



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Appointment and attestation of police officers etc.*

#### **82 Nationality requirements applicable to police officers etc.**

- (1) Irrespective of his place of birth, a person of any nationality may be—
- (a) a member of a police force maintained for any police area in England and Wales or Scotland;
  - (b) a member of the Police Service of Northern Ireland or of the Police Service of Northern Ireland Reserve;
  - (c) a member of the National Criminal Intelligence Service or of the National Crime Squad (whether a police member or a member of any description);
  - (d) a member of the British Transport Police Force;
  - (e) a member of the United Kingdom Atomic Energy Authority Constabulary;
  - (f) a member of the Royal Parks Constabulary; or
  - (g) a special constable;
- and, accordingly, irrespective of his place of birth such a person may be attested or appointed, and hold office, as a constable.
- (2) Subsection (1) is subject to any provision falling within subsection which relates to qualification for appointment as a constable or as a special constable or for membership of, or for particular ranks, offices or positions with—
- (a) any force or constabulary;
  - (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve; or
  - (c) the National Criminal Intelligence Service or the National Crime Squad.
- (3) Provision falls within this subsection if it is—

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- (a) provision made by regulations made under section 50 or 51 of the 1996 Act (regulations for police constables and for special constables);
  - (b) provision made by regulations made under section 26 of the Police (Scotland) Act 1967 (c. 77) (regulations about the government and administration of police forces);
  - (c) provision made under section 25 or 26 of the Police (Northern Ireland) Act 1998 (c. 32) (regulations for police constables and for the constables in the Police Service of Northern Ireland Reserve);
  - (d) provision made by regulations made under section 34A or 79A of the 1997 Act (regulations for members of NCIS and NCS) or contained in the terms and conditions of appointment of the Directors General and other members of the National Criminal Intelligence Service or of the National Crime Squad; and
  - (e) provision given effect to by any arrangements made for the purpose of regulating appointment to membership of the British Transport Police Force, the United Kingdom Atomic Energy Authority Constabulary or the Royal Parks Constabulary, or to particular ranks or positions with that Force or Constabulary.
- (4) Without prejudice to the generality of any power conferred apart from this section, the provision falling within subsection (3) that may be made by any such regulations, terms and conditions or arrangements as are mentioned in that subsection may include provision imposing any of the following requirements—
- (a) requirements with respect to the competence in written and spoken English of candidates for appointment;
  - (b) requirements with respect to the immigration status of such candidates;
  - (c) requirements with respect to nationality in the case of particular ranks, offices or positions;

and, in a case where the power to make provision with respect to qualification for appointment as a constable or as a special constable, or for membership of a force, Service or Squad, is exercisable by any such regulations as are mentioned in that subsection, the regulations made must impose requirements with respect to all the matters mentioned in paragraphs (a) and (b).

- (5) In this section—

“the Royal Parks Constabulary” means the force of constables appointed under the Parks Regulation Act 1872 (c. 15);

“the United Kingdom Atomic Energy Authority Constabulary” means the force of special constables appointed under section 3 of the Special Constables Act 1923 (c. 11) on the nomination of the United Kingdom Atomic Energy Authority.

### 83 Attestation of constables

For Schedule 4 to the 1996 Act there shall be substituted—

#### “SCHEDULE 4

##### FORM OF DECLARATION

‘I ... .. of ... .. do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental

human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.”

#### **84 Delegation of functions in relation to senior appointments**

In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), after subsection (3) there shall be inserted—

“(3A) The Secretary of State may delegate to the chief inspector of constabulary any or all of the following functions—

- (a) his functions by virtue of sections 9F(2), 9FA(2) and 9G(2) with respect to the approval required for the appointment of an Assistant Commissioner of Police of the Metropolis, of a Deputy Assistant Commissioner of Police of the Metropolis or of a Commander in the metropolitan police force;
- (b) his functions by virtue of sections 11(1), 11A(2) and 12(2) with respect to the approval required for the appointment of the chief constable of a police force, of the deputy chief constable of a police force or of an assistant chief constable of a police force;
- (c) his functions by virtue of section 12A(4) with respect to the consent required for a deputy chief constable to exercise or perform any powers or duties of a chief constable for a continuous period exceeding three months.”

#### **85 Director General of NCIS**

(1) Section 6 of the 1997 Act (appointment of Director General) shall be amended as follows.

(2) In subsection (2), for “list of persons eligible for appointment” there shall be substituted “shortlist”.

(3) Subsection (3) (persons eligible for appointment) shall cease to have effect.

(4) After subsection (5), there shall be inserted—

“(5A) The Director General shall not be attested as a constable under subsection (5) if—

- (a) he was not a serving police officer immediately before his appointment as Director General took effect; or
- (b) he had already been attested as a constable in England and Wales and still held that office immediately before his appointment took effect.”

(5) In subsections (6) and (7) (Director General to have the powers and privileges of a constable and to hold the rank of chief constable), after “Director General”, in each subsection, there shall be inserted “, except in a case where he was not a serving police officer immediately before his appointment took effect,”.

(6) After subsection (8) there shall be inserted—

“(9) In this section “serving police officer” means a person who—

- (a) is a member of a relevant police force;

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- (b) is engaged on relevant service, within the meaning of section 97 of the Police Act 1996 (c. 16); or
- (c) without being so engaged, is a police member of NCIS or a police member of the National Crime Squad.

