies to any order under subsection (2) of section 3A of this Act which varies or revokes an earlier order so as to reduce the number of a police authority’s members.
- (2) Before making an order to which this section applies, the Secretary of State shall consult—

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- (a) the authority,
 - (b) the councils which are relevant councils in relation to the authority for the purposes of Schedule 1B to this Act, and
 - (c) any panel (or magistrates' courts committee) which is responsible, or is represented on a joint committee which is responsible, for the appointment of members of the authority.
- (3) An order to which this section applies may include provision as to the termination of the appointment of the existing members of the authority and the making of new appointments or re-appointments.”
- (2) After Schedule 1A to the 1964 Act there shall be inserted (as Schedules 1B and 1C) the Schedules set out in Schedule 2 to this Act.

4 Functions of police authorities

For section 4 of the 1964 Act there shall be substituted—

“4 General functions of police authorities

- (1) It shall be the duty of every police authority established under section 3 of this Act to secure the maintenance of an efficient and effective police force for its area.
- (2) In discharging its functions, every police authority established under section 3 of this Act shall have regard to—
 - (a) any objectives determined by the Secretary of State under section 28A of this Act,
 - (b) any objectives determined by the authority under section 4A,
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B or otherwise, and
 - (d) any local policing plan issued by the authority under section 4B.
- (3) In discharging any function to which a code of practice issued under section 28C of this Act relates, a police authority established under section 3 of this Act shall have regard to the code.
- (4) A police authority shall comply with any direction given to it by the Secretary of State under section 28B or 28D of this Act.

4A Local policing objectives

- (1) Every police authority established under section 3 of this Act shall, before the beginning of each financial year, determine objectives for the policing of the authority's area during that year.
- (2) Objectives determined under this section may relate to matters to which objectives determined under section 28A of this Act also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.
- (3) Before determining objectives under this section a police authority shall—
 - (a) consult the chief constable for the area, and

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- (b) consider any views obtained by it in accordance with arrangements made under section 106 of the Police and Criminal Evidence Act 1984 (arrangements for obtaining the views of the community on policing).

4B Local policing plans

- (1) Every police authority established under section 3 of this Act shall, before the beginning of each financial year, issue a plan setting out the proposed arrangements for the policing of the authority's area during the year ("the local policing plan").
- (2) The local policing plan shall include a statement of the authority's priorities for the year, of the financial resources expected to be available and of the proposed allocation of those resources, and shall give particulars of—
 - (a) any objectives determined by the Secretary of State under section 28A of this Act,
 - (b) any objectives determined by the authority under section 4A, and
 - (c) any performance targets established by the authority, whether in compliance with a direction under section 28B or otherwise.
- (3) A draft of the local policing plan shall be prepared by the chief constable for the area and submitted by him to the authority for it to consider.
- (4) Before issuing a local policing plan which differs from the draft submitted by the chief constable under subsection (3) of this section, a police authority shall consult the chief constable.
- (5) A police authority shall arrange for the local policing plan to be published in such manner as appears to it to be appropriate, and shall send a copy of the plan to the Secretary of State.

4C Annual reports by police authorities

- (1) As soon as possible after the end of each financial year every police authority established under section 3 shall issue a report relating to the policing of the authority's area for the year.
- (2) A report issued under this section for any year by a police authority shall include an assessment of the extent to which the local policing plan for that year has been carried out.
- (3) A police authority shall arrange for every report issued by it under this section to be published in such manner as appears to it to be appropriate, and shall send a copy of the report to the Secretary of State."

5 Chief constables

For section 5 of the 1964 Act there shall be substituted—

"5 General functions of chief constables

- (1) A police force maintained under section 2 of this Act shall be under the direction and control of the chief constable appointed under section 5A.

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

- (2) In discharging his functions, every chief constable shall have regard to the local policing plan issued by the police authority for his area under section 4B of this Act.

5A Appointment and removal of chief constables

- (1) The chief constable of a police force maintained under section 2 of this Act shall be appointed by the police authority responsible for maintaining the force, but subject to the approval of the Secretary of State and to regulations under Part II of this Act.
- (2) Without prejudice to any regulations under Part II of this Act or under the Police Pensions Act 1976, the police authority, acting with the approval of the Secretary of State, may call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (3) Before seeking the approval of the Secretary of State under subsection (2) of this section, the police authority shall give the chief constable an opportunity to make representations and shall consider any representations that he makes.
- (4) A chief constable who is called upon to retire under subsection (2) of this section shall retire on such date as the police authority may specify or on such earlier date as may be agreed upon between him and the authority.”

6 Deputy and assistant chief constables

For section 6 of the 1964 Act there shall be substituted—

“6 Assistant chief constables

- (1) The ranks that may be held in a police force maintained under section 2 of this Act shall include that of assistant chief constable (but not that of deputy chief constable); and in every such police force there shall be at least one person holding that rank.
- (2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under Part II of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (2), (3) and (4) of section 5A of this Act shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall after consulting his police authority designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—
 - (a) during any absence, incapacity or suspension from duty of the chief constable, or
 - (b) during any vacancy in the office of chief constable.
- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) of this section at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.

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

- (6) The provisions of subsection (4) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.”

7 Other members of police forces

In section 7 of the 1964 Act (other members of police forces) in subsection (1)—

- (a) for the words “section 1” there shall be substituted the words “section 2”,
- (b) the words “, deputy chief constable” shall be omitted, and
- (c) after the word “superintendent” there shall be inserted the words “, chief inspector”.

8 Police fund

For section 8 of the 1964 Act (financial provisions) there shall be substituted—

“8 Police fund

- (1) Each police authority established under section 3 of this Act shall keep a fund to be known as the police fund.
- (2) Subject to any regulations under the Police Pensions Act 1976, all receipts of the police authority shall be paid into the police fund and all expenditure of the authority shall be paid out of that fund.
- (3) Accounts shall be kept by each police authority of payments made into or out of the police fund.”

9 Supply of goods and services

After section 8 of the 1964 Act there shall be inserted—

“8A Supply of goods and services

Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) shall apply to a police authority established under section 3 of this Act as they apply to a local authority, except that in their application to a police authority the references in those subsections to a public body shall be read as references to any person.”

10 Civilian employees

For section 10 of the 1964 Act there shall be substituted—

“10 Civilian employees

- (1) A police authority established under section 3 of this Act may employ persons to assist the police force maintained by it or otherwise to enable the authority to discharge its functions.

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

- (2) A police authority shall exercise its powers under section 101 (and section 107) of the Local Government Act 1972 so as to secure that, subject to subsection (3) of this section, any person employed by the authority under this section is under the direction and control of the chief constable of the police force maintained by the authority.
- (3) Subsection (2) of this section shall not apply to such of the persons employed by the authority as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (4) The powers of direction and control referred to in subsection (2) of this section include the powers of engagement and dismissal.”

11 Appointment of officers

After section 10 of the 1964 Act there shall be inserted—

“10A Appointment of clerk

A police authority established under section 3 of this Act shall appoint a person to be the clerk to the authority.

10B Appointment of persons not employed by police authorities

Where a police authority established under section 3 of this Act is required or authorised by any Act—

- (a) to appoint a person to a specified office under the authority, or
- (b) to designate a person as having specified duties or responsibilities,

then, notwithstanding any provision of that Act to the contrary, the authority may appoint or designate either a person employed by the authority under section 10 of this Act, or a person not holding any office or employment under the authority.”

12 Questions by local councillors

For section 11 of the 1964 Act (questions on police matters by members of constituent councils) there shall be substituted—

“11 Questions on police matters at council meetings

- (1) Every relevant council shall make arrangements (whether by standing orders or otherwise) for enabling questions on the discharge of the functions of a police authority to be put by members of the council at a meeting of the council for answer by a person nominated by the authority for that purpose.
- (2) On being given reasonable notice by a relevant council of a meeting of that council at which questions on the discharge of the police authority’s functions are to be put, the police authority shall nominate one or more of its members to attend the meeting to answer those questions.
- (3) In this section “relevant council” has the same meaning as in Schedule 1B to this Act.”

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

General

13 Provision of advice and assistance to international organisations etc

After section 15 of the 1964 Act there shall be inserted—

“15A Provision of advice and assistance to international organisations etc

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
 - (a) to an international organisation or institution, or
 - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief officer of police for its area.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a member of the police force maintained by the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) of this section may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
 - (a) making a grant or loan,
 - (b) giving a guarantee or indemnity, or
 - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice or assistance provided by it under this section.
- (7) In its application in relation to the metropolitan police this section shall apply—
 - (a) as if the power conferred by subsection (1) were conferred on the Commissioner of Police of the Metropolis (and accordingly as if the references in subsections (1)(b) and (2) to a police authority were omitted), and
 - (b) as if in subsection (6) the reference to a police authority were a reference to the Receiver for the Metropolitan Police District.
- (8) The provisions of this section are without prejudice to the Police (Overseas Service) Act 1945 and section 10 of the Overseas Development and Co-operation Act 1980.”

14 Alteration of police areas

For section 21 of the 1964 Act there shall be substituted—

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

“21 Power to alter police areas by order

- (1) The Secretary of State may by order make alterations in police areas in England and Wales other than the City of London police area.
- (2) The alterations that may be made by an order under subsection (1) of this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the abolition of the metropolitan police district.
- (3) The Secretary of State shall not exercise his power under subsection (1) of this section to make alterations unless either—
 - (a) he has received a request to make the alterations from the police authority for each of the areas (other than the metropolitan police district) affected by them, or
 - (b) it appears to him to be expedient to make the alterations in the interests of efficiency or effectiveness.
- (4) The Secretary of State shall exercise his power to make orders under this section in such a way as to ensure that none of the following areas—
 - (a) a county in which there are no district councils,
 - (b) a district in any other county,
 - (c) a county borough in Wales, and
 - (d) a London borough,is divided between two or more police areas.
- (5) Subsection (4) shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it exists at the commencement of section 1 of the Police and Magistrates' Courts Act 1994.

21A Alteration of Welsh police areas on local government reorganisation

- (1) The Secretary of State shall by order made before 1st April 1996 make such alterations to police areas in Wales as he considers necessary or expedient in connection with the reorganisation of local government in Wales taking place on that date.
- (2) The alterations that may be made by an order under subsection (1) of this section include alterations that result in a reduction or an increase in the number of police areas, but not alterations that result in the division of any county or county borough between two or more police areas.
- (3) The Secretary of State shall make an order under subsection (1) of this section only after he has consulted every body within the following paragraphs which is in existence when the order is made—
 - (a) the police authorities established under section 3 of this Act for the police areas altered by the order;
 - (b) the police authorities which are to be superseded by the police authorities mentioned in paragraph (a) of this subsection;
 - (c) the county councils which—
 - (i) are the councils of counties wholly or partly within the police areas altered by the order, and

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- (ii) are to cease to exist on 1st April 1996 by virtue of the Local Government (Wales) Act 1994;
 - (d) the councils of the counties and county boroughs established by virtue of that Act which are wholly or partly within the police areas altered by the order;
- and such other persons as he considers appropriate.

21B Objections to alterations proposed by Secretary of State

- (1) Before making an order under section 21 of this Act by virtue of paragraph (b) of subsection (3) of that section, the Secretary of State shall give notice of his proposal to—
 - (a) the police authority for every area (other than the metropolitan police district) that he proposes to alter,
 - (b) the council of every county, district, county borough or London borough wholly or partly within any area (other than the metropolitan police district) that he proposes to alter,
 - (c) the council of every London borough, county or district all or part of which would under the proposal be brought into or left out of the metropolitan police district, and
 - (d) such other persons as he considers appropriate.
- (2) A notice under subsection (1) of this section shall—
 - (a) specify the proposed alterations and describe the general nature of any related provisions proposed to be included in the order,
 - (b) set out the Secretary of State's reasons for proposing the alterations, and
 - (c) specify a date before which any objections to the proposals are to be delivered to the Secretary of State.
- (3) The date specified under subsection (2)(c) of this section shall fall after the end of the period of four months beginning with the date of the notice.
- (4) Where objections have been duly delivered to the Secretary of State by a person notified under subsection (1) of this section, the Secretary of State shall before making the order under section 21 of this Act—
 - (a) consider the objections, and
 - (b) give to that person a further notice stating whether he accepts the objections and, if he does not, giving his reasons.
- (5) Where the Secretary of State has given a notice under subsection (1) of this section specifying proposed alterations, the provisions of an order making the alterations may be inconsistent with the notice so far as it describes the general nature of the provisions, and may contain provisions not referred to in the notice.

