



Police Act 1996

1996 CHAPTER 16

PART II

CENTRAL SUPERVISION, DIRECTION AND FACILITIES

Functions of Secretary of State

36 General duty of Secretary of State.

- (1) The Secretary of State shall exercise his powers under the provisions of this Act referred to in subsection (2) in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the police.
- (2) The provisions of this Act mentioned in subsection (1) are—
 - (a) Part I;
 - (b) this Part;
 - (c) Part III ^{F1}...;
 - (d) in Chapter II of Part IV, [^{F2}sections 84 and 85] and Schedule 6; and
 - (e) in Part V, section 95.

Textual Amendments

- F1** Words in s. 36(2)(c) omitted (1.9.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 87](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2125, art. 2(f)(ii)
- F2** Words in s. 36(2)(d) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 22 para. 2](#); S.I. 2008/2712, art. 2, Sch. para. 16(a)

^{F3}36A National Policing Plan

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Status: Point in time view as at 28/03/2016.

Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

Textual Amendments

F3 S. 36A repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), Sch. 2 para. 24, [Sch. 15 Pt. 1\(B\)](#)

^{F4}37 Setting of objectives for police authorities.

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Textual Amendments

F4 S. 37 repealed (8.11.2006) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(2), Sch. 2 para. 24, [Sch. 15 Pt. 1\(B\)](#)

[^{F5}37A The strategic policing requirement

- (1) The Secretary of State must, from time to time, issue a document (the “strategic policing requirement”) which sets out what, in the Secretary of State's view, are—
 - (a) national threats at the time the document is issued, and
 - (b) appropriate national policing capabilities to counter those national threats.
- (2) A chief officer of police must, in exercising the functions of chief officer, have regard to the strategic policing requirement.
- (3) Before issuing the strategic policing requirement, the Secretary of State—
 - (a) must obtain the advice of—
 - (i) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
 - (ii) such persons as appear to the Secretary of State to represent the views of local policing bodies, and
 - (b) must consult such other persons as the Secretary of State thinks fit.
- (4) The strategic policing requirement need not set out a national threat (in particular) if, in the Secretary of State's view, countering the threat would involve police forces other than England and Wales police forces (and only those other police forces).
- (5) References in this section to national policing capabilities to counter a threat are references to the ability of all England and Wales police forces—
 - (a) to exercise one or more functions to counter that threat,
 - (b) to exercise one or more functions in one or more particular ways to counter that threat, or
 - (c) to exercise one or more functions in accordance with common operational standards to counter that threat.
- (6) In this section—
 - “England and Wales police force” means—
 - (a) a police force maintained under section 2,
 - (b) the metropolitan police force, and
 - (c) the City of London police force;
 - “national threat” means a threat (whether actual or prospective) which is—

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- (a) a threat to national security, public safety, public order or public confidence that is of such gravity as to be of national importance, or
- (b) a threat which can be countered effectively or efficiently only by national policing capabilities to counter the threat.]

Textual Amendments

F5 S. 37A substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 77, 157(1)**; S.I. 2012/1129, art. 2(c)

F638 Setting of performance targets.

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Textual Amendments

F6 S. 38 omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 81(a), 157(1)**; S.I. 2012/2892, art. 2(a)

F739 Codes of practice.

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Textual Amendments

F7 S. 39 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 81(b), 157(1)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(2))

[F839A Codes of practice for chief officers

[^{F9}(1) The College of Policing may, with the approval of the Secretary of State, issue codes of practice relating to the discharge of their functions by chief officers of police if the College considers that—

- (a) it is necessary to do so in order to promote the efficiency and effectiveness of police forces generally,
- (b) it is necessary to do so in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations, or
- (c) it is for any other reason in the national interest to do so.]

(2) [^{F10}The College of Policing may, with the approval of the Secretary of State,] from time to time revise the whole or any part of a code of practice issued under this section.

^{F11}(3)

[^{F12}(4) The College of Policing shall consult with the National Crime Agency before issuing or revising a code of practice under this section.]

(5) The Secretary of State shall lay any code of practice issued by [^{F13}the College of Policing] under this section, and any revision of any such code, before Parliament.

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Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

- (6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
- (a) would be against the interests of national security;
 - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
 - (c) could jeopardise the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, a chief officer of police shall have regard to the code.]

Textual Amendments

- F8** S. 39A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 2**, 108(2)-(5); S.I. 2002/2306, **art. 2(a)**
- F9** S. 39A(1) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 124(2)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/949, art. 3, Sch. para. 10
- F10** Words in s. 39A(2) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 124(3)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/949, art. 3, Sch. para. 10
- F11** S. 39A(3) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 30(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F12** S. 39A(4) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 124(4)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/949, art. 3, Sch. para. 10
- F13** Words in s. 39A(5) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 124(5)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/949, art. 3, Sch. para. 10

[^{F14}40] Power to give directions in relation to police force

- (1) Where the Secretary of State is satisfied that the whole or any part of a police force is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the [^{F15}local policing body] responsible for maintaining the force to take specified measures for the purpose of remedying the failure.
- (2) Where the Secretary of State is satisfied that the whole or a part of a police force will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the [^{F15}local policing body] responsible for maintaining the force to take specified measures in order to prevent such a failure occurring.
- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which the person or persons submitting the plan propose to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to any police force unless—
 - (a) the [^{F15}local policing body] responsible for maintaining the force and the chief officer of police of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers

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- appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
- (b) that [F15]local policing body] and chief officer have each been given an opportunity of making representations about those grounds;
 - (c) that [F15]local policing body] and chief officer have each had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
- (a) the [F15]local policing body] responsible for maintaining the force and the chief officer of police of that force have already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
 - (b) the information they had about those matters was sufficient to enable them to identify remedial measures that would have made the giving of the direction unnecessary; and
 - (c) they have each had a reasonable opportunity to take such measures.
- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
- (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and
 - (b) an opportunity of making written observations about those grounds.
- The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.
- (7) A [F15]local policing body] that is given a direction under this section shall comply with it.

