



# Police and Magistrates' Courts Act 1994

## 1994 CHAPTER 29

### PART I

#### POLICE

### CHAPTER II

#### OTHER PROVISIONS ABOUT THE POLICE

##### *Financial provisions*

#### 27 Precepts.

- (1) In section 39 of the <sup>M1</sup>Local Government Finance Act 1992, in subsection (1) (list of major precepting authorities) for paragraphs (b) and (c) there shall be substituted—
- “(b) a police authority established under section 3 of the <sup>M2</sup>Police Act 1964;”.
- (2) In section 54 of that Act (designation of authorities whose budget requirements are to be limited), in subsection (3) (classes of authorities to be treated on same principles) for paragraph (f) there shall be substituted—
- “(f) police authorities established under section 3 of the <sup>M3</sup>Police Act 1964;”.

#### Commencement Information

- II** S. 27 wholly in force at 1.11.1994; s. 27 not in force at Royal Assent, see s. 94(1); s. 27 in force (1.11.1994, for the purposes of any financial year beginning on or after 1.4.1995) by S.I. 1994/2025, art. 7(1)(2)(b)

#### Marginal Citations

- M1** 1992 c. 14.

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Police and Magistrates' Courts Act 1994, Chapter II. (See end of Document for details)*

<b>M2</b>	1964 c. 48.
<b>M3</b>	1964 c. 48.

**F1** 28 .....

<b>Textual Amendments</b>	
<b>F1</b>	S. 28 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), <b>Sch. 9 Pt. I</b>

**F2** 29 .....

<b>Textual Amendments</b>	
<b>F2</b>	S. 29 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), <b>Sch. 9 Pt. I</b>

**30 Revenue accounts and capital finance.**

In section 39 of the <sup>M4</sup>Local Government and Housing Act 1989, in subsection (1) (authorities to which provisions about revenue accounts and capital finance apply) for paragraph (j) there shall be substituted—

“(j) a police authority established under section 3 of the <sup>M5</sup>Police Act 1964;”.

<b>Commencement Information</b>	
<b>I2</b>	S. 30 wholly in force at 1.4.1995; s. 30 not in force at Royal Assent, see s. 94(1); s. 30 in force at 15.3.1995 for certain purposes and otherwise 1.4.1995 by S.I. 1994/3262, art. 4(1)(6), <b>Sch.</b> (with transitional provisions in art. 4(6)) (as amended (14.3.1995) by S.I. 1995/246, <b>art. 2(3)</b> )
<b>Marginal Citations</b>	
<b>M4</b>	1989 c. 42.
<b>M5</b>	1964 c. 48.

**31 Financial administration.**

In section 111 of the <sup>M6</sup>Local Government Finance Act 1988, in subsection (2) (definition of “relevant authority” for the purposes of provisions regulating financial administration) for paragraph (e) there shall be substituted—

“(e) a police authority established under section 3 of the <sup>M7</sup>Police Act 1964;”.

<b>Commencement Information</b>	
<b>I3</b>	S. 31 wholly in force at 1.4.1995; s. 31 not in force at Royal Assent see s. 94(1); s. 31 in force for certain purposes at 1.10.1994 by S.I. 1994/2025, <b>art. 6(1)(2)(d)(3)-(6)</b> ; s. 31 in force at 1.4.1995

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insofar as not already in force by S.I. 1994/3262, art. 4(1), Sch. (with transitional provisions in art. 4(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

**Marginal Citations**

M6 1988 c. 41.

M7 1964 c. 48.

**F3**32 .....

**Textual Amendments**

F3 S. 32 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**33 Validation of past grants.**

- (1) Any deductions made from grants under section 31 of the 1964 Act for any period ended after 31st March 1980 and before the passing of this Act on account of common services expenditure shall be deemed to have been made in accordance with that section and any order made under it.
- (2) In subsection (1) above “common services expenditure” means expenditure incurred by the Secretary of State under—
  - (a) section 41 (common services) of the 1964 Act, or
  - (b) section 44 (Police Federations) of that Act, or
  - (c) section 4 of the <sup>M8</sup>Police Act 1969 (Police Council for the United Kingdom) or section 1 of the <sup>M9</sup>Police Negotiating Board Act 1980.

**Marginal Citations**

M8 1969 c. 63.

M9 1980 c. 10.

*Complaints against and conduct of police officers*

**F4**34 .....

**Textual Amendments**

F4 S. 34 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), Sch. 9 Pt. I

**F5**35 .....

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**Textual Amendments**

**F5** S. 35 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F6** 36 .....

**Textual Amendments**

**F6** S. 36 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F7** 37 .....

**Textual Amendments**

**F7** S. 37 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

**F8** 38 .....

**Textual Amendments**

**F8** S. 38 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. I**

*Reorganisation of local government*

**39 Police areas in England: alterations under Local Government Act 1992.**

- (1) The <sup>M10</sup>Local Government Act 1992 shall be amended as follows.
- (2) In section 14(5) (matters on which Local Government Commission to make recommendations) after paragraph (d) there shall be added— “ (e) whether, in connection with any recommended structural or boundary change, there should be any change in police areas (including any change resulting in a reduction or increase in the number of police areas) ”.
- (3) In section 15 (procedure on a review) in subsections (3)(c) and (4)(c) (duty to deposit draft and final recommendations with affected councils) after the word “council” there shall be inserted the words “ or police authority ”.
- (4) In section 17 (implementation of recommendations), in subsection (3)(g) for the words “and election” there shall be substituted the words “ , election and membership ”.
- (5) After subsection (5) of section 17 there shall be added—
  - “(6) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that none of the following areas—

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- (a) a county in which there are no district councils,
- (b) a district in any other county, and
- (c) a London borough,

is divided between two or more police areas; but this subsection shall not have effect so as to prevent the maintenance of any part of the boundary of the metropolitan police district as it exists at the commencement of section 1 of the Police and Magistrates' Courts Act 1994.”

