



Police Reform Act 2002

2002 CHAPTER 30

PART 1

POWERS OF THE SECRETARY OF STATE

1 National Policing Plan

After section 36 of the 1996 Act there shall be inserted—

“36A National Policing Plan

- (1) It shall be the duty of the Secretary of State, before the beginning of each financial year, to prepare a National Policing Plan for that year.
- (2) The Secretary of State shall lay the National Policing Plan for a financial year before Parliament.
- (3) Subject to subsection (4), any such plan must be laid before Parliament not later than 30th November in the preceding financial year.
- (4) If there are exceptional circumstances, any such plan may be laid before Parliament after the date mentioned in subsection (3); but it must be so laid before the beginning of the financial year to which it relates.
- (5) If a plan is laid before Parliament after the date mentioned in subsection (3), the plan must contain a statement of the exceptional circumstances that gave rise to its being so laid.
- (6) The National Policing Plan for a financial year—
 - (a) must set out whatever the Secretary of State considers to be the strategic policing priorities generally for the police forces maintained for police areas in England and Wales for the period of three years beginning with that year;
 - (b) must describe what, in relation to that period, the Secretary of State is intending or proposing so far as each of the following is concerned—

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- (i) the setting of objectives under section 37 and the giving of general directions in relation to any objective so set;
 - (ii) the specification, under section 4 of the Local Government Act 1999 (c. 27) (performance indicators), of performance indicators (within the meaning of that section) for police authorities;
 - (iii) the making of regulations under the powers conferred by this Act, by Part 4 of the Criminal Justice and Police Act 2001 (c. 16) (police training) and by Part 2 of the Police Reform Act 2002 (c. 30) (complaints etc.);
 - (iv) the issuing of guidance under any provision of this Act or of Part 2 of the Police Reform Act 2002 (c. 30); and
 - (v) the issuing and revision of codes of practice under this Act and under Chapter 1 of Part 4 of the Police Reform Act 2002 (powers exercisable by civilians);
- (c) may contain such other information, plans and advice as the Secretary of State considers relevant to the priorities set out in the plan.
- (7) Before laying the National Policing Plan for a financial year before Parliament, the Secretary of State shall consult with—
- (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (8) In this section—
- “financial year” means the period of twelve months ending with 31st March; and
- “general direction” means a direction under section 38 establishing performance targets for all police authorities to which section 37 applies.”

2 Codes of practice for chief officers

After section 39 of the 1996 Act (codes of practice for police authorities) there shall be inserted—

“39A Codes of practice for chief officers

- (1) If the Secretary of State considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales, he may issue codes of practice relating to the discharge of their functions by the chief officers of police of those forces.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft

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prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.

- (4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority shall consult with—
 - (a) persons whom it considers to represent the interests of police authorities;
 - (b) persons whom it considers to represent the interests of chief officers of police; and
 - (c) such other persons as it thinks fit.
- (5) The Secretary of State shall lay any code of practice issued by him under this section, and any revision of any such code, before Parliament.
- (6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
 - (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 the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, a chief officer of police shall have regard to the code.”

3 Powers to require inspection and report

- (1) In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), after subsection (2A) there shall be inserted—

“(2B) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of—

 - (a) a police force maintained for any police area;
 - (b) the National Criminal Intelligence Service; or
 - (c) the National Crime Squad;

and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the force, Service or Squad in question, to particular matters or to particular activities of that force, Service or Squad.

(2C) Where the inspectors carry out an inspection under subsection (2B), they shall send a report on that inspection to the Secretary of State.”;

and in section 55(1) of that Act (publication of reports) for “or (2A)” there shall be substituted “, (2A) or (2C)”.
- (2) In section 41 of the Police (Northern Ireland) Act 1998 (c. 32) (appointment and functions of inspectors), after subsection (3) there shall be inserted—

“(3A) The Secretary of State may at any time require the inspectors to carry out an inspection under this section of—

 - (a) the Police Service of Northern Ireland; or
 - (b) the National Criminal Intelligence Service;

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and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the Service in question, to particular matters or to particular activities of that Service.

(3B) Where the inspectors carry out an inspection under subsection (3A), they shall send a report on that inspection to the Secretary of State.”;

and in section 42(1) of that Act (publication of reports) for “or (3)” there shall be substituted “, (3) or (3B)”.

4 Directions to police authorities

For section 40 of the 1996 Act (power to give directions in response to report on an inspection of a police force carried out for the purposes of that section) there shall be substituted—

“40 Power to give directions to a police authority

- (1) Where a report made to the Secretary of State on an inspection under section 54 states, in relation to any police force maintained under section 2, or in relation to the metropolitan police force—
 - (a) that, in the opinion of the person making the report, the whole or any part of the force inspected is, whether generally or in particular respects, not efficient or not effective, or
 - (b) that, in that person’s opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,

the Secretary of State may direct the police authority responsible for maintaining that force to take such remedial measures as may be specified in the direction.
- (2) Those remedial measures must not relate to any matter other than—
 - (a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or
 - (b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).
- (3) If the Secretary of State exercises his power to give a direction under this section in relation to a police force—
 - (a) he shall prepare a report on his exercise of that power in relation to that force; and
 - (b) he shall lay that report before Parliament.
- (4) A report under subsection (3)—
 - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
 - (b) may relate to more than one exercise of the power mentioned in that subsection.
- (5) The Secretary of State shall not give a direction under this section in relation to any police force unless—

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- (a) the police authority maintaining that force and the chief officer of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (6) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under this section.
- (7) Before making any regulations under this section, the Secretary of State shall consult with—
- (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”

5 Directions as to action plans

After section 41 of the 1996 Act there shall be inserted—

“41A Power to give directions as to action plans

- (1) This section applies where a report made to the Secretary of State on an inspection under section 54 states, in relation to a police force for a police area—
- (a) that, in the opinion of the person making the report, the whole or any part of the force is, whether generally or in particular respects, not efficient or not effective; or
 - (b) that, in that person's opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may direct the police authority responsible for maintaining the force to submit an action plan to him.