21C Orders altering police areas: supplementary provisions

- (1) The power to make orders under section 21 or 21A of this Act includes power to make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient, including—
 - (a) provision as to the membership of a police authority;

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- (b) provision for the transfer of property, rights and liabilities;
 - (c) provision for the transfer of members of police forces and other persons;
 - (d) provision as to pending legal proceedings.
- (2) Without prejudice to subsection (1) of this section, the power to make orders under section 21 or 21A of this Act includes power—
- (a) to amend Schedule 1A to this Act and section 76 of the London Government Act 1963 (extent of metropolitan police district), and
 - (b) to amend any other enactment, and any instrument made under any enactment, where the amendment is consequential on any provision of the order.
- (3) No order shall be made under section 21 of this Act by virtue of paragraph (b) of subsection (3) of that section unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (4) An order to which subsection (3) of this section applies, and which would apart from this subsection be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, shall proceed in that House as if it were not such an instrument.
- (5) A statutory instrument containing an order under section 21 or 21A of this Act, other than an order to which subsection (3) of this section applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

15 Functions of Secretary of State

After section 28 of the 1964 Act there shall be inserted—

“28A Setting of objectives for police authorities

- (1) The Secretary of State may by order determine objectives for the policing of the areas of all police authorities established under section 3 of this Act.
- (2) Before making an order under this section the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of police authorities established under section 3 of this Act, and
 - (b) persons whom he considers to represent the interests of chief constables of forces maintained by those authorities.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

28B Setting of performance targets

- (1) Where an objective has been determined under section 28A of this Act, the Secretary of State may direct police authorities to establish levels of performance (“performance targets”) to be aimed at in seeking to achieve the objective.

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

- (2) A direction under this section may be given to all police authorities established under section 3 of this Act or to one or more particular authorities.
- (3) A direction given under this section may impose conditions with which the performance targets must conform, and different conditions may be imposed for different authorities.
- (4) The Secretary of State shall arrange for any direction given under this section to be published in such manner as he thinks fit.

28C Codes of practice

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 of this Act of any of their functions.
- (2) The Secretary of State may from time to time revise the whole or part of any code of practice issued under this section.
- (3) The Secretary of State shall lay before Parliament a copy of any code of practice, and of any revision of a code of practice, issued by him under this section.

28D Power to give directions to police authorities after adverse reports

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 38 of this Act of any police force maintained under section 2 of this Act.
- (2) Where a report made to the Secretary of State under section 38 of this Act on an inspection carried out for the purposes of this section states—
 - (a) that, in the opinion of the person making the report, the force inspected is not efficient or not effective, or
 - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient or will cease to be effective,
 the Secretary of State may direct the police authority responsible for maintaining the force to take such measures as may be specified in the direction.”

16 Reports from police authorities

After section 29 of the 1964 Act there shall be inserted—

“29A Reports from police authorities

- (1) A police authority shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the authority’s functions, or otherwise with the policing of its area, as may be specified in the requirement.
- (2) A requirement under subsection (1) of this section may specify the form in which a report is to be given.

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- (3) The Secretary of State may arrange, or require the police authority to arrange, for a report under this section to be published in such manner as he thinks fit.”

17 Police grant and other grants

For section 31 of the 1964 Act there shall be substituted—

“31 Police grant

- (1) Subject to the following provisions of this section, the Secretary of State shall for each financial year make grants for police purposes to—
- (a) police authorities for areas other than the metropolitan police district, and
 - (b) the Receiver for the Metropolitan Police District;
- and in those provisions references to police authorities shall be taken as including references to the Receiver.
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
- (a) the aggregate amount of grants to be made under this section, and
 - (b) the amount of the grant to be made to each authority;
- and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2) of this section, and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among police authorities of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2) of this section, and the formulae and other rules referred to in subsection (4), may be different for different authorities or different classes of authority.
- (6) A copy of every report prepared under subsection (3) of this section shall be laid before the House of Commons, and no payment of grant shall be made unless the report setting out the determination of its amount has been approved by resolution of that House.
- (7) A grant to a police authority under this section shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may with the approval of the Treasury determine; and any such time may fall within or after the financial year concerned.
- (8) Where in consequence of a further determination under subsection (2) of this section the amount of an authority's grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall be paid by the authority to the Secretary of State on such day as he may specify; but no sum shall be payable by an authority under this subsection unless the report setting

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out the further determination has been approved by resolution of the House of Commons.

31A Grants for capital expenditure

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) for police purposes by—
 - (a) police authorities for areas other than the metropolitan police district, and
 - (b) the Receiver for the Metropolitan Police District.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

31B Grants for expenditure on safeguarding national security

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes by—
 - (a) police authorities for areas other than the metropolitan police district, and
 - (b) the Receiver for the Metropolitan Police District, in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.”

18 Regulations for police forces

- (1) Section 33 of the 1964 Act (regulations for the administration etc. of police forces) shall be amended as follows.
- (2) In subsection (2) (which lists certain matters with respect to which regulations may be made) for paragraph (e) (discipline) there shall be substituted—
 - “(e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;”.
- (3) After that subsection there shall be inserted—
 - “(3) Without prejudice to the powers conferred by this section, regulations under this section shall—
 - (a) establish, or make provision for the establishment of, procedures for cases in which a member of a police force may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, and
 - (b) make provision for securing that any case in which a senior officer may be dismissed or dealt with in any of the other ways mentioned in paragraph (a) of this subsection is decided—

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- (i) where he is an officer of the metropolitan police force, by the Commissioner of Police of the Metropolis, and
- (ii) where he is an officer of any other force, by the police authority which maintains the force or by a committee of that authority.

For the purposes of this subsection “senior officer” means a member of a police force holding a rank above that of superintendent.

- (3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (3)(b) of this section,—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.”

- (4) After subsection (4) there shall be inserted—

“(4A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.”

- (5) In subsection (5) the words “and may” onwards shall be omitted.

19 Appeals against dismissal etc

- (1) For section 37 of the 1964 Act (disciplinary appeals to Secretary of State) there shall be substituted—

“37 Appeals against dismissal etc

- (1) A member of a police force who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (3) of section 33 of this Act may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to a police appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
 - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against, and
 - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents, and may, in particular, apply subsections (2) and (3)

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of section 250 of the Local Government Act 1972 with such modifications as may be set out in the rules.

- (5) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.
 - (6) Schedule 5 to this Act shall have effect in relation to appeals under this section.”
- (2) For Schedule 5 to the 1964 Act there shall be substituted the Schedule set out in Schedule 3 to this Act.

20 Inspectors of constabulary

- (1) Section 38 of the 1964 Act (appointment and functions of inspectors of constabulary) shall be amended as follows.
- (2) In subsection (2) for the word “efficiency” onwards there shall be substituted the words “efficiency and effectiveness of, every police force maintained for a police area”.
- (3) In subsection (3) after the word “efficiency” there shall be inserted the words “and effectiveness”.

21 Reports from inspectors of constabulary

After section 38 of the 1964 Act there shall be inserted—

“38A Publication of reports

- (1) Subject to subsection (2) of this section, the Secretary of State shall arrange for any report received by him under section 38(2) of this Act to be published in such manner as he thinks fit.
- (2) The Secretary of State may exclude from publication under subsection (1) of this section any part of a report if, in his opinion, the publication of that part—
 - (a) would be against the interests of national security, or
 - (b) might jeopardise the safety of any person.
- (3) The Secretary of State shall send a copy of the published report—
 - (a) (except where he is himself the police authority) to the police authority maintaining the police force to which the report relates, and
 - (b) to the chief officer of police of that police force.
- (4) The police authority shall invite the chief officer of police to submit comments on the published report to the authority before such date as it may specify.
- (5) The police authority shall prepare comments on the published report and shall arrange for—
 - (a) its comments,
 - (b) any comments submitted by the chief officer of police in accordance with subsection (4) of this section, and
 - (c) any response which the authority has to the comments submitted by the chief officer,
 to be published in such manner as the authority thinks fit.

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

- (6) The police authority (except where it is the Secretary of State) shall send a copy of any document published under subsection (5) of this section to the Secretary of State.”

22 Assistant inspectors and staff officers

In section 39 of the 1964 Act for subsection (1) (appointment of assistant inspectors of constabulary and staff officers) there shall be substituted—

“(1) The Secretary of State may appoint assistant inspectors of constabulary.

- (1A) Members of a police force may be appointed by the Secretary of State to be assistant inspectors of constabulary or to be staff officers to the inspectors of constabulary.”

23 Common services

For section 41 of the 1964 Act there shall be substituted—

“41 Common services

- (1) The Secretary of State may provide and maintain, or may contribute to the provision or maintenance of, such organisations, facilities and services as he considers necessary or expedient for promoting the efficiency or effectiveness of the police.
- (2) Charges may be made for the use of facilities and services provided by the Secretary of State (or by organisations provided or maintained by him) under subsection (1) of this section.
- (3) The Secretary of State may by regulations make provision for requiring all police forces in England and Wales to use specified facilities or services, or facilities or services of a specified description, (whether or not provided under subsection (1) of this section) if he considers that it would be in the interests of the efficiency or effectiveness of the police for them to do so.
- (4) Before making regulations under this section, the Secretary of State shall consult—
- (a) persons whom he considers to represent the interests of police authorities, and
 - (b) persons whom he considers to represent the interests of chief officers of police.”

24 Grants by local authorities

Before section 54 of the 1964 Act there shall be inserted—

“53A Grants by local authorities

- (1) The council of a county, district, county borough or London borough may make grants to any police authority established under section 3 of this Act whose police area falls wholly or partly within the county, district, county borough or borough.

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

- (2) The council of a London borough, county, or district which falls wholly or partly within the metropolitan police district may make grants for police purposes to the Receiver for the Metropolitan Police District.
- (3) Grants under this section may be made unconditionally or, with the agreement of the chief officer of police for the police area concerned, subject to conditions.
- (4) This section applies to the Council of the Isles of Scilly as it applies to a county council.”

25 **Acceptance of gifts and loans**

After section 53A of the 1964 Act there shall be inserted—

“53B Acceptance of gifts and loans

- (1) A police authority may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as the authority thinks fit.
- (2) The terms on which gifts or loans are accepted under subsection (1) of this section may include terms providing for the commercial sponsorship of any activity of the police authority or of the police force maintained by it.
- (3) In the application of this section to the metropolitan police, for the references to the police authority there shall be substituted references to the Receiver for the Metropolitan Police District.”

26 **Police officers engaged on service outside their force**

After section 53B of the 1964 Act there shall be inserted—

“53C Police officers engaged on service outside their force

- (1) For the purposes of this section “relevant service” means—
 - (a) temporary service on which a person is engaged in accordance with arrangements made under section 15A(2) of this Act,
 - (b) central service (as defined in section 43(5) of this Act) on which a person is engaged with the consent of the appropriate authority,
 - (c) service the expenses of which are payable under section 1(1) of the Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
 - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or
 - (e) service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 43 of this Act.

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

- (3) Subject to subsections (4) to (7) of this section, a member of a police force engaged on relevant service shall be treated as if he were not a member of that force during that service; but, except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the Police Pensions Act 1976—
- (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and
 - (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 33 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) to regulations made under the Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
 - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A member of a police force who—
- (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section, or
 - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
 - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or is required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with subsection (3) of section 33 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 37 of this Act shall apply accordingly.
- (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
 - (b) in a case within paragraph (c) of that subsection, it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such other person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.”

