



Police Act 1964

1964 CHAPTER 48

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

28 General duty of Secretary of State

The Secretary of State shall exercise his powers under this Act in such manner and to such extent as appears to him to be best calculated to promote the efficiency of the police.

29 Removal of chief constables

- (1) The Secretary of State may require a police authority to exercise their power under Part I of this Act to call upon the chief constable to retire in the interests of efficiency.
- (2) Before requiring the exercise of that power or approving the exercise of that or the similar power exercisable with respect to the deputy or an assistant chief constable, the Secretary of State shall give the chief constable or deputy or assistant chief constable an opportunity to make representations to him and shall consider any representations so made.
- (3) Where representations are made under this section the Secretary of State may, and in a case where he proposes to require the exercise of the power mentioned in subsection (1) of this section shall, appoint one or more persons (one at least of whom shall be a person who is not an officer of police or of a Government department) to hold an inquiry and report to him and shall consider any report made under this subsection.
- (4) The costs incurred by a chief constable or deputy or assistant chief constable in respect of an inquiry under this section, taxed in such manner as the Secretary of State may direct, shall be defrayed out of the police fund.

Status: This is the original version (as it was originally enacted).

30 Reports from chief constables

- (1) The Secretary of State may require any chief constable to submit to him a report on such matters as may be specified in the requirement, being matters connected with the policing of his area.
- (2) Every chief constable shall, as soon as possible after the end of each calendar year, submit to the Secretary of State the like report as is required by subsection (1) of section 12 of this Act to be submitted to the police authority.
- (3) This section shall apply to the City of London police force as if for references to a chief constable there were substituted references to the Commissioner.

31 Police grant

- (1) The Secretary of State may make grants in respect of expenses incurred for police purposes—
 - (a) by any police authority maintaining a county police force, county borough police force or combined police force;
 - (b) by the Receiver for the Metropolitan Police District or by the Common Council of the City of London.
- (2) Grants under this section shall be of such amounts, be payable at such times, in such manner, and subject to such conditions, and be carried to such funds, as the Secretary of State may with the approval of the Treasury by order determine ; and any such order may provide for the deduction from grants under this section of such sums as may be determined by or under the order on account of expenditure of the Secretary of State under section 41, 44 or 45 of this Act.
- (3) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Any expenses incurred for the purpose of or in connection with the functions of a police authority under section 2 of the Road Traffic and Roads Improvement Act 1960 shall be treated for the purposes of this section as expenses incurred by that authority for police purposes.

32 Local inquiries

- (1) The Secretary of State may cause a local inquiry to be held by a person appointed by him into any matter connected with the policing of any area.
- (2) Any inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Subsections (2) and (3) of section 290 of the Local Government Act 1933 (power to summon and examine witnesses) shall apply to any inquiry held under this section as they apply to an inquiry held under that section.
- (4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.
- (5) The Secretary of State may direct that the whole or part of the costs incurred by any person for the purposes of any inquiry held under this section shall be defrayed out

of the police fund or, if the inquiry relates to more than one police area, out of the police funds concerned in such proportions as may be specified in the direction; and any costs payable under this section shall be subject to taxation in such manner as the Secretary of State may direct.

33 Regulations for police forces

- (1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision with respect to the following matters, that is to say:—
 - (a) the ranks to be held by members of police forces ;
 - (b) the qualifications for appointment and promotion of members of police forces ;
 - (c) periods of service on probation ;
 - (d) voluntary retirement of members of police forces ;
 - (e) the maintenance of discipline in police forces ;
 - (f) the suspension of members of a police force from membership of that force and from their office as constable;
 - (g) the maintenance of personal records of members of police forces;
 - (h) the duties which are or are not to be performed by members of police forces ;
 - (i) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 47 of this Act;
 - (j) the hours of duty, leave, pay and allowances of members of police forces ; and
 - (k) the issue, use and return of police clothing, personal equipment and accoutrements.
- (3) Regulations under paragraph (e) of subsection (2) above shall provide for the determination by the appropriate disciplinary authority of questions whether offences against discipline have been committed and for the punishment by that authority, by way of dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution, of any member of a police force who is found in the manner so provided to have committed any such offence; and for that purpose the appropriate disciplinary authority in respect of a police force maintained under section 1 of this Act shall be—
 - (a) in relation to the chief constable, deputy chief constable and any assistant chief constable, the police authority ;
 - (b) in relation to any other member of any such police force, the chief constable:

Provided that in any case in which the chief constable is interested otherwise than in his capacity as such, or in which he is a material witness, the appropriate disciplinary authority under paragraph (b) of this subsection shall be such other person or authority as may be prescribed by regulations under this section.
- (4) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified therein, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

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- (5) Regulations under this section may make different provision for different cases and circumstances, and may authorise the Secretary of State to make provision for any purposes specified in the regulations.
- (6) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

34 Regulations for special constables

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of special constables.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision with respect to the following matters, that is to say:—
 - (a) the qualifications for appointment of special constables ;
 - (b) the retirement of special constables ;
 - (c) the suspension of special constables from their office as constable;
 - (d) the allowances payable to special constables ; and
 - (e) the application to special constables, subject to such modifications as may be prescribed by the regulations, of any provisions made by or under any enactment relating to the pensions payable to or in respect of members of police forces.
- (3) If regulations under this section provide for the calculation of any pension payable to or in respect of special constables by reference to a scale of notional remuneration specified in the regulations, regulations under this section increasing any such notional remuneration may be made with retrospective effect to any date specified in the regulations.
- (4) Subsections (5) and (6) of section 33 of this Act shall apply to regulations under this section.

35 Regulations for police cadets

- (1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.
- (2) Subsections (4), (5) and (6) of section 33 of this Act shall apply to regulations under this section.

36 Regulations as to standard of equipment

The Secretary of State may make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations.

37 Disciplinary appeals

- (1) Subject to the provisions of this section, a member of a police force who is dealt with for an offence against discipline may appeal to the Secretary of State.
- (2) On an appeal under this section the Secretary of State may make an order—

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- (a) allowing the appeal;
 - (b) dismissing the appeal; or
 - (c) varying the punishment by substituting some other punishment (whether more or less severe) which could have been imposed on the appellant.
- (3) The Secretary of State may direct the appellant to pay the whole or any part of his own costs, but, subject to any such direction, all the costs and expenses of an appeal under this section, including the costs of the parties, shall be defrayed out of the police fund.
- (4) If provision is made by or under regulations under section 33 of this Act entitling a member of the metropolitan police force to appeal against any decision to the Commissioner of Police of the Metropolis, no appeal shall lie under this section against that decision unless it has been affirmed or varied on such an appeal to the Commissioner.
- (5) Schedule 5 to this Act shall have effect in relation to any appeal under this section.