Textual Amendments

F14 Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)

F15 Words in s. 40 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(2\)](#), 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1

Modifications etc. (not altering text)

C1 Ss. 40-40B: power to apply conferred (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [2009 c. 20](#), [Sch. 5C para. 11\(1\)\(c\)](#) (as inserted by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 2](#))

40A Power to give directions in relation to [F16]local policing body]

- (1) Where the Secretary of State is satisfied that a [F16]local policing body] is failing to discharge any of its functions in an effective manner, whether generally or in particular respects, he may direct the [F16]local policing body] to take specified measures for the purpose of remedying the failure.

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- (2) Where the Secretary of State is satisfied that a [F16]local policing body] will fail to discharge any of its functions in an effective manner, whether generally or in particular respects, unless remedial measures are taken, he may direct the [F16]local policing body] to take specified measures in order to prevent such a failure occurring.
- (3) The measures that may be specified in a direction under subsection (1) or (2) include the submission to the Secretary of State of an action plan setting out the measures which [F17]the local policing body] submitting the plan proposes to take for the purpose of remedying the failure in question or (as the case may be) preventing such a failure occurring.
- (4) The Secretary of State shall not give a direction under this section in relation to a [F16]local policing body] unless—
- (a) the [F16]local policing body] has been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling it to make representations or proposals under the following paragraphs of this subsection;
 - (b) the [F16]local policing body] has been given an opportunity of making representations about those grounds;
 - (c) the [F16]local policing body] has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
 - (d) the Secretary of State has considered any such representations and any such proposals.
- (5) Subsection (4) does not apply if the Secretary of State is satisfied that—
- (a) the [F16]local policing body] has already been made aware of the matters constituting the Secretary of State's grounds for proposing to give a direction under this section;
 - (b) the information [F17]the local policing body] had about those matters was sufficient to enable it to identify remedial measures that would have made the giving of the direction unnecessary; and
 - (c) [F17]the local policing body] has had a reasonable opportunity to take such measures.
- (6) The Secretary of State shall not give a direction under this section unless Her Majesty's Chief Inspector of Constabulary has been given—
- (a) the same information about the grounds for proposing to give that direction as is required to be given under subsection (4)(a) (or would be so required but for subsection (5)); and
 - (b) an opportunity of making written observations about those grounds.
- The Secretary of State shall publish any such observations in such manner as appears to him to be appropriate.
- (7) A [F16]local policing body] that is given a direction under this section shall comply with it.
- (8) Nothing in this section or in section 40 prevents the Secretary of State from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 40.

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Textual Amendments

- F14** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)
- F16** Words in s. 40A substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(3\)\(a\)](#), 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1
- F17** Words in s. 40A substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(3\)\(b\)](#), 157(1); [S.I. 2011/3019](#), art. 3, Sch. 1

Modifications etc. (not altering text)

- C1** Ss. 40-40B: power to apply conferred (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [2009 c. 20](#), [Sch. 5C para. 11\(1\)\(c\)](#) (as inserted by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 2](#))

40B Procedure for directions under section 40 or 40A

- (1) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where—
 - (a) a proposal is made for the giving of a direction under section 40;
 - (b) a proposal is made for the giving of a direction under section 40A.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
 - ^{F18}(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
 - (aa) the Mayor's Office for Policing and Crime;
 - (ab) the Common Council;
 - (b) the Association of Chief Police Officers; and
 - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (5) On giving a direction under section 40 or section 40A to a ^{F19}local policing body], the Secretary of State shall notify the chief officer of police of the force in question that he has given that direction.
- (6) Where the Secretary of State gives a direction under section 40 or section 40A he shall lay before Parliament—
 - (a) a copy of the direction; and
 - (b) a report about it.
- (7) A report under ^{F20}subsection (6)]—
 - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
 - (b) may relate to more than one direction.]

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Textual Amendments

- F14** Ss. 40-40B substituted for s. 40 (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), [Sch. 2 para. 27](#); [S.I. 2007/709](#), art. 3(c) (with art. 6)
- F18** Ss. 40B(2)(a)-(ab) substituted for s. 40B(2)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(4\)](#), 157(1); [S.I. 2011/3019](#), art. 3, [Sch. 1](#) (with [Sch. 2 para. 3](#))
- F19** Words in s. 40B(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 91\(5\)](#), 157(1); [S.I. 2011/3019](#), art. 3, [Sch. 1](#)
- F20** Words in s. 40B(7) substituted (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(6)(a), [Sch. 7 para. 133](#)

Modifications etc. (not altering text)

- C1** Ss. 40-40B: power to apply conferred (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [2009 c. 20](#), [Sch. 5C para. 11\(1\)\(c\)](#) (as inserted by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), [Sch. 2](#))

[^{F21} 40C Power to give directions to College of Policing

- (1) The Secretary of State may give a direction to the College of Policing requiring it to exercise any particular function that is conferred on the College by this Act or any other enactment.
- (2) The College of Policing shall carry out such other duties for the purpose of furthering the efficiency, effectiveness or integrity of the police as the Secretary of State may from time to time direct.]

