

*Status: Point in time view as at 01/02/1991.*

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## SCHEDULES

### SCHEDULE 4

Section 83.

#### THE POLICE COMPLAINTS AUTHORITY

##### PART I

##### GENERAL

##### *Constitution of Authority*

- 1 (1) The Police Complaints Authority shall consist of a chairman and not less than 8 other members.
- (2) The chairman shall be appointed by Her Majesty.
- (3) The other members shall be appointed by the Secretary of State.
- (4) The members of the Authority shall not include any person who is or has been a constable in any part of the United Kingdom.
- (5) Persons may be appointed as whole-time or part-time members of the Authority.
- (6) The Secretary of State shall appoint 2 of the members of the Authority to be deputy chairmen of the Authority.

##### *Incorporation and status of Authority*

- 2 (1) The Authority shall be a body corporate.
- (2) It is hereby declared that the Authority are not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Authority's property shall not be regarded as property of or property held on behalf of the Crown.

##### *Members*

- 3 (1) Subject to the following provisions of this Schedule, a person shall hold an office to which he is appointed under paragraph 1(2), (3) or (6) above in accordance with the terms of his appointment.
- (2) A person shall not be appointed to such an office for more than 3 years at a time.
- (3) A person may at any time resign such an office.

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- (4) The Secretary of State may at any time remove a person from such an office if satisfied that—
- (a) he has without reasonable excuse failed to carry out his duties for a continuous period of 3 months beginning not earlier than 6 months before that time; or
  - (b) he has been convicted of a criminal offence; or
  - (c) he has become bankrupt or made an arrangement with his creditors; or
  - (d) he is incapacitated by physical or mental illness; or
  - (e) he is otherwise unable or unfit to perform his duties.
- 4 The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of persons appointed to office under paragraph 1(2), (3) or (6) above or any of them as, with the consent of the Treasury, he may determine.
- 5 Where a person ceases to hold such an office otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the consent of the Treasury, direct the Authority to make to the person a payment of such amount as, with the consent of the Treasury, the Secretary of State may determine.

### *Staff*

- 6 The Authority may, after consultation with the Secretary of State, appoint such officers and servants as the Authority think fit, subject to the approval of the Treasury as to numbers and as to remuneration and other terms and conditions of service.
- 7 (1) Employment by the Authority shall be included among the kinds of employment to which a superannuation scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act, at the end of the list of “Other Bodies” there shall be inserted—
- “Police Complaints Authority”.
- (2) Where a person who is employed by the Authority and is by reference to that employment a participant in a scheme under section 1 of the said Act of 1972 is appointed to an office under paragraph 1(2), (3) or (6) above the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the Authority; and his rights under the scheme shall not be affected by paragraph 4 above.

#### **Marginal Citations**

**M1** 1972 c. 11.

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- 8 The <sup>M2</sup>Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Authority.

**Marginal Citations**

**M2** 1969 c. 57.

*Power of Authority to set up regional offices*

- 9 (1) If it appears to the Authority that it is necessary to do so in order to discharge their duties efficiently, the Authority may, with the consent of the Secretary of State and the Treasury, set up a regional office in any place in England and Wales.
- (2) The Authority may delegate any of their functions to a regional office.

*Proceedings*

- 10 (1) Subject to the provisions of this Act, the arrangements for the proceedings of the Authority (including the quorum for meetings) shall be such as the Authority may determine.
- (2) The arrangements may, with the approval of the Secretary of State, provide for the discharge, under the general direction of the Authority, of any of the Authority's functions by a committee or by one or more of the members, officers or servants of the Authority.
- 11 The validity of any proceedings of the Authority shall not be affected—
- (a) by any defect in the appointment—
    - (i) of the chairman;
    - (ii) of a deputy chairman; or
    - (iii) of any other member, or
  - (b) by any vacancy—
    - (i) in the office of chairman;
    - (ii) among the other members; or
    - (iii) in the office of deputy chairman.

*Finance*

- 12 The Secretary of State shall pay to the Authority expenses incurred or to be incurred by the Authority under paragraphs 5 and 6 above and, with the consent of the Treasury, shall pay to the Authority such sums as the Secretary of State thinks fit for enabling the Authority to meet other expenses.
- 13 (1) It shall be the duty of the Authority—

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- (a) to keep proper accounts and proper records in relation to the accounts;
  - (b) to prepare in respect of each financial year of the Authority a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
  - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of this paragraph and shall lay copies of each statement and of his report before Parliament.
- (3) The financial year of the Authority shall be the 12 months ending on 31st March.

## PART II

### TRANSITIONAL

#### *Information received by Police Complaints Board*

- 14 (1) No information received by the Police Complaints Board in connection with any complaint shall be disclosed by any person who has been a member, officer or servant of the Board except—
- (a) to the Secretary of State or to a member, officer or servant of the Authority or, so far as may be necessary for the proper discharge of the functions of the authority, to other persons; or
  - (b) for the purposes of any criminal, civil or disciplinary proceedings.
- (2) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale, as defined in section 75 of the <sup>M3</sup>Criminal Justice Act 1982.

#### **Marginal Citations**

**M3** 1982 c. 48.

#### *Property, rights and liabilities*

- 15 (1) On the day on which section 83 above comes into operation all property, rights and liabilities which immediately before that day were property, rights and liabilities of the Police Complaints Board shall vest in the Authority by virtue of this paragraph and without further assurance.
- (2) Section 12 of the <sup>M4</sup>Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) shall not apply to any transfer of property effected by this paragraph.

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#### Marginal Citations

M4 1895 c. 16.

#### *Proceedings*

- 16 Proceedings in any court to which the Police Complaints Board is a party and which are pending immediately before the date on which section 83 above comes into operation may be continued on and after that day by the Authority.

#### *Payments to former members of Police Complaints Board*

- 17 Where a person—
- (a) ceases to be a member of the Police Complaints Board by reason of its abolition; and
  - (b) does not become a member of the Authority,
- the Secretary of State may, with the consent of the Treasury, make to the person a payment of such amount as, with the consent of the Treasury, the Secretary of State may determine.

#### *General*

- 18 Paragraphs 14 to 17 above are without prejudice to the generality of section 121(4) above.

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