

## SCHEDULES

### SCHEDULE 2

Section 3.

#### SCHEDULES TO BE INSERTED IN POLICE ACT 1964: POLICE AUTHORITIES

##### “SCHEDULE 1B

##### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

###### *Membership of police authorities*

- 1 (1) Where, by virtue of section 3A of this Act, a police authority is to consist of seventeen members—
- (a) nine of those members shall be members of a relevant council appointed under paragraph 2 of this Schedule,
  - (b) five shall be persons appointed under paragraph 5, and
  - (c) three shall be magistrates appointed under paragraph 8.
- (2) Where, by virtue of an order under subsection (2) of that section, a police authority is to consist of more than seventeen members—
- (a) a number which is greater by one than the number of members provided for in paragraphs (b) and (c) of this sub-paragraph shall be members of a relevant council appointed under paragraph 2 of this Schedule,
  - (b) such number as may be prescribed by the order, not exceeding one third of the total membership, shall be persons appointed under paragraph 5, and
  - (c) the remainder shall be magistrates appointed under paragraph 8.

###### *Appointment of members by relevant councils*

- 2 (1) In the case of a police authority in relation to which there is only one relevant council, the members of the police authority referred to in paragraph 1(1)(a) or (2) (a) of this Schedule shall be appointed by that council.
- (2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.
- 3 The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.
- 4 (1) A council or joint committee shall exercise its power to appoint members of a police authority under paragraph 2 of this Schedule so as to ensure that, so far as practicable, the members for whose appointment it is responsible reflect—
- (a) in the case of appointments by a council, the balance of parties for the time being prevailing among the members of the council, and

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(b) in the case of appointments by a joint committee, the balance of parties for the time being prevailing among the members of the relevant councils taken as a whole.

(2) The members referred to in sub-paragraph (1)(a) and (b) of this paragraph do not include any member of a relevant council who is disqualified for being appointed as or being a member of the police authority under paragraph 13 of this Schedule.

*Appointment of independent members*

5 The members of a police authority referred to in paragraph 1(1)(b) or (2)(b) of this Schedule shall be appointed—

- (a) by the members of the police authority appointed under paragraph 2 or 8,
- (b) from among persons on a short-list prepared by the Secretary of State in accordance with Schedule 1C to this Act.

6 (1) Every police authority shall arrange for a notice stating—

- (a) the name of each of its members appointed under paragraph 5 of this Schedule, and
- (b) such other information relating to him as the authority considers appropriate,

to be published in such manner as it thinks fit.

(2) A police authority shall send to the Secretary of State a copy of any notice which it has arranged to be published under sub-paragraph (1) of this paragraph.

*Appointment of magistrates*

7 The members of a police authority referred to in paragraph 1(1)(c) or (2)(c) of this Schedule—

- (a) must be magistrates for an area all or part of which constitutes or forms part of the authority's area, and
- (b) shall be appointed in accordance with paragraph 8 of this Schedule;

and in that paragraph and paragraph 9 references to a panel are references to a selection panel established under regulations made in accordance with section 21(1A) of the Justices of the Peace Act 1979.

8 (1) Where there is a panel for an area which constitutes or includes the police authority's area, that panel shall make the appointment.

(2) Where the area of more than one panel falls wholly or partly within the police authority's area, the appointment shall be made by a joint committee consisting of representatives from the panels concerned.

(3) The number of members of a joint committee, and the number of those members to be appointed by each panel, shall be such as the panels may agree or, in the absence of agreement, as may be determined by the Lord Chancellor.

9 In relation to any appointment made at a time when no panels have been established, paragraph 8 of this Schedule shall have effect as if for any reference to a panel there were substituted a reference to a magistrates' courts committee.

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### *Chairman*

- 10 (1) A police authority shall at each annual meeting appoint a chairman from among its members.
- (2) The appointment under sub-paragraph (1) of this paragraph shall be the first business transacted at the meeting.
- (3) On a casual vacancy occurring in the office of chairman, an appointment to fill the vacancy shall be made—
- (a) at the next meeting of the authority (other than an extraordinary meeting), or
  - (b) if that meeting is held within fourteen days after the date on which the vacancy occurs and is not an annual meeting, not later than the next following meeting.