Textual Amendments

- F21** S. 40C inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 126](#), 185(1) (with [ss. 21](#), 33, 42, 58, 75, 93); [S.I. 2014/949](#), art. 3, [Sch. para. 10](#)

41 Directions as to minimum budget.

- (1) The power of the Secretary of State to give directions under section 40 [^{F22}or 40A] to a [^{F23}a police and crime commissioner] shall include power to direct [^{F24}the commissioner] that the amount of [^{F25}the commissioner's][^{F26}council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act) for any financial year] shall not be less than an amount specified in the direction.
- [^{F27}(1A) But the Secretary of State may not give a direction to the police and crime commissioner for a police area by virtue of subsection (1) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in that police area from being put at risk.]
- (2) The power exercisable by virtue of subsection (1), and any direction given under that power, are subject to any limitation imposed under Chapter [^{F28}4ZA or][^{F29}IVA] of Part I of the Local Government Finance Act 1992.
- (3) A direction shall not be given by virtue of subsection (1) in relation to a financial year at any time after the end of the preceding December.

Status: Point in time view as at 28/03/2016.

Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

- (4) Where the Secretary of State gives a direction to [^{F30}a police and crime commissioner] by virtue of subsection (1), any precept issued or calculation made by [^{F31}the commissioner] under Part I of the Local Government Finance Act 1992 which is inconsistent with the direction shall be void.

Textual Amendments

- F22** Words in s. 41(1) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), **Sch. 2 para. 28**; [S.I. 2007/709](#), art. 3(c) (with art. 6)
- F23** Words in s. 41(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(2)(a)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F24** Words in s. 41(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(2)(b)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F25** Words in s. 41(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(2)(c)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F26** Words in s. 41(1) substituted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 7 para. 33**; [S.I. 2011/2896](#), art. 2(i)
- F27** S. 41(1A) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(3)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F28** Words in s. 41(2) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 6 para. 33**; [S.I. 2011/2896](#), art. 2(i)
- F29** Words in s. 41(2) substituted (27.7.1999 so as to apply as mentioned in S. 30(2)) by [1999 c. 27](#), s. 30(1), **Sch. 1 Pt. II para. 10**
- F30** Words in s. 41(4) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(4)(a)**, 157(1); [S.I. 2012/2892](#), art. 2(a)
- F31** Words in s. 41(4) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 22(4)(b)**, 157(1); [S.I. 2012/2892](#), art. 2(a)

^{F32} 41A Power to give directions as to action plans

Textual Amendments

- F32** S. 41A repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 29, **Sch. 15 Pt. 1(B)**; [S.I. 2007/709](#), art. 3(c)(r)(i) (with art. 6)

^{F33} 41B Procedure for directions under section 41A

Textual Amendments

- F33** S. 41B repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), s. 53(1), Sch. 2 para. 29, **Sch. 15 Pt. 1(B)**; [S.I. 2007/709](#), art. 3(c)(r)(i) (with art. 6)

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42 [F34] **Metropolitan police: suspension or removal of Commissioner or Deputy Commissioner**

[F35][F36] (1) The Secretary of State may require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the Police Reform and Social Responsibility Act 2011 (the “2011 Act”) to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign.

(1A) The Secretary of State may also require the Mayor's Office for Policing and Crime to exercise the power under section 48 of the 2011 Act to suspend the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, if the Secretary of State considers that it is necessary for the maintenance of public confidence in the metropolitan police force for that police officer to be suspended.]

(2) [F37] Before requiring the Mayor's Office for Policing and Crime to exercise its power to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign, the Secretary of State shall—

- (a) give the officer concerned a notice in writing—
 - (i) informing him of the Secretary of State’s intention to require the exercise of that power; and
 - (ii) explaining the Secretary of State’s grounds for requiring the exercise of that power; and
- (b) give that officer an opportunity to make representations to the Secretary of State.

(2A) Where the Secretary of State gives a notice under subsection (2)(a), he shall send a copy of the [F38] notice to the Mayor's Office for Policing and Crime.]

(2B) The Secretary of State shall consider any representations made to him under subsection (2).]

(3) [F39] Where the Secretary of State proposes to require the exercise of a power mentioned in subsection (1), he] 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.

[F40] (3A) At an inquiry held under subsection (3)—

- (a) the Commissioner [F41] or Deputy Commissioner] shall be entitled, in accordance with any regulations under section 42A, to make representations to the inquiry;
- (b) the [F42] Mayor's Office for Policing and Crime] shall be entitled, in accordance with any regulations made under section 42A, to make representations to the inquiry.

(3B) The entitlement of the Commissioner [F43] or Deputy Commissioner] to make representations shall include the entitlement to make them in person.]