CHAPTER II

OTHER PROVISIONS ABOUT THE POLICE

Financial provisions

27 Precepts

- (1) In section 39 of the Local Government Finance Act 1992, in subsection (1) (list of major precepting authorities) for paragraphs (b) and (c) there shall be substituted—
 “(b) a police authority established under section 3 of the Police Act 1964;”.
- (2) In section 54 of that Act (designation of authorities whose budget requirements are to be limited), in subsection (3) (classes of authorities to be treated on same principles) for paragraph (f) there shall be substituted—
 “(f) police authorities established under section 3 of the Police Act 1964;”.

28 Approval of decisions about precepts

- (1) A police authority established under section 3 of the 1964 Act shall not—
 (a) issue a precept under section 40 of the Local Government Finance Act 1992,
 or
 (b) make the calculations required by section 43 of that Act,
 except by a decision of the authority which complies with subsection (2) below.
- (2) A decision complies with this subsection only if the members approving it—
 (a) constitute at least half of the total membership at the time of the decision, and
 (b) include more than half of the members (at that time) appointed under paragraph 2 of Schedule 1B to the 1964 Act (local authority appointees).

29 Directions as to minimum budget

- (1) The power of the Secretary of State to give directions under section 28D of the 1964 Act to a police authority established under section 3 of that Act shall include power to direct the authority that the amount of its budget requirement for any financial year (under section 43 of the Local Government Finance Act 1992) shall not be less than an amount specified in the direction.
- (2) The power exercisable by virtue of subsection (1) above, and any direction given under that power, are subject to any limitation imposed under Chapter V of Part I of the Local Government Finance Act 1992.
- (3) A direction shall not be given by virtue of subsection (1) above in relation to a financial year at any time after the end of the preceding December.
- (4) Where the Secretary of State gives a direction to a police authority under subsection (1) above any precept issued or calculation made by the authority under Part I of the Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

30 Revenue accounts and capital finance

In section 39 of the Local Government and Housing Act 1989, in subsection (1) (authorities to which provisions about revenue accounts and capital finance apply) for paragraph (j) there shall be substituted—

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

31 Financial administration

In section 111 of the Local Government Finance Act 1988, in subsection (2) (definition of “relevant authority” for the purposes of provisions regulating financial administration) for paragraph (e) there shall be substituted—

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

32 Initial financing of new police authorities

- (1) The Secretary of State may make grants to any police authority established under section 3 of the 1964 Act in respect of expenditure incurred (or to be incurred) by it at any time before the beginning of its first precepting year.
- (2) Without prejudice to any other powers to borrow, a police authority established under section 3 of the 1964 Act may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of meeting its expenditure before the beginning of its first precepting year.
- (3) The sums borrowed by an authority under this section shall not exceed such amount as the Secretary of State may determine, and shall be repaid before the end of its first precepting year.
- (4) In this section the “first precepting year” of a police authority is the financial year in which revenue is first received by it as a result of a precept issued by it under Part I of the Local Government Finance Act 1992.

33 Validation of past grants

- (1) Any deductions made from grants under section 31 of the 1964 Act for any period ended after 31st March 1980 and before the passing of this Act on account of common services expenditure shall be deemed to have been made in accordance with that section and any order made under it.
- (2) In subsection (1) above “common services expenditure” means expenditure incurred by the Secretary of State under—
 - (a) section 41 (common services) of the 1964 Act, or
 - (b) section 44 (Police Federations) of that Act, or
 - (c) section 4 of the Police Act 1969 (Police Council for the United Kingdom) or section 1 of the Police Negotiating Board Act 1980.

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

Complaints against and conduct of police officers

34 Reference of matters other than complaints to Complaints Authority

In section 88 of the Police and Criminal Evidence Act 1984 (references of matters other than complaints to the Complaints Authority), in paragraph (a) for the words “an offence against discipline” there shall be substituted the words “behaved in a manner which would justify disciplinary proceedings”.

35 Steps to be taken after investigation of complaint

- (1) Section 90 of the Police and Criminal Evidence Act 1984 (steps to be taken after investigation: general) shall be amended as follows.
- (2) In subsection (3), paragraph (ii) and the word “and” immediately preceding it shall be omitted.
- (3) In subsection (4), paragraph (b) and the word “and” immediately preceding it shall be omitted.
- (4) In subsection (5)—
 - (a) for the words “Subject to section 91(1) below” there shall be substituted the words “In such cases as may be prescribed by regulations made by the Secretary of State”, and
 - (b) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons”.
- (5) Subsection (6) shall be omitted.
- (6) In subsection (7)—
 - (a) for the words “Subject to section 91(1) below” there shall be substituted the words “In such cases as may be prescribed by regulations made by the Secretary of State”, and
 - (b) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons”.
- (7) Subsection (8) shall be omitted.
- (8) In subsection (9) for the words “the chief officer” onwards there shall be substituted the words “then, if the chief officer is required by virtue of regulations under subsection (5) or (7) above to send the Authority a memorandum, he shall at the same time send them a copy of the complaint, or of the record of the complaint, and a copy of the report of the investigation”.
- (9) In subsection (10)—
 - (a) in paragraph (a) for the words “prefer disciplinary charges” onwards there shall be substituted the words “bring disciplinary proceedings, it shall be his duty to bring and proceed with them; and”, and
 - (b) in paragraph (b) for the words “preferred such charges” there shall be substituted the words “brought such proceedings”.

36 Powers of Complaints Authority as to disciplinary proceedings

- (1) Section 93 of the Police and Criminal Evidence Act 1984 (powers of Complaints Authority as to disciplinary charges) shall be amended as follows.
- (2) In subsection (1) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought disciplinary proceedings or does not propose to do so, the Authority may recommend him to bring such proceedings”.
- (3) In subsection (2) for the words “withdraw charges which he has preferred” there shall be substituted the words “discontinue disciplinary proceedings that he has brought”.
- (4) In subsection (3) for the words “prefer such charges” onwards there shall be substituted the words “bring disciplinary proceedings, they may direct him to do so”.
- (5) In subsection (5) for the words “prefer and proceed with charges specified in” there shall be substituted the words “comply with”.
- (6) For subsection (6) there shall be substituted—
 - “(6) The Authority may withdraw a direction given under this section.”
- (7) For subsections (7) and (8) there shall be substituted—
 - “(7) A chief officer shall—
 - (a) advise the Authority of what action he has taken in response to a recommendation or direction under this section, and
 - (b) furnish the Authority with such other information as they may reasonably require for the purpose of discharging their functions under this section.”

37 Repeal of certain provisions about discipline

The following provisions of the Police and Criminal Evidence Act 1984 shall cease to have effect—

- (a) section 67(8) (failure to comply with a code of practice is a disciplinary offence);
- (b) section 92 (powers of Complaints Authority to direct reference of reports etc. to Director of Public Prosecutions);
- (c) section 94 (disciplinary tribunals);
- (d) section 97(4) (review of complaints procedure and reports by Complaints Authority);
- (e) section 101 (discipline regulations);
- (f) in section 104, subsections (1) and (2) (which prevent a police officer convicted or acquitted of a criminal offence being charged with an equivalent disciplinary offence).

38 Saving for certain complaints procedures

The amendment, by any provision of this Act, of Part IX of the Police and Criminal Evidence Act 1984 shall not affect any procedures established by virtue of section 96 of that Act (constabularies maintained by authorities other than police authorities) before the amendment comes into force.

*Reorganisation of local government***39 Police areas in England: alterations under Local Government Act 1992**

- (1) The Local Government Act 1992 shall be amended as follows.
- (2) In section 14(5) (matters on which Local Government Commission to make recommendations) after paragraph (d) there shall be added—
 - “(e) whether, in connection with any recommended structural or boundary change, there should be any change in police areas (including any change resulting in a reduction or increase in the number of police areas)”.
- (3) In section 15 (procedure on a review) in subsections (3)(c) and (4)(c) (duty to deposit draft and final recommendations with affected councils) after the word “council” there shall be inserted the words “or police authority”.
- (4) In section 17 (implementation of recommendations), in subsection (3)(g) for the words “and election” there shall be substituted the words “, election and membership”.
- (5) After subsection (5) of section 17 there shall be added—
 - “(6) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that none of the following areas—
 - (a) a county in which there are no district councils,
 - (b) a district in any other county, and
 - (c) a London borough,is divided between two or more police areas; but this subsection shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it exists at the commencement of section 1 of the Police and Magistrates' Courts Act 1994.”
- (6) In section 18, subsection (2) and paragraph (a) of subsection (4) shall cease to have effect.
- (7) In section 19(2) (provision that may be made by regulations), in paragraph (a) after the words “local authority” in each place where they occur there shall be inserted the words “or police authority”.

40 Police areas in Wales: alterations under Local Government Act 1972

- (1) The Local Government Act 1972 shall be amended as follows.
- (2) In section 54(1) (changes that may be proposed by Welsh Local Government Boundary Commission) after paragraph (e) there shall be added—
 - “(f) a change in police areas (including a change resulting in a reduction or increase in the number of police areas) in connection with a change in local government areas”.
- (3) In section 58 (implementation of Commission's reports) after subsection (3) there shall be inserted—

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

“(3A) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that no county or county borough is divided between two or more police areas.”

- (4) In section 60 (procedure for reviews)—
- (a) in subsection (2)(a)(i) (duty to consult local authorities etc.) after the word “area” there shall be inserted the words “and the police authority for any police area”;
 - (b) in subsection (2)(c) (duty to deposit documents with councils, etc.) after the words “principal council” there shall be inserted the words “or police authority”, and after the word “such” there shall be inserted the word “principal”;
 - (c) in subsection (5)(b) (further duty to deposit documents with councils, etc.) after the words “principal council” there shall be inserted the words “or police authority”, and after the word “such” there shall be inserted the word “principal”.
- (5) In section 67 (provision that may be made by orders), in subsection (5)(b) for the words “and election” there shall be substituted the words “, election and membership”.

Miscellaneous

41 Metropolitan police: assistant commissioners

In section 2 of the Metropolitan Police Act 1856 (power to appoint six assistant commissioners of police)—

- (a) the word “six”, and
 - (b) the words “and upon every vacancy” onwards,
- shall be omitted.

42 Application of Firearms Act 1968 to civilian staff

In section 54 of the Firearms Act 1968 (application of Act to Crown servants) for subsection (3) (which provides that members of police forces are deemed to be in the service of Her Majesty) there shall be substituted—

- “(3) For the purposes of this section and of any rule of law whereby any provision of this Act does not bind the Crown, a person shall be deemed to be in the service of Her Majesty if he is—
- (a) a member of a police force, or
 - (b) a person employed by a police authority who is under the direction and control of a chief officer of police.”

43 Application to police authorities of enactments relating to local authorities etc

Schedule 4 to this Act (which makes amendments relating to the application of enactments to police authorities, including amendments providing for them to be treated as local authorities for certain purposes) shall have effect.

44 Minor and consequential amendments

Schedule 5 to this Act (which makes minor and consequential amendments relating to the police) shall have effect.

45 Application of certain provisions to new police authorities

- (1) Any relevant legislative provision which, immediately before the passing of this Act, applied to police authorities constituted in accordance with section 2 of the 1964 Act shall, except where the context otherwise requires, apply in the same way to police authorities established under section 3 of the 1964 Act (as substituted by section 2 of this Act).
- (2) Subsection (1) above is subject to any provision to the contrary made by or under this Act.
- (3) For the purposes of subsection (1) above, a provision is a “relevant legislative provision” if it is a provision (other than a provision which applies only to specified police authorities) of an instrument which—
 - (a) was made before the passing of this Act under a public general Act, and
 - (b) is of a legislative character.

46 Interpretation of Part I

In this Part of this Act “the 1964 Act” means the Police Act 1964.

