



# Railways and Transport Safety Act 2003

## 2003 CHAPTER 20

### PART 3

#### BRITISH TRANSPORT POLICE

##### *Police Force*

#### **20 Establishment of Police Force**

- (1) The Authority shall secure the maintenance of an efficient and effective police force—
  - (a) to be known as the British Transport Police Force, and
  - (b) to police the railways.
- (2) In particular, the Authority shall defray the expenses of the Police Force.
- (3) In this Part “the Police Force” means the British Transport Police Force.

#### **21 Chief Constable**

- (1) The Authority shall appoint a Chief Constable of the Police Force.
- (2) An appointment under subsection (1) may be made only—
  - (a) with the approval of the Secretary of State, and
  - (b) in accordance with regulations under section 36.
- (3) In performing his functions the Chief Constable shall have regard to—
  - (a) any relevant code of practice issued or having effect under section 48,
  - (b) any relevant plan issued under section 52, and
  - (c) any relevant plan issued under section 55.
- (4) The Secretary of State may make regulations about the suspension and removal of the Chief Constable.
- (5) Regulations under subsection (4)—

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- (a) may apply (with or without modification) or make provision similar to a provision made by or under the Police Act 1996 (c. 16),
  - (b) may confer a function on the Secretary of State (which may include a discretionary function or a function of requiring the Authority to act),
  - (c) may permit the Secretary of State to delegate a function or to confer a function (which may include a discretionary function) on a person or group, and
  - (d) may make provision about costs.
- (6) Regulations under subsection (4) which deal with a matter addressed by a provision made by or under the Police Act 1996 may differ from that provision only so far as necessary to reflect the structure and circumstances of the Police Force.
- (7) Before making regulations under subsection (4) the Secretary of State shall consult—
- (a) the Authority,
  - (b) the Chief Constable, and
  - (c) such other persons as he thinks fit.
- (8) In this Part “the Chief Constable” means the Chief Constable of the Police Force.

## **22 Deputy Chief Constable**

- (1) The Authority shall appoint a deputy Chief Constable of the Police Force.
- (2) An appointment under subsection (1) may be made only—
- (a) with the approval of the Secretary of State, and
  - (b) in accordance with regulations under section 36.
- (3) The deputy Chief Constable may perform a function of the Chief Constable—
- (a) while the Chief Constable is unable to act or unavailable,
  - (b) during a vacancy in the office of Chief Constable, or
  - (c) with the consent (which may be general or specific) of the Chief Constable.
- (4) The power to act by virtue of subsection (3)(a) or (b) shall not be exercisable for a continuous period exceeding three months without the consent of the Secretary of State.
- (5) The Secretary of State may make regulations about the suspension and removal of the deputy Chief Constable.
- (6) Regulations under subsection (5)—
- (a) may apply (with or without modification) or make provision similar to a provision made by or under the Police Act 1996 (c. 16),
  - (b) may confer a function on the Secretary of State (which may include a discretionary function or a function of requiring the Authority to act),
  - (c) may permit the Secretary of State to delegate a function or to confer a function (which may include a discretionary function) on a person or group, and
  - (d) may make provision about costs.
- (7) Regulations under subsection (5) which deal with a matter addressed by a provision made by or under the Police Act 1996 may differ from that provision only so far as necessary to reflect the structure and circumstances of the Police Force.
- (8) Before making regulations under subsection (5) the Secretary of State shall consult—

- (a) the Authority,
- (b) the Chief Constable, and
- (c) such other persons as he thinks fit.

## **23 Assistant Chief Constables**

- (1) The Authority shall appoint at least one assistant Chief Constable.
- (2) An appointment under subsection (1) may be made only—
  - (a) with the approval of the Secretary of State, and
  - (b) in accordance with regulations under section 36.
- (3) The Authority may permit an assistant Chief Constable to perform a function of the Chief Constable—
  - (a) while the Chief Constable and the deputy Chief Constable are unable to act or unavailable, or
  - (b) during a vacancy in the offices of Chief Constable and deputy Chief Constable.
- (4) Permission under subsection (3) may not have effect for a continuous period exceeding three months without the consent of the Secretary of State.
- (5) The Secretary of State may make regulations about the suspension and removal of an assistant Chief Constable.
- (6) Regulations under subsection (5)—
  - (a) may apply (with or without modification) or make provision similar to a provision made by or under the Police Act 1996 (c. 16),
  - (b) may confer a function on the Secretary of State (which may include a discretionary function or a function of requiring the Authority to act),
  - (c) may permit the Secretary of State to delegate a function or to confer a function (which may include a discretionary function) on a person or group, and
  - (d) may make provision about costs.
- (7) Regulations under subsection (5) which deal with a matter addressed by a provision made by or under the Police Act 1996 may differ from that provision only so far as necessary to reflect the structure and circumstances of the Police Force.
- (8) Before making regulations under subsection (5) the Secretary of State shall consult—
  - (a) the Authority,
  - (b) the Chief Constable, and
  - (c) such other persons as he thinks fit.

