



Police Act 1996

1996 CHAPTER 16

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

36 General duty of Secretary of State.

- (1) The Secretary of State shall exercise his powers under the provisions of this Act referred to in subsection (2) in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the police.
- (2) The provisions of this Act mentioned in subsection (1) are—
 - (a) Part I;
 - (b) this Part;
 - (c) Part III (other than sections 61 and 62);
 - (d) in Chapter II of Part IV, section 85 and Schedule 6; and
 - (e) in Part V, section 95.

[^{F1}36A National Policing Plan

- (1) It shall be the duty of the Secretary of State, before the beginning of each financial year, to prepare a National Policing Plan for that year.
- (2) The Secretary of State shall lay the National Policing Plan for a financial year before Parliament.
- (3) Subject to subsection (4), any such plan must be laid before Parliament not later than 30th November in the preceding financial year.
- (4) If there are exceptional circumstances, any such plan may be laid before Parliament after the date mentioned in subsection (3); but it must be so laid before the beginning of the financial year to which it relates.

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- (5) If a plan is laid before Parliament after the date mentioned in subsection (3), the plan must contain a statement of the exceptional circumstances that gave rise to its being so laid.
- (6) The National Policing Plan for a financial year—
- (a) must set out whatever the Secretary of State considers to be the strategic policing priorities generally for the police forces maintained for police areas in England and Wales for the period of three years beginning with that year;
 - (b) must describe what, in relation to that period, the Secretary of State is intending or proposing so far as each of the following is concerned—
 - (i) the setting of objectives under section 37 and the giving of general directions in relation to any objective so set;
 - (ii) the specification, under section 4 of the Local Government Act 1999 (c. 27)(performance indicators), of performance indicators (within the meaning of that section) for police authorities;
 - (iii) the making of regulations under the powers conferred by this Act, by Part 4 of the Criminal Justice and Police Act 2001 (c. 16)(police training) and by Part 2 of the Police Reform Act 2002 (c. 30) (complaints etc.);
 - (iv) the issuing of guidance under any provision of this Act or of Part 2 of the Police Reform Act 2002 (c. 30); and
 - (v) the issuing and revision of codes of practice under this Act and under Chapter 1 of Part 4 of the Police Reform Act 2002 (powers exercisable by civilians);
 - (c) may contain such other information, plans and advice as the Secretary of State considers relevant to the priorities set out in the plan.
- (7) Before laying the National Policing Plan for a financial year before Parliament, the Secretary of State shall consult with—
- (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (8) In this section—
- “financial year” means the period of twelve months ending with 31st March; and
- “general direction” means a direction under section 38 establishing performance targets for all police authorities to which section 37 applies.]

Textual Amendments

F1 S. 36A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 1, 108\(2\)-\(5\)](#); [S.I. 2002/2306, art. 2\(a\)](#)

37 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 [^{F2}to which this section applies].

Status: Point in time view as at 01/10/2002.

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[^{F3}(1A) The police authorities to which this section applies are those established under section 3 and the Metropolitan Police Authority.]

- (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 [^{F4}to which this section applies], and
 - (b) persons whom he considers to represent the interests of [^{F5}chief officers of police] of forces maintained by those authorities.
- (3) A statutory instrument containing an order under this section shall be laid before Parliament after being made.

Textual Amendments

- F2** Words in s. 37(1) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 86(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F3** S. 37(1A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 86(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F4** Words in s. 37(2)(a) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 86(4)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F5** Words in s. 37(2)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 86(4)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

38 Setting of performance targets.

- (1) Where an objective has been determined under section 37, 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).
- (2) A direction under this section may be given to all police authorities [^{F6}to which section 37 applies] 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 appears to him to be appropriate.

Textual Amendments

- F6** Words in s. 38(2) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 87** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

39 Codes of practice.

- (1) The Secretary of State may issue codes of practice relating to the discharge by police authorities established under section 3 [^{F7}and the Metropolitan Police Authority] 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.

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- (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.