PART II

POLICE (SCOTLAND)

47 Constitution of police force

- (1) For section 3 of the 1967 Act there shall be substituted—

“3 Establishments of police forces

- (1) A police force shall consist of a chief constable, regular constables and special constables.
- (2) In subsection (1) above—

“regular constables” means constables (including probationary constables) to whom both pay and allowances are, by virtue of section 26 of this Act, payable; and “special constables” means constables to whom allowances only are so payable.”.
- (2) In section 7 of that Act (assignment of ranks)—
 - (a) in subsection (1)—
 - (i) the words “, deputy chief constable” and “, chief superintendent and” shall be omitted; and
 - (ii) after the word “superintendent” there shall be inserted the words “, chief inspector, inspector, sergeant and constable.”; and
 - (b) subsection (2) shall be omitted.

- (3) In section 8(1) (appointment of police cadets), the words “and subject to the approval of the police authority and the Secretary of State as to numbers” shall be omitted.
- (4) In section 14(1) (extra policing of locality where works are being constructed), the words “(whether by the appointment of temporary constables or otherwise)” shall be omitted.
- (5) In section 26(2)(d) (regulations as to retirement of certain constables), the words “or temporary” shall be omitted.

48 Deputy and assistant chief constables

For sections 5 and 5A of the 1967 Act there shall be substituted—

“5 Assistant chief constables

- (1) The ranks that may be held in a police force maintained under section 1 of this Act shall include that of assistant chief constable (but not that of deputy chief constable); and in every such police force there shall be at least one person holding that rank.
- (2) Appointments and promotions to the rank of assistant chief constable shall be made, in accordance with regulations under Part II of this Act, by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State.
- (3) Subsections (4) to (7) of section 4 of this Act shall apply to an assistant chief constable as they apply to a chief constable.
- (4) A chief constable shall, after consulting the police authority for the area for which his force is maintained, designate a person holding the rank of assistant chief constable to exercise all the powers and duties of the chief constable—
 - (a) during any absence, incapacity or suspension from duty of the chief constable, or
 - (b) during any vacancy in the office of chief constable.
- (5) No more than one person shall be authorised to act by virtue of a designation under subsection (4) of this section at any one time; and a person so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding three months except with the consent of the Secretary of State.
- (6) The provisions of subsection (4) of this section shall be in addition to, and not in substitution for, any other enactment which makes provision for the exercise by any other person of powers conferred on a chief constable.”.

49 Civilian employees

For section 9 of the 1967 Act there shall be substituted—

“9 Civilian employees

- (1) A police authority may employ for the assistance of the constables of a police force maintained for their area, or otherwise to enable the authority to discharge their functions, officers who are not constables.
- (2) The police authority shall exercise their powers under section 56 (and section 63) of the Local Government (Scotland) Act 1973 so as to secure that, subject to subsection (3) below, any person employed by the authority under subsection (1) above is under the direction and control of the chief constable of the police force.
- (3) Subsection (2) above shall not apply to such of the persons employed by the authority as may be agreed between the chief constable and the authority or, in the absence of agreement, as may be determined by the Secretary of State.
- (4) The powers of direction and control referred to in subsection (2) above include the powers of engagement and dismissal.”.

50 Provision of advice and assistance to international organisations etc

After section 12 of the 1967 Act there shall be inserted—

“12A Provision of advice and assistance to international organisations etc

- (1) Subject to the provisions of this section, a police authority may provide advice and assistance—
 - (a) to an international organisation or institution, or
 - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief constable of a force maintained by it.
- (2) The power conferred on a police authority by subsection (1) of this section includes a power to make arrangements under which a constable of the force maintained for the area of the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) of this section shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.
- (4) A consent or authorisation under subsection (3) above may be given subject to such conditions as the Secretary of State thinks fit.
- (5) Nothing in this section authorises a police authority to provide any financial assistance by—
 - (a) making a grant or loan,
 - (b) giving a guarantee or indemnity, or
 - (c) investing by acquiring share or loan capital.
- (6) A police authority may make charges for advice and assistance provided by it under this section.

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

- (7) The provisions of this section are without prejudice to the Police (Overseas Service) Act 1945 and section 10 of the Overseas Development and Co-operation Act 1980.”.

51 Chief constables' annual reports

In section 15(1) of the 1967 Act (submission of general report by chief constable on policing)—

- (a) for the word “May” there shall be substituted the word “July”;
- (b) for the words “general report in writing on” there shall be substituted the words “report in writing on such matters as the Secretary of State may prescribe as respects, and generally as respects,”; and
- (c) for the words “year ended on 31st December last preceding” there shall be substituted the words “twelve months ending on 31st March in that year”.

52 Regulations for police forces

- (1) Section 26 of the 1967 Act (regulations as to government and administration of police forces) shall be amended as follows.

- (2) In subsection (2) (which lists certain matters with respect to which regulations may be made), for paragraph (e) there shall be substituted—

“(e) the conduct and efficiency of constables;”.

- (3) After that subsection there shall be inserted—

“(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—

- (a) establish, or make provision for the establishment of, procedures for cases in which a constable may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution; and
- (b) make provision for securing that any case in which a constable who holds a rank above that of superintendent may be dismissed, or dealt with in any of the other ways mentioned in paragraph (a) above, is decided by the police authority of the area for which the force is maintained.

(2B) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (2A)(b) above—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief constables or other persons; or
- (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

(2C) Without prejudice to the generality of subsection (2A)(a) above, regulations under this section shall specify the circumstances in which, for the purposes of section 40A(2) of this Act, proceedings by virtue of that subsection are to be taken to have commenced.”.

- (4) Subsection (7) shall be omitted.

53 Fixed term appointments etc

(1) Section 26 of the 1967 Act shall be further amended—

- (a) by inserting, after the words “administration of” in subsection (1), the words “, and the conditions of service in,”; and
- (b) by inserting after subsection (5)—

“(5A) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.”.

(2) Section 23 of the 1967 Act (chief constables affected by amalgamations or local government reorganisation) shall be amended as follows—

- (a) in subsection (2), for the word “deputy” there shall be substituted “assistant”;
- (b) in subsection (3), after the word “Act” there shall be inserted “and to subsection (3A) below”; and
- (c) 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 constable of a police force by virtue of this section, subsection (3) above shall have effect as if the reference in it to three months were a reference to that term.”.

54 Power of Secretary of State to give directions to police authorities

After section 26 of the 1967 Act there shall be inserted—

“26A Power to give directions to police authority after adverse report

- (1) The Secretary of State may at any time require the inspectors of constabulary to carry out, for the purposes of this section, an inspection under section 33(3) of this Act of any police force maintained under section 1 of this Act.
- (2) Where a report made to the Secretary of State on an inspection carried out for the purposes of this section states—
 - (a) that, in the opinion of the person making the report, the force inspected is not efficient; or
 - (b) that in his opinion, unless remedial measures are taken, the force will cease to be efficient,

the Secretary of State may direct the police authority or joint police committee for the area for which the force is maintained to take such measures as may be specified in the direction.

26B Police efficiency: allocation of funds

Without prejudice to the generality of subsection (2) of section 26A of this Act, the Secretary of State may under that subsection direct a police authority or joint police committee to allocate from their income, to the purpose of ensuring that a police force is efficient, such amounts as he shall specify.

26C Duty of compliance

It shall be the duty of a police authority or joint police committee to comply with any direction given to them under section 26A or 26B of this Act.”.

55 Appeals against dismissal etc

(1) For section 30 of the 1967 Act there shall be substituted—

“30 Appeals against dismissal etc

- (1) A constable who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with subsection (2A) of section 26 of this Act may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to such a tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
 - (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
 - (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
 - (b) in which he could have been dealt with by the person who made that decision.
 - (3) The Secretary of State may make rules as to the procedure on appeals under this section to a police appeals tribunal.
 - (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents and may, in particular, apply subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973 with such modifications as may be set out in the rules.
 - (5) Schedule 3 to this Act shall have effect in relation to appeals under this section.
 - (6) Rules made under this section may make such supplementary and transitional provision as the Secretary of State thinks necessary or expedient in consequence of the coming into operation of an amalgamation scheme, amending scheme or revoking scheme while an appeal under this section is pending; and without prejudice to the generality of this subsection, such provision may in particular include modifications to Schedule 3 to this Act in that Schedule’s application to any case affected by the making of such a scheme.”.
- (2) For Schedule 3 to the 1967 Act there shall be substituted the Schedule set out in Schedule 6 to this Act.

56 Expenditure in safeguarding national security

After section 32 of the 1967 Act there shall be inserted—

“32A Grants for expenditure on safeguarding national security

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) by a police authority or joint police committee in connection with safeguarding national security.
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.”.

57 Duty of inspectors of constabulary

For subsection (3) of section 33 of the 1967 Act (inspectors of constabulary), there shall be substituted—

- “(3) It shall be the duty of the inspectors of constabulary, on being directed to do so by the Secretary of State, to visit and inquire into any matter concerning or relating to the operation of a police force or of police forces generally; and, without prejudice to the generality of this subsection, such matters may include the state and efficiency of, and of the buildings and equipment used by, the force or forces.”.

58 Assistant inspectors of constabulary and staff officers to inspectors of constabulary

In section 34 of the 1967 Act, for subsection (1) (appointment of assistant inspectors of constabulary and their staff officers) there shall be substituted—

- “(1) The Secretary of State may appoint assistant inspectors of constabulary.
- (1A) Constables may be appointed under subsection (1) above or to be staff officers to inspectors of constabulary.”.

59 Common services

For section 36 of the 1967 Act there shall be substituted—

“36 Common services

- (1) After consulting the Joint Central Committee and such bodies or associations as appear to the Secretary of State to be representative of police authorities or of chief constables or superintendents (such consultation being in the following provisions of this section referred to as “relevant consultation”), he may, either directly or indirectly, provide and maintain such facilities and services, or establish and maintain such institutions and organisations, as he considers necessary or expedient for promoting the efficiency of the police.
- (2) The Secretary of State may, after relevant consultation, by regulations make provision for requiring all police forces in Scotland to use specified facilities or services, or facilities or services of a specified description, (whether or not

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provided under subsection (1) above) if he considers that it would be in the interests of the efficiency of the police for them to do so.

- (3) The Secretary of State may, after relevant consultation, by order determine the charges to be payable for facilities and services provided under or by virtue of subsection (1) above, make provision as regards their payment and make provision for the recovery, other than by such charges, of expenses incurred by him in providing the facilities and services.
- (4) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any expenses falling on a police authority or joint police committee by virtue of subsection (3) above shall be defrayed in like manner as other expenses incurred for the purposes of this Act by the authority or committee.
- (6) The Secretary of State may, after relevant consultation, in any order under subsection (3) above apply that order, or any provision of that order, to other expenses specified in the order, being expenses incurred by him for the purposes of police forces generally.”.