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- (3) An action plan is a plan setting out the remedial measures which the police authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If a police authority is directed to submit an action plan, that authority shall direct the chief officer of police of the force in question to prepare a draft of it and to submit it to the police authority for that authority to consider.
- (5) The police authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the police authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the chief officer of police.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the police authority and the chief officer of the force in question of that opinion and of his reasons for it.
- (8) If a police authority is notified under subsection (7) —
 - (a) it shall consider, after consultation with the chief officer of the police force in question about the matters notified, whether to revise the action plan in the light of those matters; and
 - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (9) On giving a direction under this section to the police authority responsible for maintaining a police force, the Secretary of State shall notify the chief officer of police of that force that he has given that direction.
- (10) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.
- (11) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
 - (a) provision setting out the steps that the police authority proposes should be taken in respect of the matters to which the direction relates and the performance targets the authority proposes should be met;
 - (b) provision setting out the authority's proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan's implementation is to be measured;
 - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
 - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
 - (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.

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- (12) Nothing in this section shall authorise the Secretary of State or a police authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (13) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (14) A police authority shall comply with any direction given to it under this section.
- (15) A chief officer of police of any police force shall comply with any direction given to him under this section.
- (16) Nothing in this section or in section 40 prevents the Secretary of State in the case of the same report under section 54 from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 40.

41B Procedure for directions under section 41A

- (1) The Secretary of State shall not give a direction under section 41A in relation to any police force unless—
 - (a) the police authority maintaining that force and the chief officer of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
 - (b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (2) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under section 41A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.

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- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (6) If the Secretary of State exercises his power to give a direction under section 41A in relation to a police force—
 - (a) he shall prepare a report on his exercise of that power in relation to that force; and
 - (b) he shall lay that report before Parliament.
- (7) A report under subsection (6)—
 - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
 - (b) may relate to more than one exercise of the power mentioned in that subsection.”

6 Regulation of equipment

For subsections (2) and (3) of section 53 of the 1996 Act (regulations as to standard of equipment), there shall be substituted—

- “(1A) The Secretary of State may by regulations make any or all of the following provisions—
- (a) provision requiring all police forces in England and Wales, when using equipment for the purposes specified in the regulations to use only—
 - (i) the equipment which is specified in the regulations;
 - (ii) equipment which is of a description so specified; or
 - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
 - (b) provision requiring all police forces in England and Wales to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;
 - (c) provision prohibiting all police forces in England and Wales from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
 - (i) where the conditions subject to which the approval was given are satisfied; and
 - (ii) in accordance with the other terms of that approval;
 - (d) provision requiring equipment used by police forces in England and Wales to comply, in the case of all police forces, with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
 - (e) provision prohibiting all police forces in England and Wales from using equipment specified in the regulations, or any equipment of a description so specified.
- (1B) The Secretary of State shall not make any regulations under subsection (1A) unless he considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales.

- (2) Before making any regulations under this section, the Secretary of State shall consult with—
 - (a) persons whom he considers to represent the interests of police authorities;
 - (b) persons whom he considers to represent the interests of chief officers of police; and
 - (c) such other persons as he thinks fit.
- (2A) Regulations under this section may make different provision for different cases and circumstances.
- (2B) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2C) In this section “equipment” includes—
 - (a) vehicles; and
 - (b) headgear and protective and other clothing.”

7 Regulation of procedures and practices

After section 53 of the 1996 Act there shall be inserted—

“53A Regulation of procedures and practices

- (1) The Secretary of State may by regulations make provision requiring all police forces in England and Wales—
 - (a) to adopt particular procedures or practices; or
 - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
 - (a) the chief inspector of constabulary; and
 - (b) the Central Police Training and Development Authority.
- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
 - (a) persons whom he considers to represent the interests of police authorities; and
 - (b) persons whom he considers to represent the interests of chief officers of police.
- (4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.
- (5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority shall consult with—
 - (a) persons whom it considers to represent the interests of police authorities;
 - (b) persons whom it considers to represent the interests of chief officers of police; and

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- (c) such other persons as it thinks fit.
- (6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
 - (a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice;
 - (b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
 - (c) the Secretary of State himself is satisfied as to those matters.
- (7) Those matters are—
 - (a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations;
 - (b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and
 - (c) that securing the adoption of that procedure or practice is in the national interest.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing the first regulations to be made under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (10) A statutory instrument containing any other regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

8 Equivalent provision for NCIS and NCS

Schedule 1 (which makes provision in relation to NCIS and NCS which corresponds to the provision made in relation to police forces by provisions contained in the preceding provisions of this Part) shall have effect.