(4) The costs incurred by a [F44] the Commissioner [F45] or Deputy Commissioner] 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.

[F46] (4A) If the Secretary of State exercises [the power conferred by subsection (1) to require the Mayor's Office for Policing and Crime to call upon the Commissioner to retire or resign—

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- (a) the requirement of section 48(1) of the 2011 Act to obtain the Secretary of State's consent does not apply, and
- (b) section 48(5) of the 2011 Act does not apply.]

(4B) In this section “the Commissioner” means the Commissioner of Police of the Metropolis and “the Deputy Commissioner” means the Deputy Commissioner of Police of the Metropolis.

^{F47}(4C)

^{F48}(5)

Textual Amendments

- F34** S. 42 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(3)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F35** S. 42(1)-(2B) substituted for s. 42(1)(2) (1.6.2004) by Police Reform Act 2002 (c. 30), ss. **33(2)**, 108(2); S.I. 2004/1319, art. **2(d)**
- F36** S. 42(1)(1A) substituted for s. 42(1)-(1B) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(4)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F37** Words in s. 42(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(5)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F38** Words in s. 42(2A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(6)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F39** Words in s. 42(3) substituted (1.6.2004) by Police Reform Act 2002 (c. 30), ss. **33(3)**, 108(2); S.I. 2004/1319, art. **2(d)**
- F40** S. 42(3A)(3B) inserted (1.6.2004) by Police Reform Act 2002 (c. 30), ss. **33(4)**, 108(2); S.I. 2004/1319, art. **2(d)**
- F41** Words in s. 42(3A)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(7)(a)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F42** Words in s. 42(3A)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(7)(b)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F43** Words in s. 42(3B) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(8)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F44** Words in s. 42(4) substituted (1.6.2004) by Police Reform Act 2002 (c. 30), ss. **33(5)**, 108(2); S.I. 2004/1319, art. **2(d)**
- F45** Words in s. 42(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(9)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F46** S. 42(4A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(10)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F47** S. 42(4C) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), ss. **82(11)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(3))
- F48** S. 42(5) repealed (1.6.2004) by Police Reform Act 2002 (c. 30), ss. **33(7)**, 108(2), **Sch. 8**; S.I. 2004/1319, art. **2(d)(f)**

[^{F49}42A Procedure in relation to [^{F50} exercise of powers under section 42]

- (1) The Secretary of State may by regulations make provision as to the procedure to be followed in the exercise of any power conferred or duty imposed by section ^{F51}... 42.
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
 - [^{F52}(a) the Mayor's Office for Policing and Crime;]

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- (b) the Association of Chief Police Officers; and
 - (c) such other persons as he thinks fit.
- (3) Regulations under this section may make different provision for different cases and circumstances.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F49** S. 42A inserted (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), **ss. 34**, 108(2)-(5); S.I. 2002/2306, **art. 2(c)(i)**
- F50** Words in s. 42A title substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 31(2)**; S.I. 2012/2892, art. 2(i)
- F51** Words in s. 42A(1) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 31(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 13)
- F52** S. 42A(2)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 31(4)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 13)

^{F53} 43 Reports from police authorities.

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Textual Amendments

- F53** S. 43 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 81(c)**, 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with art. 9(1)(2))

[^{F54} 44 Provision of information by chief officers of police

- (1) The Secretary of State may require a chief officer of police of any police force to provide the Secretary of State with information on such matters as may be specified in the requirement, being matters connected with—
- (a) the policing of the police area for which that police force is maintained, or
 - (b) the discharge of the national or international functions of that police force.
- (2) A requirement under subsection (1) may, in particular, specify information in the form of statistical data, being data connected with—
- (a) the policing of that police area, or
 - (b) the discharge of the national or international functions of the police force for that area.
- (3) A requirement under subsection (1) may specify the form in which information is to be provided.
- (4) The Secretary of State may require a chief officer to publish, in such manner as appears to the Secretary of State to be appropriate, information provided in accordance with a requirement under subsection (1).

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- (5) The Secretary of State may cause a consolidated and classified abstract of any information in the form of statistical data that is provided in accordance with subsection (1) to be prepared and laid before Parliament.]

Textual Amendments

F54 S. 44 substituted for ss. 44. 45 (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 92, 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

^{F54}45 Criminal statistics.

Textual Amendments

F54 S. 44 substituted for ss. 44. 45 (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 92, 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

46 Police grant.

- (1) Subject to the following provisions of this section, the Secretary of State shall [^{F55}for each financial year—
- (a) make grants to police and crime commissioners for the purposes of their functions,
 - (b) make grants to the Common Council for the purposes of its functions as police authority, and
 - (c) make grants to the Greater London Authority for the purposes of the functions of the Mayor's Office for Policing and Crime;]
- [^{F56}and in those provisions a reference to a grant recipient is a reference to a police and crime commissioner, the Common Council or the Greater London Authority.]
- (2) For each financial year the Secretary of State shall with the approval of the Treasury determine—
- (a) the aggregate amount of grants to be made under this section, and
 - (b) the amount of the grant to be made to each [^{F57}grant recipient];
- and any determination may be varied by further determinations under this subsection.
- (3) The Secretary of State shall prepare a report setting out any determination under subsection (2), and stating the considerations which he took into account in making the determination.
- (4) In determining the allocation among [^{F58}grant recipients] of the whole or any part of the aggregate amount of grants, the Secretary of State may exercise his discretion by applying such formulae or other rules as he considers appropriate.
- (5) The considerations which the Secretary of State takes into account in making a determination under subsection (2), and the formulae and other rules referred to in subsection (4), may be different for [^{F59}different grant recipients or different classes of grant recipient].