60 Constables engaged on service outside their force

After section 38 of the 1967 Act there shall be inserted—

“38A Constables engaged on service outside their force

- (1) For the purposes of this section “relevant service” means—
 - (a) temporary service on which a person is engaged in accordance with arrangements made under section 12A(2) of this Act,
 - (b) central service (as defined by section 38(5) of this Act) on which a person is engaged with the consent of the appropriate authority,
 - (c) service the expenses of which are payable under section 1(1) of the Police (Overseas Service) Act 1945, on which a person is engaged with the consent of the appropriate authority,
 - (d) service in the Royal Ulster Constabulary, on which a person is engaged with the consent of the Secretary of State and the appropriate authority, or
 - (e) service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980, on which a person is engaged with the consent of the appropriate authority.
- (2) In subsection (1) of this section “appropriate authority” has the same meaning as in section 38 of this Act.
- (3) Subject to subsections (4) to (7) of this section, a constable of a police force engaged on relevant service shall be treated as if he were not a constable of that force during that service; but except where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of regulations made under the Police Pensions Act 1976—
 - (a) he shall be entitled at the end of the period of relevant service to revert to his police force in the rank in which he was serving immediately before the period began, and

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- (b) he shall be treated as if he had been serving in that force during the period of relevant service for the purposes of any scale prescribed by or under regulations made under section 26 of this Act fixing his rate of pay by reference to his length of service.
- (4) In the case of relevant service to which subsection (1)(c) of this section refers, the reference in subsection (3) of this section to regulations made under the Police Pensions Act 1976 shall be read as including a reference to regulations made under section 1 of the Police (Overseas Service) Act 1945.
- (5) A person may, when engaged on relevant service, be promoted in his police force as if he were serving in that force; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) of this section to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted, and
 - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (6) A constable who—
- (a) has completed a period of relevant service within paragraph (a), (b) or (e) of subsection (1) of this section,
 - (b) while engaged on relevant service within paragraph (c) of that subsection, is dismissed from that service by the disciplinary authority established by regulations under section 1 of the Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, or
 - (c) while engaged on relevant service within paragraph (d) of that subsection, is dismissed from that service or required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with subsection (2A) of section 26 of this Act for anything done or omitted while he was engaged on that service as if that service had been service in his police force; and section 30 of this Act shall apply accordingly.
- (7) For the purposes of subsection (6) of this section a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified, if—
- (a) in a case within paragraph (b) of that subsection, it is given by the disciplinary authority referred to in that paragraph, or
 - (b) in a case within paragraph (c) of that subsection it is given by or on behalf of the Chief Constable of the Royal Ulster Constabulary, or such person or authority as may be designated for the purposes of this subsection by order of the Secretary of State.”.

61 Examination of handling of complaints against constables

After section 40 of the 1967 Act there shall be inserted—

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“40A Examination of handling of complaints against constables

- (1) Where a member of the public has made a complaint to the chief constable of a police force against a constable of that force the inspectors of constabulary may, at the request of the member of the public, examine the manner in which the chief constable has dealt with the complaint.
- (2) Where the inspectors of constabulary have carried out an examination under subsection (1) above, they shall report their findings to the person who made the complaint and send a copy of that report to the chief constable and to the constable against whom the complaint was made; and they may direct the chief constable to reconsider the complaint and may instruct him to have regard, in doing so, to such further information as may have become available (whether or not as a result of the examination) after he dealt with the complaint; but no such direction shall be given as respects so much of the complaint as has been, or is, the subject of proceedings against the constable by virtue of section 26(2A) (a) of this Act.
- (3) On making a direction under subsection (2) above, the inspectors of constabulary shall notify the constable against whom the complaint was made and the person who made it that they have done so; and the outcome of any reconsideration carried out by virtue of that subsection shall be communicated forthwith to the inspectors of constabulary, who shall—
 - (a) report the outcome, and their own findings as regards the outcome, to that constable and to that person; and
 - (b) communicate those findings to the chief constable.
- (4) Where an examination has been carried out under subsection (1) above—
 - (a) the Secretary of State may require the inspectors of constabulary to submit to him, and
 - (b) the police authority for the area for which the police force in question is maintained may require the inspectors of constabulary to submit to them,a written report concerning that examination and a copy of any report under subsection (3)(a) above consequent on that examination.”.

62 Transmission of criminal statistics

In section 47 of the 1967 Act (criminal statistics)—

- (a) in subsection (1), for the words “the year to 31st December last preceding” there shall be substituted the words “such period as the Secretary of State may specify in the direction”; and
- (b) for subsection (2) there shall be substituted—
 - “(2) The Secretary of State shall prepare such reports as he considers appropriate from such statements as he receives by virtue of subsection (1) above; and he shall lay any such report before Parliament and send a copy of it to each police authority.”.

63 Other amendments of 1967 Act

- (1) The 1967 Act shall be amended in accordance with this section.
- (2) In section 6(2) (application of certain provisions of 1967 Act to constables below rank of assistant chief constable) the words “a deputy chief constable” shall be omitted.
- (3) In section 7(3) (assignment of lower rank), for the words from “as to” to the end there shall be substituted the words “made in accordance with section 26(2A) of this Act”.
- (4) In section 24 (effect of amalgamation scheme on constables engaged in service other than with their own force)—
 - (a) in subsection (1) for the words from “either” to “transferred force” there shall be substituted the words “a person is engaged in relevant service within the meaning of section 38A of this Act”;
 - (b) in subsection (2) for the word “overseas” in each of the three places where it occurs there shall be substituted the word “relevant”; and
 - (c) in subsection (3), the words from “and the expression” onwards shall be omitted.
- (5) In section 31 (requirement for chief constable to retire in interests of efficiency)—
 - (a) in subsection (2)—
 - (i) for the words “a deputy or” there shall be substituted the word “an”; and
 - (ii) the words “or deputy” shall be omitted; and
 - (b) in subsection (4), the words “or deputy” shall be omitted.
- (6) In section 32(1) (payment towards expenses of police authorities and joint police committees) after the words “19(6)” there shall be inserted the words “, section 32A”.
- (7) In section 38—
 - (a) in subsection (4), for the words “subsection (1) above” there shall be substituted the words “section 38A(3) of this Act”; and
 - (b) in subsection (5) (interpretation), in the definition of “central service” for the words “service as a staff officer to the inspectors of constabulary” there shall be substituted the words “temporary service under section 34 of this Act”.
- (8) In section 42(1) (offence of causing disaffection amongst constables), the words “or to commit breaches of discipline” shall be omitted.
- (9) In section 51 (interpretation)—
 - (a) in subsection (1), the definitions of “regular constable”, “special constable” and “temporary constable” shall be omitted; and
 - (b) after subsection (3) there shall be inserted—

“(3A) Any reference in this Act to efficiency or to being efficient shall be construed, except where the context otherwise requires, as including, respectively, a reference to effectiveness or to being effective.”
- (10) In Schedule 2 (transitory provisions for purposes of amalgamation schemes), paragraph 2 shall be omitted.

64 Delegation of functions of Scottish police authority

In section 63 of the Local Government (Scotland) Act 1973 (arrangements as to police authority functions etc.), after subsection (2) there shall be inserted—

“(2A) The officers who may discharge functions of a police authority in pursuance of arrangements under section 56(1) or (2) of this Act shall include the chief constable of the police force.

(2B)

Where, pursuant to arrangements made by virtue of subsection (2A) above, a chief constable may discharge functions of a police authority, he may himself arrange for the discharge of any of the functions in question by a constable of the police force or by a person who is employed by the authority but is not under their direction and control.”.

65 Interpretation of Part II

In this Part of this Act “the 1967 Act” means the Police (Scotland) Act 1967.

PART III

POLICE (NORTHERN IRELAND)

66 Regulations for administration, etc. of Royal Ulster Constabulary

(1) Section 25 of the Police Act (Northern Ireland) 1970 (regulations for administration, etc. of Royal Ulster Constabulary) shall be amended as follows.

(2) Subsection (5) (Treasury concurrence required for certain regulations) shall be omitted.

(3) For subsections (6) and (7) there shall be substituted—

“(5A) In relation to any matter as to which provision may be made by regulations under this section (other than the matters mentioned in subsection (2)(e) and (f)), the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or
- (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

(5B) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.

(6) Where regulations under subsection (2)(a) vary the ranks held by members of the Royal Ulster Constabulary, the regulations may make consequential amendments to any statutory provision (including this Act) containing a reference to any rank held by a member of that Constabulary.”

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67 Regulations for administration, etc. of reserve constables

- (1) Section 26 of the Police Act (Northern Ireland) 1970 (regulations for administration, etc. of reserve constables) shall be amended as follows.
- (2) Subsection (3) (Treasury concurrence required for certain regulations) shall be omitted.
- (3) At the end there shall be added—
 - “(4) In relation to any matter as to which provision may be made by regulations under this section (other than the matters mentioned in subsection (2)(cc) and (d)), the regulations may—
 - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or
 - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.”

68 Minor and consequential amendments

- (1) The Police Act (Northern Ireland) 1970 shall have effect subject to the following minor and consequential amendments.
- (2) Section 10(5) (Treasury concurrence required for certain regulations relating to police cadets) shall be omitted.
- (3) In section 34 (orders and regulations)—
 - (a) for subsection (1) there shall be substituted—
 - “(1) Regulations and orders under this Act (other than orders under section 4(3)) shall be subject to annulment in pursuance of a resolution of either House of Parliament and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.”;
 - (b) after subsection (1) there shall be inserted—
 - “(1A) The following regulations shall not be made without the concurrence of the Treasury, namely—
 - (a) regulations under section 10 for regulating pensions;
 - (b) regulations under section 25 providing for any of the matters specified in subsection (2)(k) of that section;
 - (c) regulations under section 26 providing for the matter specified in subsection (2)(f) of that section.”;
 - (c) in subsection (3) for the words from “sections” to “reserve constables and” there shall be substituted the words “section 10(4) (making provision with respect to allowances of”.
 - (4) In section 35 (interpretation) in the definition of “senior officer” for the words from “means” onwards there shall be substituted the words “means an officer above the rank of superintendent”.

PART IV

MAGISTRATES' COURTS

Magistrates' courts committees

69 Alteration of magistrates' courts committee areas

- (1) A magistrates' courts committee may at any time submit to the Lord Chancellor written proposals—
 - (a) for the replacement of two or more magistrates' courts committees (including the committee submitting the proposals) with a single magistrates' courts committee or with two or more magistrates' courts committees in relation to areas different from the existing magistrates' courts committee areas, or
 - (b) for the replacement of the committee submitting the proposals with two or more magistrates' courts committees.
- (2) Before submitting such proposals, the magistrates' courts committee shall consult—
 - (a) the magistrates for their area or any other existing magistrates' courts committee area to which the proposal relates,
 - (b) any other magistrates' courts committee to which the proposal relates, and
 - (c) every interested authority.
- (3) Whether or not proposals have been submitted to him under subsection (1) above, the Lord Chancellor may by order made by statutory instrument provide—
 - (a) for the replacement of two or more magistrates' courts committees with a single magistrates' courts committee or with two or more magistrates' courts committees relating to areas which are different from the existing magistrates' courts committee areas, or
 - (b) for the replacement of a magistrates' courts committee with two or more magistrates' courts committees.
- (4) The Lord Chancellor shall not make an order under subsection (3) above unless he is satisfied that the making of the order is likely to contribute to an overall increase in the efficiency of the administration of the magistrates' courts for the magistrates' courts committee area or areas to which the order relates.
- (5) Before making an order under subsection (3) above, other than an order which implements proposals submitted to him under subsection (1) above, the Lord Chancellor shall consult—
 - (a) the magistrates for each of the existing magistrates' courts committee areas to which the order relates,
 - (b) the magistrates' courts committees to which the proposal relates, and
 - (c) every interested authority.
- (6) For the purposes of subsection (5) above, an order shall be taken to implement proposals if it implements them without alteration or the departures from the proposals do not, in the opinion of the Lord Chancellor, effect important alterations in the proposals.
- (7) Where proposals under subsection (1) above or an order under subsection (3) above would (apart from this subsection) divide a petty sessions area between the areas of

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two or more magistrates' courts committees, the proposals or order shall provide for a consequential alteration of petty sessions areas.

- (8) An order under subsection (3) above may contain such consequential and transitional provisions as appear to the Lord Chancellor to be necessary or expedient, including—
- (a) provision for the transfer of property, rights and liabilities,
 - (b) provision for the management or custody of transferred property (whether real or personal), and
 - (c) provision for any magistrates' courts committee coming into existence by virtue of the order to be constituted under section 22 of the 1979 Act as a body corporate, and to incur liabilities, before the date on which the functions of any existing magistrates' courts committee are transferred to it.