(10) In subsection (9) “relevant police force” means—

- (a) a police force maintained under section 2 of the Police Act 1996;
- (b) the metropolitan police force;
- (c) the City of London police force;
- (d) a police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967 (c. 77);
- (e) the Police Service of Northern Ireland;
- (f) the Ministry of Defence Police;
- (g) the British Transport Police Force,
- (h) the States of Jersey Police Force;
- (i) the salaried police force of the Island of Guernsey; or
- (j) the Isle of Man Constabulary.”

## 86 Police members of NCIS

(1) Section 9 of the 1997 Act (members of NCIS) shall be amended as follows.

(2) In subsection (2)—

(a) for paragraph (a) there shall be substituted—

“(a) he met the requirements of subsection (3) immediately before his appointment took effect and his appointment is to a police rank in NCIS; or”; and

(b) in paragraph (b), the words from “to which” to “applies” shall be omitted.

(3) For subsection (3) (qualifications for appointment as a police member) there shall be substituted—

“(3) A person meets the requirements of this subsection if he is attested or sworn as a constable and—

- (a) he is a member of a police force maintained under section 2 of the Police Act 1996;
- (b) he is a member of the metropolitan police force or of the City of London police force;
- (c) he is a regular constable within the meaning of the Police (Scotland) Act 1967 (c. 77);
- (d) he is a member of the Police Service of Northern Ireland;
- (e) he is a member of the National Crime Squad;
- (f) he is a member of the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c. 4) ;
- (g) he is a member of the British Transport Police Force;
- (h) he is a member of the States of Jersey Police Force;
- (i) he is a member of the salaried police force of the Island of Guernsey;
- (j) he is a member of the Isle of Man Constabulary; or
- (k) he is engaged with NCIS on a period of temporary service.”

- (4) In subsection (9), in paragraph (a) (restriction on delegation to Director General of appointment of police members), after “police member” there shall be inserted “with the rank of assistant chief constable”.
- (5) After that subsection, there shall be inserted—
- “(9A) In this section “a period of temporary service” means a period of temporary service to which any of the following provisions applies—
- (a) section 97 of the Police Act 1996 (c. 16);
  - (b) section 38A of the Police (Scotland) Act 1967;
  - (c) section 27 of the Police (Northern Ireland) Act 1998 (c. 32);
  - (d) section 2B of the Ministry of Defence Police Act 1987.”

## **87 Police members of NCS**

- (1) Section 55 of the 1997 Act (members of National Crime Squad) shall be amended as follows.
- (2) In subsection (2)—
- (a) for paragraph (a) there shall be substituted—

“(a) he met the requirements of subsection (3) immediately before his appointment took effect and his appointment is to a police rank in the National Crime Squad; or”.
  - (b) in paragraph (b), the words from “to which” to “applies” shall be omitted.
- (3) For subsection (3) there shall be substituted—
- “(3) A person meets the requirements of this subsection if he is attested or sworn as a constable and—
- (a) he is a member of a police force maintained under section 2 of the Police Act 1996;
  - (b) he is a member of the metropolitan police force or of the City of London police force;
  - (c) he is a regular constable within the meaning of the Police (Scotland) Act 1967;
  - (d) he is a member of the Police Service of Northern Ireland;
  - (e) he is a member of NCIS;
  - (f) he is a member of the Ministry of Defence Police appointed on the nomination of the Secretary of State under section 1 of the Ministry of Defence Police Act 1987 (c. 4) ;
  - (g) he is a member of the British Transport Police Force;
  - (h) he is a member of the States of Jersey Police Force;
  - (i) he is a member of the salaried police force of the Island of Guernsey;
  - (j) he is a member of the Isle of Man Constabulary; or
  - (k) he is engaged with the National Crime Squad on a period of temporary service.”
- (4) In subsection (9), in paragraph (a) (restriction on delegation to Director General of appointment of police members), after “police member” there shall be inserted “with the rank of assistant chief constable”.

(5) After that subsection, there shall be inserted—

“(9A) In this section “a period of temporary service” means a period of temporary service to which any of the following provisions applies—

- (a) section 97 of the Police Act 1996 (c. 16);
- (b) section 2B of the Ministry of Defence Police Act 1987 (c. 4).”

## 88 Regulations for NCIS

(1) After section 34 of the 1997 Act there shall be inserted—

### “34A Regulations for NCIS

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government and administration of NCIS and conditions of service with NCIS.
- (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 police members of NCIS;
  - (b) the promotion of police members of NCIS;
  - (c) voluntary retirement of police members of NCIS;
  - (d) the efficiency and effectiveness of police members of NCIS;
  - (e) the suspension of police members of NCIS from membership of NCIS and from their office as constable;
  - (f) the maintenance of personal records of members of NCIS;
  - (g) the duties which are or are not to be performed by police members of NCIS;
  - (h) 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 of the Police Act 1996;
  - (i) the hours of duty, leave, pay and allowances of police members of NCIS; and
  - (j) the issue, use and return of—
    - (i) personal equipment and accoutrements; and
    - (ii) police clothing.
- (3) 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.
- (4) 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.
- (5) Regulations under this section may make different provision for different cases and circumstances.