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- (6) A copy of every report prepared under subsection (3) shall be laid before the House of Commons, and no payment of grant shall be made unless the report setting out the determination of its amount has been approved by resolution of that House.
- (7) A grant to a ^{F60}grant recipient] under this section shall be paid at such time, or in instalments of such amounts and at such times, as the Secretary of State may with the approval of the Treasury determine; and any such time may fall within or after the financial year concerned.
- ^{F61}(7A) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the ^{F62}Mayor's Office for Policing and Crime] and pay it over to ^{F63}that Office].
- (8) Where in consequence of a further determination under subsection (2) the amount of ^{F64}a grant recipient's] grant is less than the amount already paid to it for the year concerned, a sum equal to the difference shall be paid by ^{F65}the grant recipient] to the Secretary of State on such day as he may specify; but no sum shall be payable by ^{F66}a grant recipient] under this subsection unless the report setting out the further determination has been approved by resolution of the House of Commons.
- ^{F67}(9) Where the Greater London Authority is required to pay a sum under subsection (8) above, the Mayor of London may direct the ^{F68}Mayor's Office for Policing and Crime] to pay an amount not exceeding that sum to the Greater London Authority on such day as he may specify in the direction.]

Textual Amendments

- F55** Words in s. 46(1) substituted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 142\(1\)](#), [185\(1\)](#) (with [ss. 21](#), [33](#), [42](#), [58](#), [75](#), [93](#)); S.I. 2014/949, art. 3, Sch. para. 12
- F56** Words in s. 46(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(2\)\(b\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F57** Words in s. 46(2)(b) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(3\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F58** Words in s. 46(4) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(4\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F59** Words in s. 46(5) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(5\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F60** Words in s. 46(7) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(6\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F61** S. 46(7A) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para. 92\(4\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, [Sch.](#)
- F62** Words in s. 46(7A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(7\)\(a\)](#), [157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F63** Words in s. 46(7A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(7\)\(b\)](#), [157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F64** Words in s. 46(8) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(8\)\(a\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F65** Words in s. 46(8) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(8\)\(b\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F66** Words in s. 46(8) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), [ss. 24\(8\)\(c\)](#), [157\(1\)](#); S.I. 2012/2892, art. 2(a)
- F67** S. 46(9) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para. 92\(5\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, [Sch.](#)

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F68 Words in s. 46(9) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 24\(9\), 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

47 Grants for capital expenditure.

- (1) The Secretary of State may make grants in respect of capital expenditure incurred (or to be incurred) ^{F69} ... [^{F70}by local policing bodies].
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.
- [^{F71}(4) Any grant [^{F72}under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime] shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the [^{F73}Mayor's Office for Policing and Crime] and pay it over to [^{F74}that Office].]

Textual Amendments

- F69** Words in s. 47(1) omitted (13.5.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 142\(2\)\(a\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 12
- F70** Words in s. 47(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(a\), 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F71** S. 47(4)(5) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para. 93\(3\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, [Sch.](#)
- F72** Words in s. 47(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(b\), 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F73** Words in s. 47(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(c\)\(i\), 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F74** Words in s. 47(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 25\(2\)\(c\)\(ii\), 157\(1\)](#); S.I. 2011/3019, art. 3, Sch. 1

48 Grants for expenditure on safeguarding national security.

- (1) The Secretary of State may make grants in respect of expenditure incurred (or to be incurred) for police purposes [^{F75}by local policing bodies in connection with safeguarding national security].
- (2) Grants under this section may be made either unconditionally or subject to conditions.
- (3) The Secretary of State shall exercise his powers under this section only with the approval of the Treasury.
- [^{F76}(4) Any grant [^{F77}under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime] shall be paid to the Greater London Authority.
- (5) Where the Greater London Authority receives a grant under this section, it shall forthwith account for the grant to the [^{F78}Mayor's Office for Policing and Crime] and pay it over to [^{F79}that Office].]

Status: Point in time view as at 28/03/2016.

Changes to legislation: There are currently no known outstanding effects for the Police Act 1996, Cross Heading: Functions of Secretary of State. (See end of Document for details)

Textual Amendments

- F75** Words in s. 48(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 25\(3\)\(a\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F76** S. 48(4)(5) inserted (3.7.2000) by 1999 c. 29, s. 325, [Sch. 27 para. 94\(3\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/1648, art. 2, [Sch.](#)
- F77** Words in s. 48(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 25\(3\)\(b\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F78** Words in s. 48(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 25\(3\)\(c\)\(i\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F79** Words in s. 48(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 25\(3\)\(c\)\(ii\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1

^{F80} 49 Local inquiries.

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Textual Amendments

- F80** S. 49 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), [Sch. 2 para. 14](#), [Sch. 3](#) (with [ss. 44](#), [50](#)); S.I. 2005/1432, art. 2

50 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), regulations under this section may make provision with respect to—
 - (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 conduct, efficiency and effectiveness of members of police forces and the maintenance of discipline;
 - (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 64;
 - (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.

