



# Railways and Transport Safety Act 2003

## 2003 CHAPTER 20

### PART 3

#### BRITISH TRANSPORT POLICE

##### *Police Authority*

#### **18 The British Transport Police Authority**

- (1) There shall be a body corporate to be known as the British Transport Police Authority.
- (2) Schedule 4 (which makes provision about the Authority) shall have effect.
- (3) In this Part “the Authority” means the British Transport Police Authority.

#### **19 Exercise of functions**

In performing its functions the Authority shall aim to ensure the efficient and effective policing of the railways and shall, in particular, have regard—

- (a) to any objective set by the Authority under section 50,
- (b) to any objective set by the Secretary of State under section 51,
- (c) to any railways policing plan issued by the Authority under section 52,
- (d) to any performance target set by the Authority under section 53,
- (e) to any code of practice issued by the Secretary of State, or having effect in relation to the Authority, under section 47, and
- (f) in relation to a particular year, to the National Policing Plan for that year.

##### *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)—
- (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,

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*Status: This is the original version (as it was originally enacted).*

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- (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.

## **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.

### *Jurisdiction*

## **31 Jurisdiction**

- (1) A constable of the Police Force shall have all the powers and privileges of a constable —
  - (a) on track,
  - (b) on network,
  - (c) in a station,
  - (d) in a light maintenance depot,
  - (e) on other land used for purposes of or in relation to a railway,
  - (f) on other land in which a person who provides railway services has a freehold or leasehold interest, and
  - (g) throughout Great Britain for a purpose connected to a railway or to anything occurring on or in relation to a railway.

- (2) A constable of the Police Force may enter property which is or forms part of anything specified in subsection (3)—
  - (a) without a warrant,
  - (b) using reasonable force if necessary, and
  - (c) whether or not an offence has been committed.
- (3) Those things are—
  - (a) track,
  - (b) a network,
  - (c) a station,
  - (d) a light maintenance depot, and
  - (e) a railway vehicle.
- (4) In this section “powers” includes powers under an enactment whenever passed or made.

## **32 Prosecution**

Where the Police Force investigates an offence in the course of the exercise of its functions, the Chief Constable may institute criminal proceedings in England and Wales in respect of the offence.

### *Police Services Agreements*

## **33 Police services agreement**

- (1) The Authority may enter into an agreement under this section (to be known as a police services agreement) with any person (“the customer”) which provides—
  - (a) for the Police Force to police a railway or railway property in connection with which the customer provides railways services, in accordance with the objectives, plans, targets and directions set under sections 50 to 55,
  - (b) for the Police Force to provide such additional policing services as may be specified in the agreement, and
  - (c) for such incidental or ancillary matters as the parties think appropriate.
- (2) The Authority may not enter into a police services agreement unless a draft is approved in writing by the Secretary of State.
- (3) A police services agreement shall include provision requiring the customer to make payments to the Authority, which may be payments of—
  - (a) specified sums, or
  - (b) sums assessed in a specified manner (which may include reference to amounts paid, or expected to be paid, by the Authority).
- (4) In determining the terms in a police services agreement of provision about payment the Authority shall aim to ensure that—
  - (a) in each financial year the expenses of the Authority, including those incurred in defraying the expenses of the Police Force, are as nearly as possible equivalent to the income of the Authority, and

- (b) the amount of the contribution to the expenses of the Authority made by each customer in a financial year approximately reflects the nature and extent of the functions likely to be undertaken in that year in accordance with the customer's police service agreement.
- (5) But subsection (4) does not prevent the Authority from setting a customer's contribution at a level which—
- (a) reflects a surplus of income over expenses in a previous financial year (whether or not relating wholly or partly to functions carried out in respect of the customer);
  - (b) reflects a deficit in a previous financial year (whether or not relating wholly or partly to functions carried out in respect of the customer);
  - (c) reflects the need to reserve funds for contingencies.

### **34 Compulsory police services agreement**

- (1) The Secretary of State may by order—
- (a) require a person who provides railway services to enter into a police services agreement;
  - (b) require each member of a class of persons providing railway services to enter into a police services agreement.
- (2) A person commits an offence if—
- (a) he is subject to a requirement under subsection (1), and
  - (b) he provides railway services without having entered into a police services agreement in respect of the railway or railway property in connection with which he provides the services.
- (3) A person who is guilty of an offence under subsection (2) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine.
- (4) The Authority shall take reasonable steps to facilitate compliance by a person with a requirement imposed under subsection (1).
- (5) Before imposing a requirement on a person or class under subsection (1) the Secretary of State shall consult the person or each member of the class.

