

## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS TO THE POLICE ACT 1996

##### *Membership etc of police authorities*

2 For Schedule 2 there is substituted—

“SCHEDULE 2

Section 4

#### POLICE AUTHORITIES ESTABLISHED UNDER SECTION 3

##### **Membership of police authorities**

- 1 (1) The Secretary of State shall by regulations make provision in relation to the membership of police authorities established under section 3.
- (2) Regulations under this paragraph shall provide for a police authority to consist of—
  - (a) persons who are members of a relevant council, and
  - (b) other persons, including at least one lay justice.
- (3) Those regulations shall—
  - (a) specify the number of members falling within paragraph (a) and paragraph (b) of sub-paragraph (2), and
  - (b) secure that the majority of members of a police authority are persons falling within paragraph (a) of that sub-paragraph.
- (4) Those regulations may make further provision as to qualification for membership, and may provide for a specified number of the members of a police authority to be persons of a specified description.
- (5) Those regulations may include provision as to—
  - (a) how a member is to be appointed;
  - (b) disqualification for membership;
  - (c) the tenure of office of a member (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (d) re-appointment as a member;
  - (e) the validity of acts and proceedings of a person appointed as a member in the event of his disqualification or lack of qualification;
  - (f) the validity of proceedings of a police authority in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the authority;

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*Status: This is the original version (as it was originally enacted).*

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- (g) the payment of remuneration and allowances to a member and the reimbursement of expenses.

### **Appointment of councillor members**

- 2 Regulations under paragraph 1 shall provide that—
  - (a) in the case of a police authority in relation to which there is only one relevant council, the members falling within paragraph 1(2) (a) are to be appointed by that council;
  - (b) in any other case, those members are to be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

### **Appointment of other members**

- 3 (1) Regulations under paragraph 1 shall provide that the members falling within paragraph 1(2)(b) are to be appointed—
  - (a) by the existing members of the authority,
  - (b) from among persons on a short-list prepared by a selection panel.
- (2) Those regulations may make provision as to qualification for membership of a selection panel, and may provide for a specified number of the members of a panel to be persons of a specified description.
- (3) Those regulations may include provision as to—
  - (a) the number of members of a selection panel;
  - (b) how and by whom a member of a panel is to be appointed;
  - (c) disqualification for membership;
  - (d) the tenure of office of a member of a panel (including the circumstances in which a member ceases to hold office or may be removed or suspended from office);
  - (e) re-appointment as a member of a panel;
  - (f) the conduct of proceedings of a panel, including any procedures that a panel is to follow;
  - (g) the validity of acts and proceedings of a person appointed as a member of a panel in the event of his disqualification or lack of qualification;
  - (h) the validity of proceedings of a panel in the event of a vacancy in membership or of a defect in the appointment of a member or in the composition of the panel;
  - (i) the payment of remuneration and allowances to a member of a panel and the reimbursement of expenses.

### **Chairman and vice chairmen**

- 4 (1) The Secretary of State shall by regulations provide that—
  - (a) a police authority is to appoint a chairman from among its members at each annual meeting; and

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- (b) at an annual meeting a police authority may appoint one or more vice-chairmen from among its members.
- (2) Regulations under this paragraph may make further provision about how a chairman or vice-chairman is to be appointed, and provision as to—
- (a) qualification and disqualification for appointment;
  - (b) the tenure of office of a chairman or vice-chairman (including the circumstances in which a chairman or vice-chairman ceases to hold office or may be removed or suspended from office);
  - (c) eligibility for re-appointment;
  - (d) the validity of acts and proceedings of a person appointed as chairman or vice-chairman in the event of his disqualification or lack of qualification;
  - (e) the validity of proceedings of a police authority in the event of a vacancy in the office of chairman or vice-chairman or of a defect in the appointment of a chairman or vice-chairman;
  - (f) the payment of remuneration and allowances to a chairman or vice-chairman and the reimbursement of expenses.

### **Standards committees**

- 5 The Secretary of State may by regulations make provision as to the payment of remuneration and allowances to, and the reimbursement of expenses of, members of the standards committee of a police authority established under section 3.

### **Consultation**

- 6 Before making regulations under this Schedule the Secretary of State shall consult—
- (a) the Association of Police Authorities,
  - (b) persons whom he considers to represent the interests of county and district councils in England and county and county borough councils in Wales,
  - (c) in the case of regulations that are not to apply to all police authorities established under section 3—
    - (i) any police authority to which the regulations are to apply, and
    - (ii) any relevant council in relation to such an authority,
  - and
  - (d) such other persons as he thinks fit.

### **Supplementary**

- 7 (1) Regulations under this Schedule may make different provision for different police authorities.
- (2) Regulations under this Schedule may make transitional, consequential, incidental and supplemental provision or savings.

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- (3) A statutory instrument containing regulations under this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **Interpretation**

- 8 (1) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in England if it is the council for—
- (a) a county, or
  - (b) a district comprised in an area for which there is no county council,
- which constitutes, or is wholly within, the authority’s police area.
- (2) For the purposes of this Schedule a council is a “relevant council” in relation to a police authority in Wales if it is the council for a county or county borough which constitutes, or is wholly within, the authority’s police area.
- 9 In this Schedule “lay justice” has the meaning given by section 9 of the Courts Act 2003.”