Textual Amendments

F7 Words in s. 39(1) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 88** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

[^{F8}39A Codes of practice for chief officers

- (1) If the Secretary of State considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales, he may issue codes of practice relating to the discharge of their functions by the chief officers of police of those forces.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.
- (4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority shall consult with—
- (a) persons whom it considers to represent the interests of police authorities;
 - (b) persons whom it considers to represent the interests of chief officers of police; and
 - (c) such other persons as it thinks fit.
- (5) The Secretary of State shall lay any code of practice issued by him under this section, and any revision of any such code, before Parliament.
- (6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
- (a) would be against the interests of national security;
 - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
 - (c) could jeopardise the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, a chief officer of police shall have regard to the code.]

Textual Amendments

F8 S. 39A inserted (1.10.2002) by **Police Reform Act 2002 (c. 30), ss. 2, 108(2)-(5)**; S.I. 2002/2306, **art. 2(a)**

Status: Point in time view as at 01/10/2002.

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[F⁹40 Power to give directions to a police authority

- (1) Where a report made to the Secretary of State on an inspection under section 54 states, in relation to any police force maintained under section 2, or in relation to the metropolitan police force—
 - (a) that, in the opinion of the person making the report, the whole or any part of the force inspected is, whether generally or in particular respects, not efficient or not effective, or
 - (b) that, in that person's opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,the Secretary of State may direct the police authority responsible for maintaining that force to take such remedial measures as may be specified in the direction.
- (2) Those remedial measures must not relate to any matter other than—
 - (a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or
 - (b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).
- (3) If the Secretary of State exercises his power to give a direction under this section in relation to a police force—
 - (a) he shall prepare a report on his exercise of that power in relation to that force; and
 - (b) he shall lay that report before Parliament.
- (4) A report under subsection (3)—
 - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
 - (b) may relate to more than one exercise of the power mentioned in that subsection.
- (5) The Secretary of State shall not give a direction under this section in relation to any police force unless—
 - (a) the police authority maintaining that force and the chief officer of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (6) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under this section.
- (7) Before making any regulations under this section, the Secretary of State shall consult with—

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- (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.]

Textual Amendments

F9 S. 40 substituted (1.10.2002) by [Police Reform Act 2002 \(c. 30\), ss. 4, 108\(2\)-\(5\)](#); S.I. 2002/2306, [art. 2\(a\)](#)

41 Directions as to minimum budget.

- (1) The power of the Secretary of State to give directions under section 40 to a police authority established under section 3 shall include power to direct the authority that the amount of its budget requirement for any financial year (under section 43 of the ^{M1}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), and any direction given under that power, are subject to any limitation imposed under Chapter [^{F10}IVA] of Part I of the Local Government Finance Act 1992.
- (3) A direction shall not be given by virtue of subsection (1) 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 by virtue of subsection (1), 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.

Textual Amendments

F10 Words in s. 41(2) substituted (27.7.1999 so as to apply as mentioned in S. 30(2)) by [1999 c. 27, s. 30\(1\)](#), [Sch. 1 Pt. II para. 10](#)

Marginal Citations

M1 [1992 c. 14.](#)

[^{F11}41A Power to give directions as to action plans

- (1) This section applies where a report made to the Secretary of State on an inspection under section 54 states, in relation to a police force for a police area—
- (a) that, in the opinion of the person making the report, the whole or any part of the force is, whether generally or in particular respects, not efficient or not effective; or

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- (b) that, in that person's opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may direct the police authority responsible for maintaining the force to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the police authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If a police authority is directed to submit an action plan, that authority shall direct the chief officer of police of the force in question to prepare a draft of it and to submit it to the police authority for that authority to consider.
- (5) The police authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the police authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the chief officer of police.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the police authority and the chief officer of the force in question of that opinion and of his reasons for it.
- (8) If a police authority is notified under subsection (7) —
- (a) it shall consider, after consultation with the chief officer of the police force in question about the matters notified, whether to revise the action plan in the light of those matters; and
 - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (9) On giving a direction under this section to the police authority responsible for maintaining a police force, the Secretary of State shall notify the chief officer of police of that force that he has given that direction.
- (10) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.
- (11) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
- (a) provision setting out the steps that the police authority proposes should be taken in respect of the matters to which the direction relates and the performance targets the authority proposes should be met;
 - (b) provision setting out the authority's proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan's implementation is to be measured;
 - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
 - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and

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- (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.
- (12) Nothing in this section shall authorise the Secretary of State or a police authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (13) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (14) A police authority shall comply with any direction given to it under this section.
- (15) A chief officer of police of any police force shall comply with any direction given to him under this section.
- (16) Nothing in this section or in section 40 prevents the Secretary of State in the case of the same report under section 54 from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 40.