### **35 Arbitration by Secretary of State**

- (1) This section applies to a dispute between the Authority and a person who has entered into a police services agreement, where the dispute is about the terms, construction or operation of the agreement.
- (2) Either party to the dispute may refer it to the Secretary of State.
- (3) The Secretary of State may—
- (a) determine the dispute, or
  - (b) nominate a person to determine the dispute.
- (4) The Secretary of State shall determine the procedure to be followed in determining a dispute under this section.

- (5) In particular, the Secretary of State or nominated person shall give each party to the dispute an opportunity to make representations.
- (6) In determining a dispute the Secretary of State or a nominated person may—
  - (a) give a declaration about how a provision of a police services agreement is to be construed or operated;
  - (b) vary the terms of a police services agreement;
  - (c) determine that one party is obliged in accordance with a police services agreement to pay a specified sum, or a sum to be assessed in a specified manner, to the other party;
  - (d) make an order about costs.
- (7) Where a dispute is determined under this section—
  - (a) a party may appeal to the High Court on a point of law;
  - (b) the determination may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).
- (8) Where it is agreed by the parties that Scots law applies to the police services agreement, a reference in subsection (7) to the High Court shall be treated as a reference to the Court of Session.

### *Regulation of Police Force*

## **36 Police regulations: general**

- (1) The Authority may make regulations about the government, administration and conditions of constables or other persons employed in the service of the Police Force which—
  - (a) apply with or without modification regulations under section 50 of the Police Act 1996 (c. 16) (police force regulations);
  - (b) deal with matters that could be dealt with by those regulations.
- (2) The Authority shall also make regulations similar to the provision made by and under sections 84 and 85 of that Act (representation at disciplinary proceedings, and appeal).
- (3) Regulations under this section which deal with a matter addressed by regulations under section 50 of that Act may differ from the regulations under that section only so far as necessary to reflect the structure and circumstances of the Police Force.
- (4) The Authority may make provision about the terms and conditions of employment of constables or other persons employed in the service of the Police Force otherwise than by regulations under this section—
  - (a) whether or not equivalent provision is made by regulations under section 50 of the Police Act 1996 (c. 16), but
  - (b) subject to any regulations made under this section.
- (5) This section does not apply in relation to special constables or cadets.

### **37 Police regulations: special constables**

- (1) The Authority may make regulations about the government, administration and conditions of service of special constables of the Police Force which—
  - (a) apply with or without modification regulations under section 51 of the Police Act 1996 (police force regulations);
  - (b) deal with matters that could be dealt with by those regulations.
- (2) Regulations under this section which deal with a matter addressed by regulations under section 51 of that Act may differ from the regulations under that section only so far as necessary to reflect the structure and circumstances of the Police Force.

### **38 Police regulations: cadets**

- (1) The Authority may make regulations about the government, administration and conditions of service of cadets of the Police Force which—
  - (a) apply with or without modification regulations under section 52 of the Police Act 1996 (police force regulations);
  - (b) deal with matters that could be dealt with by those regulations.
- (2) Regulations under this section which deal with a matter addressed by regulations under section 52 of that Act may differ from the regulations under that section only so far as necessary to reflect the structure and circumstances of the Police Force.

### **39 British Transport Police Federation**

- (1) The Authority may make regulations about a body to be known as the British Transport Police Federation and having the function of representing persons employed in the service of the Police Force in matters affecting their welfare and efficiency except for questions about—
  - (a) the promotion of specified persons, or
  - (b) the discipline of specified persons (but this paragraph is subject to subsection (3)).
- (2) Regulations under this section must make provision similar to that made by regulations under section 60 of the Police Act 1996 (police federations) subject to such modifications as may be necessary to reflect the structure and circumstances of the Police Force.
- (3) Regulations under this Part may permit an official of the British Transport Police Federation to act for a person employed in the service of the Police Force in proceedings arising under the regulations.
- (4) The British Transport Police Federation—
  - (a) may not become or remain connected with any other body without the approval of the Secretary of State (which may be given conditionally or unconditionally, and may be varied or withdrawn), but
  - (b) may employ in an administrative or advisory capacity a person who is not employed in the service of the Police Force.

### **40 Regulations: approval in draft**

- (1) This section applies to regulations under section 36, 37, 38 or 39.

- (2) The Authority may not make regulations unless a draft has been approved by—
  - (a) the Chief Constable,
  - (b) the staff associations, and
  - (c) the Secretary of State.
- (3) The Secretary of State may on the application of the Authority dispense with a requirement for approval under subsection (2)(a) or (b) in respect of specified draft regulations.
- (4) Before dispensing under subsection (3) with a requirement for a person’s approval the Secretary of State shall consult the person.
- (5) In subsection (2)(b) “the staff associations” means such associations representing persons employed in the service of the Police Force as may be prescribed by order of the Secretary of State.

