



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 5

POLICE ORGANISATION

Police authorities etc.

104 Vice-chairmen

- (1) In Schedule 2 to the 1996 Act (police authorities outside London), after paragraph 9 there shall be inserted—

“Vice-chairmen

- 9A (1) At an annual meeting a police authority may appoint one or more vice-chairmen from among its members.
- (2) The making of appointments under sub-paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.
- (3) Where a vice-chairman ceases to hold office at any time between annual meetings, a police authority may make an appointment to fill the vacancy at any meeting of the authority held more than fourteen days after the occurrence of the vacancy.
- (4) Subject to any standing orders made by a police authority, anything authorised or required to be done by, to or before their chairman may be done by, to or before any vice-chairman of the authority.”
- (2) In Schedule 2A to that Act (the Metropolitan Police Authority), after paragraph 6 there shall be inserted—

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Police authorities etc.. (See end of Document for details)

“Vice-chairmen

- 6A (1) At an annual meeting the Metropolitan Police Authority may appoint one or more vice-chairmen from among its members.
- (2) The making of appointments under sub-paragraph (1) shall be the first business transacted at the meeting after the appointment of the chairman.
- (3) Where a vice-chairman ceases to hold office at any time between annual meetings, the Metropolitan Police Authority may make an appointment to fill the vacancy at any meeting of the Authority held more than fourteen days after the occurrence of the vacancy.
- (4) Subject to any standing orders made by the Metropolitan Police Authority, anything authorised or required to be done by, to or before their chairman may be done by, to or before any vice-chairman of the authority.”
- (3) ^{F1}
- (4) In the following provisions (tenure of office, eligibility for reappointment and validity of acts of chairman and members of police authorities etc.)—
- (a) paragraphs 17(1) and 21 to 23 of Schedule 2 to the 1996 Act,^[F2 and]
- (b) paragraphs 12(1) and 16 to 18 of Schedule 2A to that Act,^{F3} . . .
- (c) ^{F3}
- after “chairman”, wherever it occurs, there shall be inserted “ or vice-chairman ”.
- (5) In paragraph 24 of Schedule 2 to the 1996 Act, paragraph 19 of Schedule 2A to that Act and paragraph 16 of Schedule 2 to the 1997 Act (validity of acts)—
- (a) after “of chairman”, in each case, there shall be inserted, “ by a vacancy for a vice-chairman ”; and
- (b) after “as chairman”, in each case, there shall be inserted “ or vice-chairman ”.
- (6) In paragraph 25 of Schedule 2 to the 1996 Act (allowances for members of police authorities)—
- (a) in sub-paragraph (1), after “chairman” there shall be inserted “ , vice-chairmen ”; and
- (b) in sub-paragraph (2), after “chairman,” there shall be inserted “ a vice-chairman, ”.
- (7) In paragraph 20 of Schedule 2A to the 1996 Act (allowances for members of the Metropolitan Police Authority etc.)—
- (a) in sub-paragraph (1), after “chairman” there shall be inserted “ , vice-chairmen ”; and
- (b) in sub-paragraph (3), after “chairman,” there shall be inserted “ a vice-chairman, ”.
- (8) ^{F4}
- (9) In paragraph 6B(b) of Schedule 12 to the Local Government Act 1972 (c. 70) (persons to preside in the case of a police authority in the absence of the chairman), for the words from “another member” to “preside” there shall be substituted “the following person shall preside—

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- (i) in a case in which only one vice-chairman is present at the meeting, that vice-chairman;
- (ii) in a case in which more than one vice-chairman is present at the meeting, the vice-chairman chosen by the members present; and
- (iii) in any other case, the member chosen by the members present;”.

Textual Amendments

- F1** S. 104(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 164(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))
- F2** Word in s. 104(4)(a) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, Sch. 4 para. 164(3)(a); S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))
- F3** S. 104(4)(c) and preceding word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 164(3)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))
- F4** S. 104(8) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 164(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

Commencement Information

- I1** S. 104 wholly in force at 1.4.2002; s. 104 not in force at Royal Assent see s. 138; s. 104 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, **art. 2(1)(b)**; s. 104 in force at 1.4.2002 insofar as not already in force by S.I. 2002/344, **art. 3** (with art. 4)

105 Political balance on police authorities

- (1) In paragraph 4(1) of Schedule 2 to the 1996 Act (balance of parties on council to be reflected in appointments to police authority), for the words from “the members for” onwards there shall be substituted “in the case of the members for whose appointment it is responsible, the proportion who are members of any given party—
 - (a) where it is a council that is responsible for their appointment, is the same as the proportion of the members of the council who are members of that party; and
 - (b) where it is a joint committee that is so responsible, is the same as the proportion of the members of the relevant councils taken as a whole who are members of that party.”
- (2) In paragraph 2(3) of Schedule 2A to that Act (which makes corresponding provision for the Metropolitan Police Authority), for the words from “the members for” onwards there shall be substituted “ in the case of the members of the Authority who are members of the London Assembly appointed under this paragraph, the proportion who are members of any given party is the same as the proportion of the members of the London Assembly who are members of that party ”.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Police authorities etc.. (See end of Document for details)