### *Disqualification*

- 11 A person shall be disqualified for being appointed as a member of a police authority if he has attained the age of seventy years.
- 12 (1) Subject to sub-paragraphs (3) and (4) of this paragraph, a person shall be disqualified for being appointed as or being a member of a police authority if—
- (a) he holds any paid office or employment appointments to which are or may be made or confirmed by the police authority or any committee or sub-committee of the authority, or by a joint committee on which the authority are represented, or by any person holding any such office or employment;
  - (b) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (c) he is subject to a disqualification order under the Company Directors Disqualification Act 1986, or to an order made under section 429(2)(b) of the Insolvency Act 1986 (failure to pay under county court administration order); or
  - (d) he has within five years before the date of his appointment or since his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months.
- (2) A paid employee of a police authority who is employed under the direction of a joint board, joint authority or joint committee on which the authority is represented and any member of which is appointed on the nomination of some other police authority shall be disqualified for being appointed as or being a member of that other police authority.
- (3) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason that a bankruptcy order has been made against him or his estate has been sequestrated, the disqualification shall cease—
- (a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and
  - (b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.

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- (4) Where a person is disqualified under sub-paragraph (1)(b) of this paragraph by reason of his having made a composition or arrangement with, or granted a trust deed for, his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- (5) For the purposes of sub-paragraph (1)(d) of this paragraph, the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.
- 13 Without prejudice to paragraphs 11 and 12 of this Schedule, a member of a relevant council shall be disqualified for being appointed as or being a member of a police authority under paragraph 2 of this Schedule if he was elected for an electoral division or ward wholly within the metropolitan police district.
- 14 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule if—
- (a) he has not yet attained the age of twenty-one years, or
  - (b) neither his principal or only place of work, nor his principal or only place of residence, has been in the area of the authority during the whole of the period of twelve months ending with the day of appointment.
- (2) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being a member so appointed if, at any time, neither his principal or only place of work, nor his principal or only place of residence, is within that area.
- 15 (1) Without prejudice to paragraphs 11 and 12 of this Schedule, a person shall be disqualified for being appointed as a member of a police authority under paragraph 5 of this Schedule, and for being a member so appointed, if he is—
- (a) a member of the council for a county, district, county borough or London borough which is wholly or partly within the area of the police authority;
  - (b) a magistrate eligible for appointment to the police authority under paragraph 8 of this Schedule;
  - (c) a member of the selection panel for the police authority's area established under Schedule 1C to this Act;
  - (d) a member of a police force;
  - (e) an officer or employee of a police authority; or
  - (f) an officer or employee of a relevant council.
- (2) A person shall not be regarded for the purposes of sub-paragraph (1)(f) of this paragraph as an employee of a relevant council by reason of his holding—
- (a) the post of head teacher or principal of a school, college or other educational institution or establishment which is maintained or assisted by a local education authority; or
  - (b) any other post as a teacher or lecturer in any such school, college, institution or establishment.

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*Tenure of office*

- 16 Subject to the following paragraphs (and to the provisions of any order under section 3A(2) of this Act), a person shall hold and vacate office as a member of a police authority in accordance with the terms of his appointment.
- 17 (1) A person shall be appointed to hold office as a member for—
- (a) a term of four years or a term expiring on his attaining the age of seventy years, whichever is the shorter, or
  - (b) such shorter term as the body appointing him may determine in any particular case.
- (2) A person shall not, by virtue of sub-paragraph (1)(b) of this paragraph, be appointed under paragraph 5 of this Schedule for a term shorter than four years without the approval of the Secretary of State.
- 18 (1) A person may at any time resign his office as a member, or as chairman, by notice in writing to the police authority.
- (2) Where a member appointed under paragraph 5 of this Schedule resigns his office as a member under sub-paragraph (1) of this paragraph, he shall send a copy of the notice to the Secretary of State.
- 19 (1) A member of a relevant council appointed to be a member of a police authority under paragraph 2 of this Schedule shall cease to be a member of the authority if he ceases to be a member of the council (and does not on the same day again become a member of the council).
- (2) A magistrate appointed to be a member of a police authority under paragraph 8 of this Schedule shall cease to be a member of the authority if he ceases to be a magistrate for an area all or part of which constitutes or forms part of the authority's area.
- 20 (1) A police authority may remove a member from office by notice in writing if—
- (a) he has been absent from meetings of the police authority for a period longer than three consecutive months without the consent of the authority,
  - (b) he has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 12 of this Schedule),
  - (c) the police authority is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the police authority is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- (2) Where a police authority removes a member under sub-paragraph (1) of this paragraph, it shall give notice of that fact—
- (a) in the case of a member appointed under paragraph 2 or 8 of this Schedule, to the body which appointed him, and
  - (b) in the case of a member appointed under paragraph 5, to the Secretary of State.
- 21 A council or joint committee may remove from office a member of a police authority appointed by it under paragraph 2 of this Schedule with a view to appointing another in his place if it considers that to do so would further the object provided for by paragraph 4.

