



# Police and Justice Act 2006

## 2006 CHAPTER 48

### PART 1

#### POLICE REFORM

##### *National Policing Improvement Agency*

#### **1 National Policing Improvement Agency**

- (1) There is to be a body corporate to be known as the National Policing Improvement Agency.
- (2) The following are abolished—
  - (a) the Central Police Training and Development Authority;
  - (b) the Police Information Technology Organisation.
- (3) Schedule 1 (further provision about the National Policing Improvement Agency, and related amendments) has effect.

##### *Police forces and police authorities*

#### **2 Amendments to the Police Act 1996**

Schedule 2 (which makes amendments to the Police Act [1996 \(c. 16\)](#)) has effect.

#### **3 Delegation of police authority functions**

- (1) Section 107 of the Local Government Act [1972 \(c. 70\)](#) (application to police authorities of provisions about discharge of local authority functions) is amended as follows.
- (2) After subsection (3A) there is inserted—

“(3B) Section 101 above, in its application to a police authority, shall have effect as if a reference in subsection (1), (2), (4) or (5) to an officer of an authority included a reference to a member of that authority.”

(3) For subsection (4) there is substituted—

“(4) The Secretary of State may by regulations make provision regulating the power of a police authority under section 101 above to arrange for the discharge of their functions by a committee, sub-committee, officer or member of the authority as respects part only of their area.

(4A) Regulations under subsection (4) may in particular—

- (a) impose limitations or restrictions on the functions which may be the subject of arrangements of the kind referred to in that subsection;
- (b) make provision as to the membership or chairmanship of any committee or sub-committee discharging functions under such arrangements;
- (c) impose limitations or restrictions on which officers or members of a police authority may discharge functions under such arrangements.

(4B) A statutory instrument containing regulations under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

(4) Subsection (6) (members of police authority committees must be authority members) is omitted.

#### **4 Police authorities as best value authorities**

(1) In section 1 of the Local Government Act 1999 (c. 27) (authorities that are best value authorities)—

- (a) in subsection (1), at the beginning of paragraph (d) there is inserted “(subject to subsection (8))”;
- (b) in subsection (4), for “subsection (1)(d)” there is substituted “this section”;
- (c) in subsection (6), at the beginning of paragraph (c) there is inserted “(subject to subsection (8))”;
- (d) after subsection (7) there is inserted—

“(8) A police authority is not a best value authority for the purposes of the following provisions of this Part—

- section 5 (best value reviews);
- section 6 (best value performance plans);
- sections 7 to 9 (audit of best value performance plans);
- section 13(5) (requirement of best value performance plan to record fact of adverse report etc);
- section 15(2)(a) and (b) (directions relating to best value performance plans).”

(2) A reference in any provision contained in or made under any Act other than the Local Government Act 1999 (c. 27) to an authority that is a best value authority for the purposes of Part 1 of that Act includes, if the context allows, a police authority.

### *Police pension schemes*

#### **5 Power to merge schemes**

Schedule 3 (power to merge police pension schemes) has effect.

### *Statutory consultation requirements*

#### **6 Consultation with APA and ACPO**

- (1) Schedule 4 (which amends provisions requiring consultation with persons representing the interests of police authorities or chief officers of police so that they require consultation with the Association of Police Authorities or the Association of Chief Police Officers) has effect.
- (2) If it appears to the Secretary of State that, by reason of a change of name or otherwise—
  - (a) the interests of police authorities are represented by a body that is not called the Association of Police Authorities, or
  - (b) the interests of chief officers of police are represented by a body that is not called the Association of Chief Police Officers of England, Wales and Northern Ireland,he may by order make the appropriate consequential amendments to any statutory provision (including this subsection) containing a reference to the association in question.
- (3) In subsection (2) “statutory provision” means provision contained in, or in any instrument made under, any Act.

### *Community support officers etc*

#### **7 Standard powers and duties of community support officers**

- (1) In section 38 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees), after subsection (5) there is inserted—

“(5A) A person designated under this section as a community support officer shall also have the standard powers and duties of a community support officer (see section 38A(2)).”
- (2) After section 38 of the Police Reform Act 2002 there is inserted—

#### **“38A Standard powers and duties of community support officers**

- (1) The Secretary of State may by order provide for provisions of Part 1 of Schedule 4 to apply to every person who under section 38 is designated as a community support officer.
- (2) The powers and duties conferred or imposed by the provisions for the time being applied under subsection (1) are to be known as the standard powers and duties of a community support officer.
- (3) Before making an order under subsection (1), the Secretary of State shall consult with—

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

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- (a) the Association of Police Authorities; and
  - (b) the Association of Chief Police Officers.
- (4) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by subsection (1) unless a draft of that order has been laid before Parliament and approved by a resolution of each House.
- (5) A provision of Part 1 of Schedule 4 may be applied to a person concurrently by an order under subsection (1) and a designation under section 38.
- (6) If an order under subsection (1) confers or imposes additional powers and duties on a person who is under the direction and control of a chief officer of police of a police force, that chief officer must ensure that the person receives adequate training in the exercise and performance of the additional powers and duties.”

## **8 Community support officers: power to deal with truants**

In Schedule 4 to the Police Reform Act 2002 (exercise of police powers etc by civilians), after paragraph 4B there is inserted—

*“Power to remove truants to designated premises etc.*

- 4C       Where a designation applies this paragraph to any person, that person shall
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- (a) as respects any area falling within the relevant police area and specified in a direction under section 16(2) of the Crime and Disorder Act 1998, but
  - (b) only during the period specified in the direction,
- have the powers conferred on a constable by section 16(3) of that Act (power to remove truant found in specified area to designated premises or to the school from which truant is absent).”

## **9 Exercise of police powers by civilians**

Schedule 5, which—

makes amendments consequential on section 7 (standard powers and duties of community support officers), and

makes other minor amendments in connection with the exercise of police powers by civilians,

has effect.