- (6) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Before making any regulations under this section, the Secretary of State shall consult the Scottish Ministers.”
- (2) In section 37 of the 1997 Act (discipline regulations for NCIS), after subsection (2) there shall be inserted—
- “(2A) Without prejudice to the generality of the other powers conferred by this section, regulations under this section may make provision—
- (a) for conferring a right to bring and conduct, or otherwise participate or intervene in, any disciplinary proceedings on the Independent Police Complaints Commission;
  - (b) for conferring a right to participate in, or to be present at, disciplinary proceedings on such persons as may be specified or described in the regulations;
  - (c) as to the representation of persons subject to disciplinary proceedings; and
  - (d) for section 34 of the Criminal Justice and Public Order Act 1994 (c. 33) (inferences to be drawn from a failure to mention a fact when questioned or charged) to apply, with such modifications and in such cases as may be provided for in the regulations, to disciplinary proceedings.
- (2B) In subsection (2A) “disciplinary proceedings” means any proceedings under any regulations made under subsection (1) which—
- (a) are conducted in England and Wales; and
  - (b) are identified as disciplinary proceedings by those regulations.”
- (3) In section 38 of the 1997 Act (appeals against decisions in disciplinary proceedings), in subsection (1), for the words “or required to resign”, in both places where they occur, there shall be substituted “, required to resign or reduced in rank”.

## **89 Regulations for NCS**

- (1) After section 79 of the 1997 Act there shall be inserted—

### **“79A Regulations for NCS**

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government and administration of the National Crime Squad and conditions of service with that Squad.
- (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 police members of the National Crime Squad;
  - (b) the promotion of police members of the Squad;
  - (c) voluntary retirement of police members of the Squad;
  - (d) the efficiency and effectiveness of police members of the Squad;

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- (e) the suspension of police members of the Squad from membership of it and from their office as constables;
  - (f) the maintenance of personal records of members of the Squad;
  - (g) the duties which are or are not to be performed by police members of the Squad;
  - (h) 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 of the Police Act 1996 (c. 16);
  - (i) the hours of duty, leave, pay and allowances of police members of the Squad; and
  - (j) the issue, use and return of—
    - (i) personal equipment and accoutrements; and
    - (ii) police clothing.
- (3) 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.
- (4) 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.
- (5) Regulations under this section may make different provision for different cases and circumstances.
- (6) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 81 of the 1997 Act (discipline regulations for NCS), after subsection (2) there shall be inserted—
- “(2A) Without prejudice to the generality of the other powers conferred by this section, regulations under this section may make provision—
- (a) for conferring a right to bring and conduct, or otherwise participate or intervene in, any disciplinary proceedings on the Independent Police Complaints Commission;
  - (b) for conferring a right to participate in, or to be present at, disciplinary proceedings on such persons as may be specified or described in the regulations;
  - (c) as to the representation of persons subject to any disciplinary proceedings; and
  - (d) for section 34 of the Criminal Justice and Public Order Act 1994 (c. 33) (inferences to be drawn from a failure to mention a fact when questioned or charged) to apply, with such modifications and in such cases as may be provided for in the regulations, to disciplinary proceedings.
- (2B) In subsection (2A) “disciplinary proceedings” means any proceedings under any regulations made under subsection (1) which are identified as disciplinary proceedings by those regulations.”



- (3) In section 82 of the 1997 Act (appeals against decisions in disciplinary proceedings), in subsection (1), for the words “or required to resign”, in both places where they occur, there shall be substituted “, required to resign or reduced in rank”.

## **90 Supplementary provisions about police membership of NCIS**

- (1) The reference in section 59(8)(a) of the 1996 Act to persons falling within section 9(2)(a) of the 1997 Act shall include a reference to persons appointed as police members of the National Criminal Intelligence Service (“NCIS”) after the date on which section 86 comes into force.
- (2) The persons whose interests are to be represented by the membership of the Police Negotiating Board shall include persons appointed as police members of NCIS after the date on which section 86 comes into force.
- (3) In section 62(1) of the 1996 Act (duty to consult Police Negotiating Board before making certain regulations), after paragraph (a) there shall be inserted—  
“(aa) section 34A of the Police Act 1997;”.
- (4) The function of the Police Advisory Board for England and Wales of advising on general questions affecting members of NCIS within section 9(1)(b) of the 1997 Act shall include the function of advising on such general questions as respects persons appointed as police members of NCIS after the date on which section 86 comes into force.
- (5) In section 63(3) of the 1996 Act (duty to consult Police Advisory Board before making certain regulations), in paragraph (c), after “section” there shall be inserted “34A,”.
- (6) In subsection (1) of section 9A of the 1997 Act (retirement in interests of efficiency or effectiveness), for “member of NCIS” there shall be substituted “police member of NCIS with the rank of assistant chief constable”.
- (7) Subsection (2) of that section shall cease to have effect.

## **91 Supplementary provisions about police membership of NCS**

- (1) The reference in section 59(8)(b) of the 1996 Act to persons falling within section 55(2)(a) of the 1997 Act shall include a reference to persons appointed as police members of the National Crime Squad (“the Squad”) after the date on which section 87 comes into force.
- (2) The persons whose interests are to be represented by the membership of the Police Negotiating Board shall include persons appointed as police members of the Squad after the date on which section 87 comes into force.
- (3) In section 62(1) of the 1996 Act (duty to consult Police Negotiating Board before making certain regulations), after paragraph (a) there shall be inserted—  
“(ab) section 79A of the Police Act 1997;”.
- (4) The function of the Police Advisory Board for England and Wales of advising on general questions affecting members of the Squad within section 55(1)(b) of the 1997 Act shall include the function of advising on such general questions as respects persons appointed as police members of the Squad after the date on which section 87 comes into force.