## **24 Constables**

- (1) The Authority shall appoint and employ constables of the Police Force.
- (2) A constable of the Police Force shall be under the direction and control of the Chief Constable.
- (3) Section 29 of the Police Act 1996 (attestation) shall apply to a constable of the Police Force appointed in England or Wales (with the omission of the words in paragraph (b) “having jurisdiction within the police area”).

- (4) Section 16 of the Police (Scotland) Act 1967 (c. 77) (declaration) shall apply to a constable of the Police Force appointed in Scotland (with the substitution of the words “faithfully to execute” for “in such terms as may be prescribed concerning the proper discharge of”).

## **25 Special constables**

- (1) The Chief Constable may appoint special constables of the Police Force.
- (2) A special constable of the Police Force—
- (a) shall be under the direction and control of the Chief Constable, and
  - (b) may be dismissed by the Chief Constable.
- (3) Section 29 of the Police Act 1996 (c. 16) (attestation) shall apply to a special constable of the Police Force appointed in England or Wales (with the omission of the words in paragraph (b) “having jurisdiction within the police area”).
- (4) Section 16 of the Police (Scotland) Act 1967 (c. 77) (declaration) shall apply to a special constable of the Police Force appointed in Scotland (with the substitution of the words “faithfully to execute” for “in such terms as may be prescribed concerning the proper discharge of”).
- (5) Section 88(1) to (5) of the Police Act 1996 (liability for wrongful act of constable) shall have effect in relation to special constables of the Police Force as if—
- (a) a reference to the chief officer of police for a police area were a reference to the Chief Constable,
  - (b) a reference to a constable were a reference to a special constable,
  - (c) a reference to the police fund were a reference to the British Transport Police Fund,
  - (d) a reference to a police authority were a reference to the Authority, and
  - (e) subsection (5) included a reference to a special constable of the Police Force.
- (6) A reference in this Part to a constable of the Police Force includes a reference to a special constable of the Police Force.

## **26 Cadets**

- (1) The Chief Constable may appoint cadets to undergo training with a view to becoming constables of the Police Force.
- (2) A cadet of the Police Force—
- (a) shall be under the direction and control of the Chief Constable,
  - (b) may be dismissed by the Chief Constable, and
  - (c) shall be an employee of the Authority (subject to regulations under section 38).

## **27 Civilian employees**

- (1) The Authority may employ persons to assist the Police Force.
- (2) A person appointed under this section shall be under the direction and control of either the Chief Constable or the Authority, in accordance with his terms of employment.

## **28 Exercise of powers by civilians**

- (1) The following provisions of the Police Reform Act 2002 (c. 30) shall apply in relation to the Police Force as they apply in relation to other police forces—
  - (a) section 38 (police powers for police authority employees),
  - (b) section 39 (police powers for contracted-out staff),
  - (c) section 42 (supplementary),
  - (d) section 45 (code of practice),
  - (e) section 46 (offences),
  - (f) section 47 (interpretation), and
  - (g) Schedule 4 (powers exercisable by civilians).
- (2) For the purpose of subsection (1) the provisions specified in that subsection shall have effect with any necessary modifications and, in particular—
  - (a) the provisions shall have effect as if a reference to a police force were a reference to the Police Force,
  - (b) the provisions shall have effect as if a reference to the chief officer of police of a police force were a reference to the Chief Constable,
  - (c) the provisions shall have effect as if a reference to a police authority were a reference to the Authority,
  - (d) the provisions shall have effect as if a reference to a constable were a reference to a constable of the Police Force,
  - (e) section 45 shall have effect, except in relation to a code which is expressed to apply for the purposes of that section in its application both by virtue of this section and otherwise, as if for subsection (3) there were substituted a requirement to consult the Authority and the Chief Constable, and
  - (f) Schedule 4 shall have effect as if a reference to the relevant police area or a police area were a reference to—
    - (i) any place in England or Wales where a constable of the Police Force has powers by virtue of section 31(1)(a) to (f) of this Act, and
    - (ii) for a purpose connected to a railway or to anything occurring on or in relation to a railway, any place in England and Wales.

## **29 Terms of employment**

- (1) In relation to the terms and conditions of employment of constables and other persons employed in the service of the Police Force, the Authority shall comply with rules or principles contained in any document issued to them for the purpose by the Secretary of State.
- (2) Rules or principles under subsection (1) may, in particular—
  - (a) require the adoption of specified scales or ranges of pay or allowances;
  - (b) require a specified class of employee to be treated for specified purposes in the same way as another specified class of employee (whether of the Authority or not) or office-holder;
  - (c) require the approval of the Secretary of State for changes in the policy or practice of the Authority;
  - (d) require compliance with rules or principles specified or to be specified in another document.

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### **30 Trade union membership**

- (1) A constable or cadet of the Police Force may not be a member of a trade union (within the meaning given by section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)).
- (2) Subsection (1) shall not prevent—
  - (a) membership of the British Transport Police Federation, or
  - (b) retention, with the consent of the Chief Constable, of a membership status acquired by a person before he joined the Police Force.