



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 6

#### MISCELLANEOUS

##### *Bodies with functions in relation to the police*

## 92 Police authorities to produce three-year strategy plans

(1) After section 6 of the 1996 Act there shall be inserted—

### **“6A Three-year strategy plans**

- (1) Every police authority maintaining a police force for a police area in England and Wales shall, before the beginning of every relevant three-year period, issue a plan (“a three-year strategy plan”) which sets out the authority’s medium and long term strategies for the policing of that area during that period.
- (2) Before a three-year strategy plan for any period is issued by a police authority, a draft of a plan setting out medium and long term strategies for the policing of the authority’s area during that period must have been—
  - (a) prepared by the chief officer of police of the police force maintained by that authority; and
  - (b) submitted by him to the police authority for its consideration.
- (3) In preparing the draft plan, the chief officer of police of a police force shall have regard to the views, obtained in accordance with arrangements under section 96, of people in the police area in question.
- (4) A police authority which has issued a three-year strategy plan for any period may modify that plan at any time during that period.

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- (5) It shall be the duty, in issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, of every police authority or chief officer of police to have regard to the National Policing Plan in force at that time.
- (6) The Secretary of State —
- (a) shall issue guidance to police authorities and chief officers of police as to the matters to be contained in any three-year strategy plan, and as to the form to be taken by any such plan; and
  - (b) may from time to time revise and modify that guidance;
- and it shall be the duty of every police authority and chief officer of police to take account of any guidance under this subsection when issuing, preparing or modifying any such plan or any draft plan prepared for the purposes of subsection (2).
- (7) Before issuing or revising any guidance under subsection (6) 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) A police authority which is proposing to issue or modify any plan under this section shall submit that plan, or the modifications, to the Secretary of State.
- (9) Where a police authority issues a three-year strategy plan or modifies such a plan, it shall—
- (a) send a copy of the plan or the modified plan to the Secretary of State; and
  - (b) cause the plan or modified plan to be published;
- and the copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.
- (10) If the Secretary of State considers that there are grounds for thinking that—
- (a) a police authority's three-year strategy plan, or
  - (b) any proposals by a police authority for such a plan, or for the modification of such a plan,
- may not be consistent with any National Policing Plan applicable to a financial year wholly or partly comprised in the period to which the strategy plan applies, he shall, before informing the police authority of his conclusions on whether or not it is in fact so inconsistent, consult with the persons mentioned in subsection (11).
- (11) Those persons are—
- (a) the police authority in question;
  - (b) the chief officer of police of the police force maintained by that authority;
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities; and

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- (d) persons whom the Secretary of State considers to represent the interests of chief officers of police.
- (12) Before a police authority—
  - (a) issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the chief officer of police of the force maintained by that authority, or
  - (b) modifies its three-year strategy plan,it shall consult with that chief officer.
- (13) Any best value performance plan prepared by a police authority under section 6 of the Local Government Act 1999 (c. 27) for any financial year must be consistent with any three-year strategy plan which sets out the authority's current strategies for policing its area during any period which includes the whole or any part of that financial year.
- (14) The Secretary of State may by regulations make provision for—
  - (a) the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section; and
  - (b) the periods which are to constitute relevant three-year periods for the purposes of this section;and those regulations may provide for a period of less than three years to be the first period treated as a relevant three-year period for the purposes of this section.
- (15) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 8 of that Act (local policing plans), after subsection (2) there shall be inserted—
  - “(2A) The local policing plan for any financial year must be consistent with any three-year strategy plan under section 6A which sets out the authority's current strategies for the policing of its area during any period which includes the whole or any part of that financial year.”
- (3) In section 9(2) of that Act (annual report by police authorities to include assessment of extent to which local policing plan carried out), for the words from “the local policing plan” onwards there shall be substituted “, during that year proposals have been implemented, and things have been done, in accordance with the following plans—
  - (a) the three-year strategy plan issued under section 6A for the period that includes that year; and
  - (b) the local policing plan issued for that year under section 8.”

#### Commencement Information

- II** S. 92 wholly in force at 1.11.2002; s. 92 not in force at Royal Assent, see s. 108(2); s. 92(1) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, art. 2(f)(v) and s. 92 in force to the extent not already in force at 1.11.2002 by S.I. 2002/2306, art. 5(b)

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### 93 Quorum for the Service Authorities under the 1997 Act

For paragraph 4(1) of Schedule 2A to the 1997 Act (quorum for meetings of NCIS Service Authority and National Crime Squad Service Authority) there shall be substituted—

“(1) Subject to paragraph (1A), each Service Authority shall make provision for a quorum for its meetings.