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- (5) In section 63(3) of the 1996 Act (duty to consult Police Advisory Board before making certain regulations), in paragraph (c), after “39,” there shall be inserted “79A,”.
- (6) In subsection (1) of section 55A of the 1997 Act (retirement in interests of efficiency or effectiveness), for “member of the National Crime Squad” there shall be substituted “police member of the National Crime Squad with the rank of assistant chief constable”.
- (7) Subsection (2) of that section shall cease to have effect.

*Bodies with functions in relation to the police*

**92 Police authorities to produce three-year strategy plans**

- (1) After section 6 of the 1996 Act there shall be inserted—

**“6A Three-year strategy plans**

- (1) Every police authority maintaining a police force for a police area in England and Wales shall, before the beginning of every relevant three-year period, issue a plan (“a three-year strategy plan”) which sets out the authority’s medium and long term strategies for the policing of that area during that period.
- (2) Before a three-year strategy plan for any period is issued by a police authority, a draft of a plan setting out medium and long term strategies for the policing of the authority’s area during that period must have been—
  - (a) prepared by the chief officer of police of the police force maintained by that authority; and
  - (b) submitted by him to the police authority for its consideration.
- (3) In preparing the draft plan, the chief officer of police of a police force shall have regard to the views, obtained in accordance with arrangements under section 96, of people in the police area in question.
- (4) A police authority which has issued a three-year strategy plan for any period may modify that plan at any time during that period.
- (5) It shall be the duty, in issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, of every police authority or chief officer of police to have regard to the National Policing Plan in force at that time.
- (6) The Secretary of State —
  - (a) shall issue guidance to police authorities and chief officers of police as to the matters to be contained in any three-year strategy plan, and as to the form to be taken by any such plan; and
  - (b) may from time to time revise and modify that guidance;
 and it shall be the duty of every police authority and chief officer of police to take account of any guidance under this subsection when issuing, preparing or modifying any such plan or any draft plan prepared for the purposes of subsection (2).

- (7) Before issuing or revising any guidance under subsection (6) 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) A police authority which is proposing to issue or modify any plan under this section shall submit that plan, or the modifications, to the Secretary of State.
- (9) Where a police authority issues a three-year strategy plan or modifies such a plan, it shall—
- (a) send a copy of the plan or the modified plan to the Secretary of State; and
  - (b) cause the plan or modified plan to be published;
- and the copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.
- (10) If the Secretary of State considers that there are grounds for thinking that—
- (a) a police authority's three-year strategy plan, or
  - (b) any proposals by a police authority for such a plan, or for the modification of such a plan,
- may not be consistent with any National Policing Plan applicable to a financial year wholly or partly comprised in the period to which the strategy plan applies, he shall, before informing the police authority of his conclusions on whether or not it is in fact so inconsistent, consult with the persons mentioned in subsection (11).
- (11) Those persons are—
- (a) the police authority in question;
  - (b) the chief officer of police of the police force maintained by that authority;
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities; and
  - (d) persons whom the Secretary of State considers to represent the interests of chief officers of police.
- (12) Before a police authority—
- (a) issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the chief officer of police of the force maintained by that authority, or
  - (b) modifies its three-year strategy plan,
- it shall consult with that chief officer.
- (13) Any best value performance plan prepared by a police authority under section 6 of the Local Government Act 1999 (c. 27) for any financial year must be consistent with any three-year strategy plan which sets out the authority's

current strategies for policing its area during any period which includes the whole or any part of that financial year.

- (14) The Secretary of State may by regulations make provision for—
- (a) the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section; and
  - (b) the periods which are to constitute relevant three-year periods for the purposes of this section;

and those regulations may provide for a period of less than three years to be the first period treated as a relevant three-year period for the purposes of this section.

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

- (2) In section 8 of that Act (local policing plans), after subsection (2) there shall be inserted—

“(2A) The local policing plan for any financial year must be consistent with any three-year strategy plan under section 6A which sets out the authority’s current strategies for the policing of its area during any period which includes the whole or any part of that financial year.”

- (3) In section 9(2) of that Act (annual report by police authorities to include assessment of extent to which local policing plan carried out), for the words from “the local policing plan” onwards there shall be substituted “, during that year proposals have been implemented, and things have been done, in accordance with the following plans—

- (a) the three-year strategy plan issued under section 6A for the period that includes that year; and
- (b) the local policing plan issued for that year under section 8.”

### **93 Quorum for the Service Authorities under the 1997 Act**

For paragraph 4(1) of Schedule 2A to the 1997 Act (quorum for meetings of NCIS Service Authority and National Crime Squad Service Authority) there shall be substituted—

“(1) Subject to paragraph (1A), each Service Authority shall make provision for a quorum for its meetings.

- (1A) The quorum for each Service Authority shall be not less than four, and of any quorum—

- (a) one must be a member appointed under paragraph 2 of Schedule 1; and
- (b) at least two others must be members appointed under Part 1 of that Schedule and otherwise than under paragraph 6 or 6A.”