[^{F81}(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to members of police forces.]

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[^{F82}(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to any of the matters mentioned in subsection (2)(a), (b), (c) or (g), the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(2ZC) The Secretary of State may not make regulations with respect to any of the matters mentioned in subsection (2)(a), (b), (c) or (g) unless the text of the regulations has been prepared or approved by the College of Policing.]

[^{F83}(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor's Office for Policing and Crime, in exercising—

- (a) powers of suspension, or
- (b) powers of removal,

(whether, in the case of the Mayor's Office for Policing and Crime, on their own initiative or in compliance with a requirement imposed by the Secretary of State).

(2B) In subsection (2A)—

“power of removal” means—

- (a) the power conferred on police and crime commissioners by section 38(3) of the 2011 Act to require chief constables to retire or resign;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(3) of the 2011 Act to require the Commissioner or Deputy Commissioner of Police of the Metropolis to retire or resign;

“power of suspension” means—

- (a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;
- (b) the power conferred on the Mayor's Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;

and for this purpose “2011 Act” means the Police Reform and Social Responsibility Act 2011.]

[^{F84}(3) Without prejudice to the powers conferred by this section, regulations under this section shall—

- (a) establish, or
- (b) make provision for the establishment of,

procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of members of police forces, including procedures for cases in which such persons may be dealt with by dismissal.]

(4) In relation to any matter as to which provision may be made by regulations under this section, the regulations may^{F85}... —

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [^{F86}local policing bodies], chief officers of police or other persons, or

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- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (5) Regulations under this section for regulating pay and allowances may be made with retrospective effect to any date specified in the regulations, but nothing in this subsection shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.
- (6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.
- [^{F87}(6A) Without prejudice to the powers conferred by this section, regulations under this section may make provision with respect to—
- (a) steps to be taken in connection with the appointment of senior officers;
 - (b) payments to senior officers who cease to hold office before the end of a fixed term appointment.
- (6B) In subsection (6A) “senior officer” means—
- (a) a member of a police force holding a rank above that of chief superintendent;
 - (b) the Commissioner of Police for the City of London.]

(7) Regulations under this section may make different provision for different cases and circumstances.

(8) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F81** S. 50(2ZA) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 23** (with [Sch. 11 para. 8](#)); S.I. 2014/839, art. 4(2)(j)
- F82** S. 50(2ZB)(2ZC) inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 123(1)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/949, art. 3, Sch. para. 10
- F83** S. 50(2A)(2B) inserted (15.12.2011) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 82(12)**, 157(1); S.I. 2011/3019, art. 2(c)
- F84** S. 50(3) substituted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 22 para. 3(2)**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, **art. 2(1)(h)(i)** (with [art. 3](#))
- F85** Words in s. 50(4) repealed (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 22 para. 3(3), **Sch. 28 Pt. 8**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, **art. 2(1)(h)(i)** (with [art. 3](#))
- F86** Words in s. 50(4)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 32**; S.I. 2011/3019, art. 3, Sch. 1
- F87** S. 50(6A)(6B) inserted (19.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 3**, 116(1); S.I. 2010/999, art. 2(a)

Commencement Information

- I1** S. 50 wholly in force at 1.4.1999; s. 50(1)(2)(4)-(8) in force at 23.8.1996, see s. 104(1)(2); s. 50(3) in force at 1.4.1999 by [S.I. 1999/533](#), **art. 2**

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51 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), regulations under this section may make provision with respect to—
 - (a) the qualifications for appointment of special constables;
 - (b) the retirement of special constables;
 - ^{F88}(ba) the conduct [^{F89}, efficiency and effectiveness] of special constables and the maintenance of discipline;
 - (c) the suspension of special constables from their office as constable; [^{F90}and]
 - (d) the allowances payable to special constables; and
 - ^{F91}(e)
- ^{F92}(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to special constables.]
- ^{F93}(2ZB) If the College of Policing submits to the Secretary of State draft regulations with respect to—
 - (a) the ranks to be held by special constables,
 - (b) the qualifications for appointment and promotion of special constables,
 - (c) periods of service on probation, or
 - (d) maintenance of personal records of special constables,the Secretary of State shall make regulations in terms of the draft.
- (2ZC) The duty in subsection (2ZB) does not apply if the Secretary of State considers that—
 - (a) making regulations in terms of the draft would impair the efficiency or effectiveness of the police, or
 - (b) it would be unlawful to make regulations in those terms, or
 - (c) it would for some other reason be wrong to make regulations in those terms.
- (2ZD) The Secretary of State may not make regulations with respect to the matters mentioned in subsection (2ZB) unless the text of the regulations has been prepared or approved by the College of Policing.]
- ^{F94}(2A) Without prejudice to the powers conferred by this section, regulations under this section shall—
 - (a) establish, or
 - (b) make provision for the establishment of,procedures for the taking of disciplinary proceedings in respect of the conduct, efficiency and effectiveness of special constables, including procedures for cases in which such persons may be dealt with by dismissal.]
- ^{F95}(3)
- ^{F96}(3A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
 - (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [^{F97}local policing bodies], chief officers of police or other persons, or

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(b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]

(4) Subsections (7) and (8) of section 50 shall apply to regulations under this section.