#### **41 Police regulations: direction to Authority**

The Secretary of State may direct the Authority to—

- (a) prepare draft regulations under section 36, 37, 38 or 39 for a specified purpose,
- (b) submit them for approval under section 40(2) (whether or not as modified in accordance with section 40(3)), and
- (c) make them if approved.

#### **42 Police regulations by Secretary of State**

- (1) The Secretary of State may by regulations make provision in relation to the Police Force in respect of any matter about which he could make regulations under section 50, 51, 52 or 60 of the Police Act 1996 (c. 16) (general regulations, special constables, cadets and police federations).
- (2) Regulations under section 36, 37, 38 or 39 above shall have no effect in so far as they are inconsistent with regulations under this section.
- (3) If regulations under this section make provision for a matter specified in section 50(3) of the Police Act 1996 (disciplinary proceedings) they must also make provision similar to that made by and under sections 84 and 85 of that Act (representation at disciplinary proceedings, and appeal).
- (4) Before making regulations under this section the Secretary of State shall consult—
  - (a) the Authority,
  - (b) the Chief Constable, and
  - (c) the staff associations (within the meaning of section 40).

#### **43 Regulations: further appeal**

- (1) The Secretary of State may make regulations providing for a further appeal in connection with proceedings under regulations under section 36 or 37.
- (2) Regulations under this section may, in particular, confer jurisdiction on a court or tribunal.

#### **44 Equipment regulations**

- (1) The Secretary of State may make regulations under section 53 of the Police Act 1996 (c. 16) (standard of equipment) which have effect (whether wholly or partly and whether with modifications or not) in relation to the Police Force (including in relation to Scotland).
- (2) Before making regulations by virtue of this section the Secretary of State shall consult (in addition to any consultation required by section 53)—
  - (a) the Authority, and
  - (b) the Chief Constable.

#### **45 Regulation of procedure and practice**

- (1) The Secretary of State may make regulations under section 53A of the Police Act 1996 (regulation of procedure and practice for purpose of facilitating inter-force co-operation) which have effect (whether wholly or partly and whether with modifications or not) in relation to the Police Force (including in relation to Scotland).
- (2) For the purpose of regulations made by virtue of this section, section 53A shall have effect as if—
  - (a) a reference to a police authority included a reference to the Authority,
  - (b) a reference to chief officers of police included a reference to the Chief Constable, and
  - (c) a reference to a police force included a reference to the Police Force.

#### **46 Conditions of service: Transport Police Conference**

- (1) This section applies to action of any of the following kinds—
  - (a) the making by the Authority of regulations under section 36, 37 or 38 about the conditions of service of constables, special constables or cadets,
  - (b) the making by the Secretary of State of regulations under section 42 about the conditions of service of constables, special constables or cadets,
  - (c) the issuing by the Secretary of State of a document under section 29,
  - (d) the taking by the Authority of a decision about the conditions of service of constables, special constables or cadets, and
  - (e) the taking by the Secretary of State of a decision about the conditions of service of constables, special constables or cadets.
- (2) Before taking action to which this section applies the Authority or the Secretary of State shall invite the British Transport Police Federation to nominate a number of individuals, not fewer than two nor more than five, to meet with an equal number of individuals nominated by the Authority to discuss the action proposed.
- (3) Where a group is nominated under subsection (2) the person proposing to act shall, before acting—
  - (a) give the group an opportunity to make recommendations about the proposed action, and
  - (b) have regard to any recommendation made.

- (4) Where the person proposing to act thinks that a group nominated under subsection (2) is unable to agree recommendations about the proposed action he shall, before acting—
- (a) give the group an opportunity to nominate an individual who is not part of the group to make recommendations about the proposed action,
  - (b) give any person nominated by the group an opportunity to make recommendations about the proposed action, and
  - (c) have regard to any recommendation made.
- (5) Where the person proposing to act thinks that a group nominated under subsection (2) is unable to agree a nomination under subsection (4)(a)—
- (a) the Secretary of State may nominate a person to make recommendations about the proposed action, and
  - (b) the person proposing to act shall, before acting—
    - (i) give any person nominated under paragraph (a) an opportunity to make recommendations about the proposed action, and
    - (ii) have regard to any recommendation made.
- (6) In subsections (4) and (5) a reference to agreement of a group nominated under subsection (2) is a reference to the agreement of—
- (a) a majority of the individuals nominated by the British Transport Police Federation, and
  - (b) a majority of the individuals nominated by the Authority.
- (7) In this section a reference to conditions of service includes a reference to any terms and conditions of employment (including pay and hours of duty).