### **94 Expenses of members of police authorities etc.**

- (1) In each the enactments specified in subsection (2)—

- (a) in sub-paragraph (1), after the words “by way of” there shall be inserted “reimbursement of expenses and”; and

- (b) in sub-paragraph (4), after the word “about” there shall be inserted “the reimbursement of expenses or about”.
- (2) The enactments are—
- (a) paragraph 25A of Schedule 2 to the 1996 Act (allowances for members of police authorities established under section 3 of that Act); and
  - (b) paragraph 20A of Schedule 2A to that Act (allowances for members of Metropolitan Police Authority).
- (3) In sub-paragraph (6) of paragraph 20A of Schedule 2A to the 1996 Act (limitation on payments to members of London Assembly) after “payment” there shall be inserted “by way of an allowance”.
- (4) The following provisions (which are superseded by the amendments made by this section) shall cease to have effect—
- (a) paragraph 25 of Schedule 2 to the 1996 Act; and
  - (b) paragraph 20 of Schedule 2A to that Act.

## **95 Duties under the Health and Safety at Work etc. Act 1974**

- (1) The following enactments shall be amended in accordance with subsections (2) and (3)—
- (a) section 51A of the Health and Safety at Work etc. Act 1974 (c. 37) (application of Part 1 of that Act to the police);
  - (b) section 49A of the Employment Rights Act 1996 (c. 18) (right of police officers not to suffer a detriment in relation to health and safety at work issues); and
  - (c) section 134A of that Act (right of police officers not to be unfairly dismissed in relation to health and safety at work issues).
- (2) In subsection (1) of each of those sections, for “officer” there shall be substituted “authority”.
- (3) For subsection (2) of each of those sections, there shall be substituted—
- “(2) In this section “the relevant authority” means—
    - (a) in relation to a member of a police force, a special constable appointed for a police area or a police cadet appointed by a chief officer of police, the police authority or, in the case of a combined area in Scotland, the police board (within the meaning of the Police (Scotland) Act 1967 (c. 77));
    - (b) in relation to a person appointed as a police member of the National Criminal Intelligence Service, the Service Authority for that service;
    - (c) in relation to a person appointed as a police member of the National Crime Squad, the Service Authority for that squad;
    - (d) in relation to any other person holding the office of constable or an appointment as police cadet, the person responsible for maintaining the body of constables or police cadets in question.
- (2A) The Commissioner of Police for the City of London shall be treated for the purposes of this section as if he were a member of the City of London police force.”

- (4) After subsection (2A) of section 51A of the Health and Safety at Work etc. Act 1974 (c. 37) (which is inserted by subsection (3)) there shall be inserted—

“(2B) The following provisions (which impose the same liability for unlawful conduct of constables on persons with their direction and control as would arise if the constables were the employees of those persons) do not apply in relation to any liability arising in respect of a contravention of this Act—

- (a) section 88(1) of the Police Act 1996 (c. 16);
- (b) section 97(9) of that Act;
- (c) section 42(1) of the Police Act 1997 (c. 50);
- (d) section 86(1) of that Act;
- (e) paragraph 7(1) of Schedule 8 to that Act;
- (f) section 39 of the Police (Scotland) Act 1967 (c. 77); and
- (g) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001 (c. 16).

- (2C) The provision which may be made by health and safety regulations includes in particular—

- (a) provision which, for the purposes of this Part specified in the regulations, treats the acts or omissions of a chief officer as if they were acts or omissions of the relevant authority in relation to the constables or police cadets under that officer’s direction and control;
- (b) provision which treats premises under the control of a chief officer as premises under the control of the relevant authority in relation to that officer.

- (2D) In subsection (2C) “chief officer” means—

- (a) a chief officer of police;
- (b) the Director General of the National Criminal Intelligence Service;
- (c) the Director General of the National Crime Squad; or
- (d) any other person having direction and control of a body of constables or police cadets.”

- (5) In each of paragraphs (a), (b) and (c) of subsection (3) of that section, for “chief officer of police” there shall be substituted “police authority”.

- (6) In subsection (4) of that section, for “or (c)” there shall be substituted “, (c) or (d)”.

- (7) Section 5 of the Police (Health and Safety) Act 1997 (c. 42) (payments by police authorities etc. out of relevant funds in relation to contraventions of health and safety legislation) shall cease to have effect.

- (8) An order bringing this section into force may make such savings and transitional provisions as the Secretary of State thinks fit.

## 96 President of ACPO

If a person who holds the office of constable becomes the president of the Association of Chief Police Officers of England, Wales and Northern Ireland, he shall, while he is the president of that Association—

- (a) continue to hold the office of constable; and
- (b) hold that office with the rank of chief constable.

## 97 Crime and disorder reduction partnerships

- (1) The Crime and Disorder Act 1998 (c. 37) shall be amended as follows.
- (2) In section 5 (authorities responsible for strategies), in subsection (1), after paragraph (b) there shall be inserted—
  - “(c) every police authority any part of whose police area so lies;
  - (d) every fire authority any part of whose area so lies;
  - (e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and
  - (f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies.”
- (3) After subsection (1) of that section there shall be inserted—
  - “(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—
    - (a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area; and
    - (b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.
  - (1B) The Secretary of State shall not make an order under subsection (1A) above unless—
    - (a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and
    - (b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs, to make the order.”
- (4) In subsection (2) of that section (consultation)—
  - (a) for paragraphs (a) and (b) there shall be substituted—
    - “(b) every local probation board any part of whose area lies within the area;”
  - (b) at the end of paragraph (c) there shall be inserted “; and”
    - (d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;”.
- (5) In subsection (3) of that section, at the end there shall be inserted “and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales.”
- (6) After subsection (4) of that section, there shall be inserted—
  - “(5) In this section—
    - “fire authority” means—

