



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART I

#### POLICE

### 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.