- (9) A statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (10) In this section—

“existing magistrates' courts committee area” means a magistrates' courts committee area existing by virtue of—

- (a) section 19(2) of the 1979 Act (as amended by section 79(4) of this Act),
- (b) an order made under section 19(3) of that Act before the commencement of this section, or
- (c) a previous order under subsection (3) above;

“interested authority”, in relation to any proposal or order, means the council of every local authority whose area includes any of the existing magistrates' courts committee areas to which the proposal or order relates, or part of any such area;

“local authority” means any unitary authority or any county council so far as they are not a unitary authority; and

“unitary authority” means—

- (a) the council of any county so far as they are the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a county borough council,
- (d) a London borough council, or
- (e) the Common Council of the City of London.

- (11) Any order made under subsection (3) of section 19 of the 1979 Act (power to establish a single magistrates' courts committee for a joint committee area) before the commencement of this section shall continue to have effect notwithstanding the repeal of that subsection by this Act, but subject to any subsequent order under subsection (3) above.

- (12) Until 1st April 1996, the definition of “unitary authority” in subsection (10) above shall have effect with the omission of paragraph (c).

70 Constitution of magistrates' courts committees

For section 20 of the 1979 Act there shall be substituted—

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“20 Constitution of magistrates' courts committees

- (1) A magistrates' courts committee shall, subject to subsections (2) to (4) below, be composed of magistrates for the area to which the committee relates, chosen in accordance with regulations under section 21 of this Act.
- (2) Not more than two other members, who need not be justices of the peace, may be either—
 - (a) co-opted by a magistrates' courts committee to the committee with the approval of the Lord Chancellor, or
 - (b) appointed by the Lord Chancellor to the committee.
- (3) The chief metropolitan stipendiary magistrate shall by virtue of his office be a member of the inner London magistrates' courts committee.
- (4) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, two members of the inner London magistrates' courts committee shall be other metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (5) In subsections (3) and (4) above “the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the whole of the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area.”

71 Regulations as to constitution etc. of magistrates' courts committees

- (1) Section 21 of the 1979 Act (powers of Lord Chancellor in relation to magistrates' courts committees) shall be amended as follows.
- (2) After subsection (1) there shall be inserted—

“(1A) Any such regulations shall provide for the members referred to in section 20(1) of this Act to be chosen by a selection panel constituted in accordance with the regulations.”
- (3) For subsection (2) there shall be substituted—

“(2) Any such regulations may—

 - (a) lay down an upper limit for the number of members of a magistrates' courts committee (inclusive of the members referred to in subsections (2), (3) and (4) of section 20 of this Act), and
 - (b) enable the Lord Chancellor to direct that, in relation to any magistrates' courts committee to which the direction is given, any members co-opted or appointed under subsection (2) of that section are to be left out of account in applying the upper limit.

(2A) Any such regulations may also make different provision in relation to the magistrates' courts committees for areas which consist of or include the whole or any part of the inner London area from that made in relation to other committees.”

72 Supplementary provisions as to magistrates' courts committees

(1) Section 22 of the 1979 Act (supplementary provisions as to magistrates' courts committees) shall be amended in accordance with this section.

(2) For subsection (1) there shall be substituted—

“(1) Subject to subsection (1A) below, a magistrates' courts committee shall appoint one of their members to be chairman of the committee.

(1A) Until such day as the Lord Chancellor may by order made by statutory instrument appoint, the chief metropolitan stipendiary magistrate shall by virtue of his office be the chairman of any magistrates' courts committee for an area which consists of or includes the whole of the inner London area.”

(3) Subsection (2) shall be omitted.

(4) At the end of subsection (4) there shall be added the words “which may, if they include at least one member of the committee, also include persons who are not members”.

(5) After subsection (4) there shall be inserted—

“(4A) A magistrates' courts committee may also arrange for the discharge of any of their functions—

- (a) by the chairman of the committee, or
- (b) by the justices' chief executive.”

(6) At the end there shall be added—

“(8) A magistrates' courts committee shall, on at least one occasion in every calendar year, admit members of the public to a meeting of the committee.

(9) The minutes of proceedings of every meeting of a magistrates' courts committee shall be open to inspection by members of the public at the offices of the committee, except to the extent that the committee determine that the minutes disclose information of a confidential nature.

(10) Copies of any minutes which are open to inspection under subsection (9) above shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.

(11) A magistrates' courts committee making a determination under subsection (9) above shall state their reasons for regarding the information in question as being of a confidential nature.”

73 General powers and duties of magistrates' courts committees

After section 22 of the 1979 Act there shall be inserted—

“22A General powers and duties of magistrates' courts committees

(1) A magistrates' courts committee shall be responsible for the efficient and effective administration of the magistrates' courts for their area.

(2) A magistrates' courts committee may, in particular—

- (a) allocate administrative responsibilities among the justices' chief executive, the justices' clerks and the staff of the committee, and

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- (b) determine the administrative procedures to be followed by any of the persons mentioned in paragraph (a) above.
- (3) It shall be the duty of every magistrates' courts committee to provide courses of instruction for justices' clerks and for staff of the committee.
- (4) The Lord Chancellor may give directions to magistrates' courts committees requiring each of them, in discharging their responsibilities under subsection (1) above, to meet specified standards of performance.
- (5) The Lord Chancellor may also give directions to magistrates' courts committees requiring each of them to take specified steps, at such intervals as may be specified—
 - (a) for the purpose of keeping the magistrates for their area informed as to the activities of the committee, or
 - (b) for the purpose of ascertaining the views of those magistrates on particular matters related to the functions of the committee.
- (6) In discharging their responsibilities under subsection (1) above, a magistrates' courts committee shall have regard to the needs of court users who are disabled; and so long as any direction under subsection (4) above is in force the standards of performance required under that subsection must include standards relating to the provision made for such court users.
- (7) A direction under this section may be given to all magistrates' courts committees or to one or more particular committees.
- (8) The Lord Chancellor shall arrange for any direction given under this section to be published in such manner as he thinks fit.”

74 Reports and plans

After section 24B of the 1979 Act there shall be inserted—

“24C Reports and plans

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees to submit to him such reports and plans, in relation to matters for which they are responsible, as may be prescribed.
- (2) Any report or plan required by regulations under this section—
 - (a) shall be prepared in the prescribed manner, after such consultation as may be prescribed, and within such time as may be prescribed,
 - (b) shall be in the prescribed form,
 - (c) shall be sent to such persons as may be prescribed, and
 - (d) shall be made available to the public on payment of such reasonable fee as the magistrates' courts committee may in any case determine.
- (3) The Lord Chancellor may direct any one or more magistrates' courts committees to produce such additional reports or plans in relation to matters for which they are responsible as may be specified in the direction.”

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Justices' chief executives, justices' clerks and staff

75 Appointment and functions of justices' chief executive

After section 24C of the 1979 Act there shall be inserted—

“Justices' chief executives, justices' clerks and staff

24D Appointment of justices' chief executive

- (1) Every magistrates' courts committee shall appoint a justices' chief executive.
- (2) A person may not be appointed as justices' chief executive unless—
 - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
 - (b) the Lord Chancellor has approved one or more of those persons, and
 - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' chief executive does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) A person may not be appointed as justices' chief executive unless he is eligible under section 26 of this Act for appointment as justices' clerk.
- (6) A person may not be appointed both as justices' chief executive and as justices' clerk for a petty sessions area unless the Lord Chancellor has agreed that he may hold both appointments.
- (7) Where, in accordance with subsection (6) above, a person holds an appointment as justices' chief executive with an appointment as justices' clerk for a petty sessions area, he shall not exercise any functions as justices' clerk for the petty sessions area unless authorised to do so (either generally or in any particular case) by the magistrates' courts committee for the area which includes that petty sessions area.
- (8) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument.

24E Functions of justices' chief executive

- (1) The justices' chief executive in relation to any magistrates' courts committee shall—
 - (a) act as clerk to the committee, and
 - (b) subject to and in accordance with any directions given by the committee, carry on the day to day administration of the magistrates' courts for the area to which the committee relates.

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

- (2) A justices' chief executive may arrange for his functions under subsection (1) (a) above to be exercised by any member of the staff of the magistrates' courts committee.
- (3) It shall be the duty of the justices' chief executive to make arrangements for discussions relating to law, practice and procedure among the justices' clerks for petty sessions areas within the area of the committee."

76 Appointment and removal of justices' clerks

For section 25 of the 1979 Act (and the heading "Justices' clerks and their staffs" immediately preceding it) there shall be substituted—

"25 Appointment and removal of justices' clerks

- (1) Justices' clerks shall be appointed by the magistrates' courts committee; and a magistrates' courts committee may appoint more than one justices' clerk for any petty sessions area.
- (2) A person may not be appointed as justices' clerk unless—
 - (a) the magistrates' courts committee have submitted to the Lord Chancellor, in accordance with regulations, an application for approval of one or more persons offering themselves for the appointment,
 - (b) the Lord Chancellor has approved one or more of those persons, and
 - (c) the person appointed is a person so approved.
- (3) For the purposes of subsection (2) above, appointment as justices' clerk does not include, in relation to a person employed as such under a contract for a fixed term, re-appointment on the expiry of that term.
- (4) Where the Lord Chancellor declines to approve any person who is named in an application under subsection (2)(a) above, he shall inform the magistrates' courts committee of the reasons for his decision.
- (5) The approval of the Lord Chancellor shall be required—
 - (a) for any decision to increase the number of justices' clerks in a petty sessions area or to have more than one justices' clerk in a new petty sessions area, or
 - (b) for the removal of the justices' clerk for a petty sessions area where the magistrates for the area do not consent to the removal.
- (6) A magistrates' courts committee shall consult the magistrates for any petty sessions area—
 - (a) on the appointment of a justices' clerk for the area, except in the case of a re-appointment on the expiry of a fixed term, or
 - (b) on the removal of a justices' clerk for the area.
- (7) Before—
 - (a) approving any persons under subsection (2) above, or
 - (b) approving the removal of a justices' clerk,the Lord Chancellor shall consider any representations made to him by the magistrates for the petty sessions area concerned; and before approving the

removal of a justices' clerk the Lord Chancellor shall also consider any representations made to him by the clerk.

- (8) For the purposes of subsections (5) to (7) above, removal as justices' clerk shall be taken to include, in relation to a person employed as such under a contract for a fixed term, the expiry of that term without renewal in any case where the clerk has not consented to the failure to renew.
- (9) In this section “regulations” means regulations made by the Lord Chancellor by statutory instrument.”

77 Justices' chief executives and justices' clerks to be employed under contracts of service

After section 26 of the 1979 Act there shall be inserted—

“26A Justices' chief executives and justices' clerks to be employed under contracts of service

- (1) Except as provided by this Act, a justices' chief executive or justices' clerk—
- (a) shall be employed by the magistrates' courts committee, on such terms as they may determine, and
 - (b) shall hold and vacate office in accordance with the terms of his contract of service.
- (2) Subsection (1) above shall not have effect in relation to any person appointed by a magistrates' courts committee before the commencement of this section as justices' clerk for a petty sessions area so long as he—
- (a) continues to hold office as a justices' clerk for that area or for any one or more petty sessions areas including any part of that area, and
 - (b) has not entered into a contract of service after the commencement of this section.
- (3) Any justices' clerk in relation to whom, by virtue of subsection (2) above, subsection (1) above does not have effect shall hold office during the pleasure of the magistrates' courts committee concerned.”

78 Independence of justices' clerk and staff in relation to legal functions

After section 30 of the 1979 Act there shall be inserted—

“30A Independence of justices' clerk and staff in relation to legal functions

- (1) When exercising the functions specified in subsection (2) below or giving advice to justices of the peace in an individual case—
- (a) a justices' clerk shall not be subject to the direction of the magistrates' courts committee, the justices' chief executive or any other person, and
 - (b) any member of the staff of a magistrates' courts committee shall not be subject to the direction of that committee or of the justices' chief executive (when acting as such).

- (2) The functions referred to in subsection (1) above are functions conferred by rules made in accordance with section 144 of the Magistrates' Courts Act 1980 by virtue of section 28(1) or (1A) of this Act.”