Commencement Information

- I2** Ss. 104-106 partly in force; ss. 104-106 not in force at Royal Assent see s. 138; ss. 104-106 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, art. 2(1)(b)

106 Removal of age qualification for membership

- (1) The following provisions (which disqualify persons of more than seventy years old from membership of police authorities etc. and from selection panels of police authorities) shall cease to have effect—
 - (a) paragraph 10 of Schedule 2 to the 1996 Act (police authorities outside London);
 - (b) paragraph 1(b) of Schedule 2 to the 1997 Act (service authorities for the National Crime Squad and the National Criminal Intelligence Service).
- (2) Accordingly, in paragraphs 12 to 14 of Schedule 2 to the 1996 Act, for the words “paragraphs 10 and 11”, wherever they occur, there shall be substituted “ paragraph 11 ”.

Commencement Information

- I3** S. 106 wholly in force at 1.4.2002; s. 106 not in force at Royal Assent see s. 138; s. 106 in force for certain purposes at 19.6.2001 by S.I. 2001/2223, art. 2(1)(b); s. 106 in force at 1.4.2002 in so far as not already in force by S.I. 2002/344, art. 3 (with art. 4)

107 Payment of allowances to authority members etc.

- (1) In each of the following provisions (which provide for the members of certain authorities to be made such payments by way of reimbursement of expenses and allowances as the Secretary of State may determine), the words “and allowances” shall be omitted—
 - (a) paragraph 25(1) of Schedule 2 to the 1996 Act (police authorities outside London);
 - (b) paragraph 20(1) of Schedule 2A to that Act (the Metropolitan Police Authority);
 - (c) ^{F5}
- (2) After paragraph 25 of Schedule 2 to the 1996 Act (the police authorities outside London) there shall be inserted—

“Allowances for members etc.

- 25A (1) Subject to the following provisions of this paragraph, a police authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as the authority may determine.
- (2) Subject to sub-paragraph (6), no payment shall be made under this paragraph except in accordance with arrangements published by the authority not more than twelve months before the making of the payment.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Police authorities etc.. (See end of Document for details)

- (3) A police authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by the authority.
- (4) It shall be the duty of a police authority, when making or revising any arrangements made for the purposes of this paragraph, to have regard to any guidance given by the Secretary of State about the payment of allowances.
- (5) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice chairman or other member or is appointed under paragraph 2, 5 or 8.
- (6) The Secretary of State may by regulations impose such limits as may be provided for by or under the regulations on the payments that may be made under this paragraph.
- (7) A statutory instrument containing regulations under sub-paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Members of standards committees

25B Paragraphs 25 and 25A shall have effect in relation to a police authority as if references to members of the authority included references to persons who are not members of the authority but are members of the authority's standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of the authority but are members of the authority's standards committee."

- (3) After paragraph 20 of Schedule 2A to that Act (the Metropolitan Police Authority) there shall be inserted—

"Allowances for members etc.

- 20A
- (1) Subject to the following provisions of this paragraph, the Metropolitan Police Authority may make to its chairman, vice-chairmen and other members such payments by way of allowances as that Authority may determine.
 - (2) Subject to sub-paragraphs (6) and (7), no payment shall be made under this paragraph except in accordance with arrangements published by the Metropolitan Police Authority not more than twelve months before the making of the payment.
 - (3) The Metropolitan Police Authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by that Authority.
 - (4) It shall be the duty of the Metropolitan Police Authority, when making or revising any arrangements made for the purposes of this paragraph, to have regard to any guidance given by the Secretary of State about the payment of allowances.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Police authorities etc.. (See end of Document for details)

- (5) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice chairman or one of the other members of the Metropolitan Police Authority, or is appointed under paragraph 3 or 5.
- (6) No payment shall be made under this paragraph to any member of the Metropolitan Police Authority who is also a member of the London Assembly.
- (7) The Secretary of State may by regulations impose such limits as may be provided for by or under the regulations on the payments that may be made under this paragraph.
- (8) A statutory instrument containing regulations under sub-paragraph (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Members of standards committees

20B Paragraphs 20 and 20A shall have effect in relation to the Metropolitan Police Authority as if references to the members of that Authority included references to persons who are not members of that Authority but are members of the Authority's standards committee; and the power to make different payments according to the recipient shall include power to make different payments to persons who are not members of that Authority but are members of the Authority's standards committee."

(4) ^{F6}

Textual Amendments

- F5** S. 107(1)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 165(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))
- F6** S. 107(4) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174(2), 178, Sch. 4 para. 165(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 13(II) (subject to art. 4(2)-(7))

Commencement Information

- I4** S. 107 wholly in force at 1.4.2002; s. 107 not in force at Royal Assent see s. 138; s. 107(1)(a)(b)(2)(3) in force at 1.12.2001 by S.I. 2001/3736, art. 2(c); s. 107(1)(c)(4) in force at 1.4.2002 by S.I. 2002/344, **art. 3** (with art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001,
Cross Heading: Police authorities etc..