(1A) The quorum for each Service Authority shall be not less than four, and of any quorum—

- (a) one must be a member appointed under paragraph 2 of Schedule 1; and
- (b) at least two others must be members appointed under Part 1 of that Schedule and otherwise than under paragraph 6 or 6A.”

### 94 Expenses of members of police authorities etc.

(1) In each the enactments specified in subsection (2)—

- (a) in sub-paragraph (1), after the words “by way of” there shall be inserted “ reimbursement of expenses and ”; and
- (b) in sub-paragraph (4), after the word “about” there shall be inserted “ the reimbursement of expenses or about ”.

(2) The enactments are—

- (a) paragraph 25A of Schedule 2 to the 1996 Act (allowances for members of police authorities established under section 3 of that Act); and
- (b) paragraph 20A of Schedule 2A to that Act (allowances for members of Metropolitan Police Authority).

(3) In sub-paragraph (6) of paragraph 20A of Schedule 2A to the 1996 Act (limitation on payments to members of London Assembly) after “payment” there shall be inserted “ by way of an allowance ”.

(4) The following provisions (which are superseded by the amendments made by this section) shall cease to have effect—

- (a) paragraph 25 of Schedule 2 to the 1996 Act; and
- (b) paragraph 20 of Schedule 2A to that Act.

### 95 Duties under the Health and Safety at Work etc. Act 1974

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#### Textual Amendments

- F1 S. 95 repealed (7.4.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 158(4)(a), 174(2), 178(1), [Sch. 17 Pt. 1](#)

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## 96 President of ACPO

If a person who holds the office of constable becomes the president of the Association of Chief Police Officers of England, Wales and Northern Ireland, he shall, while he is the president of that Association—

- (a) continue to hold the office of constable; and
- (b) hold that office with the rank of chief constable.

## 97 Crime and disorder reduction partnerships

(1) The Crime and Disorder Act 1998 (c. 37) shall be amended as follows.

(2) In section 5 (authorities responsible for strategies), in subsection (1), after paragraph (b) there shall be inserted—

- “(c) every police authority any part of whose police area so lies;
- (d) every fire authority any part of whose area so lies;
- (e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and
- (f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies.”

(3) After subsection (1) of that section there shall be inserted—

“(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—

- (a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area; and
- (b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.

(1B) The Secretary of State shall not make an order under subsection (1A) above unless—

- (a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and
- (b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs, to make the order.”

(4) In subsection (2) of that section (consultation)—

- (a) for paragraphs (a) and (b) there shall be substituted—
  - “(b) every local probation board any part of whose area lies within the area;”
- (b) at the end of paragraph (c) there shall be inserted “; and
  - (d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;”.

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- (5) In subsection (3) of that section, at the end there shall be inserted “and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales.”
- (6) After subsection (4) of that section, there shall be inserted—
- “(5) In this section—
- “fire authority” means—
- (a) any fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41);
- (b) any metropolitan county fire and civil defence authority; or
- (c) the London Fire and Emergency Planning Authority; and
- “police authority” means—
- (a) any police authority established under section 3 of the Police Act 1996 (c. 16); or
- (b) the Metropolitan Police Authority.”
- (7) In subsection (1) of section 6 (formulation and implementation of strategies), for the words from “a strategy” onwards there shall be substituted—
- “(a) in the case of an area in England—
- (i) a strategy for the reduction of crime and disorder in the area; and
- (ii) a strategy for combatting the misuse of drugs in the area;
- and
- (b) in the case of an area in Wales—
- (i) a strategy for the reduction of crime and disorder in the area; and
- (ii) a strategy for combatting substance misuse in the area.”
- (8) After that subsection there shall be inserted—
- “(1A) In determining what matters to include or not to include in their strategy for combatting substance misuse, the responsible authorities for an area in Wales shall have regard to any guidance issued for the purposes of this section by the National Assembly for Wales.”
- (9) In subsection (2) of that section (steps to be taken before the formulation of a strategy), for paragraph (a) there shall be substituted—
- “(a) carry out, taking due account of the knowledge and experience of persons in the area, a review—
- (i) in the case of an area in England, of the levels and patterns of crime and disorder in the area and of the level and patterns of the misuse of drugs in the area; and
- (ii) in the case of an area in Wales, of the levels and patterns of crime and disorder in the area and of the level and patterns of substance misuse in the area;”.
- (10) After subsection (6) of that section (duty to keep strategy under review) there shall be inserted—