Textual Amendments

F11 Ss. 41A, 41B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 5**, 108(2)-(5); [S.I. 2002/2306](#), **art. 2(a)**

41B Procedure for directions under section 41A

- (1) The Secretary of State shall not give a direction under section 41A in relation to any police force unless—
- (a) the police authority maintaining that force and the chief officer of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (2) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under section 41A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
- (a) persons whom he considers to represent the interests of police authorities;

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- (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (6) If the Secretary of State exercises his power to give a direction under section 41A in relation to a police force—
- (a) he shall prepare a report on his exercise of that power in relation to that force; and
 - (b) he shall lay that report before Parliament.
- (7) A report under subsection (6)—
- (a) shall be prepared at such time as the Secretary of State considers appropriate; and
 - (b) may relate to more than one exercise of the power mentioned in that subsection.]

Textual Amendments

- F11** Ss. 41A, 41B inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 5, 108(2)-(5)**; [S.I. 2002/2306](#), **art. 2(a)**

42 Removal of chief constables, etc.

- (1) The Secretary of State may require a police authority to exercise its power under section 11 to call upon the chief constable to retire in the interests of efficiency or effectiveness.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power exercisable with respect to [^{F12}a deputy chief constable or] an assistant chief constable, the Secretary of State shall give the chief constable [^{F13}, the deputy chief constable or, as the case may be, the assistant chief constable] an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the exercise of the power mentioned in subsection (1) shall, appoint one or more persons (one at least of whom shall be a person who is not an officer of police or of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- (4) The costs incurred by a chief constable[^{F14}, deputy chief constable] or assistant chief constable in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the police fund.
- [^{F15}(5) This section shall apply to the power of the Metropolitan Police Authority under section 9E to call upon—
- (a) the Commissioner of Police of the Metropolis,

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- (b) the Deputy Commissioner of Police of the Metropolis,
 - (c) an Assistant Commissioner of Police of the Metropolis,
 - [a Deputy Assistant Commissioner of Police of the Metropolis, or]
 - ^{F16}(ca)
 - (d) a Commander in the metropolitan police force,
- to retire in the interests of efficiency or effectiveness as it applies to the power of a police authority under section 11.]

Textual Amendments

- F12** Words in s. 42(2) inserted (1.1.2002) by 2001 c. 16, s. 123(3)(a)(i); S.I. 2001/3736, art. 3(a)
- F13** Words in s. 42(2) substituted (1.1.2002) by 2001 c. 16, s. 123(3)(a)(ii); S.I. 2001/3736, art. 3(a)
- F14** Words in s. 42(4) inserted (1.1.2002) by 2001 c. 16, s. 123(3)(b); S.I. 2001/3736, art. 3(a)
- F15** S. 42(5) inserted (3.7.2000) by 1999 c. 27, s. 325, Sch. 27 para. 90 (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
- F16** S. 42(5)(ca) substituted (1.1.2002) for word "or" by 2001 c. 16, s. 122(3); S.I. 2001/3736, art. 3(a)

[^{F17}42A Procedure in relation to removal of senior officers

- (1) The Secretary of State may by regulations make provision as to the procedure to be followed in the exercise of any power conferred or duty imposed by section 9E, 11 or 42.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F17** S. 42A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), ss. 34, 108(2)-(5); S.I. 2002/2306, art. 2(c)(i)

43 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) 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 appears to him to be appropriate.

