

SCHEDULES

SCHEDULE 13

Section 161

ABOLITION OF ROYAL PARKS CONSTABULARY: SUPPLEMENTARY

PART 1

TRANSFERS TO METROPOLITAN POLICE AUTHORITY

Interpretation

- 1 In this Part of this Schedule—
“the Authority” means the Metropolitan Police Authority, and
“transfer scheme” means a scheme made by the Secretary of State under this Schedule.

Establishment of eligibility for transfer

- 2 The Secretary of State may by regulations impose requirements in relation to persons serving as park constables with the Royal Parks Constabulary for the purpose of establishing whether they are eligible—
(a) to be employed by the Authority, or
(b) to serve as a members of the police force for the metropolitan police district.
- 3 (1) The Secretary of State may terminate the Crown employment of any person who fails to comply with or satisfy any requirement imposed in relation to him by regulations made under paragraph 2.
(2) A person whose Crown employment is terminated under sub-paragraph (1) is not to be treated (whether for the purposes of any enactment or otherwise) as being dismissed by virtue of that termination.

Relevant persons

- 4 (1) A transfer scheme may provide for any relevant person to become an employee of the Authority on the appointed day.
(2) The scheme may make provision—
(a) for the termination of the relevant person’s Crown employment on the appointed day,
(b) as to the terms and conditions which are to have effect as the terms and conditions of the relevant person’s contract of employment with the Authority,
(c) transferring to the Authority the rights, powers, duties and liabilities of the employer under or in connection with the relevant person’s Crown employment,

Status: This is the original version (as it was originally enacted).

- (d) for things done before the appointed day by or in relation to the employer in respect of the relevant person or his Crown employment to be treated from that day as having been done by or in relation to the Authority,
 - (e) for the period during which the relevant person has been in Crown employment to count as a period of employment with the Authority (and for the operation of the transfer scheme not to be treated as having interrupted the continuity of that employment), and
 - (f) for the termination of the Crown employment of a relevant person who would otherwise be transferred by the scheme but who has informed the Secretary of State that he does not wish to be so transferred.
- (3) The scheme may provide for a person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.
- 5 (1) A transfer scheme may provide for the appointment as a member of the police force for the metropolitan police district of any relevant person who becomes an employee of the Authority by virtue of the scheme.
- (2) The appointment does not take effect until the person has been attested as a constable for the metropolitan police district in accordance with section 29 of the Police Act 1996 (c. 16).
- (3) On being so attested his contract of employment with the Authority is terminated by virtue of this sub-paragraph.
- (4) He is not to be treated (whether for the purposes of any enactment or otherwise) as being dismissed by virtue of the operation of sub-paragraph (3).

Property, rights and liabilities, etc.

- 6 (1) The transfer scheme may provide for the transfer of property, rights and liabilities of the Secretary of State to the Authority on the appointed day.
- (2) The scheme may include provision for anything (including any legal proceedings) which relates to anything transferred by virtue of sub-paragraph (1) to be continued from the appointed day by or in relation to the Authority.

Consultation

- 7 Before making a transfer scheme which contains any provision relating to persons serving as park constables with the Royal Parks Constabulary the Secretary of State must consult such bodies appearing to represent the interests of those persons as he considers appropriate.

Termination of employment

- 8 The Secretary of State may by regulations make provision as to the consequences of the termination of a person's Crown employment under paragraph 3(1) or by a transfer scheme (including provision removing any entitlement to compensation which might otherwise arise in such circumstances).

PART 2

AMENDMENTS

Royal Parks (Trading) Act 2000 (c. 13)

9 In section 4 of the Royal Parks (Trading) Act 2000 (seizure of property) after subsection (3) add—

“(4) In the application of this section to a specified park—

- (a) the reference in subsection (1) to a park constable has effect as a reference to a constable, and
- (b) subsections (2) and (3) do not apply.

(5) In subsection (4) “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.”

Regulation of Investigatory Powers Act 2000 (c. 23)

10 In Schedule 1 to the Regulation of Investigatory Powers Act 2000 (relevant authorities) omit paragraph 27D and the cross-heading before it.

Police Reform Act 2002 (c. 30)

11 The Police Reform Act 2002 has effect subject to the following amendments.

12 (1) Section 82 (police nationality requirements) is amended as follows.

(2) In subsection (1)—

- (a) at the end of paragraph (e) insert “or”, and
- (b) omit paragraph (f).

(3) In subsection (3)(e) for “the Civil Nuclear Constabulary or the Royal Parks Constabulary” substitute “or the Civil Nuclear Constabulary”.

(4) Omit subsection (5).

13 (1) Schedule 4 (powers exercisable by police civilians) is amended as follows.

(2) In paragraph 2(6) after paragraph (aa) insert—

“(ab) an offence committed in a specified park which by virtue of section 2 of the Parks Regulation (Amendment) Act 1926 is an offence against the Parks Regulation Act 1872; or”.

(3) After paragraph 7C insert—

“Park Trading offences

7D (1) This paragraph applies if—

- (a) a designation applies it to any person (“the CSO”), and
- (b) the CSO has under paragraph 2(3) required another person (“P”) to wait with him for the arrival of a constable.

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

- (2) If the CSO reasonably suspects that P has committed a park trading offence, the CSO may take possession of anything of a non-perishable nature which—
 - (a) P has in his possession or under his control, and
 - (b) the CSO reasonably believes to have been used in the commission of the offence.
 - (3) The CSO may retain possession of the thing in question for a period not exceeding 30 minutes unless P makes an election under paragraph 2(4), in which case the CSO may retain possession of the thing in question until he is able to transfer control of it to a constable.
 - (4) In this paragraph “park trading offence” means an offence committed in a specified park which is a park trading offence for the purposes of the Royal Parks (Trading) Act 2000.”
- (4) In paragraph 36 after sub-paragraph (3) insert—
- “(3A) In this Schedule “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.”