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- (a) any fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41);
  - (b) any metropolitan county fire and civil defence authority; or
  - (c) the London Fire and Emergency Planning Authority; and
- “police authority” means—
- (a) any police authority established under section 3 of the Police Act 1996 (c. 16); or
  - (b) the Metropolitan Police Authority.”
- (7) In subsection (1) of section 6 (formulation and implementation of strategies), for the words from “a strategy” onwards there shall be substituted—
- “(a) in the case of an area in England—
    - (i) a strategy for the reduction of crime and disorder in the area; and
    - (ii) a strategy for combatting the misuse of drugs in the area; and
  - (b) in the case of an area in Wales—
    - (i) a strategy for the reduction of crime and disorder in the area; and
    - (ii) a strategy for combatting substance misuse in the area.”
- (8) After that subsection there shall be inserted—
- “(1A) In determining what matters to include or not to include in their strategy for combatting substance misuse, the responsible authorities for an area in Wales shall have regard to any guidance issued for the purposes of this section by the National Assembly for Wales.”
- (9) In subsection (2) of that section (steps to be taken before the formulation of a strategy), for paragraph (a) there shall be substituted—
- “(a) carry out, taking due account of the knowledge and experience of persons in the area, a review—
    - (i) in the case of an area in England, of the levels and patterns of crime and disorder in the area and of the level and patterns of the misuse of drugs in the area; and
    - (ii) in the case of an area in Wales, of the levels and patterns of crime and disorder in the area and of the level and patterns of substance misuse in the area;”.
- (10) After subsection (6) of that section (duty to keep strategy under review) there shall be inserted—
- “(6A) Within one month of the end of each reporting period, the responsible authorities shall submit a report on the implementation of their strategies during that period—
- (a) in the case of a report relating to the strategies for an area in England, to the Secretary of State; and
  - (b) in the case of a report relating to the strategies for an area in Wales, to the Secretary of State and to the National Assembly for Wales.”
- (11) In subsection (7) of that section (interpretation), after the definition of “relevant period” there shall be inserted—



““reporting period” means every period of one year which falls within a relevant period and which begins—

- (a) in the case of the first reporting period in the relevant period, with the day on which the relevant period begins; and
- (b) in any other case, with the day after the day on which the previous reporting period ends;

“substance misuse” includes the misuse of drugs or alcohol.”

- (12) In section 17(2) (authorities to which duty to consider crime and disorder implications applies), after “London Fire and Emergency Planning Authority,” there shall be inserted “a fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41),”.
- (13) In section 114—
  - (a) in subsection (1) (powers of Ministers exercisable by statutory instrument), after “Minister of the Crown” there shall be inserted “or of the National Assembly for Wales”; and
  - (b) in subsection (2) (orders subject to negative resolution procedure), for “5(2) or (3) or 10(6) above, or” there shall be substituted “5(1A), (2) or (3), 6A(1) or 10(6) above (other than one made by the National Assembly for Wales), or containing”.
- (14) In section 115(2) (authorities to which information may be disclosed for purposes connected with that Act), in paragraph (d)—
  - (a) in sub-paragraph (i), after “London borough council” there shall be inserted “, a parish council”; and
  - (b) in sub-paragraph (ii), for “or a county borough council” there shall be substituted “, a county borough council or a community council”.
- (15) Section 5(1) (as amended by subsection (2)) shall have effect in relation to a local government area in England at any time when that area or a part of it comprises or contains an area that is not included in the area of a Primary Care Trust, as if the reference to a Primary Care Trust the whole or part of whose area lies within the local government area included a reference to any health authority or strategic health authority whose area comprises or includes the area for which there is no Primary Care Trust.

## 98 Secretary of State’s functions in relation to strategies

After section 6 of the Crime and Disorder Act 1998 (c. 37), there shall be inserted—

### “6A Powers of the Secretary of State and National Assembly for Wales

- (1) The Secretary of State may, by order, require—
  - (a) the responsible authorities for local government areas to formulate any section 6 strategy of theirs for the reduction of crime and disorder so as to include, in particular, provision for the reduction of—
    - (i) crime of a description specified in the order; or
    - (ii) disorder of a description so specified.
  - (b) the responsible authorities for local government areas in England to prepare any section 6 strategy of theirs for combatting the misuse of

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drugs so as to include in it a strategy for combatting, in the area in question, such other forms of substance misuse as may be specified or described in the order.

- (2) After formulating any section 6 strategy (whether in a case in which there has been an order under subsection or in any other case), the responsible authorities for a local government area shall send both—
  - (a) a copy of the strategy, and
  - (b) a copy of the document which they propose to publish under section 6(5),
 to the Secretary of State.
- (3) It shall be the duty of the responsible authorities, when preparing any document to be published under section 6(5), to have regard to any guidance issued by the Secretary of State as to the form and content of the documents to be so published.
- (4) If the responsible authorities for a local government area propose to make any changes to a section 6 strategy of theirs, they shall send copies of the proposed changes to the Secretary of State.
- (5) In subsections (2) to (4)—
  - (a) references to the Secretary of State, in relation to responsible authorities for local government areas in Wales shall have effect as references to the Secretary of State and the National Assembly for Wales; and
  - (b) accordingly, guidance issued for the purposes of subsection (3) in relation to local government areas in Wales must be issued by the Secretary of State and that Assembly acting jointly.
- (6) In this section—
 

“responsible authorities” and “local government area” have same meanings as in sections 5 and 6;

“section 6 strategy” means a strategy required to be formulated under section 6(1); and

“substance misuse” has the same meaning as in section 6.”