- (6) In section 18, subsection (2) and paragraph (a) of subsection (4) shall cease to have effect.
- (7) In section 19(2) (provision that may be made by regulations), in paragraph (a) after the words “local authority” in each place where they occur there shall be inserted the words “ or police authority ”.

#### Commencement Information

**I4** S. 39 wholly in force at 1.4.1995; s. 39 not in force at Royal Assent, see s. 94(1); s. 39(1)(4)-(7) in force (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(f); s. 39(2)(3) in force (1.4.1995) by S.I. 1994/3262, art. 4(1), Sch. (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### Marginal Citations

**M10** 1992 c. 14.

## 40 Police areas in Wales: alterations under Local Government Act 1972.

- (1) The <sup>M11</sup>Local Government Act 1972 shall be amended as follows.
- (2) In section 54(1) (changes that may be proposed by Welsh Local Government Boundary Commission) after paragraph (e) there shall be added— “ (f) a change in police areas (including a change resulting in a reduction or increase in the number of police areas) in connection with a change in local government areas ”.
- (3) In section 58 (implementation of Commission’s reports) after subsection (3) there shall be inserted—

“(3A) The Secretary of State shall exercise his power to make orders under this section in relation to police areas in such a way as to ensure that no county or county borough is divided between two or more police areas.”
- (4) In section 60 (procedure for reviews)—
  - (a) in subsection (2)(a)(i) (duty to consult local authorities etc.) after the word “area” there shall be inserted the words “ and the police authority for any police area ”;
  - (b) in subsection (2)(c) (duty to deposit documents with councils, etc.) after the words “principal council” there shall be inserted the words “ or police authority ”, and after the word “such” there shall be inserted the word “ principal ”;
  - (c) in subsection (5)(b) (further duty to deposit documents with councils, etc.) after the words “principal council” there shall be inserted the words “ or police authority ”, and after the word “such” there shall be inserted the word “ principal ”.

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- (5) In section 67 (provision that may be made by orders), in subsection (5)(b) for the words “and election” there shall be substituted the words “, election and membership”.

**Marginal Citations**

**M11** 1972 c. 70.

*Miscellaneous*

**41 Metropolitan police: assistant commissioners.**

In section 2 of the <sup>M12</sup>Metropolitan Police Act 1856 (power to appoint six assistant commissioners of police)—

- (a) the word “six”, and
  - (b) the words “and upon every vacancy” onwards,
- shall be omitted.

**Marginal Citations**

**M12** 1856 c.2.

**42 Application of Firearms Act 1968 to civilian staff.**

In section 54 of the <sup>M13</sup>Firearms Act 1968 (application of Act to Crown servants) for subsection (3) (which provides that members of police forces are deemed to be in the service of Her Majesty) there shall be substituted—

- “(3) For the purposes of this section and of any rule of law whereby any provision of this Act does not bind the Crown, a person shall be deemed to be in the service of Her Majesty if he is—
- (a) a member of a police force, or
  - (b) a person employed by a police authority who is under the direction and control of a chief officer of police.”

**Marginal Citations**

**M13** 1968 c. 27.

**43 Application to police authorities of enactments relating to local authorities etc.**

Schedule 4 to this Act (which makes amendments relating to the application of enactments to police authorities, including amendments providing for them to be treated as local authorities for certain purposes) shall have effect.

**Commencement Information**

**I5** S. 43 wholly in force at 1.4.1995; s. 43 not in force at Royal Assent, see s. 94(1); s. 43 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 6(1)(2)(e)(3)-(6); s. 43 in force (1.4.1995) insofar

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as not already in force by S.I. 1994/3262, art. 4(1), **Sch.** (as amended (14.3.1995) by S.I. 1995/246, art. 2(3))

#### 44 Minor and consequential amendments.

Schedule 5 to this Act (which makes minor and consequential amendments relating to the police) shall have effect.

##### Commencement Information

**I6** S. 44 partly in force; s. 44 in force for certain purposes at Royal Assent, see s. 94(3); s. 44 in force for certain purposes (8.8.1994) by S.I. 1994/2025, art. 4(1)(2)(d); s. 44 in force for certain purposes (1.10.1994) by S.I. 1994/2025, art. 5(1)(2)(h); s. 44 in force for certain purposes (31.12.1994) by S.I. 1994/3262, art. 3(1)(b) (with transitional provisions in art. 3(2)) (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); s. 44 in force for certain purposes (1.4.1995) by S.I. 1994/3262, art. 4(1), **Sch.** (as amended (14.3.1995) by S.I. 1995/246, art. 2(3)); s. 44 in force for certain purposes (1.8.1996) by S.I. 1996/1646, art. 2, **Sch.** (with saving in art. 3)

<sup>F9</sup>45 .....

##### Textual Amendments

**F9** S. 45 repealed (22.8.1996) by 1996 c. 16, ss. 103(3), 104(1), **Sch. 9 Pt. 1**

#### 46 Interpretation of Part I.

In this Part of this Act “the 1964 Act” means the <sup>M14</sup>Police Act 1964.

##### Marginal Citations

**M14** 1964 c. 48.

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**Changes to legislation:**

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