44 Reports from chief constables.

- (1) The Secretary of State may require a [^{F18}chief officer of police of any police force] to submit to him a report on such matters as may be specified in the requirement, being matters connected with the policing of the [^{F18}chief officer's] police area.
- (2) A requirement under subsection (1) may specify the form in which a report is to be given.
- (3) The Secretary of State may arrange, or require the [^{F18}chief officer] to arrange, for a report under this section to be published in such manner as appears to the Secretary of State to be appropriate.
- (4) [^{F18}The chief officer of police of every police force] shall, as soon as possible after the end of each financial year, submit to the Secretary of State the like report as is required by section 22(1) to be submitted to the police authority.

^{F19}(5)

Textual Amendments

- F18** Words in s. 44(1)(3)(4) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 91(2)-(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F19** S. 44(5) repealed (3.7.2000) by 1999 c. 29, ss. 325, 423, **Sch. 27 para. 91(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

45 Criminal statistics.

- (1) The chief officer of police of every police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in the chief officer's police area as the Secretary of State may require.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

46 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 [^{F20}Greater London Authority];and in those provisions references to police authorities shall be taken as including references to the [^{F21}Greater London Authority] .
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—

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- (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), 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), 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) 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.
- [^{F22}(7A) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.]
- (8) Where in consequence of a further determination under subsection (2) 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 out the further determination has been approved by resolution of the House of Commons.
- [^{F23}(9) Where the Greater London Authority is required to pay a sum under subsection (8) above, the Mayor of London may direct the Metropolitan Police Authority to pay an amount not exceeding that sum to the Greater London Authority on such day as he may specify in the direction.]

Textual Amendments

- F20** Words in s. 46(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F21** Words in s. 46(1) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F22** S. 46(7A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(4)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F23** S. 46(9) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 92(5)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

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47 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 [^{F24}Metropolitan Police Authority].
- (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.
- [^{F25}(4) Any grant by virtue of subsection (1)(b) shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.]

Textual Amendments

- F24** Words in s. 47(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 93(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F25** S. 47(4)(5) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 93(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

48 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 [^{F26}Metropolitan Police Authority],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.
- [^{F27}(4) Any grant by virtue of subsection (1)(b) shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the Metropolitan Police Authority and pay it over to that Authority.]

Textual Amendments

- F26** Words in s. 48(1)(b) substituted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 94(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**
- F27** S. 48(4)(5) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 94(3)** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

49 Local inquiries.

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (2) and (3) of section 250 of the ^{M2}Local Government Act 1972 (power to summon and examine witnesses) shall apply to an inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of an inquiry held under this section shall be defrayed—
 - (a) out of the police fund, or
 - (b) if the inquiry relates to more than one police area, out of the police funds concerned in such proportions as may be specified in the direction,
 and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

Marginal Citations

M2 1972 c. 70.

50 Regulations for police forces.

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
 - (a) the ranks to be held by members of police forces;
 - (b) the qualifications for appointment and promotion of members of police forces;
 - (c) periods of service on probation;
 - (d) voluntary retirement of members of police forces;
 - (e) the conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;
 - (f) the suspension of members of a police force from membership of that force and from their office as constable;
 - (g) the maintenance of personal records of members of police forces;
 - (h) the duties which are or are not to be performed by members of police forces;
 - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 64;
 - (j) the hours of duty, leave, pay and allowances of members of police forces; and
 - (k) the issue, use and return of police clothing, personal equipment and accoutrements.

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

- (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) is decided [^{F28}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 [^{F29}chief] superintendent.
- (4) 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),—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (5) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (6) 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.
- (7) Regulations under this section may make different provision for different cases and circumstances.
- (8) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F28 Words in s. 50(3)(b) substituted for 50(3)(b)(i)(ii) (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 95** (with **Sch. 12 para. 9(1)**); S.I. 2000/1648, art. 2, **Sch.**

F29 Word in s. 50(3) inserted (1.1.2002) by 2001 c. 16, s. 125(3)(4)(a); S.I. 2001/3736, art. 3(a)

Commencement Information

II S. 50 wholly in force at 1.4.1999; s. 50(1)(2)(4)-(8) in force at 23.8.1996, see s. 104(1)(2); s. 50(3) in force at 1.4.1999 by S.I. 1999/533, art. 2

51 Regulations for special constables.

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of special constables.