## **99 Power to modify functions and structure of PITO**

- (1) The Secretary of State may by order make provision in relation to the Police Information Technology Organisation (“the Organisation”)—
  - (a) for conferring additional functions on the Organisation and for modifying its existing functions and powers;
  - (b) for imposing duties on the Organisation with respect to the carrying out of its functions;
  - (c) for modifying the constitution of the Organisation and any provision regulating its management and control;
  - (d) for conferring powers on the Secretary of State in relation to anything mentioned in the preceding provisions of this subsection, or in relation to the Organisation’s members or staff.
- (2) The provision that may be made by an order under this section includes each of the following—

- (a) provision modifying, in any such manner as the Secretary of State thinks fit, any provision of Part 4 of the 1997 Act (which relates to the Organisation) or of any other enactment that makes provision in relation to, or refers to, the Organisation;
  - (b) provision conferring functions on the Organisation in relation to persons who have no functions in relation to, nor any connection with, policing but who carry out functions for the purposes of the criminal justice system;
  - (c) provisions imposing obligations on persons in relation to whom the Organisation has or is given functions to consult with the Organisation and do such other things in relation to the Organisation as may be specified in the order;
  - (d) provision which in consequence of any provision falling within paragraph (b), changes the name of the Organisation;
  - (e) provision imposing obligations on the Organisation with respect to planning and consultation; and
  - (f) provision framed by reference to any power of the Secretary of State or Scottish Ministers under the provisions of such an order to make a determination or give an approval, or by reference to his or their opinion, from time to time, of any matter.
- (3) In subsection (2)(b) the reference to persons who carry out functions for the purposes of the criminal justice system includes a reference to members of the prison service in any Part of the United Kingdom and to members of the probation service.
- (4) The consequential provision that may be contained in an order under this section includes provision modifying any enactment.
- (5) Before making an order under this section, the Secretary of State shall consult with the Scottish Ministers.
- (6) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this section unless a draft of that order has been laid before Parliament and approved by a resolution of each House.

## **100 Metropolitan Police Authority housing**

- (1) In section 4(e) of the Housing Act 1985 (c. 68) (which defines local authorities for the purposes of the provisions of that Act, including those relating to secure tenancies), the words “the Metropolitan Police Authority” shall be omitted.
- (2) In paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (c. 50) (local authority tenancies that cannot be assured tenancies), the words “and the Metropolitan Police Authority” shall be omitted.
- (3) Nothing in subsection (1) or in any repeal made by this Act for the purposes of that subsection shall affect—
- (a) the operation of Part 5 of the Housing Act 1985 (c. 68) (the right to buy) in relation to any case in which a person who had acquired a right to buy under that Part before the day on which this Act is passed either—
    - (i) had served a notice under section 122 of that Act (tenant’s notice claiming right to buy) on the Metropolitan Police Authority before that day; or

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- (ii) serves such a notice on that Authority in the period of three months beginning with that day;
  - or
  - (b) the extent to which, in any other case, any period falling before the day on which this Act is passed falls at any subsequent time to be treated as a period qualifying under any of the provisions of Schedule 4 to that Act.
- (4) A tenancy which becomes an assured tenancy by virtue of this section shall be an assured shorthold tenancy unless (whenever it was entered into) it—
- (a) falls within any of paragraphs 1 to 3 of Schedule 2A to the Housing Act 1988 (c. 50); or
  - (b) was an assured tenancy, but not an assured shorthold tenancy, immediately before it became a secure tenancy.

## **101 Provision of goods and services by police authorities**

For section 18 of the 1996 Act (supply of goods and services) there shall be substituted—

### **“18 Supply of goods and services**

- (1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39) (supply of goods and services by local authorities)—
  - (a) shall apply, with the modification set out in subsection (2), to a police authority established under section 3 of this Act and to the Metropolitan Police Authority as they apply to a local authority; and
  - (b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.
- (2) The modification is that references in those subsections to a public body shall be read as references to any person.”

*Liability for unlawful acts of constables etc.*

## **102 Liability for wrongful acts of constables etc.**

- (1) Each of the enactments specified in subsection (2) shall be amended as follows—
  - (a) for the words “torts committed by”, in each place where they occur, there shall be substituted “any unlawful conduct of”; and
  - (b) for “in respect of any such tort” there shall be substituted “, in the case of a tort,”.
- (2) The enactments are—
  - (a) section 88(1) of the 1996 Act (liability of chief officers);
  - (b) section 97(9) of that Act (liability of the Secretary of State);
  - (c) section 42(1) of the 1997 Act (liability of the Director General of NCIS);
  - (d) section 86(1) of that Act (liability of the Director General of the National Crime Squad);