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- “(6A) Within one month of the end of each reporting period, the responsible authorities shall submit a report on the implementation of their strategies during that period—
- (a) in the case of a report relating to the strategies for an area in England, to the Secretary of State; and
  - (b) in the case of a report relating to the strategies for an area in Wales, to the Secretary of State and to the National Assembly for Wales.”
- (11) In subsection (7) of that section (interpretation), after the definition of “relevant period” there shall be inserted—
- ““reporting period” means every period of one year which falls within a relevant period and which begins—
- (a) in the case of the first reporting period in the relevant period, with the day on which the relevant period begins; and
  - (b) in any other case, with the day after the day on which the previous reporting period ends;
- “substance misuse” includes the misuse of drugs or alcohol.”
- (12) In section 17(2) (authorities to which duty to consider crime and disorder implications applies), after “London Fire and Emergency Planning Authority,” there shall be inserted “ a fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41), ”.
- (13) In section 114—
- (a) in subsection (1) (powers of Ministers exercisable by statutory instrument), after “Minister of the Crown” there shall be inserted “ or of the National Assembly for Wales ”; and
  - (b) in subsection (2) (orders subject to negative resolution procedure), for “5(2) or (3) or 10(6) above, or” there shall be substituted “ 5(1A), (2) or (3), 6A(1) or 10(6) above (other than one made by the National Assembly for Wales), or containing ”.
- (14) In section 115(2) (authorities to which information may be disclosed for purposes connected with that Act), in paragraph (d)—
- (a) in sub-paragraph (i), after “London borough council” there shall be inserted “ , a parish council ”; and
  - (b) in sub-paragraph (ii), for “or a county borough council” there shall be substituted “ , a county borough council or a community council ”.
- (15) Section 5(1) (as amended by subsection (2)) shall have effect in relation to a local government area in England at any time when that area or a part of it comprises or contains an area that is not included in the area of a Primary Care Trust, as if the reference to a Primary Care Trust the whole or part of whose area lies within the local government area included a reference to any health authority or strategic health authority whose area comprises or includes the area for which there is no Primary Care Trust.

#### Commencement Information

**I2** S. 97 partly in force; s. 97 not in force at Royal Assent, see s. 108(2); s. 97(1)(3)(4)(7)(9) in force (E.) and s. 97(10)(11)(13)(14) in force at 1.10.2002 by S.I. 2002/2306, arts. {2(f)(viii)}, {3(a)}; s. 97

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in force for certain purposes for W. at 1.4.2003 by S.I. 2003/525, **art. 2**; s. 97(2) in force for certain purposes and s. 97(6)(12) in force at 1.4.2003 by S.I. 2003/808, **art. 2(j)**; s. 97(5)(8) in force for E. at 23.2.2004 by S.I. 2004/119, **art. 2**; s. 97 in force in so far as not already in force for E. at 30.4.2004 by S.I. 2004/913, **art. 3(a)**

## 98 Secretary of State’s functions in relation to strategies

After section 6 of the Crime and Disorder Act 1998 (c. 37), there shall be inserted—

### “6A Powers of the Secretary of State and National Assembly for Wales

- (1) The Secretary of State may, by order, require—
  - (a) the responsible authorities for local government areas to formulate any section 6 strategy of theirs for the reduction of crime and disorder so as to include, in particular, provision for the reduction of—
    - (i) crime of a description specified in the order; or
    - (ii) disorder of a description so specified.
  - (b) the responsible authorities for local government areas in England to prepare any section 6 strategy of theirs for combatting the misuse of drugs so as to include in it a strategy for combatting, in the area in question, such other forms of substance misuse as may be specified or described in the order.
- (2) After formulating any section 6 strategy (whether in a case in which there has been an order under subsection or in any other case), the responsible authorities for a local government area shall send both—
  - (a) a copy of the strategy, and
  - (b) a copy of the document which they propose to publish under section 6(5),
 to the Secretary of State.
- (3) It shall be the duty of the responsible authorities, when preparing any document to be published under section 6(5), to have regard to any guidance issued by the Secretary of State as to the form and content of the documents to be so published.
- (4) If the responsible authorities for a local government area propose to make any changes to a section 6 strategy of theirs, they shall send copies of the proposed changes to the Secretary of State.
- (5) In subsections (2) to (4)—
  - (a) references to the Secretary of State, in relation to responsible authorities for local government areas in Wales shall have effect as references to the Secretary of State and the National Assembly for Wales; and
  - (b) accordingly, guidance issued for the purposes of subsection (3) in relation to local government areas in Wales must be issued by the Secretary of State and that Assembly acting jointly.
- (6) In this section—
 

“responsible authorities” and “local government area” have same meanings as in sections 5 and 6;



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“section 6 strategy” means a strategy required to be formulated under section 6(1); and

“substance misuse” has the same meaning as in section 6.”