Textual Amendments

- F88** S. 51(2)(ba) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **ss. 35, 108(2)-(5)**; S.I. 2002/2306, **art. 2(c)(ii)**
- F89** Words in s. 51(2)(ba) inserted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 22 para. 4(2)**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)
- F90** Word in s. 51(2)(c) inserted (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 24(2)(a)** (with **Sch. 11 para. 8**); S.I. 2014/839, art. 4(2)(j)
- F91** S. 51(2)(e) repealed (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 24(2)(b)** (with **Sch. 11 para. 8**); S.I. 2014/839, art. 4(2)(j)
- F92** S. 51(2ZA) inserted (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 24(3)** (with **Sch. 11 para. 8**); S.I. 2014/839, art. 4(2)(j)
- F93** S. 51(2ZB)-(2ZD) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(2), 185(1)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/949, art. 3, **Sch. para. 10**
- F94** S. 51(2A) inserted (3.11.2008 for specified purposes, 1.12.2008 in so far as not already in force) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 22 para. 4(3)**; S.I. 2008/2712, art. 2, **Sch. para. 16(b)** (with art. 4); S.I. 2008/2993, art. 2(1)(h)(i) (with art. 3)
- F95** S. 51(3) repealed (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 24(4)** (with **Sch. 11 para. 8**); S.I. 2014/839, art. 4(2)(j)
- F96** S. 51(3A) inserted (25.6.1997) by 1997 c. 50, **s. 128(1)**; S.I. 1997/1377, **art. 2(2)(h)**
- F97** Words in s. 51(3A)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 33**; S.I. 2011/3019, art. 3, **Sch. 1**

52 Regulations for police cadets.

(1) The Secretary of State may make regulations as to the government, administration and conditions of service of police cadets.

[^{F98}(1ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to police cadets.]

[^{F99}(1A) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, [^{F100}local policing bodies], chief officers of police or other persons, or
- (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.]

(2) Subsections (5), (7) and (8) of section 50 shall apply to regulations under this section.

[^{F101}(3) Before making regulations under this section relating to pensions the Secretary of State shall consult with the Police Advisory Board for England and Wales and shall also invite the views of the Northern Ireland Policing Board and the Police Association for Northern Ireland.]

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Textual Amendments

- F98** S. 52(1ZA) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 8 para. 25](#) (with [Sch. 11 para. 8](#)); S.I. 2014/839, art. 4(2)(j)
- F99** S. 52(1A) inserted (25.6.1997) by 1997 c. 50, s. 128(2); S.I. 1997/1377, [art. 2\(2\)\(h\)](#)
- F100** Words in s. 52(1A)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 34](#); S.I. 2011/3019, art. 3, Sch. 1
- F101** S. 52(3) inserted (1.9.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 133\(4\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2014/2125, art. 2(c)

[^{F102}52A Regulations about hours, leave or pay: consultation etc

- (1) This section applies where the Secretary of State is proposing to make regulations under section 50 or 52 on a matter that relates to—
 - (a) hours of duty,
 - (b) leave,
 - (c) pay and allowances, or
 - (d) the issue, use and return of police clothing, personal equipment and accoutrements.
- (2) In the case of regulations under section 50 concerning members of police forces of or below the rank of chief superintendent, or regulations under section 52, before making the regulations the Secretary of State shall (subject to subsection (5))—
 - (a) refer the matter to the Police Remuneration Review Body under section 64B(1), and
 - (b) consider that body's report on the matter.
- (3) In the case of regulations under section 50 concerning members of police forces above the rank of chief superintendent, before making the regulations the Secretary of State shall (subject to subsection (5))—
 - (a) consider advice on the matter from the Senior Salaries Review Body, or
 - (b) where subsection (4) applies, refer the matter to the Police Remuneration Review Body under section 64B(1) and consider that body's report on the matter.
- (4) This subsection applies where—
 - (a) the regulations would affect members of police forces who are not above the rank of chief superintendent as well as those who are, and
 - (b) the Secretary of State thinks that it would be preferable for the matter to be considered by the same body.
- (5) The duty to consider advice from the Senior Salaries Review Body or to refer the matter to the Police Remuneration Review Body does not apply if the Secretary of State considers that—
 - (a) there is not enough time to do so because the need to make the regulations is so urgent, or
 - (b) it is unnecessary to do so by reason of the nature of the proposed regulations.
- (6) In all cases, before making the regulations the Secretary of State shall supply a draft of them to, and consider any representations made by, persons whom the Secretary of State considers to represent the interests of—

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- (a) the persons and bodies who between them maintain police forces;
 - (b) chief officers of police;
 - (c) members of police forces;
 - (d) police cadets appointed under section 28.
- (7) The Secretary of State may by order amend this section in consequence of a change in the name or functions of the body for the time being specified in subsection (3)(a).
- (8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F102 S. 52A inserted (1.9.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 133(1), 185(1)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2125, art. 2(c)

53 Regulations as to standard ^{F103}and provision] of equipment.

^{F104}(1) 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.

