



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Status: This is the original version (as it was originally enacted).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

“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.

*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.