#### **47 Code of practice: Authority**

- (1) The Secretary of State may issue a code of practice relating to the performance by the Authority of any of its functions.
- (2) The Secretary of State may revise a code issued under subsection (1).
- (3) A code of practice issued under section 39 of the Police Act 1996 (c. 16) shall have effect in relation to the Authority—
- (a) with any necessary modifications, and
  - (b) subject to the provisions of a code issued under this section.
- (4) Where the Secretary of State issues or revises a code under this section he shall lay before Parliament the code or revision.

#### **48 Code of practice: Chief Constable**

- (1) The Secretary of State may issue a code of practice relating to the performance by the Chief Constable of any of his functions.
- (2) The Secretary of State may revise a code issued under subsection (1).
- (3) A code of practice issued under section 39A of the Police Act 1996 (c. 16) shall have effect in relation to the Chief Constable—
- (a) with any necessary modifications, and

- (b) subject to the provisions of a code issued under this section.
- (4) Where the Secretary of State issues or revises a code under this section he shall lay before Parliament the code or revision.
- (5) But subsection (4) shall not oblige the Secretary of State to lay before Parliament anything if he thinks that its publication—
  - (a) would be against the interests of national security,
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
  - (c) could jeopardise a person's safety.

#### **49 Service outside Police Force**

- (1) The Secretary of State may make regulations about the treatment by the Authority of a person who—
  - (a) is or was a constable of the Police Force, and
  - (b) is or was engaged in service outside the Police Force of a specified kind.
- (2) The regulations shall, in particular, make provision similar to that of section 97 of the Police Act 1996 (service by police officer outside his force) subject to any modification necessary to reflect the structure and circumstances of the Police Force.

### *Planning*

#### **50 Policing objectives: Authority**

- (1) Before the beginning of each financial year the Authority shall set objectives for policing the railways during that year.
- (2) The objectives—
  - (a) may relate to a matter addressed by objectives set by the Secretary of State under section 51, and
  - (b) must be consistent with those objectives.
- (3) In setting the objectives for a year the Authority shall—
  - (a) consult the Chief Constable,
  - (b) have regard to opinions expressed in accordance with section 62,
  - (c) have regard to objectives set for that year by the Secretary of State under section 37 of the Police Act 1996, and
  - (d) have regard to the National Policing Plan for that year.

#### **51 Policing objectives: Secretary of State**

- (1) The Secretary of State may by direction to the Authority set objectives for policing the railways during a financial year.
- (2) The Secretary of State shall publish a direction under this section.
- (3) Before giving a direction under this section the Secretary of State shall consult—
  - (a) the Authority, and
  - (b) the Chief Constable.

- (4) Before giving a direction under this section the Secretary of State shall consider any representations made to him by the Scottish Ministers on the matter of objectives for policing the railways in Scotland.

## **52 Railways policing plan**

- (1) Before the beginning of each financial year the Authority shall issue a plan setting out the proposed arrangements for policing the railways during that year.
- (2) The plan for a year must include a statement of—
- (a) the Authority's priorities for the year,
  - (b) the financial resources which the Authority expects to be available, and
  - (c) the proposed allocation of resources.
- (3) The plan for a year must specify—
- (a) any objective set by the Authority for that year under section 50,
  - (b) any objective by the Secretary of State for the year under section 51, and
  - (c) any performance target set by the Authority in relation to the achievement of an objective for that year (whether set under section 53 or otherwise).
- (4) A plan for a year must be consistent with the relevant three-year strategy plan issued by the Authority under section 55.
- (5) The Chief Constable shall submit to the Authority a draft plan for each financial year.
- (6) Before issuing a plan which differs from the Chief Constable's draft the Authority shall consult him.
- (7) In preparing a plan the Chief Constable and the Authority shall have regard to any guidance given by the Secretary of State about local policing plans under section 8(4A) of the Police Act 1996 (c. 16).
- (8) The Authority shall—
- (a) publish each plan under this section, and
  - (b) send a copy of each plan under this section to the Secretary of State.

## **53 Performance targets**

- (1) The Secretary of State may by direction to the Authority require it to set a target in relation to the achievement of an objective set under section 51.
- (2) A direction may specify a condition which a target must satisfy.
- (3) The Secretary of State shall publish a direction under this section.
- (4) Before giving a direction under this section the Secretary of State shall consider any representations made to him by the Scottish Ministers on the matter of targets for policing the railways in Scotland.

## **54 Performance directions**

- (1) The Secretary of State may give a direction to the Authority containing provision of a kind which he could make in respect of a best value authority—

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- (a) by order under section 4 of the Local Government Act 1999 (c. 27) (performance indicators and standards), or
  - (b) in guidance under section 5(6) of that Act (performance targets and plans of action).
- (2) The Secretary of State shall publish a direction under this section.
- (3) Before giving a direction the Secretary of State shall consult—
- (a) the Authority, and
  - (b) any other person that he thinks appropriate.