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- 22 If a chairman of a police authority ceases to be a member, he shall also cease to be chairman.

*Eligibility for re-appointment*

- 23 A person who ceases to be a member, otherwise than by virtue of paragraph 20 of this Schedule, or ceases to be chairman, may (if otherwise eligible) be re-appointed.

*Validity of acts*

- 24 The acts and proceedings of any person appointed to be a member or chairman of a police authority and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
- 25 The proceedings of a police authority shall not be invalidated by a vacancy in the membership of the authority or in the office of chairman or by any defect in the appointment of a person as a member or as chairman.

*Allowances*

- 26 (1) A police authority may make to its chairman and other members such payments by way of reimbursement of expenses and allowances as the Secretary of State may, with the approval of the Treasury, determine.
- (2) Payments made under sub-paragraph (1) of this paragraph may differ according to whether the recipient is a chairman or other member or was appointed under paragraph 2, 5 or 8 of this Schedule.

*Interpretation*

- 27 (1) For the purposes of this Schedule, a council is a “relevant council” in relation to a police authority if—
- (a) it is the council for a county, district, county borough or London borough which constitutes, or is wholly within, the authority’s police area, and
  - (b) in the case of a district council, the district is not in a county having a county council within paragraph (a).
- (2) In determining for the purposes of sub-paragraph (1) of this paragraph whether a county or district is wholly within a police area, any part of the county or district which is within the metropolitan police district shall be disregarded.

## SCHEDULE 1C

### POLICE AUTHORITIES: SELECTION OF INDEPENDENT MEMBERS

*Selection panels*

- 1 (1) There shall be a selection panel for each police area for the time being listed in Schedule 1A to this Act.
- (2) Each selection panel shall consist of three members, one of whom shall be appointed by each of the following—

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- (a) the designated members of the police authority for the area;
    - (b) the Secretary of State;
    - (c) the two members of the panel appointed by virtue of paragraphs (a) and (b) of this sub-paragraph.
  - (3) A designated member may be appointed as a member of a selection panel by virtue of paragraph (a) (but not paragraph (b) or (c)) of sub-paragraph (2) of this paragraph.
  - (4) In this Schedule “designated member” means a member appointed under paragraph 2 or 8 of Schedule 1B to this Act.
- 2 A person shall be disqualified for being appointed as or being a member of a selection panel if, by virtue of paragraph 11, 12, 14 or 15(1)(d) to (f) of Schedule 1B to this Act, he is disqualified—
  - (a) for being appointed under paragraph 5 of that Schedule as a member of the police authority for the panel’s area, or
  - (b) for being a member so appointed.
- 3 (1) A person shall be appointed to hold office as a member of a selection panel for a term of two years, or for a term expiring on his attaining seventy years of age, whichever is the shorter.
  - (2) A person may at any time resign his office as a member by notice in writing to the persons who under paragraph 1 of this Schedule would be required to appoint his successor.
  - (3) A person shall not cease to be a member by reason only that any of the persons appointing him cease to hold the positions by virtue of which they appointed him.
- 4 A member of a selection panel may be removed from office by notice in writing by the persons who, under paragraph 1 of this Schedule, would be required to appoint his successor (“the appointer”) if—
  - (a) the member has been absent from two consecutive meetings of the selection panel without the consent of the panel,
  - (b) the member has been convicted of a criminal offence (but is not disqualified for being a member under paragraph 2 of this Schedule),
  - (c) the appointer is satisfied that the member is incapacitated by physical or mental illness, or
  - (d) the appointer is satisfied that the member is otherwise unable or unfit to discharge his functions as a member.
- 5 A person who ceases to be a member of a selection panel, otherwise than by virtue of paragraph 4 of this Schedule may (if otherwise eligible) be re-appointed.
- 6 (1) The acts and proceedings of any person appointed to be a member of a selection panel and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.
  - (2) Subject to the provisions of any regulations made under paragraph 11 of this Schedule, the proceedings of a selection panel shall not be invalidated by—
    - (a) a vacancy in the membership of the panel, or
    - (b) a defect in the appointment of a person as a member.
- 7 (1) A police authority shall make to members of the selection panel for the authority’s area such payments by way of reimbursement of expenses and allowances as it may determine.

