



# Police Act 1964

## 1964 CHAPTER 48

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Remedies and complaints against police*

#### **48 Liability for wrongful acts of constables**

- (1) The chief officer of police for any police area shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the police fund—
  - (a) any damages or costs awarded against the chief officer of police in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings ; and
  - (b) any sum required in connection with the settlement of any claim made against the chief officer of police by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police ; and references in the foregoing provisions of this section to the chief officer of police shall be construed accordingly.
- (4) A police authority may, in such cases and to such extent as they think fit, pay any damages or costs awarded against a member of the police force maintained by them, or any constable for the time being required to serve with that force by virtue of section 14 of this Act, or any special constable appointed for their area, in proceedings

---

*Status: This is the original version (as it was originally enacted).*

---

for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings; and any sum required for making a payment under this subsection shall be paid out of the police fund.

#### **49 Investigation of complaints**

- (1) Where the chief officer of police for any police area receives a complaint from a member of the public against a member of the police force for that area he shall (unless the complaint alleges an offence with which the member of the police force has then been charged) forthwith record the complaint and cause it to be investigated and for that purpose may, and shall if directed by the Secretary of State, request the chief officer of police for any other police area to provide an officer of the police force for that area to carry out the investigation.
- (2) A chief officer of police shall comply with any request made to him under subsection (1) of this section.
- (3) On receiving the report of an investigation under this section the chief officer of police, unless satisfied from the report that no criminal offence has been committed, shall send the report to the Director of Public Prosecutions.

#### **50 Information as to manner of dealing with complaints**

Every police authority in carrying out their duty with respect to the maintenance of an adequate and efficient police force, and inspectors of constabulary in carrying out their duties with respect to the efficiency of any police force, shall keep themselves informed as to the manner in which complaints from members of the public against members of the force are dealt with by the chief officer of police.

### *Offences*

#### **51 Assaults on constables**

- (1) Any person who assaults a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable—
  - (a) on summary conviction to imprisonment for a term not exceeding six months or in the case of a second or subsequent offence nine months, or to a fine not exceeding £100, or to both;
  - (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.
- (2) Subsection (2) of section 23 of the Firearms Act 1937 (additional penalty for possession of firearms when committing certain offences) shall apply to offences under subsection (1) of this section.
- (3) Any person who resists or wilfully obstructs a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding £20, or to both.

## **52 Impersonation,**

- (1) Any person who with intent to deceive impersonates a member of a police force or special constable, or makes any statement or does any act calculated falsely to suggest that he is such a member or constable, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £100, or to both.
- (2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of a police force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (3) Any person who, not being a member of a police force or special constable, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding £20.
- (4) In this section " article of police uniform " means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of police forces or special constables, or anything having the appearance of such an article, badge, mark or document; and " special constable " means a special constable appointed for a police area.

## **53 Causing disaffection**

- (1) Any person who causes, or attempts to cause, or does any act calculated to cause, disaffection amongst the members of any police force, or induces or attempts to induce, or does any act calculated to induce, any member of a police force to withhold his services or to commit breaches of discipline, shall be guilty of an offence and liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £100, or to both ;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (2) This section applies to special constables appointed for a police area as it applies to members of a police force.

### *Miscellaneous*

## **54 Criminal statistics**

- (1) The chief officer of police of every police force shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in the area for which the force is maintained as the Secretary of State may require.
- (2) The Secretary of State shall cause a consolidated and classified abstract of the information transmitted to him under this section to be prepared and laid before Parliament.

---

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

---

## **55 Abolition of fees**

Section 23 of the Police Act 1890 (fees payable to constables), and any other enactment or rule of law whereby constables are authorised or required to take a fee for any act done in the course of their duty as such, shall cease to have effect.

## **56 Metropolitan and City of London police funds**

There shall be paid out of the metropolitan police fund and the City of London police fund respectively (subject, in the case of the metropolitan police fund, to the approval of the Secretary of State) any expenditure incurred under this Act in respect of—

- (a) any special constables appointed for the metropolitan police district or the City of London ; and
- (b) any police cadets appointed in relation to the metropolitan police force or the City of London police force.

## **57 Police expenses of counties falling partly within the metropolitan police district**

- (1) Any police expenses payable out of the county fund of any county falling partly within the metropolitan police district shall be chargeable only on so much of the county as does not fall within that district, without prejudice, however, to section 67 of the London Government Act 1963 (power of rating authority to aggregate like expenses chargeable on different parts of rating area).
- (2) In this section " police expenses " means expenses for police purposes (including contributions to the police fund of a combined police authority) or expenses which are for any purpose treated as incurred for police purposes or are under any enactment payable out of the police fund.