#### Commencement Information

**I3** S. 98 not in force at Royal Assent, see s. 108(2); s. 98 in force for E. at 1.10.2002 by S.I. 2002/2306, art. 3(b); s. 98 in force in relation to local government areas in W. at 1.4.2003 by S.I. 2003/525, art. 2

## 99 Power to modify functions and structure of PITO

- (1) The Secretary of State may by order make provision in relation to the Police Information Technology Organisation (“the Organisation”)—
  - (a) for conferring additional functions on the Organisation and for modifying its existing functions and powers;
  - (b) for imposing duties on the Organisation with respect to the carrying out of its functions;
  - (c) for modifying the constitution of the Organisation and any provision regulating its management and control;
  - (d) for conferring powers on the Secretary of State in relation to anything mentioned in the preceding provisions of this subsection, or in relation to the Organisation’s members or staff.
- (2) The provision that may be made by an order under this section includes each of the following—
  - (a) provision modifying, in any such manner as the Secretary of State thinks fit, any provision of Part 4 of the 1997 Act (which relates to the Organisation) or of any other enactment that makes provision in relation to, or refers to, the Organisation;
  - (b) provision conferring functions on the Organisation in relation to persons who have no functions in relation to, nor any connection with, policing but who carry out functions for the purposes of the criminal justice system;
  - (c) provisions imposing obligations on persons in relation to whom the Organisation has or is given functions to consult with the Organisation and do such other things in relation to the Organisation as may be specified in the order;
  - (d) provision which in consequence of any provision falling within paragraph (b), changes the name of the Organisation;
  - (e) provision imposing obligations on the Organisation with respect to planning and consultation; and
  - (f) provision framed by reference to any power of the Secretary of State or Scottish Ministers under the provisions of such an order to make a determination or give an approval, or by reference to his or their opinion, from time to time, of any matter.
- (3) In subsection (2)(b) the reference to persons who carry out functions for the purposes of the criminal justice system includes a reference to members of the prison service in any Part of the United Kingdom and to members of the probation service.
- (4) The consequential provision that may be contained in an order under this section includes provision modifying any enactment.

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- (5) Before making an order under this section, the Secretary of State shall consult with the Scottish Ministers.
- (6) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this section unless a draft of that order has been laid before Parliament and approved by a resolution of each House.

## **100 Metropolitan Police Authority housing**

- (1) In section 4(e) of the Housing Act 1985 (c. 68) (which defines local authorities for the purposes of the provisions of that Act, including those relating to secure tenancies), the words “the Metropolitan Police Authority” shall be omitted.
- (2) In paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (c. 50) (local authority tenancies that cannot be assured tenancies), the words “and the Metropolitan Police Authority” shall be omitted.
- (3) Nothing in subsection (1) or in any repeal made by this Act for the purposes of that subsection shall affect—
  - (a) the operation of Part 5 of the Housing Act 1985 (c. 68) (the right to buy) in relation to any case in which a person who had acquired a right to buy under that Part before the day on which this Act is passed either—
    - (i) had served a notice under section 122 of that Act (tenant’s notice claiming right to buy) on the Metropolitan Police Authority before that day; or
    - (ii) serves such a notice on that Authority in the period of three months beginning with that day;
  - or
  - (b) the extent to which, in any other case, any period falling before the day on which this Act is passed falls at any subsequent time to be treated as a period qualifying under any of the provisions of Schedule 4 to that Act.
- (4) A tenancy which becomes an assured tenancy by virtue of this section shall be an assured shorthold tenancy unless (whenever it was entered into) it—
  - (a) falls within any of paragraphs 1 to 3 of Schedule 2A to the Housing Act 1988 (c. 50); or
  - (b) was an assured tenancy, but not an assured shorthold tenancy, immediately before it became a secure tenancy.

## **101 Provision of goods and services by police authorities**

For section 18 of the 1996 Act (supply of goods and services) there shall be substituted—

### **“18 Supply of goods and services**

- (1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39) (supply of goods and services by local authorities)—
  - (a) shall apply, with the modification set out in subsection (2), to a police authority established under section 3 of this Act and to the Metropolitan Police Authority as they apply to a local authority; and

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- (b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.
- (2) The modification is that references in those subsections to a public body shall be read as references to any person.”

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