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- (2) A police authority shall—
- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonably require, and
  - (b) meet any expenses incurred by the panel in the exercise of their functions.

*Functions of selection panel*

- 8 (1) Where appointments to a police authority are to be made under paragraph 5 of Schedule 1B to this Act, the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.
- (2) Unless the selection panel are able to identify only a smaller number, the number of persons to be nominated by a selection panel under this paragraph on any occasion shall be a number four times greater than the number of appointments to be made under paragraph 5 of Schedule 1B to this Act.
- (3) A selection panel shall notify the Secretary of State of—
- (a) the name of each person nominated by it under this paragraph, and
  - (b) such other information regarding those persons as it considers appropriate.
- 9 A person shall not be nominated under paragraph 8 of this Schedule in relation to an authority if, by virtue of paragraph 11, 12, 14 or 15 of Schedule 1B to this Act, he is disqualified for being appointed as a member of the authority under paragraph 5 of that Schedule.
- 10 In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under paragraph 8 of this Schedule—
- (a) represent the interests of a wide range of people within the community in the police area, and
  - (b) include persons with skills, knowledge or experience in such fields as may be specified for the purposes of this paragraph in regulations made under paragraph 11 of this Schedule.
- 11 (1) The Secretary of State may make regulations as to—
- (a) the procedures to be followed in relation to the selection of persons for nomination under paragraph 8 of this Schedule, and
  - (b) the conduct of the proceedings of selection panels.
- (2) Without prejudice to the generality of sub-paragraph (1) of this paragraph, regulations under this paragraph may—
- (a) make provision (including provision imposing time limits) as to the procedures to be adopted when inviting applications or suggestions for nomination under paragraph 8 of this Schedule, and for dealing with applications and suggestions received;
  - (b) make provision specifying the fields referred to in paragraph 10 of this Schedule;
  - (c) prescribe matters, in addition to those mentioned in paragraph 10 of this Schedule, to which a selection panel is to have regard in carrying out any of its functions;
  - (d) provide for decisions of a selection panel to be taken by a majority of the members.



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- (3) Regulations under this paragraph may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Secretary of State's short-list*

- 12 (1) Where the Secretary of State receives a notice under paragraph 8(3) of this Schedule, he shall as soon as practicable prepare a short-list of candidates and send it to the police authority concerned.
- (2) Subject to paragraph 13 of this Schedule, the candidates on the short-list prepared by the Secretary of State shall be persons nominated by the selection panel, and their number shall be one half of the number of those persons.
- (3) Where the number of persons nominated by the panel is an odd number, the number to be short-listed by the Secretary of State shall be one half of the number nominated reduced by one.
- 13 (1) This paragraph has effect where the number of persons nominated by the selection panel is less than twice the number of vacancies to be filled by appointments under paragraph 5 of Schedule 1B.
- (2) The Secretary of State may himself nominate such number of candidates as, when added to the number nominated by the selection panel, equals twice the number of vacancies; and if he does so, paragraph 12 of this Schedule shall have effect as if the selection panel had nominated the Secretary of State's nominees as well as their own.
- 14 The Secretary of State shall give to the designated members any information regarding the persons on his short-list which they request and which he has received under paragraph 8 of this Schedule.”