^{F105}(1A) The Secretary of State may by regulations make any or all of the following provisions—

- (a) provision requiring ^{F106}one or more police forces], when using equipment for the purposes specified in the regulations to use only—
 - (i) the equipment which is specified in the regulations;
 - (ii) equipment which is of a description so specified; or
 - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
- (b) provision requiring ^{F107}one or more police forces] to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;
- (c) provision prohibiting ^{F108}one or more police forces] from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
 - (i) where the conditions subject to which the approval was given are satisfied; and
 - (ii) in accordance with the other terms of that approval;
- (d) provision requiring equipment used by ^{F109}one or more police forces] to comply, in the case of all police forces, with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
- (e) provision prohibiting ^{F110}one or more police forces] from using equipment specified in the regulations, or any equipment of a description so specified.

^{F111}(1AA) The Secretary of State may, by regulations, make provision about the arrangements which must be, may be, or must not be, used for the provision of equipment for use for police purposes.

(1AB) The regulations may, in particular—

- (a) make provision about the nature or terms of such arrangements, or

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- (b) prescribe arrangements which may be, or must be, used.]
- (1B) The Secretary of State shall not make any regulations under subsection (1A) [^{F112}or (1AA)] unless he considers it necessary to do so for the purpose of promoting the efficiency and effectiveness [^{F113}of one or more police forces].
- (2) Before making any regulations under this section, the Secretary of State shall consult with—
- [^{F114}(a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
- (aa) the Mayor's Office for Policing and Crime;
- (ab) the Common Council;]
- (b) the Association of Chief Police Officers; and
- (c) such other persons as he thinks fit.
- (2A) Regulations under this section may make different provision for different cases and circumstances.
- (2B) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2C) In this section “equipment” includes—
- [^{F115}(za) software;]
- (a) vehicles; and
- (b) headgear and protective and other clothing.]

Textual Amendments

- F103** Words in s. 53 title inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(2\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F104** S. 53 renumbered as s. 53(1) (1.4.1998) by [1997 c. 50](#), s. 134(1), [Sch. 9 para. 75](#); S.I. 1997/354, [art. 2\(2\)\(ay\)](#)
- F105** S. 53(1A)-(2C) substituted for s. 53(2)(3) (1.10.2002) by [Police Reform Act 2002 \(c. 30\)](#), [ss. 6](#), 108(2)-(5); S.I. 2002/2306, [art. 2\(a\)](#)
- F106** Words in s. 53(1A)(a) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, art. 2(b)
- F107** Words in s. 53(1A)(b) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, art. 2(b)
- F108** Words in s. 53(1A)(c) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, art. 2(b)
- F109** Words in s. 53(1A)(d) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(b\)](#), 116(1); S.I. 2010/125, art. 2(b)
- F110** Words in s. 53(1A)(e) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 116(1); S.I. 2010/125, art. 2(b)
- F111** S. 53(1AA)(1AB) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(3\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F112** Words in s. 53(1B) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(4\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1
- F113** Words in s. 53(1B) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 11\(3\)](#), 116(1); S.I. 2010/125, art. 2(b)
- F114** S. 53(2)(a)-(ab) substituted for s. 53(2)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 93\(5\)](#), 157(1); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 4)

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F115 S. 53(2C)(za) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 11(4)**, 116(1); S.I. 2010/125, art. 2(b)

Modifications etc. (not altering text)

C2 S. 53 extended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 44**, 45; S.I. 2004/1572, art. 3(aa)(bb)

[^{F116}**53A Regulation of procedures and practices**

- (1) The Secretary of State may by regulations make provision requiring [^{F117}one or more police forces]—
 - (a) to adopt particular procedures or practices; or
 - (b) to adopt procedures or practices of a particular description.

[If the College of Policing, having consulted the National Crime Agency, submits to the ^{F118}(1A) Secretary of State a draft of regulations under this section, the Secretary of State shall make regulations in terms of the draft unless the Secretary of State considers that—

- (a) doing so would impair the efficiency or effectiveness of the police, or
- (b) it would be unlawful to do so, or
- (c) it would for some other reason be wrong to do so.

(1B) The Secretary of State may not make regulations under this section unless the text of the regulations has been prepared or approved by the College of Policing.]

^{F119}(2)

^{F119}(3)

^{F120}(4)

^{F121}(5)

^{F122}(6)

^{F122}(7)

(8) Regulations under this section may make different provision for different cases and circumstances.

(9) A statutory instrument containing [^{F123}regulations] under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

^{F124}(10)

Textual Amendments

F116 S. 53A inserted (1.10.2002) by Police Reform Act 2002 (c. 30) {ss. 7}, 108(2)-(5); S.I. 2002/2306, **art. 2(a)**

F117 Words in s. 53A(1) substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), **ss. 12(2)**, 116(1); S.I. 2010/125, art. 2(c)

F118 S. 53A(1A)(1B) inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(3)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10

F119 S. 53A(2)(3) repealed (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(3)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10

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- F120** S. 53A(4) repealed (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(3)(b), 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10
- F121** S. 53A(5) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 35(4)**; S.I. 2012/2892, art. 2(i)
- F122** S. 53A(6)(7) repealed (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(3)(b), 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10
- F123** Word in s. 53A(9) substituted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(3)(c), 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10
- F124** S. 53A(10) repealed (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 123(3)(b), 185(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, art. 3, Sch. para. 10

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Police Act 1996, Cross Heading:
Functions of Secretary of State.