## **55 Three-year strategy plan**

- (1) The Authority shall before the beginning of each consecutive period of three financial years issue a plan which sets out the authority's medium-term and long-term strategies for policing the railways during that period.
- (2) For the purposes of this section—
- (a) subsections (2) to (12), (14) and (15) of section 6A of the Police Act 1996 (c. 16) (three-year strategy plans) shall have effect (with any necessary modification), and
  - (b) guidance and regulations made under that section shall, in the absence of special provision, be taken to apply (with any necessary modification).
- (3) In the application of section 6A(5) and (10) of that Act to this section the reference to the National Policing Plan shall be taken to include a reference to any objective or performance target set under section 51 or 53 of this Act.

*Information, &c.*

## **56 Reports by Chief Constable**

- (1) As soon as is reasonably practicable after the end of each financial year the Chief Constable shall submit to the Authority a report about the policing of the railways in that year.
- (2) The Chief Constable shall publish a report submitted by him under subsection (1).
- (3) The Authority may require the Chief Constable to submit a report on specified matters connected with the performance of his functions.
- (4) The Authority may publish, or require the Chief Constable to publish, a report submitted under subsection (3).
- (5) But if the Chief Constable thinks that publication of all or part of a report under subsection (3) would be unnecessary, or undesirable for reasons of public interest—
- (a) he may require the Authority to refer to the Secretary of State the question whether that report or part should be published, and
  - (b) the report or part shall be published only if the Secretary of State directs that it should be published.

## **57 Annual report by Authority**

- (1) As soon as is reasonably practicable after the end of each financial year the Authority shall issue a report about the policing of the railways in that year.
- (2) The Authority's report for a year must include an assessment of the extent to which—
  - (a) the objectives set for the year under section 50 have been achieved,
  - (b) the arrangements set out in the railways policing plan for the year under section 52 have been implemented, and
  - (c) the strategies set out in the relevant three-year strategy plan under section 55 have been implemented.
- (3) The Authority shall—
  - (a) publish each report under this section, and
  - (b) send a copy of each report under this section to the Secretary of State.

## **58 Other reports to Secretary of State**

- (1) The Secretary of State may by direction require the Authority to submit a report on specified matters connected with the performance of its functions.
- (2) The Secretary of State may by direction require the Chief Constable to submit a report on specified matters connected with the performance of his functions.
- (3) The Authority or Chief Constable shall submit a report required by direction under this section—
  - (a) in such form as may be specified in the direction, and
  - (b) within such period as may be specified in the direction.
- (4) The Secretary of State may—
  - (a) publish a report received under this section;
  - (b) require the author of the report to arrange for its publication.

## **59 Statistics**

- (1) The Secretary of State may require the Chief Constable to supply information about matters relating to crime committed on or in connection with the railways.
- (2) In particular, the Secretary of State may require information about—
  - (a) offences committed;
  - (b) offenders;
  - (c) criminal proceedings.
- (3) The Chief Constable shall supply information required under this section at such times and in such form as the Secretary of State requires.
- (4) Where the Secretary of State receives information under this section he shall lay it or a summary of it before Parliament.

## **60 Inquiry**

- (1) The Secretary of State may appoint a person to inquire into a matter connected with the Police Force.

- (2) The Secretary of State may require a person appointed under this section to conduct the inquiry in public or in private.
- (3) A person appointed under this section may summon a person to attend at a specified time and place—
  - (a) to give evidence;
  - (b) to produce a document.
- (4) Where the Secretary of State receives a report of an inquiry under this section he shall, in so far as he thinks it in the public interest, publish a summary of the report.
- (5) In the application of this section to an inquiry held in Scotland subsection (3) shall have effect as if for “summon” there were substituted “cite”.

## **61 Inquiry: supplemental**

- (1) A person appointed under section 60 may—
  - (a) require evidence to be given on oath, and
  - (b) for that purpose, administer an oath.
- (2) A person appointed under section 60 may not require the production of a document relating to the title of land which is not the property of the Authority.
- (3) A person commits an offence if without reasonable excuse he—
  - (a) fails to comply with a summons under section 60, or
  - (b) obstructs or fails to co-operate with an inquiry under that section.
- (4) A person has a reasonable excuse for failure to comply with a summons if he is not offered payment of the reasonable costs of compliance.
- (5) A person who is guilty of an offence under subsection (3) shall be liable on summary conviction to—
  - (a) a fine not exceeding level 3 on the standard scale,
  - (b) imprisonment for a term not exceeding 51 weeks, or
  - (c) both.
- (6) The Secretary of State may direct the Authority to pay all or part of the costs incurred by a person in connection with an inquiry under section 60.
- (7) A direction under subsection (6) may include provision for taxation of costs.
- (8) In the application of this section in relation to an inquiry held in Scotland subsections (3) and (4) shall have effect as if for “summons” there were substituted “citation”.