Inner London area

79 Magistrates' courts committee for inner London area

- (1) Section 35 of the 1979 Act (under which the committee of magistrates for the inner London area is constituted) shall cease to have effect.
- (2) The body corporate constituted under that section shall remain in existence, but as a magistrates' courts committee for the inner London area constituted in accordance with Part II of the 1979 Act.
- (3) Any reference in any document to the committee of magistrates shall have effect, in relation to any time after the commencement of subsection (2) above, as a reference to the magistrates' courts committee for the inner London area.
- (4) In section 19(2) of the 1979 Act (areas to which magistrates' courts committees relate) for the word “and” at the end of paragraph (c) there shall be substituted the words—
“(cc) the inner London area; and”.
- (5) Section 38(2) of the 1979 Act (which confers administrative functions on the chief metropolitan stipendiary magistrate) shall cease to have effect.
- (6) Subsections (2) and (3) above have effect subject to any order made under section 69 of this Act after the commencement of subsection (2) above.

80 Organisation of justices' clerks in inner London area

- (1) Section 37 of the 1979 Act (which obliges the committee of magistrates for the inner London area to appoint a principal chief clerk and chief clerks, together with such senior deputy chief clerks, deputy chief clerks and other officers as may be necessary) shall cease to have effect.
- (2) Any person who, immediately before the commencement of subsection (1) above, holds office as principal chief clerk for the inner London area shall be taken to have been appointed by the magistrates' courts committee for the inner London area as justices' chief executive in accordance with section 24D of the 1979 Act.
- (3) Any person who, immediately before the commencement of subsection (1) above, holds office as chief clerk for any petty sessional division of the inner London area or for the youth courts or family proceedings courts for that area and the City of London shall be taken to have been appointed by the magistrates' courts committee for the inner London area in accordance with section 25 of the 1979 Act as a justices' clerk for that petty sessional division or, as the case requires, in accordance with section 34B of that Act as a justices' clerk for those courts.
- (4) Except as provided by subsections (5) to (7) of section 25 of the 1979 Act, any person to whom subsection (2) or (3) above applies shall hold and vacate office in accordance with the terms of his appointment or, if he has entered into a contract of service (whether before or after the commencement of subsection (1) above), in accordance with the terms of his contract of service.

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

- (5) The abolition by virtue of subsection (1) above of the statutory offices of senior deputy chief clerk and deputy chief clerk shall not affect the continuation of the contract of service of any person who holds either of those offices immediately before the commencement of that subsection.
- (6) A person who is employed under a contract of service to which subsection (5) above applies shall not be dismissed from his employment without the approval of the Lord Chancellor; and before approving the dismissal of any such person the Lord Chancellor shall consider any representations made by him.
- (7) Any reference in any instrument or document to the chief clerk for any petty sessional division of the Inner London area or for the youth courts or family proceedings courts for that area and the City of London shall have effect, in relation to any time after the commencement of subsection (1) above, as a reference to the justices' clerk for that petty sessional division or, as the case may be, for those courts.

81 Division of work in inner London area

After section 34 of the 1979 Act there shall be inserted—

“34A Division of work in inner London area

- (1) There shall be established for the purposes of this section a committee consisting of the following members—
 - (a) the chief metropolitan stipendiary magistrate,
 - (b) six lay justices appointed by the chairmen of the petty sessional divisions of the inner London area, and
 - (c) six metropolitan stipendiary magistrates appointed by the chief metropolitan stipendiary magistrate.
- (2) The lay justices eligible for appointment under paragraph (b) of subsection (1) above include any of the chairmen referred to in that paragraph.
- (3) The members of the committee shall hold office for a period of twelve months, but shall be eligible for re-appointment.
- (4) The chief metropolitan stipendiary magistrate shall be the chairman of the committee.
- (5) It shall be the duty of the committee—
 - (a) to keep under consideration the division of work in the inner London area between the metropolitan stipendiary magistrates and the lay justices, and
 - (b) to give general directions to any magistrates' courts committee for any area which consists of or includes the whole or any part of the inner London area as to the division of the work.”

82 Pensions etc. of justices' chief executive, justices' clerks and staff in inner London area

- (1) Schedule 7 (which re-enacts certain provisions relating to the functions of the Receiver for the Metropolitan Police District with respect to pensions etc. of court staff) shall have effect.

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

- (2) The Lord Chancellor may by order make provision with respect to pensions, allowances or gratuities payable to or in respect of inner London court staff, or any class of inner London court staff.
- (3) An order under subsection (2) above may—
 - (a) itself make provision with respect to the pensions, allowances or gratuities which, subject to the fulfilment of such requirements and conditions as may be prescribed by the order, are to be or may be paid to or in respect of inner London court staff, or any class of inner London court staff, or
 - (b) provide that the civil service provisions are to have effect, with such modifications as may be prescribed by the order, in relation to the payment by such persons as may be so prescribed, out of such funds as may be so prescribed, of pensions, allowances and gratuities to or in respect of inner London court staff, or any class of inner London court staff.
- (4) Without prejudice to the generality of subsections (2) and (3) above, an order under subsection (2)—
 - (a) may include all or any of the provisions referred to in paragraphs 1 to 11 of Schedule 3 to the Superannuation Act 1972, and
 - (b) may make different provision as respects different classes of persons and different circumstances.
- (5) Paragraphs 1 to 11 of Schedule 3 to the Superannuation Act 1972 shall have effect, in their application for the purposes of this section, as if references to regulations were references to an order under this section and references to the Secretary of State were references to the Lord Chancellor.
- (6) Subsections (3) and (4) of section 7 of the Superannuation Act 1972 (which relate to increases under the Pensions (Increase) Act 1971) shall have effect in relation to an order under subsection (2) above as they have effect in relation to regulations under that section.
- (7) The Lord Chancellor may by order repeal or amend any of the relevant enactments, whether or not he makes provision under subsection (2) above.
- (8) An order under subsection (2) or (7) above may make such consequential, transitional, incidental or supplemental provision (including provision amending or repealing any provision of this Act, the 1979 Act or any other enactment) as the Lord Chancellor thinks necessary or expedient.
- (9) Before making an order under subsection (2) or (7) above the Lord Chancellor shall consult—
 - (a) the inner London magistrates' courts committee,
 - (b) such local authorities as appear to him to be concerned,
 - (c) the Receiver for the Metropolitan Police District, and
 - (d) such representatives of other persons likely to be affected by the proposed order as appear to him to be appropriate.
- (10) An order under subsection (2) or (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section—

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

“the civil service provisions” has the meaning given by section 15(1) of the Superannuation (Miscellaneous Provisions) Act 1967,

“inner London court staff” means the justices' chief executive employed by the inner London magistrates' courts committee, any justices' clerk for the inner London area and staff of the inner London magistrates' courts committee,

“the inner London magistrates' courts committee” means the magistrates' courts committee for an area consisting of or including the inner London area or, if there is no such committee, every magistrates' courts committee for any area which consists of or includes any part of the inner London area, and

“the relevant enactments” means—

- (a) Schedule 7 to this Act, and
- (b) section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 (superannuation of metropolitan civil staffs) so far as it relates to the persons mentioned in subsection (1)(a)(ii) of that section.

Administrative and financial arrangements

83 Administrative and financial arrangements for magistrates' courts

(1) For sections 55 and 56 of the 1979 Act there shall be substituted—

“55 Duties of local authorities

- (1) Subject to the provisions of this Act, the paying authority or authorities in relation to any magistrates' courts committee shall provide the petty sessional court-houses and other accommodation, and the goods and services, proper for the performance of the functions of—
 - (a) the magistrates for the magistrates' courts committee area,
 - (b) the magistrates' courts committee,
 - (c) any other committee of the magistrates for that area, or
 - (d) the justices' clerks for any part of the magistrates' courts committee area.
- (2) Subsection (1) above shall not require the paying authority or authorities to provide any current item or class of current items if the magistrates' courts committee have notified the authority or authorities that they intend to obtain that item or class of items otherwise than from that authority or any of those authorities.
- (3) For the purposes of subsection (2) above “current item” means any goods or services which are of such a kind that expenditure incurred by a paying authority on providing them would not be capital expenditure.
- (4) Where there is one paying authority in relation to a magistrates' courts committee, that authority shall pay the expenses of the committee.
- (5) Where there are two or more paying authorities in relation to a magistrates' courts committee, each of those authorities shall pay a proper proportion of those expenses.

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

- (6) For the purposes of subsections (4) and (5) above the expenses of a magistrates' courts committee shall be taken to include—
- (a) expenses incurred by them in obtaining goods and services which are proper for the purposes mentioned in subsection (1) above but which by virtue of subsection (2) above the paying authority or authorities are not required to provide;
 - (b) the sums payable under Part II of this Act on account of a person's salary or expenses as justices' chief executive or as justices' clerk for any part of the magistrates' courts committee area, the remuneration of any staff employed by the committee and the remuneration of any court security officers employed (whether by the committee or a paying authority) under section 76(2)(a) of the Criminal Justice Act 1991 in relation to petty sessions areas within the magistrates' courts committee area together with—
 - (i) secondary Class I contributions payable in respect of any such person, staff or officers under Part I of the Social Security Contributions and Benefits Act 1992, and
 - (ii) state scheme premiums so payable under Chapter III of Part III of the Pension Schemes Act 1993;
 - (c) the sums payable under any contract entered into (whether by any such magistrates' courts committee or a paying authority) under section 76(2)(b) of the Criminal Justice Act 1991; and
 - (d) so far as they are not otherwise provided for, all other costs incurred, with the general or special authority of the magistrates' courts committee, by the justices for the magistrates' courts committee area.
- (7) Nothing in subsection (1), (4) or (5) above shall require any paying authority to incur any expenditure or make any payment which would—
- (a) cause the net cost to it in any year of the matters mentioned in subsection (1) of section 59 of this Act to exceed the amount which, in relation to that authority and that year, is for the time being determined by the Lord Chancellor under subsection (3)(b) of that section, or
 - (b) cause its capital expenditure in any year in pursuance of functions under this Part of this Act to exceed the amount which, in relation to that authority and that year, is for the time being determined by the Lord Chancellor under subsection (4)(b) of that section;
- and in determining any such net cost as is mentioned in paragraph (a) above there shall be disregarded any such capital expenditure as is mentioned in paragraph (b) above.
- (8) Subject to section 16(2) of this Act, any accommodation provided under this section for any justice, justices' clerk or justices' chief executive may be outside the area for which the justices act and, in the case of a petty sessional court-house, shall be deemed to be in that area for the purposes of the jurisdiction of the justices when acting in the court-house.
- (9) Two or more paying authorities may arrange for accommodation, goods or services provided for the purposes of this section by one of them to be used also as if provided for those purposes by the other or each of the others.
- (10) In this section—

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

“paying authority” in relation to a magistrates' courts committee, means any responsible authority whose area comprises all or part of the area to which the committee relates;

“responsible authority” means any unitary authority or any county council so far as they are not a unitary authority; and

“unitary authority” means—

- (a) the council of any county so far as they are the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a county borough council,
- (d) a London borough council, or
- (e) the Common Council of the City of London.

- (11) Until 1st April 1996, the definition of “unitary authority” in subsection (10) above shall have effect with the omission of paragraph (c).