- (e) section 27(8) of the Police (Northern Ireland) Act 1998 (c. 32) (liability of the Secretary of State);
  - (f) section 29(1) of that Act (liability of the chief constable of the Police Service of Northern Ireland);
  - (g) paragraph 7(3) of Schedule 3 to that Act (liability of the Police Ombudsman); and
  - (h) paragraph 14(1) of Schedule 3 to the Criminal Justice and Police Act 2001 (c. 16) (liability of the Central Police Training and Development Authority).
- (3) In paragraph 7(1) of Schedule 8 to the 1997 Act (liability of Police Information Technology Organisation)—
- (a) for “a tort committed by” there shall be substituted “any unlawful conduct of”;
  - (b) for “torts committed by” there shall be substituted “any unlawful conduct of”;
  - and
  - (c) for “in respect of any such tort” there shall be substituted “, in the case of a tort,”.
- (4) In each of the enactments specified in subsection (5), for “a tort committed by” there shall be substituted “any unlawful conduct of”.
- (5) The enactments are—
- (a) section 88(4)(a) of the 1996 Act (payments in respect of tort proceedings against constables and special constables);
  - (b) section 42(4)(a) of the 1997 Act (payments in respect of tort proceedings against members of, and constables serving with, NCIS);
  - (c) section 86(4)(a) of that Act (payments in respect of tort proceedings against members of, and constables serving with, the National Crime Squad);
  - (d) section 29(3)(a) of the Police (Northern Ireland) Act 1998 (payments in respect of tort proceedings against police officers in Northern Ireland); and
  - (e) paragraph 7(4)(a) of Schedule 3 to that Act (payment in respect of tort proceedings against police officers serving with, or assisting, the Police Ombudsman).
- (6) In section 42(6) of the 1997 Act (application to Scotland), paragraph (a) shall be omitted.
- (7) In section 39 (1) of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables)—
- (a) for “in reparation in respect of any wrongful act or omission” there shall be substituted “for any unlawful conduct”; and
  - (b) for “in respect of a wrongful act or omission” there shall be substituted “for any unlawful conduct”.
- (8) In section 39(4) of that Act, for “wrongful act or omission” there shall be substituted “unlawful conduct”.

*International joint investigation teams*

**103 Liability in respect of members of teams**

- (1) In section 88 of the 1996 Act (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

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- “(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and
  - (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 42 of the 1997 Act (liability for wrongful acts of police members of the NCIS), after subsection (5) there shall be inserted—
- “(5A) This section shall have effect where an international joint investigation team has been formed under the leadership of a member of NCIS as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor a member of NCIS were unlawful conduct of a constable under the direction and control of the Director General of NCIS; and
  - (b) subsection (4) applied to every member of that team to whom it would not apply apart from this subsection.
- (5B) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

- (5C) A statutory instrument containing an order under subsection (5B) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 86 of the 1997 Act (liability for wrongful acts of police members of the National Crime Squad), after subsection (5) there shall be inserted—
- “(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a member of the National Crime Squad as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor a member of the National Crime Squad were unlawful conduct of a constable under the direction and control of the Director General of that Squad; and
  - (b) subsection (4) applied to every member of that team to whom it would not apply apart from this subsection.
- (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
  - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) In section 39 of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables), after subsection (4) there shall be inserted—
- “(5) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable of a police force as if—
- (a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief constable of that force; and
  - (b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.
- (6) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

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- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
  - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) In section 29 of the Police (Northern Ireland) Act 1998 (c. 32) (liability for wrongful acts of constables), after subsection (5) there shall be inserted—
  - “(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—
    - (a) a constable, nor
    - (b) an employee of the Board,were unlawful conduct of a constable under the direction and control of the Chief Constable.
  - (7) In this section “international joint investigation team” means any investigation team formed in accordance with—
    - (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
    - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
    - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
  - (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (6) Where—
  - (a) any sums are paid by virtue of this section out of a police fund, the NCIS service fund or the NCS service fund, or by the Chief Constable of the Police Service of Northern Ireland, and
  - (b) in pursuance of any international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums paid out of that fund or by that Chief Constable,the Secretary of State shall pay into that fund or (as the case may be) to that Chief Constable the sums received by him by way of reimbursement.
- (7) Where—



- (a) any sums are paid by virtue of this section by a police authority in Scotland or a joint police board there, and
  - (b) in pursuance of an international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums so paid,
- the Secretary of State shall pay the sum received by him by way of reimbursement to the Scottish Ministers who shall pay it to that authority or board.

#### **104 Assaults on members of teams**

- (1) In section 89 of the 1996 Act (assaults on constables), after subsection (3) there shall be inserted—

“(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

- (a) is a member of an international joint investigation team that is led by a member of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and
- (b) is carrying out his functions as a member of that team.

- (5) In this section “international joint investigation team” means any investigation team formed in accordance with—

- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

- (2) In section 41 of the Police (Scotland) Act 1967 (c. 77) (assaults on constables), after subsection (3) there shall be inserted—

“(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

- (a) is a member of an international joint investigation team that is led by a constable of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and
- (b) is carrying out his functions as a member of that team.

- (5) In this section “international joint investigation team” means any investigation team formed in accordance with—

- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that

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- Convention, established in accordance with that Article of that Treaty;  
or
- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.
- (6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaults on constables), after subsection (4) there shall be inserted—
- “(5) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—
- (a) is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland; and
- (b) is carrying out his functions as a member of that team.
- (6) In this section “international joint investigation team” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
- (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty;  
or
- (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.
- (7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”