## **62 Public consultation**

- (1) The Authority shall make, and review from time to time, arrangements to obtain the opinions about the policing of the railways of—
  - (a) passengers on the railways,
  - (b) groups of persons representing passengers on the railways,
  - (c) persons providing railway services,
  - (d) organisations representing persons providing railway services,
  - (e) employees of persons providing railway services,

- (f) organisations representing employees of persons providing railway services,
  - (g) the Scottish Ministers,
  - (h) the National Assembly for Wales,
  - (i) organisations representing local authorities in England,
  - (j) the Strategic Rail Authority,
  - (k) the Office of Rail Regulation,
  - (l) the Rail Accident Investigation Branch,
  - (m) the Health and Safety Commission,
  - (n) the Health and Safety Executive, and
  - (o) other persons with an interest in the railways whom the Authority thinks it appropriate to consult.
- (2) The Authority shall make, and review from time to time, arrangements to invite the co-operation of the persons listed in subsection (1) in preventing crime on the railways.
- (3) Before making or reviewing arrangements under this section the Authority shall—
- (a) consult the Chief Constable, and
  - (b) have regard to any guidance issued by the Secretary of State.
- (4) The Secretary of State may—
- (a) issue guidance about arrangements under this section;
  - (b) require the Authority to report to him on arrangements under this section;
  - (c) require the Authority to review arrangements under this section.

### *Inspection*

## **63 Inspection**

- (1) Her Majesty's Inspectors of Constabulary shall inspect the Police Force from time to time.
- (2) Her Majesty's Inspectors of Constabulary shall also inspect the Police Force if requested by the Secretary of State to inspect the force—
- (a) generally, or
  - (b) in respect of a particular matter.
- (3) Following an inspection the inspectors shall report to the Secretary of State on the efficiency and effectiveness of the force—
- (a) generally, or
  - (b) in the case of an inspection under subsection (2)(b), in respect of the matters to which the inspection related.
- (4) A report under subsection (3) must be in such form as the Secretary of State may direct.
- (5) Where the Secretary of State receives a report under subsection (3) he shall publish it.
- (6) Section 55 of the Police Act 1996 (c. 16) (inspection reports: publication and comment) shall have effect, with any necessary modifications, in relation to a report of an inspection under this section.
- (7) The Authority shall pay to the Secretary of State such amounts as the Secretary of State may specify in respect of an inspection carried out under this section.

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- (8) In the application of this section in relation to Scotland—
- (a) a reference to Her Majesty’s Inspectors of Constabulary shall be treated as a reference to inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967 (c. 77), and
  - (b) where an inspection under this section is carried out by inspectors so appointed the references to the Secretary of State in subsection (7) shall be treated as references to the Scottish Ministers.

#### **64 Action after adverse inspection report**

- (1) Sections 65 and 66 apply where a report of Her Majesty’s Inspectors of Constabulary states that the Police Force is inefficient or ineffective—
- (a) generally, or
  - (b) in a specified respect.
- (2) Sections 65 and 66 also apply where a report of Her Majesty’s Inspectors of Constabulary states that the Police Force is likely, unless remedial measures are taken, to become inefficient or ineffective—
- (a) generally, or
  - (b) in a specified respect.
- (3) In the application of this section in relation to Scotland a reference to Her Majesty’s Inspectors of Constabulary shall be treated as a reference to inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967.

#### **65 Remedial direction**

- (1) Where this section applies as a result of a report the Secretary of State may by direction require the Authority to take specified measures for the purpose of remedying a deficiency identified in the report.
- (2) Before giving a direction under this section the Secretary of State shall—
- (a) notify the Authority and the Chief Constable of his intention to give a direction and the reasons for it,
  - (b) give the Chief Constable an opportunity to make representations,
  - (c) give the Authority an opportunity to make representations, and
  - (d) give the Authority an opportunity to propose action that would make it unnecessary for the Secretary of State to give a direction.
- (3) Where the Secretary of State gives a direction under this section he shall lay before Parliament—
- (a) a copy of the direction, and
  - (b) a report about it.

