
STATUTORY INSTRUMENTS

1973 No. 734

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Police (Appointment of Police
Authorities and Chief Constables) Order 1973**

<i>Made</i>	- - - -	<i>12th April 1973</i>
<i>Laid before Parliament</i>		<i>25th April 1973</i>
<i>Coming into Operation</i>		<i>16th May 1973</i>

In exercise of the powers conferred on me by section 254 of the Local Government Act 1972, I hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Police (Appointment of Police Authorities and Chief Constables) Order 1973 and shall come into operation on 16th May 1973.

Interpretation

2.—(1) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order any reference to an amalgamation scheme is a reference to such a scheme within the meaning of the Police Act 1964.

Existing police authorities

3.—(1) This Article shall have effect notwithstanding anything in section 2 of the Police Act 1964 or in any amalgamation scheme.

(2) Subject to paragraph (4) below, no appointment to an existing police authority shall be made on or after the date of the coming into operation of this Order and such an appointment made before, so as to take effect on or after, that date shall cease to have effect.

(3) The members of an existing police authority serving as such on the date of the coming into operation of this Order shall be deemed to be appointed for a term expiring immediately before 1st April 1974.

(4) Nothing in this Article shall preclude the filling of a casual vacancy on an existing police authority but a person appointed to fill such a vacancy after the date of the coming into operation of this Order shall be appointed for a term expiring as aforesaid.

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(5) In the case of an existing police authority constituted by an amalgamation scheme which makes provision for temporary vacancies on the authority and their filling by persons nominated for the purpose, nothing in this Article shall preclude the filling of such a vacancy in accordance with the provision; but the said provision shall have effect as if any reference therein to any other provision of the scheme were a reference to that other provision read with paragraphs (2), (3) and (4) above.

New police authorities

4. Until members of a police committee for a county established by the Local Government Act 1972 who are magistrates are appointed in accordance with the Police Authorities (Appointment of Magistrates) Rules 1973(1) (appointment of magistrates as members of a police committee for a county) or, in the case of a combined police authority for a combined area consisting of counties so established, until members thereof who are magistrates are appointed in accordance with the amalgamation scheme, the Secretary of State may direct how those vacancies are to be filled by persons who are magistrates; and the person so filling those vacancies shall be deemed to have been duly appointed but shall retire when the members of the police authority who are magistrates have been appointed as aforesaid.

Appointment of first chief constables of new police force

5.—(1) The following provisions of this Article shall apply to the appointment of the first chief constable of a police force for a police area which is to be established on 1st April 1974 (in this Article referred to as a new police area) in place of Regulation 14 of the Police Regulations 1971(2) and section 4(2) of the Police Act 1964 and any other enactment in that behalf.

(2) Where the new police area is co-extensive with, or wholly comprised in, a single police area existing immediately before 1st April 1974, the chief constable (if any) of the police force for the latter area shall become the chief constable of the police force for the new police area unless he has notified the police authority therefor that he does not wish to apply in this case.

(3) In the case of any other new police area, the police authority therefor shall, subject to the approval of the Secretary of State and to paragraph (4) below, appoint as chief constable of the police force for that area one of the chief constables of the police forces for the police areas existing immediately before 1st April 1974 which are wholly or partly comprised in the new area.

(4) If the Secretary of State is satisfied, having regard to the size and character of the police force mentioned in paragraph (3) above and any exceptional circumstances, that a person not mentioned in that paragraph should be appointed chief constable of that police force, the police authority shall, subject to the approval of the Secretary of State, appoint some other person as chief constable.

(5) A person who becomes, or is appointed, chief constable of a police force for a new police area under this Article shall be deemed to have been appointed under section 4(2) of the Police Act 1964.

Whitehall
12th April 1973

Robert Carr
One of Her Majesty's Principal Secretaries of
State
Home Office

(1) (1973 I, p. 2358).
(2) (1971 I, p. 439).

EXPLANATORY NOTE

Article 3 provides that (subject to the filling of casual vacancies) the membership of existing police authorities shall remain unchanged until immediately before 1st April 1974.

Article 4 enables the Secretary of State to direct how magistrates should be appointed to the new police authorities before magistrates are appointed in accordance with the normal statutory machinery.

Article 5 makes provision relating to the first chief constable of a new police force. If the new police area is co-extensive with, or wholly comprised in, an existing police area, the existing chief constable is, unless the declines the office, to be the first chief constable. In any other case, the police authority must appoint one of the chief constables of the existing police areas wholly or partly comprised in the new police area unless the Secretary of State is satisfied that there are exceptional circumstances: the appointment is subject to the approval of the Secretary of State.