## **58 Chief constables affected by amalgamations or local government reorganisations**

- (1) If the chief constable of a police force which ceases to exist in consequence of an order under Part I of this Act or Part II of the Local Government Act 1958 is not appointed chief constable or other member of the successor force as from the date of transfer, he shall on that date become a member of that force or, if there is more than one successor force, of such of them as may be provided by or under the order) by virtue of this section.
- (2) While a person is a member of a police force by virtue only of this section he shall hold the rank of assistant chief constable but shall be treated for the purposes of his pay, pension and other conditions of service as if he had continued to be chief constable of the force which ceased to exist, subject however to section 5(1) of this Act.
- (3) A chief constable who becomes a member of a police force by virtue of this section shall, subject to regulations under Part II of this Act, cease to be a member thereof at the expiration of three months unless he has then accepted and taken up an appointment in that force.
- (4) The provision to be made by regulations under section 60(2) of the Local Government Act 1958 (as extended by Schedule 9 to this Act) with respect to the chief constable of a police force who, after becoming a member of another police force by virtue of this section, ceases to be a member of that force without having accepted and taken up an appointment therein shall, if he was the chief constable of a police force at the commencement of this Act, be not less favourable than any provision by way of a

pension that would have been payable to or in respect of him by virtue of the Police Pensions Act 1948 had the first-mentioned police force been combined with another force by an amalgamation scheme under the Police Act 1946 and he had neither been transferred to the combined force nor joined it within three months.

- (5) Where the chief constable of a police force is engaged for a period of overseas service within the meaning of the Police (Overseas Service) Act 1945 or a period of central service within the meaning of section 43 of this Act, and before the end of that period that force ceases to exist as mentioned in subsection (1) of this section—
- (a) that subsection shall apply to him as if he were still the chief constable of that force, but with the substitution for references to the date of transfer of references to the end of the said period ; and
  - (b) paragraph 2 of Schedule 4 to this Act shall not apply to him.
- (6) For the purposes of section 4(2) of this Act no account shall be taken of subsection (2) of this section.
- (7) In this section " successor force ", in relation to a police force which ceases to exist in consequence of any order, means a force to which members of that police force are transferred by virtue of the order; and " date of transfer " means the date as from which those members are so transferred.

## **59 Amendments of Police (Scotland) Act 1956**

The Police (Scotland) Act 1956 shall have effect subject to the amendments set out in Schedule 7 to this Act.

### *Supplemental*

## **60 Orders, rules and regulations**

- (1) Any power of the Secretary of State to make orders, rules or regulations under this Act (other than orders on appeals under section 37) shall be exercisable by statutory instrument.
- (2) Any power of the Secretary of State to make orders under this Act (other than such orders as aforesaid) includes power to amend or revoke an order by a subsequent order.

## **61 Expenses**

There shall be defrayed out of moneys provided by Parliament any expenses of the Secretary of State under this Act, and any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

## **62 Meaning of "police area"**

Except where the context otherwise requires, in this Act and in any other enactment (whether passed before or after the passing of this Act)—

- (a) " police area " or " police district " means any of the areas mentioned in column 1 of Schedule 8 to this Act;

---

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

---

- (b) " police authority ", " chief officer of police " and " police fund " mean, in relation to any such area, the authority, officer or fund mentioned in respect of that area in columns 2, 3 and 4 of that Schedule respectively; and
- (c) " police force " means the force maintained by any of the police authorities mentioned in that Schedule.

### **63 Minor and consequential amendments**

The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

### **64 Interpretation, repeals and transitional provisions**

- (1) In this Act the expression " police purposes ", in relation to a police area, includes the purposes of special constables appointed for that area, of police cadets undergoing training with a view to becoming members of the police force maintained for that area and of civilians employed for the purposes of that force or of any such special constables or cadets.
- (2) References in this Act to any enactment shall be construed as references to that enactment as amended, and as including references thereto as extended or applied, by any subsequent enactment.
- (3) The enactments mentioned in Schedule 10 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (4) The Secretary of State may by order repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in any instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act or corresponds to any provision repealed by this Act; and any statutory instrument made under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The transitional provisions contained in Schedule 11 to this Act shall have effect for the purposes of this Act.
- (6) Without prejudice to subsection (5) above, where any provision is made by this Act corresponding to any enactment repealed by this section, any regulation, order, rule or appointment made, and any other thing done, under that enactment shall have effect as if it were made or done under that provision.

### **65 Short title, commencement and extent**

- (1) This Act may be cited as the Police Act 1964.
- (2) This Act shall come into force on such date as the Secretary of State may by order appoint.
- (3) Different dates may be appointed by order under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the date on which that provision comes into operation.

- (4) An order under subsection (2) of this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provisions of this Act then in force as appear to the Secretary of State necessary or expedient for the purpose or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of the London Government Act 1963.
- (5) The following provisions of this Act extend to Scotland, namely, Part III; section 59 and Schedule 7; section 63 and Schedule 9, so far as they relate to enactments extending to Scotland; section 64 and Part II of Schedule 10; and this section.
- (6) This Act does not extend to Northern Ireland.