Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART I

POLICE

CHAPTER I

PRINCIPAL AMENDMENTS OF POLICE ACT 1964

General

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
      (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;

(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."