56 Provisions supplementary to s. 55

- (1) Subject to the provisions of this section—
- (a) the petty sessional court-houses and other accommodation, goods and services to be provided by the paying authority, or each of the paying authorities, under section 55 of this Act,
 - (b) the salary to be paid to a justices' clerk or justices' chief executive and to staff of a magistrates' courts committee, and
 - (c) the nature and amount of the expenses which a magistrates' courts committee may incur in the discharge of any functions or may authorise to be incurred,
- shall be such as may from time to time be determined by the magistrates' courts committee after consultation with the paying authority or authorities.
- (2) Where the expenses of a magistrates' courts committee (including any sums which are taken by section 55(6) of this Act to be such expenses) fall to be borne by more than one paying authority, any question as to the manner in which they are to be borne by the authorities concerned shall be determined by agreement between those authorities and the magistrates' courts committee concerned or, in default of such agreement, shall be determined by the Lord Chancellor.
- (3) Any paying authority which is aggrieved by a determination of a magistrates' courts committee under subsection (1) above may, within one month from the receipt by the authority of written notice of the determination, appeal to the Lord Chancellor, whose decision shall be binding upon the magistrates' courts committee and any authority concerned.
- (4) The approval of the Lord Chancellor shall be required for any determination under subsection (1) above reducing the salary of a justices' clerk or justices' chief executive, unless the justices' clerk or justices' chief executive concerned consents to the reduction.
- (5) In this section “paying authority” has the same meaning as in section 55 of this Act.”

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

- (2) Section 57 of the 1979 Act (application of sections 55 and 56 to outer London areas and City of London) and section 58 of that Act (arrangements for inner London area corresponding to those under section 55 of that Act) shall cease to have effect.

84 Local authority land appropriated to magistrates' courts purposes

After section 59 of the 1979 Act there shall be inserted—

“59A Local authority land appropriated to magistrates' courts purposes

- (1) Where after the commencement of this section a responsible authority appropriate any land owned by them to magistrates' courts purposes, the authority shall be taken for the purposes of section 59(2) of this Act to incur, in the year in which the appropriation is made, capital expenditure in pursuance of their functions under this Part of this Act of an amount equal to the open market value of the land at the time of the appropriation.
- (2) In subsection (1) above—
“land” includes any interest in land,
“magistrates' courts purposes” means the purposes of being provided under section 55(1) of this Act as a petty sessional court-house or other accommodation, and
“responsible authority” has the same meaning as in section 55 of this Act.”

85 Regulations as to accounts and audit

After section 62 of the 1979 Act there shall be inserted—

“62A Regulations as to accounts and audit

- (1) The Lord Chancellor may by regulations made by statutory instrument require magistrates' courts committees—
(a) to keep prescribed accounts and prescribed records in relation to those accounts, and
(b) to cause any such accounts to be audited in accordance with the regulations.
- (2) In subsection (1) above “prescribed” means prescribed by the regulations.”

Inspectors of the magistrates' courts service

86 Inspectors of the magistrates' courts service

- (1) The Lord Chancellor may appoint such number of inspectors of the magistrates' courts service (to be known collectively as “Her Majesty’s Magistrates' Courts Service Inspectorate”) as he may consider appropriate.
- (2) The Lord Chancellor shall appoint one of the persons so appointed to be Her Majesty’s Chief Inspector of the Magistrates' Courts Service.

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

- (3) It shall be the duty of inspectors of the magistrates' courts service—
- (a) to inspect and report to the Lord Chancellor on the organisation and administration of magistrates' courts for each magistrates' courts committee area, and
 - (b) to discharge such other functions in connection with the organisation and administration of magistrates' courts as the Lord Chancellor may from time to time direct.
- (4) Her Majesty's Chief Inspector of the Magistrates' Courts Service shall make an annual report to the Lord Chancellor as to the discharge of the functions of the Inspectorate and the Lord Chancellor shall, within one month of receiving the report, lay a copy of it before each House of Parliament.
- (5) The Lord Chancellor shall make to or in respect of inspectors of the magistrates' courts service such payments by way of remuneration, allowances or otherwise as he may with the approval of the Treasury determine.
- (6) Any person appointed by the Lord Chancellor before the commencement of this section as an inspector of the magistrates' courts service, or as Her Majesty's Chief Inspector of the Magistrates' Courts Service, shall be taken to have been appointed under this section.

87 Powers of inspectors

- (1) Subject to subsection (2) below, an inspector of the magistrates' courts service exercising his functions under section 86 above shall have at all reasonable times—
- (a) a right of entry to any court-house or other premises occupied by a magistrates' courts committee, and
 - (b) a right to inspect, and take copies of, any records kept by a magistrates' courts committee, and any other documents containing information relating to the administration of the magistrates' courts for their area, which he considers relevant to the discharge of his functions.
- (2) Subsection (1) above does not entitle an inspector—
- (a) to be present when a magistrates' court is hearing proceedings in private, or
 - (b) to attend any private deliberations of the justices of the peace.
- (3) The records referred to in paragraph (b) of subsection (1) above include records kept by means of a computer; and an inspector exercising the power to inspect records conferred by that subsection—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and associated apparatus or material which is or has been in use in connection with the records in question, and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used, or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
 to afford him such reasonable assistance as he may require.

Default powers

88 Default powers

- (1) The Lord Chancellor may make an order under subsection (3) below if he is of the opinion that, without reasonable excuse, a magistrates' courts committee—
 - (a) are failing properly to discharge any duty imposed on them by or under any enactment, or
 - (b) have so failed and are likely to do so again.
- (2) Before making an order under subsection (3) below, the Lord Chancellor shall give a written warning to the magistrates' courts committee specifying the default or defaults to which the order relates.
- (3) An order under this subsection shall—
 - (a) state that the Lord Chancellor is of the opinion mentioned in subsection (1) above, and
 - (b) provide either or both of the following—
 - (i) that, on the making of the order, the chairman of the committee is to vacate his office as chairman, or
 - (ii) that, on the making of the order, one or more specified members of the committee (who may include the chairman but may not consist of all the members of the committee) are to vacate their office.
- (4) If, after making an order under subsection (3) above, the Lord Chancellor remains of the opinion mentioned in subsection (1) above, he may make an order—
 - (a) stating that he remains of that opinion, and
 - (b) providing—
 - (i) that all the members of the committee are to vacate their office on the making of the order, and
 - (ii) that for a specified period, not exceeding three months, beginning with the making of the order the committee is to consist of persons nominated by the Lord Chancellor (who need not be justices of the peace).
- (5) An order under subsection (4) above shall provide for new members of the committee to be chosen, in accordance with regulations under section 21 of the 1979 Act, to take office at the end of the specified period.
- (6) In relation to the magistrates' courts committee for an area which consists of or includes the whole or any part of the inner London area, the reference in subsection (3) (b)(ii) above to members of the committee does not include the chief metropolitan stipendiary magistrate; and where an order under subsection (4) above is made in relation to any such committee, subsections (3) and (4) of section 20 of the 1979 Act (under which the chief metropolitan stipendiary magistrate and other stipendiary magistrates are members of the committee) shall not have effect in relation to the committee during the period specified in the order.

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

Studies by Audit Commission

89 Studies by Audit Commission

- (1) The Audit Commission may, at the request of a magistrates' courts committee, undertake or promote comparative and other studies—
 - (a) designed to enable the Commission to make recommendations for improving economy, efficiency and effectiveness in the performance of the committee's functions, and
 - (b) for improving the financial or other management of the committee.
- (2) Any magistrates' courts committee which has requested a study in accordance with subsection (1) above, and any officer or member of such a committee, shall provide the Audit Commission, or any person authorised by it, with such information as it or he may reasonably require for the carrying out of the study.
- (3) The Audit Commission shall charge the magistrates' courts committee concerned such fees for any study carried out under subsection (1) above as will cover the full cost of carrying it out.
- (4) In this section “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

General

90 Regulations under Justices of the Peace Act 1979

After section 69 of the 1979 Act there shall be inserted—

“69A Regulations

A statutory instrument containing (whether alone or with other provisions) regulations made by virtue of section 12, 21, 24C, 24D(2), 25(2) or 62A of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

91 Minor and consequential amendments

- (1) Schedule 8 to this Act (which makes minor and consequential amendments relating to magistrates' courts) shall have effect.
- (2) The repeal of subsections (1), (2) and (4) of section 27 of the 1979 Act does not affect any justices' clerks in relation to whom section 26A(1) of the 1979 Act does not have effect.
- (3) The repeal of sections 36 and 36A of the 1979 Act does not affect the division of the inner London area into petty sessional divisions as existing immediately before the commencement of the repeal or the names of those petty sessional divisions.

92 Interpretation of Part IV

- (1) In this Part of this Act “the 1979 Act” means the Justices of the Peace Act 1979.

- (2) Expressions used in this Part of this Act and in the 1979 Act have the same meaning in this Part as in that Act.

PART V

SUPPLEMENTARY

93 Repeals

The enactments mentioned in Schedule 9 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

94 Commencement and transitional provisions

- (1) Except as provided by subsections (2) and (3) below, the preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions of this Act—
Part IV and Schedule 8, and
Part II of Schedule 9 and section 93 so far as it relates to that Part of that Schedule, shall come into force on such day as the Lord Chancellor may by order appoint.
- (3) The following provisions of this Act—
(a) section 3 and Schedule 2, so far as they relate to—
(i) the power to make orders under the section inserted by section 3, or
(ii) the power to make regulations under paragraph 11 of the Schedule entitled Schedule 1C set out in Schedule 2,
(b) sections 13 and 50,
(c) sections 26 and 60, subsections (4) and (7)(a) of section 63, and paragraphs 17 to 20 of Schedule 5, so far as they relate to 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, and
(d) section 44, so far as it relates to paragraphs 17 to 20 of Schedule 5, shall come into force on the passing of this Act.
- (4) An order under subsection (1) or (2) above may appoint different days for different purposes or different areas.
- (5) The power to make orders under subsection (1) or (2) above includes power to make such transitional provisions and savings as appear to the Secretary of State or, as the case may be, the Lord Chancellor to be necessary or expedient.
- (6) Without prejudice to the generality of subsection (5) above, an order under subsection (1) above may make provision—
(a) for the co-existence, for such period as may be prescribed by the order, of the police authorities to be established under section 3 of the Police Act 1964 (“the new police authorities”) and the police authorities which they are to supersede (“the old police authorities”); for the division of functions between them; for the performance by the old police authorities, before the new police

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

authorities come into existence, of functions prescribed by the order and for consequential and supplementary matters (including the modification of the application in relation to them of provisions of this or any other Act or of any instrument);

- (b) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
 - (c) for the transfer of members of police forces and other persons;
 - (d) as to pending legal proceedings;
 - (e) for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
 - (f) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (e) above.
- (7) Without prejudice to the generality of subsection (5) above, an order under subsection (2) above may make provision—
- (a) for the transfer and apportionment of property, and for the transfer, apportionment and creation of rights and liabilities;
 - (b) for the Lord Chancellor, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order;
 - (c) as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (b) above.
- (8) An order under this section shall be made by statutory instrument which, if the order contains provisions made by virtue of subsections (5) to (7) above, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

95 Police: co-operation on implementation

- (1) It shall be the duty of the relevant authorities and their staff to co-operate with each other, and generally to exercise their functions, so as to facilitate the implementation of this Act and any transfer of functions, property or staff made under it.
- (2) In subsection (1) above “relevant authorities” means the police authorities to be established under section 3 of the Police Act 1964 and the police authorities which they are to supersede, and
- (a) where the police authority to be superseded is a committee of a council constituted in accordance with section 2 of that Act, that council, and
 - (b) where the police authority to be superseded is a combined police authority constituted in accordance with section 3(4) of that Act, the constituent councils.

96 Extent

- (1) The following provisions of this Act extend to England and Wales only—
- sections 1 to 41 together with Schedules 1 to 3;
 - Part IV together with Schedule 8;
 - Schedules 4 and 5 so far as they relate to enactments which extend to England and Wales only.
- (2) Part II of, together with Schedule 6 to, this Act extends to Scotland only.

- (3) The following provisions of this Act extend to Northern Ireland (and in the case of Part III to Northern Ireland only)—
- sections 43 and 44 together with Schedules 4 and 5 so far as they relate to enactments which extend there;
 - Part III;
 - Part V.
- (4) The provisions of Schedule 9 to this Act have the same extent as the enactments repealed.
- (5) Except as provided by subsections (3) and (4) above, this Act does not extend to Northern Ireland.

97 Short title

This Act may be cited as the Police and Magistrates' Courts Act 1994.