#### **66 Action plan**

- (1) Where this section applies as a result of a report, the Secretary of State may by direction require the Authority to submit to him a plan of action to be taken to remedy a deficiency identified in the report.
- (2) A direction under this section may require a plan to include, in particular—

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- (a) performance targets;
  - (b) a timetable;
  - (c) proposals for assessment of achievement;
  - (d) proposals for reporting to the Secretary of State about progress.
- (3) A direction under this section must specify a period of between four and twelve weeks within which the plan must be submitted.
- (4) Before giving a direction under this section the Secretary of State shall—
- (a) notify the Authority and the Chief Constable of his intention to give a direction and the reasons for it,
  - (b) give the Chief Constable an opportunity to make representations,
  - (c) give the Authority an opportunity to make representations, and
  - (d) give the Authority an opportunity to propose action that would make it unnecessary for the Secretary of State to give a direction.
- (5) Where the Secretary of State gives a direction under this section he shall notify the Chief Constable.
- (6) As soon as is reasonably practicable after receiving a direction under this section the Authority shall require the Chief Constable to submit a draft plan of action.
- (7) Before submitting to the Secretary of State a plan which differs from the Chief Constable's draft the Authority shall consult him.
- (8) Where the Secretary of State gives a direction under this section he shall lay before Parliament—
- (a) a copy of the direction, and
  - (b) a report about it.
- (9) If the Secretary of State thinks that a plan of action submitted by the Authority under this section is inadequate, he may—
- (a) inform the Authority of his opinion and the reasons for it, and
  - (b) give a new direction under this section.

## **67 Senior appointment: delegation of function**

The Secretary of State may delegate to the chief inspector of constabulary appointed under section 54 of the Police Act 1996 (c. 16) or section 33 of the Police (Scotland) Act 1967 (c. 77) the function of—

- (a) approving an appointment under or by virtue of a provision of this Part, or
- (b) giving consent under section 22(4) or 23(4).

### *Miscellaneous*

## **68 Offences**

- (1) Subsections (1) and (2) of section 89 of the Police Act 1996 (c. 16) (assault on constable, &c.) shall apply in relation to a constable of the Police Force as they apply in relation to other constables in England and Wales.
- (2) Section 90 of that Act (impersonation of constable) shall apply as if—

- (a) a reference to a member of a police force included a reference to a constable of the Police Force, and
  - (b) a reference to a special constable appointed for a police area included a reference to a special constable of the Police Force.
- (3) In their application in relation to the Police Force by virtue of this section, sections 89 and 90 of that Act shall have effect throughout England and Wales and Scotland.

**69 Part III of the Road Traffic Offenders Act 1988 (c. 53)**

- (1) Part III of Road Traffic Offenders Act 1988 (fixed penalties) shall be amended as follows.
- (2) In section 75 (conditional offers in Scotland) after subsection (3) insert—
- “(3A) Where a constable is a constable of the British Transport Police Force subsection (3) shall have effect as if the reference to the chief constable were a reference to the chief constable of that force.”
- (3) In section 76(2)(b) (limitation on proceedings) after “constable” insert “or, as the case may be, the chief constable of the British Transport Police Force”.

**70 International assistance**

- (1) The Authority may provide advice or assistance, or arrange for the Police Force to provide advice or assistance, to a body which has responsibilities in relation to the policing of a railway outside Great Britain.
- (2) Advice or assistance under subsection (1)—
- (a) may, in particular, involve the secondment of an employee,
  - (b) may be provided on terms or conditions (whether as to payment or otherwise), and
  - (c) may not involve the provision of financial assistance (whether or not by way of investment).
- (3) The power under subsection (1) may be exercised only with the consent of the Secretary of State (which may be general or specific and conditional or unconditional).

**71 Exercise of functions by Secretary of State**

The Secretary of State shall exercise his functions in relation to the Authority under this Part for the purpose of promoting the efficiency and effectiveness of the Police Force.

*General*

**72 Crown application**

This Part applies in relation to property irrespective of whether it belongs to or is used for the purposes of the Crown or a Duchy.

