



# Police Act 1996

## 1996 CHAPTER 16

### PART II

#### CENTRAL SUPERVISION, DIRECTION AND FACILITIES

##### *Functions of Secretary of State*

#### **41 Directions as to minimum budget.**

(1) The power of the Secretary of State to give directions under section 40 [<sup>F1</sup>or 40A] to a [<sup>F2</sup>a police and crime commissioner] shall include power to direct [<sup>F3</sup>the commissioner] that the amount of [<sup>F4</sup>the commissioner's][<sup>F5</sup>council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act) for any financial year] shall not be less than an amount specified in the direction.

[<sup>F6</sup>(1A) But the Secretary of State may not give a direction to the police and crime commissioner for a police area by virtue of subsection (1) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in that police area from being put at risk.]

(2) The power exercisable by virtue of subsection (1), and any direction given under that power, are subject to any limitation imposed under Chapter [<sup>F7</sup>4ZA or][<sup>F8</sup>1VA] 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 [<sup>F9</sup>a police and crime commissioner] by virtue of subsection (1), any precept issued or calculation made by [<sup>F10</sup>the commissioner] under Part I of the Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

*Changes to legislation: There are currently no known outstanding effects  
 for the Police Act 1996, Section 41. (See end of Document for details)*

### Textual Amendments

- F1** Words in s. 41(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 2 para. 28**; [S.I. 2007/709](#), art. 3(c) (with art. 6)
- F2** Words in s. 41(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(2)(a)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F3** Words in s. 41(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(2)(b)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F4** Words in s. 41(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(2)(c)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F5** Words in s. 41(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 7 para. 33**; [S.I. 2011/2896](#), art. 2(i)
- F6** S. 41(1A) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(3)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F7** Words in s. 41(2) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 33**; [S.I. 2011/2896](#), art. 2(i)
- F8** 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**
- F9** Words in s. 41(4) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(4)(a)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F10** Words in s. 41(4) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(4)(b)**, 157(1); [S.I. 2012/2892](#), art. 2(a)

### Modifications etc. (not altering text)

- C1** S. 41 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 1 para. 10(3)** (as amended (29.3.2018) by [The Greater Manchester Combined Authority \(Amendment\) Order 2018 \(S.I. 2018/444\)](#), arts. 1(2), **4(3)(a)**)
- C2** S. 41 modified (E.W.) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 33(2), **Sch. 5 para. 10(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the Police Act 1996, Section 41.