

RAILWAYS AND TRANSPORT SAFETY ACT 2003

EXPLANATORY NOTES

THE ACT

Part 3 – British Transport Police

Commentary on Sections

Section 63-67: Inspection

97. Her Majesty's Inspectors of Constabulary (as a body corporate known as HM Inspectorate of Constabulary - HMIC) inspect and report to the Secretary of State on the efficiency and effectiveness of all Home Office police forces under provisions in the Police Act 1996. These provisions also allow the Secretary of State to give certain directions to a Police Authority where HMIC consider that the whole or any part of the relevant police force is not efficient or effective, or will cease to be so unless remedial measures are taken. The BTP have not fallen under the statutory remit of HMIC in the past, but the BTP Committee has invited HMIC to undertake detailed assessments of the operational performance and organisation of the BTP every three years applying the same standards as for Home Office police forces.
98. **Section 63** (Inspection) places a statutory duty on HMIC to inspect and report to the Secretary of State on the BTP, both regularly and in response to a specific request. Sections 64 (Action after adverse inspection report), 65 (Remedial direction) and 66 (Action Plan) provide the Secretary of State with powers of direction following an adverse HMIC report on the BTP. These sections, modelled on similar provisions in the Police Act 1996, enable the Secretary of State to direct the Authority to take specified actions or ask it to produce an action plan to remedy any Force deficiencies. The procedures, including consulting with the Authority and Chief Constable, will apply to the Secretary of State regarding the BTP in the same way as they apply to Home Office police forces.
99. The main difference with Home Office police forces will be that the Authority will continue to meet the full costs of HMIC inspections of the BTP. This is in line with other non-Home Office police forces such as the Ministry of Defence Police Force, the UK Atomic Energy Authority Constabulary and the Isle of Man Police Force. Inspections of Home Office police forces are funded centrally.
100. The HMIC in England and Wales will continue to be responsible for inspections of the BTP as a whole. Within Scotland, HMIC (Scotland) will be given a statutory duty to inspect the BTP and report to the Secretary of State in so far as the BTP operates in Scotland.
101. **Section 67** (Senior appointment: delegation of function) is also modelled on provisions in the Police Act 1996. This provides the Secretary of State with a power to delegate his approval of the senior appointments in the BTP (under sections 21, 22 and 23) to HMIC.