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Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—
- (a) the qualifications for appointment of special constables;
 - (b) the retirement of special constables;
 - [^{F30}(ba) the conduct of special constables and the maintenance of discipline;]
 - (c) the suspension of special constables from their office as constable;
 - (d) the allowances payable to special constables; and
 - (e) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces.
- (3) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.
- [^{F31}(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]
- (4) Subsections (7) and (8) of section 50 shall apply to regulations under this section.

Textual Amendments

- F30** S. 51(2)(ba) inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 35**, 108(2)-(5); [S.I. 2002/2306](#), **art. 2(c)(ii)**
- F31** S. 51(3A) inserted (25.6.1997) by [1997 c. 50](#), **s. 128(1)**; [S.I. 1997/1377](#), **art. 2(2)(h)**

52 Regulations for police cadets.

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.
- [^{F32}(1A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, police authorities, chief officers of police or other persons, or
 - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]
- (2) Subsections (5), (7) and (8) of section 50 shall apply to regulations under this section.

Status: Point in time view as at 01/10/2002.

Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

Textual Amendments

F32 S. 52(1A) inserted (25.6.1997) by 1997 c. 50, s. 128(2); S.I. 1997/1377, art. 2(2)(h)

53 Regulations as to standard of equipment.

[^{F33}(1)] The Secretary of State may make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations.

[^{F34}(1A)] The Secretary of State may by regulations make any or all of the following provisions—

- (a) provision requiring all police forces in England and Wales, when using equipment for the purposes specified in the regulations to use only—
 - (i) the equipment which is specified in the regulations;
 - (ii) equipment which is of a description so specified; or
 - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
- (b) provision requiring all police forces in England and Wales to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;
- (c) provision prohibiting all police forces in England and Wales from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
 - (i) where the conditions subject to which the approval was given are satisfied; and
 - (ii) in accordance with the other terms of that approval;
- (d) provision requiring equipment used by police forces in England and Wales to comply, in the case of all police forces, with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
- (e) provision prohibiting all police forces in England and Wales from using equipment specified in the regulations, or any equipment of a description so specified.

(1B) The Secretary of State shall not make any regulations under subsection (1A) unless he considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales.

(2) Before making any regulations under this section, the Secretary of State shall consult with—

- (a) persons whom he considers to represent the interests of police authorities;
- (b) persons whom he considers to represent the interests of chief officers of police; and
- (c) such other persons as he thinks fit.

(2A) Regulations under this section may make different provision for different cases and circumstances.

(2B) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (2C) In this section “equipment” includes—
- (a) vehicles; and
 - (b) headgear and protective and other clothing.]

Textual Amendments

- F33** S. 53 renumbered as s. 53(1) (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 75**; S.I. 1997/354, **art. 2(2)(ay)**
- F34** S. 53(1A)-(2C) substituted for s. 53(2)(3) (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 6, 108(2)-(5)**; S.I. 2002/2306, **art. 2(a)**

[^{F35} 53A Regulation of procedures and practices

- (1) The Secretary of State may by regulations make provision requiring all police forces in England and Wales—
 - (a) to adopt particular procedures or practices; or
 - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
 - (a) the chief inspector of constabulary; and
 - (b) the Central Police Training and Development Authority.
- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
 - (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.
- (4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.
- (5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority shall consult with—
 - (a) persons whom it considers to represent the interests of police authorities;
 - (b) persons whom it considers to represent the interests of chief officers of police; and
 - (c) such other persons as it thinks fit.
- (6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
 - (a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice;
 - (b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
 - (c) the Secretary of State himself is satisfied as to those matters.
- (7) Those matters are—
 - (a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations;

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- (b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and
 - (c) that securing the adoption of that procedure or practice is in the national interest.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing the first regulations to be made under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (10) A statutory instrument containing any other regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F35 S. 53A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#) {ss. 7}, 108(2)-(5); [S.I. 2002/2306](#), [art. 2\(a\)](#)

Status:

Point in time view as at 01/10/2002.

Changes to legislation:

There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State.