### **73 Consequential, transitional and incidental provision**

- (1) Schedule 5 (amendments consequential on this Part) shall have effect.
- (2) The Secretary of State may by order make consequential, transitional or incidental provision, or savings, for the purpose of or in connection with a provision of this Part.
- (3) Transitional provision under subsection (2) may, in particular, make provision in connection with the abolition of the police force comprising constables appointed under section 53 of the [British Transport Commission Act 1949 \(c. xxix\)](#) (“the old transport police”); and that provision may include, in particular, provision—
  - (a) for the transfer to the Authority of staff (including, but not limited to, constables) presently employed by the Strategic Rail Authority or by another person in connection with the old transport police;
  - (b) for the transfer to the Authority of property held (whether by the Strategic Rail Authority or by another person) for the purpose of or in connection with the old transport police;
  - (c) for the transfer to the Authority of rights and liabilities arising in connection with the old transport police;
  - (d) for employment to be treated as continuous in the case of staff transferred;
  - (e) for or in relation to the continuity (with or without modifications) of a scheme in respect of pensions, which may include a scheme having effect under an instrument;
  - (f) for provision under paragraph (c) or (e) to be treated as having a specified effect for the purposes of an enactment about pension schemes;
  - (g) for a pension scheme to have effect with specified modifications (which may include the conferring of a discretionary function on the Secretary of State) for the purpose of ensuring or enhancing consistency of treatment in relation to—
    - (i) different classes of employee of the Authority, or
    - (ii) schemes appertaining to different classes of employee of the Authority;
  - (h) treating persons appointed to the old transport police as having been appointed under this Part;
  - (i) for dealing with—
    - (i) the termination of agreements made in respect of the old transport police;
    - (ii) the treatment of rights and liabilities under agreements made in respect of the old transport police by persons who enter into police services agreements with the Authority (whether or not they are required to do so);
  - (j) for the assignment or transfer (under paragraphs (a) to (c)) of property, rights or liabilities that would not otherwise be capable of being assigned or transferred;
  - (k) about the continuity of legal proceedings;
  - (l) to have effect in place of the provision relating to bankruptcy restrictions orders while the enactment conferring power to make those orders has not come into force;
  - (m) in respect of the period (if any) between the coming into force of section 18 and the beginning of the first financial year of the Authority.
- (4) An order under subsection (2) may amend an enactment or instrument.

## 74 Regulations and orders

- (1) An order or regulations under this Part—
  - (a) may make provision which applies generally or only in specified cases or circumstances,
  - (b) may make different provision for different cases or circumstances, and
  - (c) may make transitional, consequential or incidental provision.
- (2) An order or regulations made by the Secretary of State under this Part shall be made by statutory instrument.
- (3) The following shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament—
  - (a) an order under section 73(2) which amends an enactment or instrument,
  - (b) an order under section 73(2) which is made by virtue of section 73(3), and
  - (c) an order under paragraph 24(2) of Schedule 4.
- (4) Any other order or regulations made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## 75 Interpretation

- (1) For the purposes of this Part (including, except where the context requires otherwise, subsections (2) to (5) below) “railway” means—
  - (a) a railway within the meaning given by section 67(1) of the Transport and Works Act 1992 (c. 42) (interpretation), and
  - (b) a tramway within the meaning given by that section.
- (2) For the purposes of this Part “railway services” means the management or control, or participation in the management or control, of all or any part or aspect of a railway or railway property.
- (3) For the purposes of this Part “railway property” means—
  - (a) a track,
  - (b) a network,
  - (c) a station,
  - (d) a light maintenance depot,
  - (e) a railway vehicle on a network or tramway,
  - (f) rolling stock on a network or tramway,
  - (g) a train used on a network, and
  - (h) a vehicle used on a tramway.
- (4) For the purposes of this Part (including subsections (1)(b) and (3) above) “tramway” has the meaning given by section 67(1) of the Transport and Works Act 1992 (c. 42).
- (5) For the purposes of this Part the following expressions have the meaning given by section 82 or 83 of the Railways Act 1993 (c. 43) (interpretation) (or, where appropriate, an equivalent meaning in relation to a tramway)—
  - (a) light maintenance depot,
  - (b) network,
  - (c) railway vehicle,
  - (d) rolling stock,

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- (e) station,
  - (f) track, and
  - (g) train.
- (6) In this Part unless the context requires otherwise a reference to a constable of the Police Force includes a reference to a constable of any rank.
- (7) In this Part a reference to the National Policing Plan is a reference to the plan provided for in section 36A of the Police Act 1996 (c. 16).
- (8) This section is subject to section 77(2).

## 76 Index of defined expressions

The following expressions are defined for the purposes of this Part by the provisions specified.

<i>Expression</i>	<i>Provision</i>
The Authority	Section 18
British Transport Police Federation	Section 39
The Chief Constable	Section 21
Constable	Sections 25(6) and 75
Light maintenance depot	Section 75
National Policing Plan	Section 75
Network	Section 75
Police services agreement	Section 33
The Police Force	Section 20
Railway	Section 75
Railway property	Section 75
Railway services	Section 75
Railway vehicle	Section 75
Rolling stock	Section 75
Station	Section 75
Track	Section 75
Train	Section 75
Tramway	Section 75

## 77 Extent

- (1) This Part shall extend only to—
- (a) England and Wales, and
  - (b) Scotland.

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- (2) In the application of this Part in relation to Scotland any reference to a tramway shall be disregarded.
- (3) The powers exercisable by virtue of section 28 shall not be exercisable in relation to Scotland.